

REPORT OF ALLIANCE PARTY STUDY GROUP

ON

FUTURE GOVERNMENT OF NORTHERN IRELAND

## CHAPTER 1 INTRODUCTION

- 1.1 At Party Council in March 1988 the Party Leader John Alderdice announced his intention to set up a small study group to review the party's policy in a broad area covering the arrangements by which Northern Ireland should be governed. The composition of the group was John Alderdice, Gordon Mawhinney (deputy leader), Dan McGuinness (party chairman), Paul Maguire (former assemblyman) and Patrick Bell (policy convenor). The group met on thirteen occasions and what follows is a summary of its discussions and conclusions.

### NEED FOR REVIEW

- 1.2 The need for a review of party policy on governmental arrangements for Northern Ireland recognises two facts. The first is that 8 years have elapsed since the detailed analysis by the Party, which formed the basis both of our presentation to the Conference on the Future Government of Northern Ireland (the Atkins Conference) and which was further developed in our submissions to the Northern Ireland Assembly. The second is that there have been several significant changes during that time, the most important of which are, the fall of the Assembly in 1986, the signing of the Anglo-Irish Agreement and the emergence of overt participation in politics by representatives who support and condone terrorism.
- 1.3 Despite every effort on the part of Alliance Party representatives the 1982 experiment in seeking to establish devolution by stages (so called rolling devolution) failed as a result of both Nationalist abstentionism and Unionist intransigence.
- 1.4 The setting up of the Anglo-Irish Agreement has effected a major change in the political climate within which discussion about future governmental arrangements must take place. It has resulted in some novel and realistic thinking, as well as evidence of a deepening of extreme and uncompromising attitudes. Examples of both types of response have emerged from various sources spread across the political spectrum.
- 1.5 In 1980, when the party submitted its proposals to the Atkins Conference, participation in the political system by front organisations for terrorism was not a factor. Since then the results of Local Government and Westminster elections indicate that it now is. Most obviously Sinn Fein members are likely to be elected to a future assembly and given that they have been a focus of friction in local government, their presence in an assembly has a similar potential. It would be a mistake to assume that such persons, if elected, will exclude themselves from participation in future regional institutions.

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## OBJECTIVES OF REVIEW

- 1.6 In undertaking this review, the study group identified several main objectives.
- a) That a report be produced, which will form the basis of party policy over the next few years and which, in the event of inter-party discussions, will provide a basis for negotiation on future governmental structures for Northern Ireland. This will require the fullest debate within the party and ultimately approval of party council. Any finally agreed document will provide a coherent policy with which members can identify.
  - b) That a shortened version of the report be produced for sale and distribution. No-one therefore should be unaware of the party's clear and distinctive policy for the government of Northern Ireland; and
  - c) That publication of the report will influence the electorate and the Government. We hope to stimulate wide ranging debate about the report thus ensuring that its proposals are at the top of the agenda in future discussions with Government and other political parties.

## CONCLUSIONS IN REPORT

- 1.7 In setting out the results of discussions we have expressed a clear view based on unanimity within the group on all major issues. In dealing with the issue of obtaining acceptability for the scheme we propose, we set out a number of options to assist discussion.

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## CHAPTER 2 EXAMINING THE OPTIONS

- 2.1 In this chapter possible constitutional options for Northern Ireland are considered in the widest sense. The study group felt it important to start discussions from a broad base and to give some consideration to options which are far from traditional Alliance thinking. Notwithstanding this approach the proposals we make involve many of the ingredients of previous Alliance policy.

### UNITED IRELAND

- 2.2 There is some support within Northern Ireland for a United Ireland. However, a clear majority of the population reject such a proposal, and that position is unlikely to change in the foreseeable future, no matter what enticements might be offered in terms of privileges, special rights or economic aid in a United Ireland. Any democratic solution must take full account of the fundamental reality that most people in Northern Ireland want to maintain the British connection.
- 2.3 We are conscious that others in Northern Ireland who would not rule out a United Ireland for the reasons stated in paragraph 2.2. were discouraged by the failure of Dr. Garret Fitzgerald's "constitutional crusade" designed to create a plural society in the Republic of Ireland.

