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15 Meeting with Lord Alderdice

From: T Watson
Constitutional and Political Division
18 September 1998

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NOTE FOR THE RECORD

MR MURPHY'S MEETING WITH LORD ALDERDICE: FRIDAY 18 SEPTEMBER

Mr Murphy, Mr McCusker and I met the Assembly's Initial Presiding Officer for around 60 minutes this morning beginning at 9.35. Lord Alderdice was accompanied by his special adviser Niall Johnstone and his secretary [redacted] Mr Barr was also present. A number of issues were touched upon.

General political situation

Mr Murphy sought Lord Alderdice's thoughts on the present political sensitivities surrounding the key issue of the formation of the Executive, its linkage to decommissioning and the further implementation of the Agreement. Lord Alderdice agreed with the Minister's assessment that, despite Monday and Tuesday being a fairly smooth session, the temperature of the underlying political climate was steadily rising. The issue was clearly going to be difficult to resolve in the short term with party positions well established and little flexibility on offer. However Lord Alderdice put forward the point that the Decommissioning Commission (and General de Chastelain in particular) had a vital role in brokering a potential solution.

Lord Alderdice believed it might be possible for Trimble to secure sufficient political cover to form an Executive if, through the work of the Commission, some sort of illustrative example of actual decommissioning could take place and be verified in writing by de Chastelain. A large explosion in County Wicklow (or some other safe location in the Republic) verified as so many tons of Semtex was the one way to do it - a la John Gorman during Tuesday's Assembly session. Such a measure might force the DUP and UKUP to ease up on the UUP and shift their focus towards the Commission thereby giving Trimble and his supporters cover to proceed.

There was no doubt in Lord Alderdice's mind that unionists had gone as far as they presently could. Something concrete needed to happen. Pieces of paper outlining "further steps or so called progress" would not be enough. For the UUP to attempt to move further without concrete evidence was political suicide - as had been demonstrated on Monday when UUP member Sam Foster's supportive intervention of his leader's

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present position had been "shredded" by the DUP/UKUP. In addition, Lord Alderdice pointed out that the pressure had to be maintained on Adams and McGuinness to try and sell such an idea to their movement.

Assembly Meetings

Given the potential for rather more stormy exchanges, Lord Alderdice expressed himself content with the businesslike approach of members on both days this week. Sinn Fein had made inquiries to his office, prior to the debate on the First and Deputy First Ministers' interim report, about a petition of concern in relation to the brevity of the document but clearly, in the end, decided against such a move. Lord Alderdice said he believed more should be made of noteworthy political decisions in the Assembly such as the DUP's unanimous support of the Business Motion to establish a shadow Assembly Commission when one of the named members was Francie Molloy. Similarly Sinn Fein had voted to establish an ad hoc Committee on the consequences of devolution which would report to the House of Commons! Neither of these developments had been highlighted in the media.

As to future business and meetings, Lord Alderdice considered the next potential date for a meeting to be 28 September - since both the First and Deputy First Ministers were committed to attendance at the Labour Conference on 29 September. What the business was and how much of it there might be on that day remained to be seen. Trimble had outlined a desire to have an inaugural meeting of the NSMC in early October which seemed on the one hand to suggest the Assembly meeting to agree to such a meeting, either through a further report on related issues from Trimble and Mallon, or by way of a motion of support debated in the chamber. On the other hand much depended on the nature of the proposed NSMC meeting and the perceived political requirements for Assembly approval or post ratification and of course all of this was intertwined with the Executive issue.

Other business on 28 September could feature adjournment debates on a number of backbench issues which would therefore not require Ministerial presence or any advance preparation by officials. Lord Alderdice remarked that clarification of business would need to be determined by Wednesday of next week if a meeting was to proceed on 28 September.

The issue of authorisation of meetings came up again with Lord Alderdice (perhaps overlooking the fact that authorisation exists until the end of September) proposing that the Secretary of State issues a further letter next week detailing a future period (all of October?) for meetings. (Following our meeting I suggested to Niall Johnstone that we would issue a further letter after 30 September to cover the next period. A draft will follow in due course).

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Formation of the United Unionist Assembly Party

Lord Alderdice viewed his decision to permit the formation of the above party, under the "change of designation" Standing Order, as eminently sensible and reasonable and unlikely to present an awkward precedent. If members wished to form new parties, through the closing of one party and the emergence of a new body etc, there was very little the Presiding Officer could do about it - save treating them like everyone else in terms of facilities, places in the Chamber, speaking in debates, the d'Hondt procedure and seats on Committees.

On the immediate issue of the UUAP and Fred Cobain's letter asking for those Committees already in place to have 19 rather than 18 seats to accommodate the new party, Lord Alderdice pointed out that Initial Standing Orders 15(2) and 16(2) needed to be amended to show a maximum number of 19 and 17 respectively. A motion would also need to be introduced at the next meeting seeking those changes in respect of Standing Order 15(2). The fact that all Committees so far established would have an inbuilt unionist majority seemed not to cause the Presiding Officer too much anxiety.

Lord Alderdice voiced his support for the concept, introduced on Monday by his old party, that a change of designation should occur only once during the lifetime of each Assembly. Interestingly he considered that if the rule remained unchanged there was a danger that the d'Hondt procedure could be used to circumvent the wishes of the electorate. However he further considered that any change be kept out of Standing Orders and instead introduced through convention by himself as time went on. (I understand that the Standing Orders Committee is likely to give this issue and that of using the term "other" as a designation further consideration at their next two meetings scheduled for 23 and 25 September).

Feedback from the Standing Orders Committee meeting on 16 September was still awaited. (I have suggested to Murray Barnes, the Committee Clerk that some sort of formal arrangement be put in place to receive copies of minutes and he agreed to pursue this). Lord Alderdice believed members were sufficiently content at present with his arrangements on time limited debates and use of the Irish language (and by implication) Ulster/Scots. He saw no need for any further Standing Orders on these.

Lord Alderdice did, however, refer to Initial Standing Order 6(3) and proposed that, given the likely frequency of future meetings a Business Paper should be prepared once rather than twice a week when the Assembly is sitting and once a fortnight in recess indicating accepted business rather than "listing the notices received".

Flags & Guns

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Lord Alderdice took the view that while Parliament Buildings remained a "government" building, the flying of flags should continue under normal protocol arrangements until the "appointed day" after which the Assembly would decide the practice. A similar view was expressed regarding gun salutes of which only 6 February appeared to lead to any inconvenience for members in the near future.

Other issues

Lord Alderdice raised two other matters for information. One related to a couple of issues regarding the European Commission's provision and funding of special advisers to the Deputy First Minister on which Mr McCusker agreed to seek further advice. The other concerned the re-election of the Speaker of the next Assembly and how this might be taken forward. Here Lord Alderdice proposed that present arrangements applying in the Dail be added to on the basis that the Speaker would be automatically re-elected for the next Assembly and would not therefore contest his constituency seat. (In the Dail the Speaker's constituency is reduced by one seat). At the first meeting of that new Assembly, the electoral college of the Assembly would then be asked to confirm the appointment. If confirmation took place the Assembly would comprise 109 members. If confirmation wasn't forthcoming, the Speaker would not only cease to be Speaker but in addition would not be a member of the Assembly. Such a mechanism could, he suggested, be introduced either by an Order in Council or in the Northern Ireland Bill. Mr Murphy said he would reflect on this.

Signed: Tom Watson

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