

Designation of parties for the forthcoming election in Northern Ireland

A consultation paper

(Replies required by noon on 10 April)

Northern Ireland Office

1 April 1996

DESIGNATION OF PARTIES FOR THE FORTHCOMING ELECTION IN NORTHERN IRELAND

Introduction

1. This paper sets out the Government's proposals on the designation of parties for the forthcoming election in Northern Ireland, and on related issues. It invites representations on the arrangements outlined, which will need to arrive at the address at the end of this paper by noon on 10 April.

Background

2. In his statement of 21 March on arrangements leading to all-party negotiations in Northern Ireland, the Prime Minister announced that legislation would be introduced providing for an election on 30 May by a constituency list system. Under this system, voters would register a single vote for the party of their choice. Five seats in each of the eighteen constituencies in Northern Ireland would be allocated from party constituency lists of candidates; in addition, the votes in all constituencies would be aggregated, and the ten most successful parties across Northern Ireland would secure two elected representatives each from further party lists.
3. From the pool of 110 representatives elected in this way, parties would, on the invitation of the Secretary of State, select negotiating teams for the negotiations that are to begin on 10 June. Those elected would also be members of an elected Forum, which would meet in Belfast on a regular basis, when the negotiations were not in session, to
 - hold discussions for the purpose of promoting dialogue and mutual understanding within Northern Ireland;
 - consider and report on matters referred to it by the Secretary of State at the instigation of the negotiating parties; and

- discharge such other functions, if any, as the Secretary of State may specify in the light of the negotiations.
4. The Prime Minister's statement, and the paper that accompanied it, are set out in Annex 2 to this paper.

Designation of parties for the election

5. It will be necessary to designate the parties that are to participate in the election. This is something new in Northern Ireland electoral practice. In view of the short time available to meet the deadline of 10 June for all-party negotiations, it will be necessary to include the names of the parties within the legislation that is approved by Parliament.
6. The process of dialogue into which the elections will feed will deal with the totality of relationships in, and involving, Northern Ireland. The Government intends that the list in the legislation should be as inclusive as possible of parties likely to be able to attract a significant degree of support, and to contribute to that process – bearing in mind also the need to avoid very long lists of parties, many new to voters, which might serve to confuse.
7. Subject to representations, the Government will incorporate in the legislation that is presented to Parliament the list of parties in the form in which they appear in Annex 1. Names of the parties will be set out on ballot papers, and in other election documentation, in precisely the form in which they appear in the legislation.

Identification of a person to put forward lists

8. It will be necessary to identify clearly a single figure within each party, who can speak authoritatively on its behalf, to be responsible for communicating that party's lists to the Chief Electoral Officer, and to whom the Secretary of State may later look to seek nominations of negotiating teams. The legislation will leave the designation of the person concerned to the Secretary of State.

There ought, however, to be no doubt about who will be called on for these purposes: the schedule attached (Annex 1) accordingly includes the names of those the Secretary of State would propose to designate.

Representations about points in this paper

9. The Government stands ready to receive comments on all the points set out in this paper. They should be sent to:

Electoral Branch
Northern Ireland Office
Whitehall
London SW1A 2AZ

fax 0171 210 6537

to arrive by noon on **10 April 1996**.

Northern Ireland Office

1 April 1996

PARTIES TO PARTICIPATE IN ELECTION

Alliance Party	Cllr Dr John Alderdice
Conservative Party	Rt Hon Dr Brian Mawhinney MP
Democratic Left	Mr Paddy Joe McClean
Green Party	Dr Jude Stephens
Labour Coordinating Committee	Mr Uel Adair
Natural Law Party	Mr James Anderson
Progressive Unionist Party (PUP)	Alderman Hugh Smyth OBE
Sinn Fein	Mr Gerry Adams
Social Democratic and Labour Party	Mr John Hume MP MEP
UK Unionist	Mr Robert McCartney QC MP
Ulster Democratic Party (UDP)	Cllr Gary McMichael
Ulster Democratic Unionist Party (DUP)	Rev Dr Ian Paisley MP MEP
Ulster Independence	Rev Hugh Ross
Ulster Unionist Party (UUP)	Mr David Trimble MP
Workers' Party	Mr Tom French

Annex 2

The Prime Minister's statement of 21 March

With permission, Madam Speaker, I shall make a statement on the arrangements leading to all-party negotiations in Northern Ireland.

In my statement to the House on 28 February, I announced that all-party negotiations would commence on 10 June. In a communiqué issued on the same day, the British and Irish Governments also agreed on intensive multilateral consultations with the Northern Ireland political parties. The purpose of those was to help the British Government to draw up proposals for a broadly acceptable elective process, including the possibility of a referendum, and to try to reach agreement on the format and agenda of all-party negotiations.