### INDEPENDENCE

- 2.4 From time to time independence for Northern Ireland has been proposed. It has usually been termed negotiated independence to distinguish it from independence declared unilaterally (from within Northern Ireland). Calls for independence have sometimes been motivated by an idealistic belief that it could allow emergence of a Northern Irish identity which would unite the community. More often the calls have taken the form of threats by extreme loyalist politicians unable to gain agreement for devolved government with a dominant position for the Unionist population. These motives are, respectively, naive and dangerous.
- 2.5 It is generally accepted that independence would lead to a lower standard of living in Northern Ireland, though this fact alone is not sufficient to exclude independence as a possible option. There can be no doubt, however, that it is totally unacceptable to the Nationalist population within Northern Ireland. No package of constitutional safeguards is likely to change that position. For many Unionists independence for Northern Ireland is also totally unacceptable because it is a contradiction of their basic philosophy.



- 2.6. Accepting the divisions of Northern Ireland as irreconcilable some have argued for repartition so as to transfer Roman Catholic/Nationalist areas to the Republic of Ireland leaving Protestant/Unionist areas either to be part of the United Kingdom or to be an independent state. Many would find such a categorisation of individuals and opinions both superficial and distasteful. Plainly, however, repartition would fail because it is impractical and because it does not recognise the reality of a mixed community. For repartition to be implemented large scale forced movements of population would be required.

## INTEGRATION

- 2.7. Full integration of Northern Ireland within the United Kingdom with no devolved administration has attractions for many in the Unionist population. Its supporters believe that it is the best way of securing their continued British status. It is possible to compare integration with devolution in the same way as one might discuss the two alternatives for an English region. This debate would be about local accountability, the problems of centralisation, concerns about excessive tiers of bureaucracy and so on. These are important issues for Northern Ireland, but they are not in themselves the reasons why there is an ongoing constitutional crisis. What is at issue is the reconciliation of apparently conflicting constitutional aspirations, and it is in this context that integration must be considered. By this criterion there are 2 main problems with integration.
- 2.8. In the first place it ignores the reality of the divisions within Northern Ireland. It is a purely unionist solution. It offers little to those of Nationalist inclination whose province Northern Ireland is as well, and whose interests require full recognition.
- 2.9. Secondly it does not address the problem of how to administer, in a manner acceptable within a divided community, certain higher functions of local government, which are not currently dealt with by local government arrangements in Northern Ireland. These functions include housing, aspects of education and health, and planning, which are dealt with by the Housing Executive, by Area Boards and by Central Government respectively. It was always intended that democratic control over these functions would be exercised through a devolved administration. Presumably if there is to be no devolved administration, these matters would be handled through some modification or additional tier of the present local government structures. Sadly there is no guarantee that, left to their own devices, local councils on the current model, would administer these important functions in an acceptable manner and with total fairness towards minorities.
- 2.10. An additional problem with integration is that it is not on offer from the British Government. Furthermore no future British Government, which can be foreseen is likely to support integration.

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## FEDERATION

- 2.11. Federation has received some attention from politicians inside and outside Northern Ireland. Federation can be viewed as states or regions associating together and in the process passing to a federal administration some powers in areas where their interests are likely to be similar. In discussions of federation many different frameworks have been suggested and it is important to define to which one is referring.
- 2.12. The first framework is a unitary Irish federation where one state would be Northern Ireland with the 26 counties being administered as one or more than one state. Although federation implies considerable autonomy for the constituent states or regions, it is still a 'United Ireland solution' and this cannot be disguised from Unionists to whom it would be unacceptable.
- 2.13. A second framework is a United Kingdom federation with one state being Northern Ireland and one or more representing the rest of the United Kingdom. It is important to emphasise the considerable autonomy which individual states of a federation may have. Their powers have not been devolved to them, and thus the federal administration could not interfere with their use. By contrast power devolved to a subordinate administration is held at the discretion of the sovereign parliament. In view of the history of abuse of power in Northern Ireland one problem of a state or regional administration for the province, which was part of a federal United Kingdom, would be the ultimate protection of rights if the internal working arrangements broke down.
- 2.14. A second problem is that even if the proposal of a United Kingdom federation was acceptable within Northern Ireland it would involve major constitutional changes for the rest of the United Kingdom. We doubt if such a constitutional revolution would be regarded, outside Northern Ireland, as a realistic price to pay for resolving the problems of one region. Thirdly it should be borne in mind that at the regional level the difficulty remains of how power is fairly exercised and by whom.
- 2.15. The third framework is a federation of the whole British Isles. The Republic of Ireland, Northern Ireland and the main regions of Great Britain might each be represented by one state administration. The relative size and influence of the different states presents certain difficulties. The main difficulty, however, is the likely rejection by the Republic of Ireland of any loss of sovereignty. Nevertheless, if one were devising governmental arrangements for the British Isles, afresh and unhampered by history, this type of arrangement would have considerable attractions.

