

SUMMARY RECORD OF A PLENARY MEETING
HELD AT PARLIAMENT BUILDINGS ON THE MORNING OF 20 MAY 1992

Those present:

<u>Government Team</u>	<u>Alliance Party</u>	<u>UUP</u>
Secretary of State	Dr Alderdice	Mr Cunningham
Mr Hanley	Mr Cloŕe	Mr Empey
PUS	Mr Morrow	
Mr Fell		
Mr Thomas	Mr McBride	Mrs Bradford
Mr Bell	Mr Ford	Mr Allen (part)
Mr Hill	Mrs Bell	
Mr Maccabe	Mr Dickson	
<u>Talks Secretariat</u>	<u>SDLP</u>	<u>UDUP</u>
Mr Hallett	Mr Mallon	Dr Paisley
Mr Smith	Mr Haughey	Mr Robinson
	Mr Farren	Mr McCrea
<u>Also Present</u>		
Mr Smyth	Mr Feeley	Miss Paisley
	Mr Gallagher	Mr Vitty
	Mrs Rodgers	

The meeting began at 10.32 and ended at 11.50 am.

2. The Government Team said that the meeting would consider the DUP paper on the same basis as the other papers had been addressed.

3. The DUP said that their paper had been put forward in the context of negotiations for a new British-Irish Agreement to replace the Anglo-Irish Agreement. They believed their proposals were capable of widespread acceptance. They were based on the principles of equality and proportionality. The committees envisaged would have executive functions with regard to the departments they dealt with. All members of the committees would have equal status. Each party would be represented in proportion to its electoral strength. The Assembly established under the proposals would be consistent with the integrity of the United Kingdom and would be clearly subordinate to the United Kingdom Parliament. They had proposed a larger Assembly than envisaged by the other parties but were not

wedded to this. The committees would be responsible for running departments and the chairmen would have day-to-day responsibility within the framework of policies agreed by the committee as a whole. There would be a Code of Conduct with regard to the powers of Chairmen and the override powers which the Committees would have. There would be an External Affairs Committee to deal with relationships with the Republic of Ireland and the European Community. There would also be a "house affairs" committee to deal with the day-to-day administration of the Assembly. The DUP considered that the Northern Ireland people must have the chance to express a view on these new arrangements in the form of a referendum.

4. The Government Team then invited the Alliance Party to put their questions.

5. The Alliance delegation said that they found the paper a very clear statement of position. They asked the reason for the size of membership proposed. The DUP delegation replied that in the old Assembly it had not always been possible to staff committees fully. It was therefore thought better to have a larger pool of members to draw on, in view of the heavy burden of work which would fall on committee members, especially if more than six Committees were established.

6. The Alliance delegation asked what arrangements the DUP envisaged for co-ordinating the work of the committees. The DUP replied that there might be a "house affairs" committee responsible for the overall administration of the Assembly, but the individual committees would be responsible for their own areas of activity. The Alliance delegation asked about arrangements for policy co-ordination between the committees. The DUP delegation replied that this might be covered in a Code of Conduct. The DUP added that in the former Assembly, a Business Committee had dealt with the timetable and with the allocation of responsibility for subjects between committees. There was also the model of the "enlarged bureau" of the European Parliament which co-ordinated the work of

the individual Committees. The Alliance delegation asked whether the DUP saw no role for the Chairmen of the Committees collectively to act as a co-ordinating body. The DUP delegation replied that they did not think this was necessary, but there would no doubt be informal co-ordinating arrangements.

7. The Alliance delegation asked about the powers of the Committee Chairmen. What was the DUP preference regarding the extent of such powers? The DUP delegation replied that this was a matter for negotiation. The Code of Conduct would ensure that all Committee Chairmen had the same powers. The Alliance delegation asked who would enforce the Code of Conduct. The DUP delegation replied that this would be covered in the standing orders of the Assembly. There were other alternatives for overall regulation, including the powers of the Secretary of State and the possibility of judicial review.

8. The Alliance delegation asked about the position of a Chairman from a minority grouping who was at odds with the majority view on his committee. Would he be forced to represent views he disagreed with?

9. The DUP delegation replied that the Alliance was overstating the likelihood of divisions on the economic and social matters which the Assembly would mainly be dealing with. There was much common ground between the parties on these matters. They recognised nevertheless that there would be occasions when the chairman differed from the majority of his committee. The DUP did not envisage that the principle of collective responsibility would apply. It would therefore be possible for a chairman to indicate, in presenting a report, that he did not himself agree with its contents. Another alternative would be for the deputy chairman to present a report if the chairman was unable to accept it. The Alliance delegation commented that their experience indicated that the position of minority chairmen could nevertheless be very difficult. The DUP delegation replied that on many economic and social issues, for example, the SDLP would not find themselves in a

minority. In practice any individual party would be in a minority situation and it would be necessary for them to seek agreement with others to get their proposals accepted. No system could however provide for a single voice overriding the wishes of a substantial majority except where what the majority proposed was discriminatory. The Alliance delegation commented that they nevertheless saw a danger in the DUP system in that there would not be enough pressure to negotiate and seek agreement with other parties.

10. The Alliance delegation asked about the scope for development of the institutions envisaged by the DUP. Since a referendum was needed to establish the institutions, would it be necessary to have a further referendum to approve any changes in the proposed structures? The DUP replied that the people of Northern Ireland should be allowed the opportunity to say whether they wanted the proposed arrangements. If they decided in the affirmative, the politicians would be obliged to work the system. Any fundamental changes should again be put to the people in a referendum after having received a substantial majority vote in the Assembly. Minor changes could be implemented without the need for a referendum.

11. The Alliance delegation asked whether one potential change was the emergence of an eventual coalition executive and whether such a development would need a referendum. The DUP delegation replied that such a change was possible, but would need a referendum to endorse it.

