ALLIANCE PROPOSAL FOR AN EXECUTIVE COMMITTEE SYSTEM BASED ON PROPORTIONALITY

Outline of Proposed Arrangements

1. A unicameral legislative would be elected by STV with a Chief Executive then being elected by and from among the Assembly members by the alternative vote method.

2. A panel of Chairmen to act as executive heads of Departments, and the members of departmental committees, would also be elected by and from the Assembly members in separate STV elections.

3. The Chairmen would form a Finance Committee under the chairmanship of the Chief Executive.

4. There would be no prior requirement for an agreed programme and no continuing need for collective responsibility.

5. Each departmental committee would decide future policy and legislation, with the Chairman taking day to day executive decisions.

6. Issues would be settled by majority vote in the Committees and in the Assembly, but there would be rights of appeal which could be exercised by minorities in certain circumstances.

7. The Alliance scheme is set out in a twelve point memorandum circulated by the party to Conference members. This paper looks at key considerations that arise by reference to the Alliance memorandum preceded by a brief account of the guiding principles on which the proposals are based.

Guiding Principles

8. The Alliance proposals derive from the following premises:

(a) any system must attract cross community support, and hence be one that is capable of protecting the rights of a majority whilst at the same time involving and safeguarding substantial minorities. The requirement is for a system of partnership and participation which reflects the wishes of

the electorate;

(b) at the present time in Northern Ireland there is
insufficient consensus for an agreed inter-party programme
to be constructed; therefore a cabinet system of government,
which presupposes collective responsibility, is impracticable.

(c) the circumstances of (a) and (b) above point to a system
based on executive committtees with Chairmen and members
elected in proportion to party strengths returned to the
Assembly.

(d) within such a system the consensus lacking at present
will have a chance to grow, without disagreements (that are
almost certain in the early days) threatening the whole system
with collapse.

Formation of the Administration (Points 1 and 2 of the Alliance memo

9. Under the proposals a series of three separate elections
would occur within the Assembly after the popular election -
to choose the Chief Executive, the chairmen of committees, and
the members of the committees. It may be helpful to consider
each of these stages in turn.

10. The first stage would be the election of the Chief Executive
by alternative vote method within the Assembly (ie PR (STV) but
with a single post to be filled) Such an election would seem
as likely as most methods to give victory to the candidate
with the most broadly based support in the Assembly. It should
be noted, however, that if opportunities for vote transfers are
not taken, the alternative vote method does not guarantee that
the winner will have an absolute majority; it only ensures
that he will have a majority over the last rival left in the
contest after all others have been eliminated.

11. The second election would be for the panel of committee
chairmen. Given, for illustrative purposes only, an Assembly
of 100 members and 10 committees, PR (STV) would demand that
a candidate had to receive a quota of 10.09 votes to be elected
to the panel. Since it is not envisaged that there should be
any objective test of "willingness to participate in the
administration", any Assembly member capable of attracting

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over ten votes and wishing to contest the election could
win a committee chairmanship.

12.   Finally, a <u>third</u> election – again by PR (STV) – is
proposed for the committee members. However, an election for
this purpose may be thought to be inappropriate or at least
unduly cumbersome. What would be at stake would be the
allocation of (say) 90 seats on the various committees between
90 Assembly members. It would scarcely be possible for
members to vote sensibly on such a matter; indeed an election
would probably result in members ending up on committees for
which they were unsuited and on which they had no wish to
sit.   It would therefore seem more sensible for the parties
themselves to allocate their members to the committees.
For this purpose a version of the D'hondt or highest
average method could be used to translate the party strengths
in the Assembly into a "pecking order" from 1 to 90. The
Party leader would assign whichever individual he wished to
anyone of the committee places still free when the time came
to exercise each of his party choices (given of course that
each committee would have to reflect party strengths in the
Assembly).   Party leaders would thus have discretion as to
which individual they assigned to a particular Committee.
Under such a system Party A (with 34 seats) might have
1st, 4th, 9th, 10th, 14th etc choice; Party B (with 21 seats)
2nd, 6th, 11th, 16th etc; and Party E (with 9 seats) 8th, 15th,
27th, 38th etc. An independent member would be brought into
the reckoning automatically and at a time when there should
still be some choice of committee.