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## JOINT SOVEREIGNTY

- 2.16. Another approach is the concept of joint authority or sovereignty. In this arrangement the governments of the United Kingdom and the Republic of Ireland would together administer Northern Ireland. Some proposals for joint sovereignty envisage major powers exercised by a locally elected Assembly. Joint sovereignty inevitably involves very complex arrangements and there are many who hold the view that sovereignty is not divisible. Of more importance is the fact that joint sovereignty will be seen by Unionists as loss of sovereignty. Not without justification, because as joint sovereignty has been proposed by some as an interim solution, they would also see it as a vehicle leading ultimately to a United Ireland.

## DEVOLUTION FOR NORTHERN IRELAND WITHIN THE UNITED KINGDOM

- 2.17. In the view of the study group the various options outlined so far will not gain substantial acceptability across the community and therefore will not succeed. United Ireland, Federated Ireland and Joint Sovereignty all involve a real loss of British sovereignty in Northern Ireland. As such they are unacceptable to most in the Unionist community. We believe that any solution must accept the position of Northern Ireland as part of the United Kingdom.
- 2.18. Independence, a federated United Kingdom and full integration (with additional powers for local government) will not provide adequate safeguards for the rights of minorities nor will they guarantee the opportunity for full participation by the minority in the political life of Northern Ireland. If the Nationalist community is to play its full part in the government of Northern Ireland as part of the United Kingdom it will only be if these conditions are met. We believe that devolution of power from Westminster to a locally elected assembly is the best way to satisfy these conditions.
- 2.19. We say this because a devolved system is most likely to have widespread acceptability across the community and in the United Kingdom and the Republic of Ireland. In addition it could most easily facilitate the development of structures to enable representation of the minority at every level of government in Northern Ireland, within a framework which provides suitable constitutional protections and safeguards. It is not surprising that opinion polls have consistently stressed that a devolved system meeting the criteria set out in 2.18. is the only option which can command substantial popular support in both sections of the community.
- 2.20. We desire the opportunity for the fullest participation in political life in Northern Ireland and believe that will be best achieved if the devolved administration is able to exercise both legislative and executive responsibility. Then the Assembly can consider legislation in the light of local factors and handle executive functions with sensitivity to local opinion. We would envisage that an Assembly with both legislative and executive roles would enable a sense of local control and local responsibility to develop, which will be important if the new system is to work.



## CHAPTER 3. PROPOSALS FOR DEVOLUTION

- 3.1 The purpose of this Chapter is to outline our proposals for the restoration of legislative and executive devolution in Northern Ireland.

### THE LEGISLATURE

- 3.2 The starting point is the institutional framework. While there may be advantage in a particular context in the creation of a legislature consisting of more than one chamber (see heading "Options" below), we consider that the arguments favour a single chamber Assembly. Northern Ireland has a relatively small territory and population and in our view there is gain in limiting the size and number of governmental institutions to what is essential.
- 3.3 The Assembly we envisage would consist of 85 members, 5 for each of the 17 Northern Ireland, Westminster constituencies, elected by the single transferable vote system of proportional representation for a fixed term of 4 years. This proposal is not only consistent with current legislation but also builds upon recent experience, in particular the Assemblies of 1973 and 1982 and the Convention of 1975.

