

1. REALITIES

STRICTLY CONFIDENTIAL

The Democratic Unionist Party make the proposals in the context of a new British-Irish Agreement to replace the Anglo-Irish Agreement. We are seized of the responsibility placed on a delegation to seek forward movement in the task of identifying a suitable framework to order democratic political activity in a divided province.

It is a historical reality that past political initiatives which have found acceptance with one section of the community but not the other have floundered. The further reality is that any proposed structure must be capable of gaining wide support. It must be sufficiently innovative to be similar to any past framework and therefore not easily rejected. Equally, it must necessarily show a clear path as to cause people to recoil.

We believe our proposals are capable of attracting widespread acceptance. The structure is based on a principle of a major and a minor party in a coalition government.

A SURE ADVANCE

Each constituent Party will have a role commensurate with its support in the community. The participation of representatives from the nationalist tradition ensures their interests are not threatened while the unionist interests are safeguarded by the majority in the Assembly. In short it involves both identities in a very real way and at an equal level while guaranteeing the rights of both.

A paper submitted by the Democratic Unionist Party

11 May 1992

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The Democratic Unionist Party make these proposals in the context of a new British Irish Agreement to replace the Anglo Irish Agreement. We are seized of the responsibility placed on each delegation to seek forward movement in the task of identifying a suitable framework to order democratic political activity in our divided province.

It is a historical reality that past political initiatives which have found acceptance with one section of the community but not the other have floundered. The further reality is that any proposed structure must be capable of gaining public support. It must be sufficiently innovative to ensure it is not similar to any past failed system and therefore summarily and instinctively rejected. Equally it necessarily should not be so revolutionary as to cause people to recoil.

We believe our proposals are capable of attracting widespread acceptance. As the structure is based upon proportionality, majority and minority alike have a real say, influence and part in the legislating, administering and decision making of the Province.

Each constitutional Party will have a role commensurate with its support in the community. The participation of representatives from the nationalist tradition ensures their interests are not threatened while the unionist interests are safeguarded by their majority in the Assembly. **In short it involves both identities in a very real way and at an equal level while guaranteeing their rights.**

Unionists, who, have consistently expressed opposition to Executive power-sharing can work and support this system without loss of principle. For as there is no Executive there can be no Executive power-sharing. Yet the SDLP who have argued consistently that they should have the opportunity to represent their people at the very highest level can rightly say that this structure provides precisely such a role.

2. CONSISTENT WITH KEY PRINCIPLES

We contend our proposal is consistent with all the underlying principles we have endorsed. The institution is based on democratic principles, is capable of securing widespread acceptability, it has the potential to be stable and durable yet is capable of development. The arrangement is workable, providing a role for all constitutional political parties at each level of responsibility while avoiding the entrenchment of community divisions. The system would function effectively, efficiently and decisively and is innovative in the sense of learning from and not merely modelled on any previous arrangement.

The DUP envisage the structure developing relationships with UK institutions, the EEC and is competent to manage any relationship agreed in Strand 2 of the Talks for an alternative to and replacement of the Anglo Irish Agreement. Moreover it would be capable of developing a relationship with any devolved institutions in Great Britain.

The institution urges the delegation of the maximum possible authority and provides for the greatest possible degree of parliamentary scrutiny of and public accountability for the exercise of powers of government within Northern Ireland. *Along with all these underlying principles - or more likely because of them - the proposed institution is capable of securing public endorsement.*

The Assembly we suggest is consistent with the integrity of the United Kingdom and would be subordinate to the Parliament of the United Kingdom of Great Britain and Northern Ireland.

3. MEMBERSHIP

The Assembly, elected by Proportional Representation, would comprise 85 or 102 members drawn from the 17 constituencies [5 or 6 seats per constituency]. The existing legislation resulting from the Boundary Commission's work has a section showing 5 representatives from each of the 17 constituencies.

An Assembly of 85 members would obviate the need for change. However there are two sound reasons why we should consider a higher figure. The system we are proposing will undoubtedly be a slower decision making system than Executive Devolution and consequently to ensure that the work of Departments does not get clogged up it will be necessary to distribute the present functions exercised by the six Departments into perhaps nine or ten. To have sufficient members to work the committees and avoid the '82 Assembly's problem with quorum numbers a larger Assembly will be needed.

4. SPEAKER

The Assembly at its first sitting shall elect a Speaker who will chair plenary sessions. Three Assistant Speakers shall be elected. The Speaker shall take no part in the Assembly politics following the example of the Speaker of the House of Commons.

5. COMMITTEES

There shall be a committee appointed to run each of the Departments over which the Assembly has delegated power. The range of subjects to be transferred should be broadly similar to those transferred under the 1973 Act. Membership of the committees shall reflect the strength of the constitutional parties elected to the Assembly. Chairmanships and Deputy Chairmanships shall also be allocated on a proportionate basis. The D'Hondt Rule would be employed to determine which Party provides the Chairmen and Deputy Chairmen for each Department. The committees shall be responsible for administering the Department and processing legislation. The Chairmen will be answerable to the committees for overseeing the day to day administration.

We will work with the parties and with the government to shape a system that encourages those who respect the democratic process to play a full part but will prevent those who seek to effect change through support for terrorism from corrupting the structure.

The Committees would be empowered to require the attendance of individuals and the production of papers and documents. As a safeguard, the authority to send for persons and papers could be made subject to the approval of the Assembly.