12. The Alliance delegation asked how the scrutinising role of the committees would be exercised, given that those committees would also be responsible for running the departments they dealt with. The DUP replied that scrutiny would be provided by the other members of the Assembly, not by the committee directly responsible. The finance committee would also have an overall scrutinising responsibility.

13. The Government Team then invited the SDLP to put their questions.

14. The SDLP delegation said that before putting their detailed questions, they wished to address the wider context. They asked what in the DUP proposals had the potential to weld the whole community together by giving recognition to the two identities. The DUP delegation replied that the purpose of their paper was to look at internal Northern Ireland structures in which people from the two communities could come together and work for the good of all. It was not intended to address the wider issue raised by the SDLP.

15. The SDLP delegation argued, nevertheless, that the fundamental question was the deep division within the Northern Ireland community. They wondered how the essence of this problem was addressed in the DUP proposals so that each section of the community would see that its identity was recognised.

16. The DUP delegation said that they had given what the SDLP had asked for by providing for involvement of both sections of the community at the highest level, in proportion to their electoral strength. They had provided a structure in which all sections of the community would have the same opportunity to exercise power. The two sides of the community would come together by working together. The SDLP delegation persisted that something more fundamental was required in order to confer legitimacy on the whole system and enable all the people of Northern Ireland to identify with the State and its institutions. Unless this problem was addressed, there would be no possibility of achieving the required unity of purpose. The DUP delegation replied that these were essentially matters to be addressed in Strand 2. The DUP proposals had been put forward on the understanding that the talks would first deal with internal Northern Ireland structures. Once these had been agreed the question of relations with the Republic of Ireland would be addressed.

17. The SDLP delegation replied that they did not accept that the matters they had raised were confined to Strand 2. They were inherent to the Northern Ireland problem and means had to be found to accommodate them in the internal Northern Ireland arrangements, in order to end the alienation of the nationalist community.

18. The DUP delegation repeated that the SDLP was raising what were essentially Strand 2 matters. It was first necessary to define fair internal Northern Ireland structures and then to deal with what relationship those structures would have with the Government of the Irish Republic. The DUP delegation asked the SDLP to point to anything in their proposals which would hinder the emergence of a satisfactory Strand 2 outcome. Under the arrangements envisaged at Sunningdale, there had been a power-sharing Northern Ireland executive and a Council of Ireland, there had been no intrusion of Republic of Ireland representation into the executive. Why was this considered necessary now? The SDLP delegation replied that the Sunningdale arrangements had in fact envisaged that the Council of Ireland would have executive powers, but these provisions were never implemented.

19. The SDLP delegation continued that the unionist identity was fully accommodated in the Strand 1 structures by virtue of the context of Northern Ireland as part of the United Kingdom. What the SDLP were seeking was to have recognition of their identity also incorporated in the Strand 1 arrangements. If this were not done, it would perpetuate the alienation of the nationalist community and mean that the new institutional structures would be denied full legitimacy. The SDLP did not wish to see yet another failed initiative because this point was not addressed. In reply, the DUP delegation said that they did not accept that their identity was in any way reinforced by the proposals they had put forward. The purpose of their paper was to give an equal opportunity to all sections of the community to participate in the structures. The SDLP delegation repeated their view that it was necessary to have structures which dealt with the basic problem facing the Northern Ireland community. However good the structures from a technical point of view, they would not work if the basic problem was not addressed.

20. The UUP delegation intervened at this point to say that what was agreed in any one strand had to be looked at in terms of the overall context. The outcome would hopefully be "an agreed Ireland". The SDLP delegation said that they accepted that. Strand 1 was crucial, however, and it was necessary to provide the right basis so as to gain the support of all the people of Northern Ireland. If the essence of the problem were tackled in Strand 1, this would make the Strand 2 negotiations that much easier.

21. The DUP delegation asked whether the SDLP were saying that there had to be an Irish Government involvement in the internal Northern Ireland structures. The SDLP delegation replied that they were looking for the essence of their identity to be addressed in the internal Northern Ireland structures. The DUP delegation replied that the structures they had proposed would be totally neutral with regard to the two identities. The SDLP delegation argued that only the unionist identity was fully accommodated in the proposed Strand 1 structures. The DUP replied that this was merely because of the de facto status of Northern Ireland which all parties had accepted in the Common Themes paper. The SDLP delegation persisted that it was essential to have the essence of their identity reflected in the Strand 1 structures. The DUP delegation again invited the SDLP to indicate where their proposed structures caused difficulty in this respect.

22. The SDLP delegation, seeking to clarify their point, said that if unionists were faced with a situation in which they were to be incorporated in a united Ireland but were promised structural safeguards for their position, they would argue that this was insufficient because their basic identity was not taken account of. The SDLP were merely asking for a similar recognition of their problem with regard to the reflection of the nationalist identity in a United Kingdom context. It was necessary to go beyond the simple question of structures to provide for a proper accommodation of the two identities. The DUP delegation repeated that their proposals provided full scope for both identities.

23. The Government Team intervened in an attempt to clarify the debate. The SDLP were saying that the DUP proposals reflected a unionist identity since they were put forward in the context of Northern Ireland's continued status as part of the United Kingdom. The SDLP were saying that they needed the Irish identity also to be reflected in the Northern Ireland structures so as to ensure the loyalty of all the people of Northern Ireland. The Government Team said that the DUP reply had been to the effect that their proposals were specifically concerned with Strand 1 and that the other matters raised by the SDLP would be addressed during Strand 2. They were not saying they had nothing to offer on these points but that they reserved their proposals for the Strand 2 negotiations.

24. The Government Team proposed an adjournment at this point with a resumption at 12.05.

Talks Secretariat