### POWERS

- 3.4 In what follows when we talk about powers we mean full executive (to decide on and execute policy) and legislative (to make laws) responsibility for the subject concerned.
- 3.5 The powers of the Assembly, as in previous schemes of devolution, should be defined by reference to a three tier categorisation.

The first tier would be the "excepted matters" in relation to which power would permanently stay at Westminster. Matters in this category would mainly be ones of national rather than regional concern, for example defence, but in addition we would envisage that certain sensitive subjects, for reasons of constitutional propriety, would also be retained, for example electoral law and the appointment of Supreme Court judges.

The second tier would be "reserved matters" in relation to which legal power would for the time being stay at Westminster. Into this category we would place powers over security, including the police and criminal law. We would hope that as the devolved system progressed and took roots and as public confidence in the institutions grew, it would be possible to devolve security powers. But we think that to transfer these powers at the outset would be unwise and would place an almost intolerable strain on the new institutions. In any event as regards power over the police, we find it difficult to imagine circumstances, while the army was directed by Westminster operating in aid of the civil power, in which it would be practicable to diffuse political control over the security function by having one agency controlled by one set of masters (Army - Westminster) and the other by another set (Police - Assembly).

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The third tier of powers would be "transferred matters", in relation to which the Assembly would have legal power devolved to it by Westminster. In our view the transferred matters should be all those remaining after "excepted" and "reserved" matters are subtracted. In positive terms the main transferred matters would be agriculture, health and social services, economic development, the environment, education and finance. Effectively therefore the Assembly would, at the outset, have powers in respect of all the main domestic matters save security which might be transferred at a later date.

- 3.6 Finally, in dealing with the Assembly's powers, we think that the Assembly should have an advisory role in relation to matters affecting Northern Ireland but which are not transferred. Thus the Assembly, where appropriate, could discuss reserved and indeed excepted matters and offer opinions, even though the legal power rests elsewhere.

#### SCRUTINY ROLE

- 3.7 It is clear to us that policy formulation and the execution of the day to day business of administration will need to be undertaken by a smaller body, in effect an Executive, answerable to the Assembly. Our proposals on the method by which the executive authority is formed will be described later but what is relevant to say now is that the role we envisage for the Assembly in relation to the Executive is a scrutinising and deliberative one. Accordingly we have given our attention to the means which ought to be provided to enable the Assembly to fulfil this role.
- 3.8 Of course in this context the Assembly through establishing its Standing Orders will have its own contribution to make, but for our part we see advantage in the provision of backbench Assembly committees for each of the main areas of regional government, performing both what at Westminster would be select and standing committee functions. This would mean that for example the Environment Scrutiny Committee would have power to launch inquisitorial investigations (including the taking of evidence) into the policies and activities of the Department of the Environment and report to the Assembly (the Westminster select committee role). It would also have the power, where the Assembly refers primary legislation relating to the Environment to it, to conduct a "committee stage" type debate on that legislation and report to the Assembly (the Westminster standing committee role). In fact we foresee that the committees, when dealing with legislation, would be likely to use both the tools of evidence taking and the adversarial debating of amendments within the committee in order to produce a single report on the proposed measure for the Assembly.

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- 3.9 We consider that the composition of backbench scrutiny committees should be such as to secure that the balance of the parties in the Assembly is reflected so far as practicable in the membership of each committee exclusive of the chairmen and in the chairmen of the committees taken as a whole. The appointments, reflecting their parliamentary nature, would be made by the Speaker.
- 3.10 In addition to the committee structure set out above we consider that the Assembly would be at liberty to establish such other committees as it so chooses but we think that the composition of such committees by law should be governed by the proportional formulation stated in the last paragraph.
- 3.11 Apart from scrutiny through the committee structure we would expect the Assembly to establish procedures to enable all members to ask questions of those exercising executive power. Furthermore we would expect a Business Committee or usual channels system to regulate Assembly business.