<u>The Committees, their Chairmen and the Finance Committee</u>(Points 3 & 4)

13.   Both the Chief Executive in the Finance Committee and
each Chairman in his Departmental Committee would be no more
than <u>primus inter pares</u>. They would not be able to count on
an established majority, party discipline, collective
responsibility or even an agreed programme. The formal role
of the Finance Committee would be to determine financial

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allocation and priorities, to give budgetary approval to
legislative proposals, and to organise Assembly business.
However it seems inevitable that in addition the Finance
Committee would act as a forum where all the departmental
committee chairmen would discuss their particular policy
fields, would inform colleagues of forthcoming proposals,
and would test out ideas. It would therefore come to play
a key role in liaison and co-ordination within the system.

14. From what has been said in paragraph 11 it is clear
that the Finance Committee, comprising the various committee
chairmen, could embrace a wide range of views. If this
were to be a conventional cabinet, bound by collective
responsibility, the strains of such diversity of view might
well prove intolerable. It is a central feature of the
Alliance proposals that the members of the Finance Committee
are neither acting purely as individuals, nor are expected
to support each other's policies on all occasions. In
formulating their departmental policies, each chairman will
be bound by the view of his committee; and since each committee
will be a microcosm of the Assembly as a whole, there will be
a common thread running through all committees' policies
which stems from the fact that a party or group of parties
controlling a majority in the Assembly will also control a
majority in each committee. The power of the party caucus
will thus be an important factor in the inter-committee
co-ordination of policy and consequently in the work of the
Finance Committee.

15. However, in contradistinction, the fact that the committee
chairmen making up the Finance Committee will have very
considerable influence on their respective committees (stemming
from a combination of their status, their responsibility for
day-to-day executive decisions, and their access to officials
and papers), and will have no pre-determined allegiance to a
common policy programme, makes it likely that dissent will
on occasions occur. Alliance expect such dissent. Indeed
collective responsibility is not a feature of their proposals
because they believe dissent (at least in the early days of
the administration) to be inevitable. The whole system

may well stand or fall by whether or not individual chairmen,
despite their own views and their freedom to express them,
will be willing to abide by the majority view on their
committee (and on the Finance Committee and in the Assembly)
and pursue policies with which they personally disagree. On
most occasions committee chairmen may well be able to use
the influence of their position to have their way; but when
they fail in that it will require a degree of self-restraint
and sympathy with the operation of the system for them to
toe the majority line.

Executive and Legislative Action (Points 5, 6 and 8)

16. The scheme calls for the separation of each Departmental
field of activity into two categories - matters which would be
decided by the Chairman alone in consultation with his permanent
secretary, and matters which would be decided in committee.
(Alliance suggest that there would also be a sub-division of
the latter category in which, for reasons of urgency, decisions
would be taken by the Chairmen subject to retrospective approval
by the Committee). It would be possible to create two defined
categories by drawing up a single list of matters which
required the prior approval of the Committee (except in cases
of urgency). All matters not on the list would automatically
be for the Chairman's decision. In line with the Alliance
concept of executive committees the list might contain the
following:

(a) all proposals involving new legislation;
(b) major policy papers and decisions (as distinct from
individual case papers), long-term policy plans, White and
Green Papers;
(c) the annual departmental budget, including any significant
variations occuring between budgets;
(d) Departmental reports and statements to the Assembly.

17. In certain major spending Departments (e.g Commerce)
the Committee might feel that it should be consulted about,
say, industrial grant cases above a certain financial limit.
But this illustrates a difficulty involved with a strict
categorisation. A £50m decision is unlikely to be 50 times
more difficult than a £1m example. Indeed depending on other
factors the relatively small case may be much more politically
sensitive than the large one. A rigid categorisation may
ensure that certain matters come before the Committee, but
it is also bound to operate on occasions in such a way as to
allow a Chairman to by-pass his Committee on a matter about ?
which they have strong views.

18. A feature of the scheme is that a Chairman in charge of a
Department will have to gain the approval of a majority of
his Committee for the development of policy and the passage
of legislation. The relationship that develops between a chairman
who is not of the party or parties with the majority in his
committee and the committee as a whole will be crucial to the
operation and indeed survival of the system. As has been
discussed in paragraph 15, the chairman will derive considerable
influence from his position which may, with skilful use,
transcend party differences (particularly in a subordinate
rather than a sovereign administration). As a result it may be
that a committee esprit de corps builds up so that, for example,
the housing committee unite behind their chairman to fight for an
extensive housing programme in the face of competition from the
commerce committee for scarce financial resoures. On the
other hand, if the parties fight elections on detailed manifestos
on socio-economic issues (which has not happened in the past)
committee members may find difficulty in uniting in common
cause behind their chairman and the prospects for tension would
be increased.

