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The Alliance Party of Northern Ireland Alliance

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Copy

12 March 1996,

Rt Hon Sir Patrick Mayhew MP QC,
Secretary of State for Northern Ireland,
Stormont Castle,
Stormont Estate,
BELFAST BT4 3ST.

Thank you very much for sending me a copy of your three papers on Electoral Methods, Transition to Negotiations, and Role of Elected Forum, which I received on Friday past.

I have read them thoroughly and discussed them with my colleagues, and would reply as follows:

Electoral Methods

We have considered further the matters to which this paper refers, and are more convinced than ever of the importance of using the multi-constituency PR/STV system currently in force. We have updated our paper on Elections to All-Party Talks, and are submitting it with this letter. To change the system to a list system at this point could be little short of disastrous, given the possibility of delays, legal challenges, political precedent, and adverse divisive effect on the electoral outcome. We also agree that there is little merit in struggling to find a hybrid which is likely to have all of the disadvantages of untested and unpredictable novelty, with no solid advantages.

I may say in passing that we noted with interest in the 1994/5 Report of the Electoral Reform Society, that Cllr Patsy McGlone, former SDLP General Secretary, and Press Advisor to John Hume, wrote in reference to the use of PR in the 1994 European Election that it was, ".....yet again emphasizing the unquestionable merits of the PR/STV system."

Transition to Negotiations

1. Procedural Steps The suggested procedure of inviting Party Leaders to select their teams within one week of the election, with a similar team being selected from the British Government, (and we would hope in respect of Strands 2 & 3, from the Irish Government) and the launching of all three strands of All-Party Negotiations on 10 June, seems to us, quite acceptable.

2. Composition of Negotiating Teams It seems appropriate that negotiating teams should be selected from among the elected representatives of each party, however there is merit in permitting the attendance of advisors. In the case of small parties where limited elected personnel will create logistical problems in ensuring participation in all aspects of the negotiations, such advisors could be permitted to be regarded as members of the negotiating team.

We have some concern at the use of the phrase 'independent standing' which refers to the conduct of the three strands in para 4. This may simply be unfortunate phrasing, but we believe that while the subject matter of these three components is distinct, hermetically sealing the three strands from each other would be ill-advised.

3. Size of Negotiating Teams It seems wise to put some limit on the size of teams in order to ensure continuity. It is our experience in a number of previous situations, that discussions may be seriously set back if members, who are introduced or return at key stages, attempt to completely change the steer of the process. A team of six from each party seems reasonable.

We think that in most meetings an arrangement of (2 + 1) - that is to say two members at the table, and one other team member (or advisor) in attendance - is the appropriate size for working meetings. Plenaries of the negotiators may be necessary at times other than the commencement session, and should comprise the full teams in a (3 + 3) format.

4. Basis of Participation This is a critical matter, and we have some uneasiness about the interpretation to be placed on the phrase in the Communiqué of 28 February "lead immediately and without further pre-conditions to the convening of all-party negotiations...". While we agree that the Leader of Sinn Fein, whose party is likely to be elected, and to be able to take seats in any possible 'forum' should not be invited to nominate a team to the negotiations in the absence of a cease-fire, we would make two further points.

Firstly this sanction should apply to **any** party which puts itself in the same position, in advance of, or indeed during the negotiations. Secondly, we believe that a cease-fire in itself, especially if called 'at the last moment', would not alone create the necessary context of trust in the completeness of the "commitment to exclusively peaceful methods", and to "the democratic process" referred to in the Communiqué of 28 February. An acceptance of the Mitchell Commission Report seems to us to be a necessary element in the establishment of such commitments, and all parties to the negotiations should be prepared to 'sign up' to this Report. There is some debate as to whether this should be achieved in advance of the first session of the Negotiations on June 10, or at that first session.

Role of an Elected Forum

While we would not wish to detract from the central importance of the Negotiations, we do believe that there is a role for the duly elected representatives of the people, to involve the community as a whole in the process of building the peace. Accordingly we do **not** accept the view expressed in Option A that there should be no forum.

Option B probably most closely resembles the views which we expressed in our Paper, "Let the People have their Say", published in November 1995. We have discussed this paper with all the various political parties (including Sinn Fein prior to the ending of the PIRA cease-fire), and have tried to take into consideration the concerns of all those with whom we have met. We are also influenced by the new context occasioned on the ending of the PIRA cease-fire, which makes more difficult some of the processes we had envisioned in those proposals. While this proposition would still be our preferred model we are prepared to see whether Option C might relieve some of the anxieties of Nationalists, deal with the political problems for this process caused by the ending of the PIRA cease-fire, and at the same time not lose the essential features of our own proposals. (It is clearly the case that in accepting a number of the propositions outlined in paper 2 (referred above) for the establishing of negotiating teams, the notion of negotiating committees and other components of Option B, go by the board.)

The advantages of Option C would be that Negotiations and the Forum could proceed in parallel, with different tasks, but able to assist each other, and to involve the community directly in the overall process. The chairing of such a Forum, or People's Convention, could probably best be done by an individual from outside the elected parties, and government. This has worked well at the Forum in Dublin Castle. Such a person might be best appointed with the agreement of all parties, or if this is not possible, by a large weighted majority.

An important function of the Forum might be to test the likely response of the electorate to any referendum on the outcome of the negotiations, and it may be of real importance to bring to the Forum, not only some reports of progress (for information only), but also at the end of the negotiations to take a vote of the Forum, on the package agreed, on the understanding that only if the proposals achieved a weighted majority of 70% of those entitled to be present, should they go to the people by way of referendum.

In para 8 (referring to Option B), the body there described might have power to take evidence in Northern Ireland, but also elsewhere in the Republic of Ireland, and in Great Britain. This is valuable opportunity, and should be included in any version of Option B or Option C, or any other variant.

There is merit in the view that all proceedings of such a Forum, either in plenary or in committee, should be open to the public, especially since the sensitive matter of negotiation would not be part of the Forum described in Option C.

As we have intimated before, it is our view that both the span of any Forum, and indeed of the Negotiations themselves should be time-limited.

I trust that these comments may be of assistance. We will happily discuss them further at our meeting this afternoon, along with any other matters which you wish to table. We note for example that the possibility of a referendum, has not been mentioned, and the process of de-commissioning and other matters are also presumably the subjects for other papers. They are certainly matters of substance, and we will wish to ascertain the state of Government thinking on these issues as well.

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