

Draft

Northern Ireland Negotiations

Str 1(98) 14th Mtg.

STRAND ONE, FOURTEENTH MEETING  
23 MARCH 1998

*Minutes*

1. The fourteenth meeting of Strand One was held on Monday 23 March with Mr Murphy in the Chair and Alliance, Labour, NIWC, PUP, Sinn Fein, SDLP, UDP and UUP all present. There were two three hour sessions of Strand One. The morning session involved a seminar on the 'Welsh experience of Devolution'. The afternoon session focused on a discussion of the Government's Strand One Synthesis Paper dated 9 March.

*Morning Session*

Presentation by the Rt. Hon Ron Davies MP, Secretary of State for Wales

2. Mr Davies outlined the background behind the rise of devolution as an issue in Wales.

- Since 1964 an increasing number of powers have been devolved to the Welsh Office from Whitehall departments.
- Since 1979 successive Secretary of States for Wales have been perceived as being insensitive to concerns of the Welsh - perhaps because none have been MPs elected in a Welsh constituency.
- Wales is dominated by Quangos resulting in a perceived democratic deficit, for example, the Secretary of State for Wales is responsible for appointing 50% more people (1400) than are democratically elected to local authorities.

3. In 1997 all the major Welsh parties (Labour, Plaid Cymru and Liberal Democrats) favoured devolution in one form or another. With regard to the referendum in Wales, Mr Davies stressed the importance he placed at the outset on communicating effectively and clearly the implications of the 'democratic deficit' to the Welsh people. It was particularly important to ensure the support of institutional organisations in conveying the message (TUC, CBI, local government, voluntary sector and other political parties).

4. Moving on to the structure and form of the Welsh Assembly Mr Davies commented that it will be comprised of 60 members, 40 elected by a first past the post system in each of the parliamentary constituencies; the remaining 20 will be elected by an additional member system.

5. The Welsh Assembly will assume responsibilities for policies and public services currently vested in the Secretary of State for Wales and

will be responsible for secondary legislation only. The most difficult problem lay in ensuring that the decision-making process of the body was as inclusive as possible without it disproportionately affecting its efficiency. Since proposals had first been published, the balance had shifted towards a Cabinet-style system, with a First Secretary able to appoint Committee Secretaries and to establish a Committee comprising the Cabinet. Subject Committees would remain powerful bodies with the ability to initiate legislation and set policy frameworks as well as perform scrutiny functions. Chairmen of Committees would be appointed on a proportional basis.

6. Mr Davies' presentation was followed by a question and answer session.

#### *Afternoon Session*

7. A three hour session discussing the Government's Strand One Synthesis paper.

8. **Alliance** said that while it was important to ensure that power was shared as widely as possible, they had concerns about the effect of this over the long term as this might lead to problems achieving coherence in Government planning. They also had concerns about an Agreement which would require people to be involved in an Executive such as those who might be elected opposing the Assembly. That pushed Alliance towards a cabinet model for practical reasons and also to provide for Ministerial contact with the Republic of Ireland. They preferred a system of weighted majority voting for the appointment of the presiding officer and contentious legislation.

9. With regard to a duty of service **Alliance** were looking for a commitment to the settlement rather than an oath of allegiance. They preferred 18 x 5 seats in an Assembly but in the interests of inclusiveness would consider 18 x 6 seats rather than the additional list of 20 seats. Committees would have a strong scrutinising role with the possibility of initiating legislation and defining or clarifying policy. **Alliance** didn't consider it practical to have a committee exercising executive responsibility but didn't have a strong view about whether Ministers should be a member of a committee. They had concerns about the proposal that the Minister/Head of Department should perform the same role. In sharing out responsibility parties might want to introduce a convention that the same party wouldn't occupy both the Ministerial and Committee Chair posts in a department.

10. **Labour** said that it was important to have a clear understanding of the powers and responsibilities that the Assembly should have in relation to European matters. They were in favour of a cabinet model because of the need for a strong Government to provide leadership. They supported weighted majority voting in respect of important matters and noted that the 20 additional seats proposal for the Assembly had the support of half the parties represented in the talks.



11. The NIWC supported the principle that there should be as wide a range of powers as possible devolved to an Assembly and were in favour of the cabinet model of Executive. They proposed that Committees should have the ability to initiate and scrutinise legislation and a policy initiation role. The NIWC supported the suggestion that different parties should hold positions of Head of Department and Committee Chair for each Department. They also supported some form of duty of service which might be a pledge or commitment to work in good faith. They thought that there might be difficulty in operating sufficient consensus voting in an Assembly and might fall back on a system of weighted majority voting. They supported 18 x 6 seats plus the additional 20 seats and were preparing a detailed paper to take on board the views expressed by other parties on this issue.

12. The PUP expressed frustration at having to go through these issues again and preferred bilaterals to challenge each others position. They preferred a system of weighted majority voting but suggested that only through a process of practical working would parties discover a way of how to deal with contentious issues. They also supported a duty of service to a powerful Assembly. The PUP were looking forward to discussing in detail their proposals for the Chair and Deputy Chair roles, in their committee model, with the other parties.

13. Sinn Fein restated their opposition to an Assembly. They requested a bilateral with the UUP which was an essential pre-requisite for any peace settlement. They remained to be convinced of the merits for an Assembly based on their experience of past discrimination and suggested that it was beholden on those who advocate an Assembly to convince them of the benefits of an Assembly. In that context they asked for clarification from the Unionist parties on their proposals for: the nature of collective responsibility; provision for weighted majorities in voting; the relationship with the all-Ireland body; and the provision of checks and balances.

14. The SDLP believed that agreement was possible across all three strands in ways that would see institutional and constitutional convergence and convergence of purpose on social and economic issues. The SDLP preferred 18 x 5 seats in an Assembly but were prepared to look at 18 x 6 seats; they remained to be convinced of the top-up based on an additional member system. They wanted durable arrangements in both the Executive and Assembly with the capacity to introduce change in the political configuration; therefore there was a need to be careful about how sufficient consensus was used in Assembly voting mechanisms. The SDLP also asked for a full discussion of the Government's Policing and Criminal Justice papers.

15. The UDP's position on Strand One institutions hadn't changed. They suggested that the discussions were becoming repetitive and proposed that a mechanism should be introduced in the talks to allow decisions to be taken and banked on the key issues.

16. The UUP expressed their concern about insufficient progress on decommissioning. They had responded to the concerns of Nationalists on Strand One institutions by proposing a devolution model which was fully proportional and sacrificed some degree of efficiency in the interests of inclusivity for all sections of the community. They had also proposed that rights would be protected by the introduction of an easy and cheap method for citizens to bring legal action against infringement of rights under the ECHR. In addition the European Framework on the Protection of National Minorities would also provide further protection.

17. Mr Murphy brought the meeting to a close by proposing that the Business Committee should be asked to consider: moving the negotiations into bilateral and multilateral formats; that the British and Irish Governments' should present a paper to the parties to facilitate discussion of the obstacles to agreement; and that the parties should meet daily in round-table format to report progress. It was also agreed that the Business Committee would be asked to allocate time on Wednesday (25th March) for a further discussion in Strand One of the British Government's Criminal Justice and Policing Papers.

STRAND ONE SECRETARIAT