#### FINANCE

- 3.12 The financial arrangements under which the Assembly will operate are plainly of considerable importance. Perhaps the central question which has to be addressed in this sphere is whether the method of financing provided ought to be revenue or expenditure based. Under a revenue based system the subordinate government is given certain predetermined sources of revenue and has to finance the devolved services out of the proceeds. Under an expenditure based system, expenditure requirements are measured first and the subordinate government is then furnished with the income necessary to meet them. The Government of Ireland Act 1920 used the former system. The Northern Ireland Constitution Act 1973 used the latter system. It is not in doubt that the 1920 Act system was a failure in this area and we are sceptical about the proposition that it would be possible in a devolved system for Northern Ireland institutions to finance themselves while at the same time maintaining comparable standards of services to those provided in Great Britain. Accordingly we favour an expenditure based system because it would best assure the population of high standard services.

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- 3.13 But should the devolved administration be able to increase local revenues to finance expenditure over and above what would be sufficient to ensure that general parity of services or potential parity is maintained? Our answer to this question is a tentative one because the waters into which the question takes us are largely uncharted, but it is also an affirmative one. We consider that provided the benefit of additional tax effort exerted within Northern Ireland results in actual additional expenditure capacity for the devolved government (and this does not necessarily follow), then attention should be given to the possibilities of giving power to the devolved government to raise supplementary or alternative taxes.
- 3.14 We do not say that these powers have to be used but while preserving the maximum area of financial discretion and autonomy for the devolved administration within an overall expenditure based system we think the facility to deviate in the manner described from national norms ought to exist

#### COMPOSING THE EXECUTIVE

- 3.15 Composing an Executive within a devolved system has been the most intractable of all political problems in Northern Ireland in the last 20 years. Simple application of Westminster principles in this area, turning the clock back to the Stormont system, would be unacceptable and undesirable. It would in practice mean that the representatives of the minority community would be excluded from participation in the decision making process. It must be recalled that the political parties which represent the interests of the minority community cannot realistically so broaden their appeal as to expect to win office outright by way of any future election. Likewise it would not be sensible to court failure by reviving proposals in this area which have failed or which can no longer be regarded as satisfactory in view of changed political conditions. But in this area of debate above all it is an illusion to think that the proverbial rabbit can be plucked out of the hat. What we have tried to do therefore is to build a proposal based on the central reality that provision must be made to enable the representatives of the majority and minority alike to participate in executive decision making.

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3.16 We have indicated earlier that we envisage a small Executive which would be drawn from and be answerable to the Assembly. Our view is that the mechanism by which that Executive takes office should be by appointment by the Secretary of State. But the Secretary of State would not have a free hand. He would be required by law to act strictly in accordance with a set of criteria. These criteria would be designed to ensure on the one hand certainty regarding the central principles underlying the appointments to be made and, on the other hand, flexibility in their application so that, as far as possible, the machinery established can respond to events and does not immediately seize up upon encountering difficulty.

3.17 The formulation we suggest is that following interparty talks to determine the preparedness of parties to participate in a future Executive, the Secretary of State would have the power to make appointments and transfer power to an Executive if he is satisfied, after conducting all necessary consultations, that an Executive can be formed which:

- a) is widely representative of the community as a whole;
- b) reflects, so far as practicable and subject to (c) below, the balance of the parties in the Assembly; and
- c) includes no person who supports the use of violence for political ends.

If the Secretary of State is satisfied about these matters he may go ahead and appoint and give power to the Executive. That would complete his involvement in the matter and the Executive's existence would then depend on its acceptability to the Assembly (or perhaps additionally some body other than the Assembly: see heading "Options"). Where the Executive appointed failed to command acceptability in the Assembly or became unacceptable then provision would have to be made for, where appropriate, the Executive to act merely on a caretaker basis to enable political discussions to go on without direct rule being re-invoked, or for direct rule to be re-invoked because the system has irretrievably broken down. However if the system works as we envisage the Secretary of State would be likely only to appoint an Executive which would be acceptable to the Assembly. Thus the most likely problems would be either that there would be no consensus for the first appointment or that because of changing political circumstances, the Executive becomes unacceptable. In all events where the system has failed to function the Secretary of State ought to have the power to cause a fresh election to the Assembly to be held so as to give the population an opportunity to break whatever log-jam has developed.