19. The balance between the Committee and the Chairman could
be modified in a number of ways. For example, he could be
freed from any requirement to consult the Commitee about any
matter; the Committee could evolve its own procedures, with the
Chairman having final discretion as to which matters (individual
or type) he discussed with them. There need be no formal

requirement for a Chairmen to obtain his Committee's approval
for a major policy decision or legislation; but if he attempted
to proceed without it the Chief Executive, the Finance Committee
and the Assembly would naturally wish to give his proposals
even closer scrutiny. In an "advisory" committee system,
Chairmen might voluntarily seek the Committee's views on a
range of "executive" matters which would be excluded from
their ambit under a so-called "executive" committee system.

Replacement of Chairmen (Points 11 and 12)

20. The need to replace a Chairman in mid-term could occur
in a number of ways: death; resignation for personal reasons;
resignation for policy reasons; removal with the consent of the
Finance Committee and the Assembly. The problem is how to
effect the replacement whilst preserving proportionality.
Point 11 of the Alliance proposals says that if a Chairman
felt it necessary to resign he would have to be replaced by a
member of his own party. This principle might require modification
to say that the erstwhile Chairman's party would have the right
to nominate his replacement. In the event that the "outgoing"
party refused to nominate a successor, or was unable to do so
(in the case of an independent member) then recourse to an
election by the Assembly might be necessary (perhaps by the
alternative vote system). In that case the preservation of
overall proportionality among the Chairmanships could not be
guaranteed where the member being replaced was from a minority
party.

21. It is for consideration whether any mechanism is required
to deal with a chairman who, thwarted by a majority in his
committee and on the Finance Committee, is using the power vested
in him to disrupt the working of his Department as a means of
pressurising the majority to accede to his demands. Under the
Alliance proposal his position as chairman would be inviolate
as long as he commanded the support of 25% of the Finance
Committee. It is difficult to see how any mechanism could be
provided that did not leave a minority chairman at the mercy of
the majority on any occasion. And that would be contrary to the
fundamental principle that proportionality should be assured
in order for the system to gain minority consent. In this

respect the proposals depend on the willingness of <u>all</u> parties
who provide chairmen - whether or not they agree with the
majority group's policies - to act reasonably even when not
getting their own way, and on the majority group's readiness
not to place unreasonable obstacles in the way of minority
chairmen. Much depends there, however, on subjective definitions
of what is and what is not reasonable.

Legislation and the Assembly (Points 7, 9 and 10)

22.   Point 7 provides that the appropriate executive committee
would take the committee stage of legislation. There is obvious
merit in this arrangement: however, there might be some risk that
the committee, having commissioned the legislation and so being
committed to it, would be too gentle in applying critical scrutiny
to it. If need be the balance could be redressed at the
report stage.

Key Questions

23.   It is not within the scope of this paper to make an overall
judgment about the workability of the Alliance proposals.
Workability is bound up with the wider question of acceptability.
Virtually any system, no matter how simple or complex, will work
provided that those who have to operate it understand its
principles and wish to make it succeed. The Alliance scheme,
by allowing all parties with sufficient electoral support
to participate in the operation, places a particular premium
on that wish for success. However some key questions may be
posed for further consideration:

(a) Do the proposals strike a fair and workable balance between
the right of the elected majority to determine policy and the
right of substantial minorities to participate fully in
administration?

(b) Will the proposed structure be capable of generating
sufficient cohesion and purpose to provide effective
government, particularly without a central cabinet, operating
with collective responsibility, and an agreed programme?

23. <u>Key Questions</u> (Cont'd).

(c) Will the Chairman/Minister be able to operate
effectively as Head of Department if subject to the majority
view in his Committee on major issues?

(d) How heavily does the system as a whole depend on a
satisfactory relationship developing between the Committees
and Chairmen? How much instability might be caused by a failure
to establish such a relationship, in even one committee?

(e) Does the executive committee style provide for "open"
government at the expense of effective government by detracting
from the authority of the Chief Executive and the Chairmen?
Might the Committee be given less rights whilst still having
a real role?