

SELECT COMMITTEE ON NORTHERN IRELAND AFFAIRS

Background note

1. The Procedure Committee has accepted the case for a Northern Ireland Select Committee since 1978. The relevant extracts of its 1990 and 1993 Reports are attached.
2. The UUP and DUP will clearly have no difficulty with the concept of a Northern Ireland Select Committee, but the UUP might argue over composition. The Procedure Committee recently considered the issue of composition on the basis that there might be 13 members - 6 Conservatives, 2 Labour, 2 UUP, 1 DUP, 1 UPUP and 1 SDLP. Among the Northern Ireland parties this gives a nationalist:unionist split of 1:4, when the balance in the House is nearer 1:3 and, among the population in Northern Ireland, 1:2.
3. Sir Patrick Mayhew's preference would be for a Committee of 15, which would give the SDLP 2 seats (and 7 to the Conservatives). An allocation of 2 for the SDLP should help them to acquiesce in the Committee; a 4-2 split between the Unionists and SDLP would also accurately reflect the balance of the two communities in Northern Ireland. A Labour/SDLP block of 4 seats would also sit comfortably with the 4 Unionist seats.
4. The SDLP and, to a lesser extent, the Labour Party will oppose the Committee in principle and on its probable composition. Both regard a Select Committee as an "integrationist" move, which favours the Union at the expense of those who hope that Northern Ireland will one day separate from the United Kingdom. Both may see it as affecting the balance of the political Talks. The NIO would deny that it has any integrationist effect. Existing Select Committees already scrutinise Northern Ireland matters. A Committee would benefit both sides of the community in Northern Ireland and its

remit could easily be adjusted in the event that new, devolved, institutions were to be created in Northern Ireland. It does not in any sense pre-empt the outcome of the political Talks.

5. The SDLP and Labour party may point out that, up to now, the Government's position has been that whilst a Northern Ireland Select Committee may, in principle, be desirable a number of issues, including the extent of support from elected representatives from both sides of the community in Northern Ireland, needed to be considered. Why should the Government decide to appoint a Committee now, when they are both opposed? The line on that would be that a Select Committee is justified on its merits; it does not have any direct implications for the political Talks; and that although the Government remains fully committed to the Talks process there are no guarantees that multilateral dialogue will re-start in the immediate future or lead to an agreed outcome. It would therefore be wrong to delay further. The Procedure Committee commented, in 1990, that the issue could not be put off "indefinitely".

6. Mr Molyneaux might seek to argue that the Committee should only deal with those issues, within the Secretary of State's competence, that are not already covered by other Select Committees. He has argued this position to the Procedure Committee in the past. The NIO is firmly of the view, however, that the Committee should be able to examine all issues for which the Secretary of State is responsible. If the Committee's remit were to extend solely to the NIO, this would lead to an unhealthy concentration on security and political matters. The Committee should therefore also cover the work of the Northern Ireland Departments - of Agriculture, Education, etc. If it did not, the Secretary of State could find himself answering to a plethora of Select Committees.

repeat that these proposed developments in the functions of the PAC are not intended to reduce the essential role of the PAC and cannot, in our view, be so construed.

267. Accordingly, we recommend that, within the framework of their discussions about the steps for avoiding overlap and duplication, the Chairman of the Liaison Committee and the Chairman of the PAC should, with the C and AG, examine ways in which the members of the PAC might be drawn upon by departmentally-related Select Committees, in the broadest and most flexible manner possible.

7. The NIO's assumption is that the expenditure, administration and policy of the office of the Director of Public Prosecutions for Northern Ireland would be excluded from the Committee's remit, as they are at present. This is analogous to the situation in England and Wales.

Security

8. It would be appropriate for the Chief Whip to flag up during his consultations with the parties that the Government will be considering the issue of access to sensitive information. A high proportion of the NIO's work is classified and Ministers will be reflecting upon the implications of that for its relations with the Committee. We will be examining the experience of other Committees where similar problems arise (eg Defence).

(b) *The Case for the Establishment of a Select Committee on Northern Ireland Affairs*

272. Another lacuna in the system of scrutiny has been the lack of a separate Committee to monitor the policy, expenditure and administration of the Northern Ireland Office. We have already touched on this matter in our discussion of the way in which Select Committees currently discharge their existing duties under Standing Order No. 136(1) towards the examination of matters within the responsibility of the Secretary of State for Northern Ireland.

273. The case for establishing a Select Committee on Northern Ireland Affairs, whether covering all aspects of government in the Province, or of the more limited type proposed by the Rt Hon James Moynihan MP,²⁶⁸ is, in principle, persuasive. Like Wales and Scotland, Northern Ireland has its own Secretary of State with authority over a wide range of matters. However, most legislation applicable to Northern Ireland is now enacted in the form of Westminster Orders in Council. In many respects, therefore, the powers of the Secretary of State for Northern Ireland are more extensive than those exercised by his counterpart in Wales, including as they do the instance,

²⁶⁸ Official Report (11 January 1965, cols 257-263 and 26 December 1965, cols 134-136)

²⁶⁹ Evidence, p. 17, para. 9

²⁷⁰ Evidence, p. 100