

OPTIONS FOR AN INSTITUTIONAL FRAMEWORK

We are encouraged that these talks have achieved sufficient convergence that two useful papers outlining Common Themes, and Common Principles have now been agreed. This encouragement should not be diminished by the knowledge that as we move now to structural proposals, increasing efforts will be required to replicate our joint achievements.

This response paper follows on from our comments on the first section of the Options Paper, and considers paragraphs 17 - 19. The comments are based on the views we have expressed in earlier papers.

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Para 17. The checklist of elements will vary soon find ourselves, however at this point we will wish to see the Government papers on Assembly, the EC, Human Rights, and Security, to which THE ALLIANCE RESPONSE has been made.

Para 18. We see strongly of the view that a single Provincial Assembly and Government is necessary to provide a common focus of identity, and an opportunity for the people and their elected representatives to share in self-government.

Given our previously stated view that part of the purpose of such an institution is to help promote a common allegiance and identity, and given also that Northern Ireland is a geographically and numerically small community, we are fully convinced that for all governmental purposes above the District Council level there should be a single institution. Such an institution is essential to repair the democratic deficit which has existed for so long in the present structure.

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We see no good reasons why a transferable vote system of proportional representation which is now familiar to the people of Northern Ireland, should be changed (para 19).

Given that this requires multi-member constituencies, and to avoid confusion it would also be wise to retain the previous practice of using the same boundaries as those used for elections to Westminster, with each of the (at present) seventeen areas, returning five members.

Finally, in respect of para 18, a second chamber seems unnecessary, though at such an early stage in our deliberations we could not rule it out entirely.

Para 20. We believe that the powers transferred should certainly not be less than those transferred in 1973.

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This response paper follows on from our comments on the first section of the Options Paper, and considers paragraphs 17 - 39. The comments are based on the views we have expressed in earlier papers.

Para 17 The Options Paper does provide a useful checklist of the elements of a new institutional framework. We will very soon find ourselves, however at the point where we will wish to see the Government papers on Finance, the EC, Human Rights, and Security, to which reference has previously been made.

Para 18 We are strongly of the view that a single Provincial Assembly and Government is necessary to provide a common focus of identity, and an opportunity for the people and their elected representatives to share in self-government.

Given our previously stated view that part of the purpose of such an institution is to help promote a common allegiance and identity, and given also that Northern Ireland is a geographically and numerically small community, we are fully convinced that for all governmental purposes above the District Council level there should be a single institution. Such an institution is essential to repair the democratic deficit which has existed for so long in the post-Macrory structure.

We see no good reasons why the single transferable vote system of proportional representation which is now familiar to the people of Northern Ireland, should be changed (**para 19**).

Given that this requires multi-member constituencies, and to avoid confusion it would also be wise to retain the previous practice of using the same boundaries as those used for elections to Westminster, with each of the (at present) seventeen areas, returning five members.

Finally, in respect of para 18, a second chamber seems unnecessary, though at such an early stage in our deliberations we could not rule it out entirely.

Para 20 We believe that the powers transferred should certainly not be less than those transferred in 1973.

Para 21 We have previously expressed the view, and it remains our position that most of those powers which have been described in the legislation as 'excepted' and 'reserved' should not at this point be transferred to a new Northern Ireland Assembly.

Security is the most relevant of these issues and is a matter of such complexity that Alliance regards any suggestion of transfer with great caution. We do however believe that a significant input into security policy is entirely necessary for the self-respect, and community respect of a regional administration.

Many aspects of the administration of justice, (for example prisons, probation service, law reform etc), could usefully be considered in a regional context and we would wish to fully explore the possibilities. More detailed discussion of all these issues would be facilitated by the HMG paper on Security referred to in para 17.

Para 22 We accept that such links as are described in this paragraph are necessary and appropriate, but would like to discuss further and with greater precision how such links would function, in respect of both transferred and non-transferred matters. For this reason we would welcome, at an early stage the papers on Finance and the EC, which we understand the Government has prepared.

Para 23 In respect of non-transferred matters we take the view that there ought to be an important advisory role for a relevant corpus within the Assembly. The precise machinery for this will depend on the detailed construction of the Assembly. A separate Advisory Council may not be necessary if this function can be subsumed under the functions of another instrument within the Assembly, for example a senior inter-party committee.

As far as relevant mechanisms for the conduct of consultations with the Irish Government are concerned, this is a matter for negotiation in Strands 2 and 3.

Para 24 If a Northern Ireland Assembly did not have the power to legislate there would be such a diminution of the stature of the institution, that it could not satisfactorily fulfil the purposes which we have outlined elsewhere; there would be confusion in the operation of Northern Ireland Departments; and there would be a serious breach with the historical tradition of Northern Ireland governance.

There may however be a case for retaining for Westminster a role in transferred legislation, as a court of appeal, in the

event of justifiable complaint by a significant portion of the Assembly.

Conversely an advisory role for the Assembly in non-transferred matters would be a mutually useful device (see para 23).

There may be implications for Boards and District Councils, but these issues are best decided after an Assembly has been in operation for some time, when similarly consensual negotiations could most appropriately be conducted.

Para 25 We agree.

Para 26 Existing safeguards against discrimination on religious and political grounds must be maintained and strengthened. The best machinery would be the establishment, entrenchment and enforcement of a Bill of Rights, justiciable through our own courts. Further essential components may include a political right of appeal (see para 24). We would be interested to see the Government paper on Human Rights.

Para 27 We agree.

Paras 28 - 33 These paragraphs describe a series of approaches to addressing the central issue of how to share responsibility, and govern with consent. We find the proposals in paras 29 and 32 unacceptable.

Para 29 This model would run contrary to para 2.f of the Common Principles paper by worsening polarization and deepening our worst division.

Para 32 This model would run contrary to what we have already stated in our comments on para 18. It would fragment the Northern Ireland community rather than draw our people together.

Paras 30, 31 and 33 There is nothing mutually exclusive about these models, and indeed in our view elements from all three will be necessary to construct a satisfactory, agreeable and workable arrangement for the exercise of executive responsibilities.

Paras 34 - 39 These paragraphs describe a series of models, which we have examined with some interest, however rather than