

RECORD OF A PLENARY MEETING
HELD AT PARLIAMENT BUILDINGS ON THE AFTERNOON OF 19 MAY 1992

Those present:

Government Team

Secretary of State
Mr Hanley
PUS
Mr Fell
Mr Thomas
Mr Bell
Mr Hill
Mr Maccabe

Alliance Party

Dr Alderdice
Mr Close
Mr Morrow

Mr McBride
Mr Ford
Mr McGarry

UUP

Mr Molyneaux
Mr Empey
Mr Donaldson

Mr Allan
Mrs Bradford
Mr Cunningham

Talks Secretariat

Mr Smith

SDLP

Mr Hume
Mr McGrady
Ms Rogers

UDUP

Mr Robinson
Mr Vitty
Mr Campbell

Also Present

Mr Fittall
Mr Smyth
Mr Beeton

Mr Durkan
Mr Haughey
Mr Maginness
Mr Gallagher

Mr Gibson

The meeting began at 16.30 and concluded at 17.48.

2. The UUP delegation resumed by continuing its response to the question from the SDLP delegation regarding the safeguard mechanism involving referral to the Secretary of State. The UUP did not envisage going for outside assistance all of the time and were prepared to negotiate any reasonable mechanism that did not threaten the whole system. They also considered that the SDLP had underestimated the overall significance of the UUP's proposals. The UUP delegation had accepted the three relationships and the three stranded approach, two of which they saw as being designed to give recognition to the Irish identity. But now, they believed that the SDLP were saying the Irish Government would have their feet under the table in Strand I. The SDLP delegation said that they agreed that major differences of opinion had emerged. They then asked when the UUP would put on the table their further proposals to flesh out what had been presented so far; the UUP responded "when we negotiate".

3. The UUP proposed to limit the powers of the Assembly at first until trust had been built up and developed. Though the SDLP believed that no such trust had emerged in local councils under similar conditions, the UUP delegation argued that the powers concerned were dramatically different in kind and scale and would affect the development of relations in a positive way. Against charges of failing to mention any measures to protect to the interests of the minority in their paper, the UUP delegation repeated that theirs was a broad framework and not specific in detail, adding that paragraph 9 of their proposal covered the rights of the minority, but only in general terms. The protection of minorities on their committee structures had already been touched on, and a number of entrenched safeguards could be brought in, including trigger mechanisms for referring issues upwards, weighted majority voting and delaying powers. PR was also designed to protect the minority's rights; the UUP delegation commented that one of their chairmanships during the 1982/86 Assembly had only been held in trust for the SDLP.

4. The SDLP delegation raised a point about the use of the D'Hondt rules as a method for electing the chairmen, and asked if Parties acting together as a block could artificially increase their chances of getting their first choice of Chairmanships. This possibility was rejected, on the grounds that it could also be used to allow two small parties to join together to get a chairmanship between them.

5. The UUP delegation made the point that it was impossible to pretend that the "majority" population did not exist and that that majority would be reflected in the Assembly; what they were looking for was to agree a mechanism to make sure that the minority would not simply be over-ruled. The SDLP delegation suggested that the UUP proposals were in fact a Cabinet by another name. The UUP delegation said that the separate committees were effectively Executives but only in relation to their own departments. Each committee would sit down and set out its own plan for its own

Department. Asked if the bottom line was that the decisions would still be taken by the majority, the UUP delegation responded that if the minority in the Assembly had any problems, they would have mechanisms such as weighted majorities or referrals to the Secretary of State, which would mean that the majority Parties could not implement their policies. The SDLP delegation commented that this would lead to tit for tat politics: the UUP delegation countered by saying that that was the stuff of politics and arguably better than the paralysis which would ensue if one of the Commissioners in the SDLP plan exercised a veto.