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- 3.18 Where casual vacancies to the Executive have to be filled, the same criteria as before would apply to any appointment to the Executive by the Secretary of State.
- 3.19 The allocation of portfolios within the Executive would be a matter for the Executive itself. Likewise, within the context of the acceptability requirement, it would be for the Executive and Assembly together to establish a suitable conventional framework to regulate their own relationships.
- 3.20. We would expect that the Secretary of State would consult with the Executive on non-transferred matters including security.

#### ACCEPTABILITY

- 3.21. In our view it is of crucial importance that the system by which executive power is exercised is broadly acceptable to the Assembly as a whole. We say this because in the divided society which is Northern Ireland there is a particular sensitivity in this area. There has been a history of abuse of executive power within the province. and many people fear a repeat of this. Moreover since the question of who shall exercise executive power has been the subject of lengthy and unproductive debates over the years, the issue carries a symbolic significance which cannot be ignored.
- 3.22. Hence our aim is to provide a system sustained by the broadest possible consensus and to this end we consider that a mechanism for periodically testing that consensus, would be of value. What we would seek to test is the level of acceptability (not support) for the Executive. Initially we think that the Executive should be required to submit itself to the Assembly so that its acceptability can be tested. Thereafter the same can be tested upon a resolution supported by at least 15 per cent of Assembly members not more than once in a parliamentary year. In this way a continuing check on acceptability can be made.
- 3.23. In our view in order for the acceptability motion to be carried it must be supported by at least 70 per cent of the members of the Assembly. We consider it right, in view of the considerations mentioned in paragraph 3.20 that there be a requirement for a weighted majority and we have adopted the figure of 70 per cent as it was the figure chosen in a similar context and legislated for in the Northern Ireland Act 1982. It is a figure which in effect requires a substantial level of acceptability across the community.

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3.24. We consider that an Executive composed as we have suggested and accepted by the Assembly as required above would command the confidence of the great bulk of the community. But there will be those who will say that the acceptability hurdle is too high or too cumbersome. Our answer to these criticisms is that special provisions such as the acceptability requirement are a response to actual difficulties which exist in Northern Ireland and which in the past have prevented devolved government being restored because people could not identify within the system sufficient guarantees of their political security. The system is designed to be scrupulously fair in order to allay fears and encourage participation by all. We think that to do less than we propose would be to leave too much to chance and that the better approach is to state clearly the acceptability target which must be achieved. Of course we would like to think that the need for such special provisions would diminish as the system of devolution takes root and obtains public confidence. But the need is there now and hence we have catered for it.

#### OPTIONS

3.25. While we think that testing acceptability is best carried out as we have described, we are conscious that in this area there are other options which might be worthy of consideration.

3.26. One option would involve a specially composed second chamber (or other institution) to which the Executive would have to be acceptable. The second chamber might be composed so as to represent vocational and community rather than political interests; or it might be designed to over represent minority points of view in order to give the minority equality of voting power with the majority. However composed, the Executive would have to carry a majority both in the Assembly and in the balancing institution.

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- 3.27. A further option might be to require that the constitutional scheme for devolution as a single package be presented for approval to the electorate in the province in a referendum. There are many difficulties which ought to be borne in mind. Firstly, how suitable is such a mechanism where a complex proposal is involved? The details would need to be made clear, as these are important, to enable people to see how their interests are affected. Secondly, would a simple majority either way suffice? Thirdly, it is often said that referendums test support but are not adequate to test acceptability.

Finally if the referendum proposition is carried, the effect would be to entrench the scheme concerned, so that any future changes would also require a referendum .

