

IN CONFIDENCE

Northern Ireland Negotiations

Str 1(98) 8th Mtg

STRAND ONE, EIGHTH MEETING  
2 FEBRUARY 1998

*Minutes*

1. The eighth meeting of Strand One commenced at 10.30am on Monday 2 February, with Mr Murphy in the Chair and Alliance, Labour, NIWC, PUP, Sinn Fein, SDLP and UUP all present. The meeting adjourned at 12.30pm, resumed at 2.30pm and ended at 4.45pm. **Mr Murphy** opened inviting the parties comments on the Strand One Papers (Institutional Arrangements, Functions of the Northern Ireland Departments and Electoral Systems for the Scottish Parliament and Welsh Assembly) circulated by the Government.

2. **Alliance** suggested that there may be a need for more than six Northern Ireland Departments under any new arrangements, for example, a Department of Justice might be needed. Their preference was for an electoral system based on STV. **Labour** indicated that they were preparing documents on electoral issues. **Sinn Fein** said that they were opposed to an Assembly but wanted to see institutions devised which all participants could give allegiance to. In future negotiations Sinn Fein wanted to see the issues of equality and demilitarisation discussed. The **SDLP** wanted to establish at the outset whether there would or would not be democratically elected institutions in Northern Ireland.

3. The **UUP** thought that the crux of the issue was whether parties would be prepared to work together. An Assembly would revolve around proportionality and equality in terms of elections. However, the UUP were not convinced that an Assembly needed legislative powers and would be relying on others to convince them that it did. The **UUP** also supported a Bill of Rights and were keen to determine under what financial rules any new Assembly would operate. **Mr Murphy** undertook to provide parties with a paper detailing various possibilities for financial arrangements. He suggested that the meeting should have a general discussion on an Assembly and participants' views on the need for one.

IN CONFIDENCE

IN CONFIDENCE

4. The UUP said that it was important to establish quickly what model participants were going to agree on and take discussions on from there. Sinn Fein said that caution was needed at this stage to prevent an imbalance. The SDLP wanted to get some understanding of what participants were discussing. The new Institutions must be able to deal with problems and not just be a conduit between Westminster and Northern Ireland. They had to have powers and problem-solving abilities with appropriate north/south and east/west relationships. They would have to be new, fresh with shared ownership among all parties.

5. The NIWC were in favour of a body which everyone could sign up to. There was now a golden opportunity to create a new beginning but there must be inclusive dialogue if this was to be achieved. The SDLP were looking carefully at what type of consensus would work. They accepted that there were technical difficulties which posed questions about the nature of the elected body and the nature of executive powers.

6. Alliance wanted to see the maximum number of people involved with decision taking reflecting as wide a consensus as possible. The new system had to be transparent, not over complex, and provide a mechanism where all participants had the opportunity to form coalitions or a cabinet system with collective responsibility. They wanted any weighted majorities not to be set at too high a level and the body needed to have significant powers over the widest range of issues possible.

7. Mr Murphy suggested that participants should continue discussion of the Institutional Arrangements Paper, park decisions and then submit written submissions to the Strand One Secretariat by 11 February for further discussion.

8. Alliance supported the adoption of PR(STV) for two reasons. Firstly, it was familiar to the Northern Ireland electorate; secondly it encouraged cross party voting and, as a result, a less polarised outcome.



IN CONFIDENCE

The UUP also endorsed PR(STV). The SDLP added that STV was also their preference citing the same reasons as the Alliance party. The PUP suggested looking at the electoral systems in Scotland and Wales.

9. The NIWC said that they were carrying out research on electoral systems. In principle the electoral system adopted should return an Assembly composed of a broad range of 'voices'. The SDLP commented that whilst they had no difficulty with the proliferation of parties, they were concerned about the mechanism by which their participation was secured. If a 'top-up' system was adopted it should not distort the proportionality of the actual result in order to ensure the inclusion of smaller parties. The UUP said that PR ensures that more parties were elected and consequently favours small parties and can help blur the sectarian divide. Alliance suggested that there were two potentially conflicting elements that were needed, a fair voting system and a voting system that secured the election of a diverse range of parties.

10. The discussion then moved to the "Nature, Size and Duration of the Assembly". Unicameral/Bicameral: The Alliance, SDLP and UUP were in favour of a unicameral Assembly: the NIWC a bicameral Assembly. Size: again the Alliance, SDLP and UUP favoured 18 x 5 seats: the PUP favoured 18 x 6 seats plus a 'top up' of 20 seats. The NIWC signalled their intention to arrange bilaterals with the other parties to discuss this matter further.

11. Duration: Consensus on 4 years. The PUP suggested that the first term be extended to 5 years to allow delegates a period of bedding down. There then followed a discussion on the mechanism for delegate replacement in the event of a member dying or resigning. This was important because by-elections could upset the proportional balance in an Assembly. The discussion was inconclusive although some parties expressed the view that there might be merit in some form of party "reserves" list system whereby parties would nominate potential replacements prior to the election. The NIWC said that there should be safeguards to prevent parties replacing delegates who fall out of favour.

12. Legislative/Executive: **Alliance** would like to see the full range of functions operated by the 6 Northern Ireland Departments in addition to certain functions currently carried out by the NIO, namely, policing, justice, probation and prisons devolved to the new Assembly together with primary legislative powers. The **UUP** contributed that more and more legislation is determined by the EU and that this will increasingly be the case. Consequently, there will not be many areas in Northern Ireland where primary legislative powers would be needed. The Assembly could be reduced to a body simply rubber stamping legislation. The **UUP** were in favour of secondary powers with the possibility of some primary legislative functions being transferred to the Assembly.

13. Procedures (How should an Assembly operate, committee v cabinet): **Alliance's** preference was for a separate Chair of Committee and Head of Department in order to decouple the executive from the committees. The **UUP** favoured the Head of the Department/Chair of the committee performing a dual role with a degree of flexibility and freedom for the 'day to day' management of affairs. The **SDLP** preferred to have a competent executive. They were not opposed to committees scrutinising the executive, but they did not want an "executive by committee" because such an arrangement would impair the efficiency of the executive. The **PUP** commented that the committees could have the equivalent powers to local government committees enabling 80-90% of Assembly business to be dealt with in committee.

14. **Alliance** raised the issue of the distribution of places on committees expressing concern that unless there were significant shifts in the fortunes of parties, once committee chairs were allocated on a committee it would be possible for a party to dominate it. The **SDLP** suggested d'Hondt be used as a system for allocating committee chairs.

15. **Mr Murphy** concluded the meeting agreeing that the Government would prepare papers on: options for candidate replacement in the event of a seat becoming vacant; and a list of Northern Ireland legislation over the last 3 years to indicate the scope and range of powers.