6. The SDLP delegation then enquired about the arrangements for co-ordination across an Executive Committee System. They suggested that committees would be susceptible to blocking and would be likely to champion their own spending plans. Effective strategic planning would be impossible. The UUP delegation acknowledged that a Cabinet - style Executive system would be more efficient in that respect and further argued that the open debate and discussion which the SDLP had foreseen would at least be better than the present system in which large sums of money was spent by faceless non-accountable Boards. The reference in paragraph 6 (3) of their paper to the need for 'appropriate interdepartmental arrangements for financial co-ordination' implied that, although individual Departments would decide how to spend their allocation, the size of the allocation would need to be determined as a result of negotiation between Committees, led by the DFP Committee and possibly involving the Secretary of State and H M Treasury.

7. The SDLP delegation suggested that the UUP proposals were deliberately designed to avoid the appearance of having a Cabinet while actually having something close to one. The UUP delegation acknowledged that Committee Chairmen might be ex officio members of the Finance Committee but denied that this amounted to a dishonest Cabinet in the corridor. Large public bodies spending millions of pounds were able to function effectively by Committee.

8. The SDLP delegation continued to assert that the structures proposed by the UUP amounted to a power-sharing Executive by another name. The UUP delegation responded by pointing out that Executive responsibilities would be vested in the Committees, not the Chairmen and that their proposals did not require the painful negotiation of a coalition before each decision.

9. The SDLP delegation sought confirmation that decisions would be taken by simple majority. The UUP delegation agreed, but pointed out that divisions in the Assembly on social and economic issues were unlikely to arise along the lines of the "constitutional" division; and that if the division were on those lines there would be a mechanism for avoiding difficulties. The SDLP delegation again asked what the mechanism would be. The UUP delegation suggested that there could be a power for a certain percentage of Committee members to refer a matter to the full Assembly or the Secretary of State; there could be powers to delay legislation unless it was supported by a weighted majority; and individuals or parties could appeal to the Secretary of State.

10. Asked if their proposals were innovative, the UUP delegation said that whilst some of the ideas contained in their paper had been considered over a number of years they had not actually been tried before and were therefore effectively new.

11. When it was suggested that the UUP proposals showed no sign of any readiness to accommodate the Irish identity in the structures of government in Northern Ireland the UUP delegation said that they had given nothing because they had nothing to give - everyone was at the Talks to make decisions to get power devolved from those who had the power. There was nothing different in the text of paras 1 to 3 of their proposals to anything that had been banked so far. The SDLP delegation pointed out that constitutional nationalists had all accepted Unionists' rights to be what they were and remain what they were and retain their link with the UK, and asked where was the acknowledgement of the Irish identity was to be found. The UUP delegation again referred to the fact that the Talks were a three

stranded process - and that the first stage would deal with government within Northern Ireland and its relationship with the Westminster Parliament. It was their intention to table proposals on the Irish identity within Strands II and III. The SDLP delegation responded that unless they were to see what was on offer now, then now would be a good time to move into Strand II. The UUP delegation, however, read from the March 26 statement and said that it had been agreed that the process would be sequential although they recognised that each of the Strands were interlocking. There was, they felt, a need to establish a structure now so that a relationship could be built thereafter with the Republic of Ireland. While the SDLP delegations had referred to the preservation of links with the UK their proposals would alter the status of Northern Ireland.

12. The SDLP delegation pointed out that in the Structures Sub-Committee the UUP had said that it would not even operate its own proposals under Article 4 of the Anglo-Irish Agreement. This demonstrated that Unionists accepted that the context was more important than the content; and yet nationalists were expected to participate within a wholly UK context. The UUP delegation replied that the process had three strands and the objective was to negotiate an alternative to and replacement for the Agreement: it was therefore logical to consider devolution under Article 4 of the Agreement. Continuing, they pointed out that the SDLP criticisms were based on a partial view of the UUP proposals: the UUP's acceptance of the three-stranded talks process indicated that they had more to say with regard to the identity of the minority community. By contrast, the SDLP proposals were a full frontal attack on the Unionist identity from the outset of the process.

