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Northern Ireland Negotiations

Str 1(98) 9th Mtg

STRAND ONE, NINTH MEETING
3 FEBRUARY 1998

Minutes

1. The ninth meeting of Strand One commenced at 10.40am on Tuesday 3 February, with Mr Murphy in the Chair and Alliance, Labour, NIWC, PUP, Sinn Fein, SDLP and UUP all present. The meeting adjourned at 12.45pm, resumed at 2.25pm, adjourned at 4.20pm resumed at 4.30pm and ended at 5.30pm. **Mr Murphy** opened inviting the parties to continue yesterday's discussion of the Strand One Paper on Institutional Arrangements.
2. **Alliance** proposed discussion of how the new arrangements could be safeguarded against disruption and suggested that a mechanism, such as a duty of service, would be required to ensure that an Executive could work in a co-ordinated way. **Alliance** also suggested that the Assembly might require a mechanism to deal with parties which could still be associated with paramilitaries involved in political violence.
3. The parties discussed how new institutions could be developed to guarantee cross-community participation and prevent discrimination.
4. The **UUP** said that their model for an Assembly was fully proportional thus guaranteeing participation in Assembly committees' for all parties elected. Party leaders would nominate their choice of committee chairmen, etc., with the leader of the largest party starting the selection process. No possibility would exist for a large party to claim more than it's share of chairmanships, etc. The system had entitlement to representation built-in with no possibility of any party exercising a right of choice against others. It also assumed that parties engaged in political violence might be excluded under something similar to the Mitchell Principles.
5. On protection of Rights the **UUP** suggested that the Northern Ireland devolution arrangements should mirror the clauses in the Scottish and

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Welsh devolution legislation which provided that the Scottish Parliament and Welsh Assembly cannot act contrary to the ECHR. That immediately vests in every citizen a right to go to court as Article 2 of the ECHR contained a blanket clause outlawing discrimination. The UUP considered a duty of service requirement as unworkable in practice because it would require a means of penalising members. The UUP would not like to see future arrangements adhering to any convention that powers devolved by Westminster could not be discussed at Westminster.

6. The PUP said that it was important to create structures allowing human interaction and an expression of symbolism. Sinn Fein said that institutions in the six counties had to be capable of interaction with the rest of the Island in a consultative, harmonising and executive way. The SDLP and Sinn Fein debated their respective positions on the Joint Framework Document and the Propositions on Heads of Agreement. The UUP said that their devolution model would remove any grace and favour from the system; elected representatives would have power because of the decision of the people. The UUP were seeking an Assembly in order to do something about the deprivation which existed in both communities.

7. Sinn Fein found the UUP's comments on the Assembly helpful but wanted to know whether the all-Ireland body would be subservient to the Assembly because that was the crucial question for Sinn Fein. Sinn Fein and the SDLP continued to discuss their respective positions on the Joint Framework Document. The parties agreed to discuss later in the meeting Sinn Fein's document proposing regional councils within an all-Ireland context.

8. The SDLP disagreed with chairs of committees also filling the role of head of department because such an arrangement wouldn't provide a practical way forward for discharging dedicated collective responsibility. In addition the chairmen might find themselves restrained by the committees. The SDLP proposed an Executive model with members subject to a duty of service providing protection for those with executive

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responsibility. There would also have to be a common yardstick measuring performance across the departmental committees.

9. **Sinn Fein** commented that it would be useful if the papers discussed in the 1992/93 talks could be made available to inform parties not present at those talks. After some discussion it was noted that the papers were available on the Cadogan Website.

10. **Labour** suggested that the new system of Government must not be cumbersome and supported a separate Executive with Committees exercising a scrutinising role. The **UUP** said that their model allowed parties to opt out from nominating members to serve as heads of department/committee chair; the seat would be reallocated to other parties on the basis of party strength within the Assembly. The member opting out could, however, continue to serve on the committee. **Sinn Fein** required a free-standing body cross-border body. Discussions so far had been about institutions, but economic, cultural and social rights were of equal importance to **Sinn Fein**.

11. **Alliance** suggested that proportionality throughout the Assembly would, on its own, not achieve perfection and there would be a need for some form of sufficient consensus formula to ensure fairness. The best mechanism for dealing with that would be through the application of a weighted majority. **Alliance** expressed doubts about how a joint head of department/committee chair could be satisfactorily cross-examined by a committee that doesn't have any other chair to control the committee. With regard to the duty of service, **Alliance** didn't know of any context anywhere where people exercising executive responsibilities hadn't to take some form of commitment to make the system work.

12. The **SDLP** agreed with the notion of proportionality and envisaged committee chairs being allocated in that way through a tapered threshold system. However they doubted whether decisions taken on the basis of proportionality in committee would provide protection for minority views. They also had concerns about the potential problems which a committee

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would face by amalgamating the roles of committee chair and head of department. There was a need to have some degree of checked discretion awarded to people with executive responsibilities by making them accountable to committees or to the Assembly as a whole. Equally people with executive responsibility needed to have some protection against being improperly blocked or checked when discharging their responsibilities under a duty of service.

13. **Alliance** suggested that if there were separate heads of department meeting as an Executive then it might be possible for committee chairmen to also meet collectively to deal with business. The **NIWC** reminded parties that their proposal for a second (civic) chamber might help to ensure cross-community participation in new institutions and protection of interests.

14. **Mr Murphy** said that he would welcome the parties written responses on today's debate (by 11 February) and particularly proposals on how to address the issue of collective responsibility within the models suggested by the parties. He suggested that delegates should move to Financial Provisions to complete discussion of Strand One Institutional Arrangements. The parties made the following observations and comments.

15. All parties agreed that financial provisions for a devolved government was of great importance. The **UUP** commended the financial arrangements which Scotland had negotiated as part of its devolution agreement as the sort of formula which Northern Ireland might aim for. **Alliance**, **Labour** and the **PUP** suggested that consideration should be given to vesting tax varying powers in an Assembly. **Alliance** asserted that in the event of a settlement Northern Ireland politicians would have to take responsibility for reducing the high dependence on public expenditure in Northern Ireland.

16. **Sinn Fein** said that Northern Ireland's reliance on subvention could be reduced if Ireland was a single united economic unit operating in the EU. The **SDLP** commented that there was a need to look beyond marginal tax

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varying powers. They suggested that expenditure to induce companies to locate in Ireland would be more effective if organised on an all-Ireland basis and added that they would like to see any savings made as a result of self-administration kept in Northern Ireland. The NIWC said that there should be a transitional period during which subvention and reliance on the Government would be reduced.

Discussion of Sinn Fein All-Ireland Regional Councils Paper

17. Sinn Fein introduced their paper emphasising that it was a discussion paper which tried to deal with what a sense of economic and political democracy was in the life of ordinary people. There was no value in government institutions if the electorate did not feel a sense of ownership. The paper outlined the 3 levels of government envisaged by Sinn Fein. (Regional Councils, District Councils and Community Councils). There was currently an imbalance in Ireland between Dublin and the rural areas. People were leaving the rural areas and migrating to Dublin; Sinn Fein propose regeneration strategies to counter that migration organised and implemented by Regional Councils. Sinn Fein were not tied to the structures proposed in the paper, but to the broad principles they represented.

18. The parties gave their general responses to Sinn Fein's paper and the meeting adjourned at 5.30pm.