#### CONSTITUTIONAL PROTECTIONS

- 3.28. The Party has in the past offered the view that in addition to proposals designed to provide a fair and acceptable scheme of devolved regional government, there was need to give improved constitutional protections for the individual..
- 3.29. We consider that this approach is as important today as ever it was and we wish to record our support for the incorporation of the European Convention on Human Rights into the domestic law of Northern Ireland, justifiable in the ordinary courts, effectively giving our citizens the protection of a Bill of Rights.
- 3.30. Similarly we think that the idea proposed by the Party's representatives at the Atkins Conference in 1980 of having a Political Right of Appeal available to a sizeable aggrieved minority in the Assembly could usefully be included in any legislation establishing devolution. In essence the aggrieved minority , which in numerical terms would have to be 30% of the Assembly members, would have the right to lodge an appeal against a political decision of the majority and the effect of doing so would be that the matter would be considered again by the national Government, within a specified time.
- 3.31. We have also given thought to the possibility of requiring a weighted majority in the Assembly for actions by the devolved authorities including legislation in areas where "fundamental issues" are at stake. However we have found it difficult to discover a satisfactory way of defining what issues are to be regarded as "fundamental" for this purpose.
- 3.32. We envisage the above scheme for devolved government as forming the central policy of the Party for some time to come. However this does not mean that each individual proposal should be viewed as set in concrete. It should be appreciated within the Party that in outlining for public consumption a scheme of devolution we are in a sense negotiating in public and this carries with it implications and limitations.

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## CHAPTER 4 THE ANGLO IRISH CONTEXT

- 4.1 The territory covered in this Chapter used to be called the "Irish Dimension". Today we talk about the "Anglo Irish Context". The change has not merely been one of terminology. The Anglo Irish Agreement has created a new framework and a new institution, the Anglo Irish Inter-Governmental Conference. Its workings have been and are controversial and the least that can be said is that whatever the achievements of the Conference it has yet to achieve acceptability within the majority community in Northern Ireland.
- 4.2 Nevertheless, it is noticeable that a view has been expressed by some Unionist leaders that there is a need to establish successful working relationships which link Belfast, Dublin and London. We consider that an approach to the future government of Northern Ireland which fails to confront the question of the relations between the devolved administration and those in Dublin and London would be seriously deficient. Accordingly we outline below our views on this question.
- 4.3 We consider that it is necessary to distinguish between the relationships which are appropriate in those areas in which power has been transferred to the devolved administration in Belfast, and the appropriate relationships where power over particular subjects resides at Westminster.
- 4.4 As regards the former situation, our view is that in relation to transferred matters the devolved Assembly and Executive should be free to enter into whatever it or they consider to be the most convenient and advantageous relationship with institutions in the Republic of Ireland. Legal authority to enable such arrangements to be made should be provided. It strikes us that in many areas practical cooperation across the border between the respective authorities, North and South, makes sense. Examples might be in relation to economic development of border regions, tourism, energy and agriculture. Already there are some precedents for joint ventures, for example the Foyle Fisheries Commission, and we think there is scope for a great deal more.
- 4.5 As regards what relationships are appropriate in relation to Northern Ireland matters dealt with by Westminster, (reserved and excepted matters) our view is that the United Kingdom Government, the process should give a right of consultation on those matters to both the administrations in Dublin and Belfast. Consequently the Anglo-Irish Inter-Governmental Conference could be superseded by a new tripartite institution connecting all three executive authorities.
- 4.6 This would be advantageous because it would ensure an informed and responsible Northern Ireland input to the consultation process which already exists and in large part would meet an often made criticism of the present arrangements, namely that they exclude altogether Unionist opinion. Moreover because the Executive would be answerable in the Assembly we would hope that our proposal would go a long way towards obviating the problem of the secrecy which presently surrounds the deliberations of the Conference.