During those consultations, the Government have met all the major parties and most minor parties in Northern Ireland on several occasions. Sinn Fein has of course excluded itself. There have been several meetings between the Secretary of State for Northern Ireland and the Tanaiste, Mr Spring, including a review of the outcome of the consultations. The Irish Government have also had a number of meetings with the Northern Ireland parties.

In some areas, we have seen encouraging signs of convergence between the parties' views. In others, sharp differences have remained. The form of elections has been one of the main areas of disagreement between the parties.

Three main systems have been proposed: an election in 18 constituencies, each electing five members by a single transferable vote; an election on a party list system across one single Northern Ireland constituency; and a single constituency election across Northern Ireland with votes for parties, but not for named candidates. None of those systems has secured the clear support of major parties representing each of the main communities. Some parties have even threatened not to participate in the process and thus about the possibility of all-party negotiations should one of the other systems be chosen.

I made it clear in my statement on 28 February that, if no agreement proved possible, the Government would come forward with proposals based on a judgement of what is most likely to be broadly acceptable to the parties to the people of Northern Ireland. Whatever the merits of each of the three main systems, it is clear that none, on its own, meets that criterion of broad acceptability.

We have therefore considered how to proceed. We have decided to propose a new system, including the most attractive elements of other proposals. We will therefore introduce legislation, immediately after the Easter recess, providing for an election on 30 May using a list system rather than individual candidates, organised in 18 constituencies, but not by single transferable vote, and supplemented by Northern Ireland-wide party preference.

Briefly, electors will have to register just one vote which they will cast, in the constituency, for the party of their choice. Five seats in each of the 18 constituencies will be allocated from party constituency lists of candidates, published in advance, in proportion to each party's share of the vote. In addition, the votes in all the constituencies will be aggregated and the 10 most successful parties across the whole of Northern Ireland will secure two elected representatives each, from party lists published in advance.

I believe that this is a fair and balanced system that will produce a representative outcome. The Province-wide element should help to achieve the widely shared objective of making the negotiating process as inclusive as possible though representation of the smaller parties.

The elections will create a pool of 110 elected representatives. The successful parties will be invited by the Secretary of State to select, from among their representatives, negotiating teams for the negotiations to begin on 10 June. The transition from the elections to the negotiations will be automatic and immediate.

Our aim is to see inclusive negotiations. Sinn Fein has, however, currently excluded itself from negotiations by the ending of the IRA ceasefire. That is the choice. But it can make itself eligible to participate through the unequivocal restoration of the ceasefire. That, too, is its choice.

The negotiations need to take place in an atmosphere of confidence. As I told the House on 28 February, all parties will need to make clear at the beginning of negotiations their total and absolute commitment to the principles of democracy and non-violence set out in the Mitchell report and to address, also at the beginning of negotiations, Senator Mitchell's proposals on decommissioning. There can be no backing away from that. Equally, there must be confidence that, as the negotiations proceed,

they will be comprehensive and address all legitimate issues.

As well as furnishing negotiating teams, the elected representatives will be members of an elected forum to meet in Belfast on a regular basis when negotiations are not in session. The purpose of discussion in that forum will be to promote dialogue and mutual understanding within Northern Ireland.

The forum will not engage in the negotiations, which will be freestanding, but could interact with and inform the process at the request of the participants in negotiations. For example, the negotiators might agree to commission discussions, studies or reports from the forum. The legislation will also provide for the forum to be able to conduct hearings at which public submissions by relevant bodies or individuals can be made.

The forum's life will be time limited to 12 months, renewable for up to a maximum of a further 12 months. It will not continue in existence if negotiations are no longer in process. In its procedures, it will be required to proceed by broad consensus.

We have also looked at proposals for referendums. We agree that the people of Northern Ireland must have full ownership of the negotiation process and its outcome. The electoral legislation will give the Government powers to hold referendums in Northern Ireland. That will enable us to meet our undertaking to put the outcome of negotiations to the people of Northern Ireland before submitting it to Parliament.

It has also been argued that a referendum now could be valuable, for example, on the use of violence for political ends. Our judgement at present is that the case for such a referendum has not yet been conclusively made, but we have not ruled out the option of holding a referendum with an appropriate question or questions on the same day as the elections.

There is one other important area that needs to be settled before negotiations can begin: the ground rules for the negotiations. At the end of last week, a consultation paper was issued to the parties. It sets out what an acceptable approach might be, drawing on the experience of the 1991-92 talks round and preliminary consultation with the parties. Further consultation with the parties will continue to ensure that the maximum common ground can be identified.

I have outlined today what I believe to be a viable and reasonable way forward. Everyone in this process has had to make compromises, some of

them difficult compromises. Everyone has needed to exercise patience, and I am grateful to those who have done so. But the basis of our approach has remained unchanged, namely, the principles of democracy and non-violence set out in the Downing Street declaration, and the need for an approach that can build confidence and lead to an agreement capable of winning the allegiance of both main communities.