13. The SDLP delegation asked if they had to wait to Strand 2 to see the full picture. The UUP delegation said that it would be impossible to build a relationship in Strand 2 until something had been agreed in Strand 1. Their proposals attempted to suggest an outline institution; thereafter they would be ready to negotiate a

relationship with the South. The SDLP delegation commented that this was the fundamental problem: in their view the structures in Northern Ireland had to take account of the Irish identity within Northern Ireland.

14. This prompted the UDUP delegation to ask whether Sunningdale had represented a betrayal of the nationalist community by the SDLP as it had not provided a role for the Irish Government in the internal affairs of Northern Ireland. The SDLP delegation said that there had been a role for Northern Ireland Ministers in the Council of Ireland and that the internal deal had related partly to the external relationships. The Alliance delegation asked how the participation of members of the Executive in the Council of Ireland constituted an Irish Government role in "structures set up in Northern Ireland".

15. The UDUP delegation confirmed that when the talks reached Strand 2 a relationship could be developed alongside the kind of structure being advanced by the Unionists, to meet the needs expressed by the SDLP. The SDLP delegation asked what stage Strand 1 had to get to be for that could be tested. The UUP delegation indicated that this was the kernel of the problem. The point of transition was somewhere on a spectrum between nothing being agreed and everything being agreed, but there had to be "at least a tacit understanding" and even that was governed by the acknowledgement that nothing could be agreed until everything was agreed.

16. The SDLP delegation queried how the incompatible proposals on the table could be resolved before Strand 2. The UDUP delegation suggested that it would be necessary to work up a framework of new political institutions in Northern Ireland which could be acceptable if the context (to be developed later in Strand 2 and 3) was right.

17. The SDLP delegation expressed concern at the failure of the UUP proposals to acknowledge the Irish identity of the minority community and doubt about the nature of any surprise in store for them in Strand 2. They suggested that it would be better to move to

Strand 2 straightaway. They further commented that it seemed odd to be able to address the Unionist identity in all 3 Strands but the Irish identity only in Strands 2 and 3. The UUP delegation argued, in response, that the SDLP was the living expression of Irish Nationalism in Northern Ireland. It had been said that the SDLP were looking to express their identity on 2 dimensions, through their own participation and through the involvement of the Irish Government. The UUP proposals catered for the first dimension of that identity through providing for SDLP participation on a full and equal basis. The second dimension would be better catered for in Strand 2.

18. The SDLP delegation suggested that the purpose of Strand 2 was to sort out the Unionists' relationship with the Irish Government but the UUP delegation suggested that it could address that and the second dimension of the minority community's Irish identity. The UUP delegation further pointed out that by accepting the terms and conditions of the talks process the Unionists had signalled that they took the SDLP's concerns about identity seriously; and they accepted that if the overall outcome of the talks process did not meet general agreement nothing would be agreed.

19. Continuing, the UUP delegation pointed out that the SDLP proposals envisaged Northern Ireland Ministers participating in North/South meetings: but without some "tentative agreement" in Strand 1 there would be no Ministers to engage in any such meetings. The UDUP delegation intervened to point out that Unionists intended to accommodate the nationalist view within the government of Northern Ireland but the SDLP had now moved to a position of wanting an Irish Government representative involved in the government of Northern Ireland. Was it the case that the SDLP now believed their identity could only be manifested through an Irish Government representative? The SDLP delegation commented that the Unionist message was that the SDLP had to wait and see what was on offer.

20. The Government Team suggested that it was time to end the session but invited everyone to think carefully about the points made in the debate. The Talks would reconvene in plenary session the following day to consider the UDUP proposals and it would then be necessary to consider what position had been reached. It seemed unlikely that the outcome would be unanimous agreement but without some agreement the process might come to a dead stop. However, the talks had made encouraging progress and they were confident that there was more to come. The UUP delegation added that it would be "degrading" for all concerned to consult a sovereign Government in the next stage of the Talks in their present divided state.

21. A draft press statement was agreed.

TALKS SECRETARIAT