

13th March 1996

Sir Patrick Mayhew QC MP
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Dear Secretary of State

Thank you for your letter of the 8 March 1996, which had attached the Consultation Document, covering proposed electoral methods, transition to negotiations, and the role of an elected Forum. Having now considered these Discussion Papers, our Party wishes to state its position regarding specifically the role of an elected Forum.

We would see Option B, as being the more preferable of the three options proposed. However, we would be willing to accept Option C provided a number of areas within it, were addressed and expanded upon. Initially, paragraph 10 outlines that any forum would operate independently of the negotiations. We believe that this may lead to the Forum itself becoming detached completely from the process of ratification of agreements reached by the negotiators. It would be much better if the negotiators present their findings to the Forum, once reached, and then the Forum members vote on them. Obviously however, the Forum will not as paragraph 11 states, have any explicit intervening powers in the negotiations, until such resolutions are reached in them.

In paragraph 12 it is suggested that the Forum may sit on "specified days when no negotiations would be taking place", to facilitate members who may be partaking in negotiations. We would see this as being unduly restrictive upon the Forum's capacity to receive submissions from the various groupings mentioned in paragraph 13. We suggest that only when the Forum is in Plenary session, that specific days be set for it to meet. Any reports then seen as relevant to negotiations, which have been examined by the appropriate committees, could then be forwarded from the Plenary to the negotiating body for consideration (see the attached basic diagrammatic explanation - fig .1). Thus we recommend that the Forum (i.e. with committees) be allowed to convene for the purposes of receiving submissions, irrespective of whether or not negotiations are taking place.

The issue of "consensus" within paragraph 14 and 15 must also be addressed. If Option C were to be adopted in its present form, the potential for disagreement over the definition of this word would naturally lead to delay. We believe that for democratic operation of the Forum, majority ratification of negotiated agreements, by "sufficient consensus", would be acceptable. Further to this, we would support the chairing of the Forum by a member of it, or an outside person chosen by the Forum, elected by a "weighted majority". Any suggestion of a rotation of this role is not acceptable.

A final point of concern within Option C, lies in paragraph 16. Here, it is suggested that negotiators will have to receive submissions or reports from the Forum "only at their instigation". We believe this provision will prevent a flow of communication between the two bodies, and will frustrate the public and interested parties that have made submissions to the Forum. It would therefore be detrimental to the overall objective of reaching a comprehensive settlement. Thus we recommend that interaction in the form of passing written reports from the Plenary to the negotiators for consideration, be un-restricted.

Notwithstanding the independent status of the negotiating body, it must be in the best interests of all parties concerned that such channels of communication remain open.

The diagram in fig.1 illustrates these proposals quite clearly. The only issue not fully explained is that of the role of committees appointed by the Forum. They will have the task of reviewing submissions which have been given to the Forum on specific areas of concern such as economic and social issues, and of conducting inquiries to gather evidence on relevant matters. They can then draft reports which the Plenary may forward to the negotiating body. Once the negotiators agree on an issue it will then be sent back to the Plenary for final ratification. From here the matter may be drafted into a paper for a referendum within Northern Ireland. It must be emphasised, that in such a scenario, we will not therefore regard the Forum itself as having the central focus in the negotiations. The negotiating body will determine what is eventually put before the Forum for ratification and thus it will essentially dictate the nature of any final settlement.

Yours sincerely

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