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## CHAPTER 5 : PRESENTATION AND PROGRESS THROUGH THE ALLIANCE PARTY

### SUMMARY OF PROPOSALS

- 5.1 In this report we describe the path which led us to conclude that devolution of power to a Northern Ireland Assembly within the United Kingdom is the best way to achieve political progress. This conclusion recognises certain political realities, and we believe it also provides the essential ingredients for a political settlement, namely full participation in Government for all the community, and adequate protection of rights for minorities. In Chapter 3, we describe the nature of the devolved Assembly and its powers. In Chapter 4, we make proposals for new ways in which Anglo-Irish relationships might be organised given the presence of a devolved Executive in Northern Ireland.
- 5.2. The salient features of our proposals in Chapters 3 and 4 are;
- a) A devolved Assembly having both legislative and executive powers over transferred matters, and an advisory role in other matters.
  - b) Financing of the devolved administration by an expenditure based system with the possibility of power to raise supplementary or alternative taxes.
  - c) Policy formulation and day to day decision making by an Executive appointed by the Secretary of State according to certain criteria following inter-party discussions.
  - d) A test of acceptability for the new Executive at the outset and thereafter not more than once a year requiring a weighted majority of 70% from within the Assembly.
  - e) A political Right of Appeal to Westminster for aggrieved minorities requiring the support of 30% within the Assembly.
  - f) The provision of Backbench Committees with a scrutiny role.
  - g) The Executive and the Assembly in dealing with transferred matters, to be able to enter into whatever relationships with institutions in the Republic of Ireland that they consider appropriate.
  - h) A new tri-partite Anglo-Irish Inter Governmental Body giving rights of consultation to the administrations in Belfast and Dublin over matters dealt with by Westminster.

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## COMPARISON WITH PREVIOUS PROPOSALS

- 5.3. Detailed Alliance proposals for the Government of Northern Ireland were made to the Atkins Conference in 1980, and these were further developed during the Assembly 1982-86. Briefly, there are 4 main differences from the present proposals:
- a) Instead of the election of the Executive by the Assembly, we now propose that following post-election inter party discussions, the Executive be appointed by the Secretary of State according to certain criteria.
  - b) Whereas in the previous Alliance proposals the Executive members chaired committees directly involved in the work of a given department we now propose that these committees be "uncoupled" from the Executive and take the form of "backbench" committees with a scrutiny role.
  - c) A new feature which we now propose is a test of acceptability of the Executive within the Assembly.
  - d) Finally a further new proposal is the suggested role of the Executive in Anglo-Irish relationships. Previously Alliance has supported participation of Assemblymen (as opposed to the Executive) along with members of the Westminster and Dublin Parliaments in an inter-parliamentary structure.
- 5.4. We believe that if the Party accepts this report, it should be given maximum exposure inside and outside the Party. This would include the publication of a suitably amended version of the report. There may be those who fear that this commits the Party too strictly in any future negotiations. We would argue, however, that on vital policy issues we cannot avoid commitment. If the Party is not committed to policy, it is likely to be committed to obscurity. And if political conditions change, there is no loss of face in developing policy in the light of changing conditions.

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## MAKING PROGRESS AND THE ROLE OF THE ALLIANCE PARTY

- 5.5. This report is not concerned with the strategic approach, which should be adopted in an attempt to realise the policy it contains. It will obviously be essential, however, to achieve some measure of agreement between the political parties about their willingness to operate an Assembly before legislation for such an Assembly is enacted. In order for parties to move in this direction, it will be helpful to encourage both in the parties and in the community at large the belief that a settlement based on devolution can be achieved. We hope this report will provide such encouragement.
- 5.6. We recognise the considerable responsibility of the Alliance Party in the formulation of proposals regarding the future of Northern Ireland, and in setting up and operating any devolved structures which may result. By its very nature the Party brings a unique perspective to those processes. There is no reason to doubt that Alliance Party proposals will receive very great attention, the more so if they can be conveyed to the public by everyone in the Party with confidence. This in itself can generate momentum towards realising the goals of Party policy.
- 5.7. There also should not be any doubt that in preliminary discussions about possible legislation for devolution the role of the Party will be vital. Other ideas and views will come forward which will also require careful consideration. The view of the Alliance Party in determining whether or not these conflict with the fundamental interests of different sections of the community will be a respected one.
- 5.8. Finally if a new initiative towards devolution is successful and a devolved administration starts to operate, there will still be many problems to overcome. Sectarianism will not diminish nor Terrorism cease, overnight. Indeed violence may increase in the short term as extremists attempt to de-stabilise the new system. The goal of the Alliance Party in reconciling the community will have been advanced, but its achievement will remain a long way off. The Party will have an immediate priority in dealing with the inevitable difficulties which will beset any new initiative. Once again the Party will be able to provide a source of both practicality and integrity, that can enable the system to function, whilst ensuring that it works for all.