Each Committee would regularly report its decisions to the Assembly. The Assembly would have the authority to require a Committee to reconsider, amend or revoke any decision. The Chairman would be subject to questioning upon the Committee Report and if he dissented from any item he would be entitled to record his opposition. If a Chairman was to stand down for any reason his party would be invited to nominate a successor. If the party failed or refused to do so then the party next in line under the D'Hondt Rule allocation would be entitled to fill the vacancy.

All Committee appointments would be for the term of the Assembly though members would be permitted to change committees if places were available. As the Chairmanships are allocated upon a Party basis a Party may change its nominee during the course of an Assembly term. A chairman or Deputy Chairman could only be dismissed from his post if he (1) lost his party's whip or, (2) lost a vote of confidence in his committee and could not demonstrate he had retained the support of at least one third of the Members of the full Assembly.

6. CHAIRMEN

The Chairman of each Committee shall effect the day to day running of the Department within the policy and decisions agreed by the Committee. He shall at all times be accountable to the Committee and the Committee answerable to the Assembly.

7. DEPUTY CHAIRMEN

There shall be a First Deputy Chairman and a Second Deputy Chairman assigned to each Committee. The Deputy Chairmen may assist the Chairman both in the conduct of the Department's business and with the running of the Committee if and when the Chairman requests them.

8. LEGISLATION

In Northern Ireland there is a practice of adopting much of the relevant UK legislation though perhaps with some necessary variation for local reasons. This was the custom and practice even during the lifetime of the Pre-1972 Parliament. As the Assembly would clearly be subordinate in legislative terms a categorisation of legislation would be necessary to protect the Sovereign Parliament's right to legislate for all parts of the Kingdom.

The categories might be (1) legislation that would remain the responsibility of Westminster, (2) legislation that the British Government require enacted though it is amendable to provide for local circumstances and characteristics, and (3) legislation that is the prerogative of the Assembly.

Legislation would be presented in draft form to the Committee either by the Secretary of State, in the case of "parity-plus legislation", (Category 2), or by the Department, in the case of "Committee initiated legislation", (Category 3). The Committee would be consulted by HMG about all "excluded legislation", (Category 1), it would later be notified, for information purposes, when the legislation is introduced in the House of Commons, and informed for administrative purposes when the legislation is enacted.

The first and second reading of Category 3 Bills would take place in the Assembly. The Committee may hold public or private hearings upon the Bill when it returns for the Committee stage. The Report stage would occur at a plenary sitting of the Assembly. The Committee responsible for Finance and Personnel would be required to satisfy itself that any financial implications contained in new legislation were capable of resolution within the relevant Department's budget or that the Secretary of State's approval had been given for additional finance.

Parity-plus legislation would follow a different procedure. Upon receipt of the Draft Order the Committee would consider and make recommendations for improvements to the legislation and Report to

the Assembly. The Report, as amended, would be sent to the Secretary of State and dealt with in the same manner as during the 1982 Assembly.

9. LEGISLATION AT WESTMINSTER

The great reduction in Northern Ireland measures being processed through Westminster as a result of the Assembly exercising its legislative function would enable all Ulster laws to be made by the normal Parliamentary Process rather than by Orders in Council.

10. PRIVATE MEMBERS BILLS

Private Members Bills would be confined to Category 3 legislation. The relevant Committee would examine the Bill and the Chairman give its opinion during the Assembly debate thereon.

11. PROTECTION OF MINORITIES

If a section of the Assembly finds that in their view a piece of legislation passing through the Assembly is, in whole or in part, discriminatory it may by a vote of 30% in the Assembly have it referred to the Secretary of State for adjudication. The Secretary of State shall have authority to block or require amendment to such legislation as in his judgement is discriminatory.

12. DEVELOPMENT

A trigger mechanism could be included in the legislation setting up the system so that if at a later date a given percentage of the assembly agree on how the structure can be modified the process of change can be simplified.

13. SECURITY COMMITTEE

The greatest possible role in security matters should be given to the Assembly and exercised through a Security Committee which would have the right to consult with Security Chiefs. The Chairman should be entitled to attend the weekly Security Meetings with the

Secretary of State and the Committee should at least have the functions of the Police Authority.

14. EXTERNAL AFFAIRS COMMITTEE

This non-departmental committee drawn from the Assembly shall monitor and consider affairs external to Northern Ireland and make appropriate representations when necessary.

15. HOUSE COMMITTEE

A Committee shall be appointed with responsibility for the arrangement of Business in the Assembly and matters pertaining to the administration of the Departmental Committees. It shall incorporate the role of a House Services Committee. The Chairman of this Committee while performing his duties in the Assembly shall be known as the Leader of the Assembly. While the initial allocation of Chairmanships shall be conducted through the "usual channels", as soon as the Speaker has announced the appointment of the Leader of the Assembly he shall administer the process for all remaining Assembly appointments.

16. FURTHER MATTERS

The DUP have prepared papers which complement the structure outlined in this document. These papers include those relating to, [1] safeguards, override powers and a Bill of Rights; [2] financial matters and [3] external relationships.

17. REFERENDUM

The people of Northern Ireland must be given the opportunity to express their view on whether they want a particular arrangement. Any proposed institution therefore must be put to the people of Northern Ireland in a referendum.

18. CONCLUSION

We commend the proposal to other delegations and remain willing to respond as positively as is possible to any queries or suggested improvements.