I therefore urge the Northern Ireland parties to look carefully at the announcement that I have made today, and the short paper giving more detail which we are publishing in parallel. No party has got all that it wanted. Equally, I see no issue of principle that could reasonably cause any party to walk away from the democratic process that I have set out. I do not believe that the people of Northern Ireland would understand if any party did.

Let us also not forget that the threat of terrorism continues to hang over the process. That is why the Mitchell principles of democracy and non-violence, and parallel decommissioning, remain so important. The IRA used the lack of a fixed date for all-party negotiations as an excuse to break its ceasefire. There was never any justification for its actions. Now, its excuses are running out.

What I have set out today represents a clear and direct route to all-party negotiations. The prospects for a just and lasting settlement are better than they have been for a generation if all parties take advantage of the opportunities that lie before us. Let me make clear yet again that, while we want to see all parties round the table, the process will go on with or without Sinn Fein. If it excludes itself from taking part in democratic negotiations, it will not be able to exercise a veto against others doing so.

Once again, the people of Northern Ireland are watching the latest steps along the road to negotiations with bated breath. Their hopes for peace could not be clearer or more overwhelming. We need to move beyond procedures to the substance of negotiations as speedily as we can. The chance is there - no one who stands unreasonably in the way of a settlement will be readily forgiven.

I therefore commend to the House the approach that I have set out and the hope that the House will today send a clear signal of support for this democratic process. That would be the best answer to the terrorists who continue to threaten it and the people of every part of our islands.

The framework for a broadly acceptable elective process leading to all-party negotiations

A paper by Her Majesty's Government

The communiqué of 28 February, 1996, agreed by the Prime Minister and the Taoiseach, confirmed the fundamental priority they attached to securing the earliest possible inclusive negotiations to address comprehensively all the relevant relationships and issues in an interlocking three-stranded process. The communiqué declared that, having undertaken intensive consultations and the elective process set out in the communiqué, all-party negotiations will be convened on Monday 10 June, 1996.

2. Both the British and Irish governments have undertaken intensive multilateral consultations with the relevant Northern Ireland parties. The purpose of those consultations was to:

- a: seek widespread agreement on proposals for a broadly acceptable elective process leading directly and without preconditions to all-party negotiations on 10 June, 1996;
- b: seek widespread agreement on the basis, participation, structure, format and agenda of substantive all-party negotiations; and
- c: consider whether there might be advantage in holding a referendum in Northern Ireland, with a parallel referendum held by the Irish Government in its own jurisdiction on the same day as in Northern Ireland. The purpose of such a referendum would be to mandate support for a process to create lasting stability, based on the repudiation of violence for any political purpose.

3. As envisaged in the communiqué of 28 February, the two governments have reviewed the outcome so far of these consultations.

4. Following that review, this paper sets out the basis on which the Government will now bring forward legislation on the elective process, based on a judgment of what seems most broadly acceptable. The two Governments have already published their proposals on the ground rules for negotiations aimed at securing widespread agreement, and on which consultations continue.

Legislation

5. A Bill will be introduced in the Westminster Parliament as soon as possible to enable an election to be held in Northern Ireland on 30 May. The primary purpose of this election will be to provide a pool of elected representatives in Northern Ireland from which negotiators will be selected to participate in the

negotiations. There will be a clear timetable of steps leading directly and without further preconditions to the convening of all-party negotiations with a comprehensive agenda on Monday 10 June, 1996.

Form of election

6. The consultations have revealed deep divisions over the form of election, with parties attaching crucial importance to the issue and some threatening to withdraw from the process if not satisfied.

7. Three different electoral systems were put forward by the main parties. None of these systems, however, secured the support of parties representative of both main communities. Nor was any obvious solution advanced which seemed likely to secure broad acceptance across the community.

8. In the absence of widespread agreement, the Government has taken account of the following factors:

- its overriding obligation is to ensure the start of all-party negotiations on 10 June;
- the negotiations should be conducted on as inclusive a basis as is compatible with democratic principles;
- it would be wrong to conduct the election, intended to bring all parties together in negotiations, on the basis of any system that was in flat contradiction to the express views of one or other of the main communities;
- none of the systems identified by the parties meets this test and accordingly none is acceptable;
- a fair and balanced system must therefore be identified which should secure broad acceptance across the community.

9. The Government has decided that such a way through is offered by a list system but on a constituency basis and supplemented by Northern Ireland-wide party preference. This draws on each of the ideas canvassed by the parties. In detail:

- five representatives would be elected from each of the 18 parliamentary constituencies, but not by PR/STV;
- voters would cast a single vote for the party of their choice on the ballot paper and party representatives would be elected in each constituency in proportion to a party's vote;

- in each constituency, parties would nominate in advance a list of named candidates who would constitute their representatives if elected;
- the votes cast for each party would also be aggregated across Northern Ireland and the ten most successful parties would, in addition, each secure two elected representatives from candidates nominated for this purpose in advance.

