

## THE MAYHEW TALKS STRAND I

(10 June 1992)

### SUB-COMMITTEE REPORT

1 The sub-Committee met on 5 June and adjourned as a mark of respect to the victims of the accident near Carrickfergus the evening before.

2 It met again on 8, 9 and 10 June.

3 The sub-Committee continued, as mandated by plenary on foot of the 1 June report of the sub-Committee established on 26 May, to work towards the greatest possible degree of common ground on new political institutions for Northern Ireland. What plenary did on that occasion was to:

- "authorise the sub-Committee, building on the Common Themes and Common Principles documents and the provisional report of the Structures sub-Committee (dated 13 May), to work towards the greatest possible degree of common ground on new political institutions for Northern Ireland, by addressing issues including those listed in paragraph 5 of that report, recognising that each party may wish to reserve its position on particular points;

- acknowledge that in order to secure a generally acceptable outcome from the Talks process it will be necessary to ensure that the outcome, taken as a whole, gives expression to the identities of both main parts of the Northern Ireland community and would attract the widest possible degree of allegiance and support; and

- further acknowledge that the course of discussions during Strands II and III may make it appropriate in the view of one party or another to propose that relevant matters in Strand I should be reviewed."

4 It may be convenient to recall at this point that the sub-Committee which reported on 13 May had noted certain areas where, although there was broad agreement in principle (some reflected in the Common Themes paper), further detailed consideration would be necessary once the broad shape of the key institutional arrangements was clear. These include:

(a) "an acknowledgement, consistent with paragraph 2 of the Common Themes paper, that the United Kingdom Government and Parliament would continue to have sovereign responsibility for all matters for which responsibility was not transferred to any new political institutions in Northern Ireland;

(b) an acknowledgement that the Secretary of State would continue to be wholly accountable to Parliament at Westminster for the exercise of any powers and responsibilities which he would retain, coupled with a general concern (expressed in particular by the UUP and DUP) to ensure appropriate parliamentary scrutiny of and accountability for the exercise by the Secretary of State of those powers and responsibilities;



- (c) the need to make arrangements to secure a local political input to the exercise of those powers and responsibilities, especially in respect of security matters (if they continued to be the responsibility of HMG);
- (d) the need to define a clear relationship between any new political institutions in Northern Ireland and EC institutions;
- (e) what should be the precise nature and role of the Assembly and any Committees thereof, including in respect of legislation;
- (f) a requirement for arrangements for determining expenditure levels in Northern Ireland, allocating resources and ensuring a strong role for the Assembly in the scrutiny of budgetary proposals, together with a consideration of the extent, if any, to which any new political institutions might have revenue-raising powers; and
- (g) machinery to deal with the correct grievances and to entrench individual and community rights, including the possibility of a Bill of Rights."

5 The sub-Committee sought to confirm and expand the areas of common ground identified in the Possible Outline Framework for new political institutions in Northern Ireland produced at 0045 on 3 June. It was able to expand in a number of minor respects the area of common ground it represented. A revised version is attached as Annex A. The UDUP, UUP and Alliance Party agreed that executive and legislative responsibilities in respect of transferred matters should be exercised through an elected Assembly, though they were prepared to contemplate a role for a separately-elected Panel in certain circumstances. The SDLP reserved its position on the source of the authority of Heads of Departments and their relationship with Departmental Committees; and on the arrangements for legislation in the transferred field.

6 The sub-Committee also agreed a paper (Annex B), subject to certain reservations, describing the elements of a Code of Practice setting out roles and responsibilities for Departments, Assembly Committees and the Assembly as a whole. In doing so it took account of two papers from the Government on the machinery of government in Northern Ireland and public appointments procedures. It also noted a paper from the Government Team (Annex C) on possible measures for ensuring an appropriate, fair and significant role for all main political traditions in Northern Ireland. Related papers on one aspect of this topic tabled by each of the four parties are at Annexes C1-C4.

7 The sub-Committee achieved a considerable measure of agreement in respect of the relationship between any new political institutions in Northern Ireland and the Westminster Parliament, and the UK Government system more generally; and the relationship with EC institutions. Reports on these subjects are at Annexes D and E.

8 The Parties represented on the sub-Committee also received, but did not collectively consider, discussion papers on finance, human rights, a Bill of Rights and cultural expression and diversity.

9 In submitting their report to plenary the members of the sub-Committee wish to express their thanks to Mr Hanley, Mr Chilcot and Mr Fell for their chairmanship of the sub-Committee's deliberations, to the officials and other staff who supported the sub-Committee and to the delegates and the party delegations more widely for the hard work they put in.

10 JUNE 1992