10. This fair and balanced system seems to the Government one that should secure the most broad acceptance, and legislation will accordingly be brought forward on this basis.

Referendum

11. The Bill will also provide a power, by subordinate instrument subject to affirmative resolution in Parliament, to hold a referendum in Northern Ireland on a question or questions connected with the negotiations. This will enable the Government to meet its undertaking that any outcome from the negotiations agreed by the parties would be put to the people of Northern Ireland in a referendum before being submitted to Parliament.

12. A strong case has also been made for holding a referendum in Northern Ireland in advance of the negotiations and with a parallel referendum held by the Irish Government in its own jurisdiction on the same day. The purpose of such a referendum would be to mandate support for a process to create lasting stability, based on the repudiation of violence for any political purpose.

13. However, the electoral system which the Government has devised will itself mandate parties and their representatives to participate in the all-party negotiations beginning on 10 June. These negotiations will address comprehensively all the relevant relationships in an interlocking three-stranded process. They will be open to all democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process. In the light of this, the Government remains to be convinced that a clear case exists for a referendum in advance of negotiations, in addition to the elective process.

Timetable for transition to negotiations

14. The Bill will set out, as appropriate, the procedural steps necessary to lead directly and without preconditions from the election to the convening of all-party negotiations:

- immediately after the election, the Secretary of State will be required, subject only to the discretion described below, to invite leaders of those parties which achieve representation in the election to select negotiating teams no later than Monday 3 June;

- each Government will also establish a negotiating team at the same time;
- all-party negotiations with a comprehensive agenda will be convened on Monday 10 June at a plenary meeting involving the negotiating teams of all participants.

15. In the communiqué of 28 February, both Governments expressed the hope that all parties with an electoral mandate will be able to participate in all-party negotiations. However, both Governments also agreed that the resumption of ministerial dialogue with Sinn Féin and their participation in negotiations requires the unequivocal restoration of the ceasefire of August 1994. In the event of the IRA failing to restore its ceasefire of August 1994, Sinn Féin will therefore not be invited to select a negotiating team and will not participate in negotiations. To give effect to this, invitations to the leaders of parties to select teams and attend negotiations will need to be at the discretion of the Secretary of State, whose policy it will be to exercise this discretion solely for the purpose set out here and after consultation, as appropriate, with the Irish Government.

Ground rules for substantive all-party negotiations

16. The British and Irish Governments have already published for consultation their proposals, aimed at securing widespread agreement from the parties, on the basis, participation, structure, format and agenda for all-party negotiations. Consultations continue on these.

Elected forum

17. To run in parallel with these negotiations, but with no power to intervene in them, the Bill will also provide for an elected forum, constituted by all the elected representatives, to meet in Belfast on a regular basis on days when the negotiations are not in session. The forum will be independent of the negotiations and, without intervening in their conduct, its purpose will be, through its discussions, to promote dialogue and mutual understanding on issues relevant to relationships within Northern Ireland.

18. The Bill will provide that the forum should cease to exist twelve months after the election, subject to a power for the Secretary of State to extend its life by up to a further twelve months. In any event, the Secretary of State will be required to dissolve the forum if he judges that the negotiations have reached a conclusive outcome or are no longer in process. The elected forum will be unable to exercise legislative, executive or administrative functions and will have no power to determine the conduct, course or outcome of the negotiations.

19. The forum will have the ability to establish committees to consider specific issues within its remit, such as social and economic questions, cross-community reconciliation, equity of treatment and

aspects of human rights. There will be a requirement that the membership and chairmanship of committees be allocated on a proportional basis reflecting party strengths in the forum. The forum, or its committees, will also be enabled to conduct hearings at which public submissions could be made by relevant bodies and individuals such as community, voluntary, women's and youth groups, trade unions, business and professional organisations, the churches, academics and others.

20. Any discussions, studies or reports of the forum could inform the negotiating process, which could commission such work. This or any other interactions between the forum and the negotiating process which might be proposed by participants in the negotiations and which might be of benefit in developing agreement will be by agreement among the participants in the negotiating process and only at their instigation.

21. The forum will be required to proceed by broad consensus. There will be provision for the selection of a chairman and adoption of procedural rules.

22. The Bill will also provide for elected representatives to receive an appropriate allowance in respect of attendance at the forum and the negotiations.

Conclusion

23. The Government commends these proposals as providing a fair and acceptable basis for the launch of substantive all party negotiations on Monday 10 June, 1996.

Northern Ireland Office

21 March 1996