

Options for Northern Ireland Assembly

7th October 2002

Assembly dissolved

Either: Dissolution motion

Unlikely to happen – wouldn't get the required 2/3 support – 72 out of 108 members (cross-community in practice).

If a dissolution motion was passed, the SOS must call an election - specified in the Northern Ireland Act to be the first Thursday of May, four years after the last one; extraordinary elections must be held within two months before or after this date, so none before March (?)

Or: resignation of FM or DFM (and failure to re-elect one)

So-called 'nuclear option', but in this case there's six weeks before the Assembly collapses and elections are called by SOS (no time specified) (see above)

BREAKING NEWS - DUP Ministers announce resignation on Tuesday; triggers D'Hondt? or collapses the Assembly? Puts a lot of pressure on Trimble to follow suit.

Sinn Fein removed

Either: By Exclusion motion

Unlikely to happen – no cross-community support and on-going court case.

DUP still can't get 30 signatures – but how hard are they trying?

Or: By British government

UUP demand, under section 30 of NI Act, the SOS can put down a motion to the Assembly to exclude a party of Minister – still needs to be debated by the Assembly, with the same difficulties getting cross-community support. Will the SDLP support a government-led exclusion motion?

Suspension by HMG

Consequences

- will prevent UUP walk out from the Executive
- operates outside the Agreement - further undermines the Institutions
- blame on republicans for end of Assembly
- NIO will look like they are doing UUP's bidding?
- Vacuum at the political level
- Political instability can lead to instability on the streets

Issues

- length of suspension – set or indefinite?
- will Irish Govt. be consulted?
- what will take place in the suspension – talks/review/something else? – **this is a key issue!!!**
(Review - get bogged down with issues like number of MLAs, not actually get to the root of the problem)
We can focus on some mechanism being put into place that offers us the potential of finding a

way through this crisis – there must be an alternative to total collapse, and everyone must be involved.

Talks

Ongoing talks are taking place among pro-Agreement parties, and between the big three and Blair. Reid has refused to meet Adams today and is reluctant to have a roundtable in this climate – unionists wouldn't come.

Issues

What would we want/think would be possible out of wider talks at this stage?

How willing are parties to come to the table?

Is there a forum or a mechanism to make them achieve something? Do we need an outside mediator again?

Until due process has been carried out, can any correct decisions be made re: censure of SF?

Elections

With elections in the background, the political temperature is raised and positions hardened. The issue of timing of elections and order of events could be crucial to their outcome:

Elections on schedule – 1st May 2003

- Date stated within the NI Act, so carries some legitimacy
- But the Assembly looks unlikely to last that long on its own –which would mean a suspension + something else in the meantime, to stall.
- Without talks or a review or something else, the Secretary of state will be unable to resist bringing elections forward to fill the political outcome
- SDLP in favour of this, given the damage done to Sinn Fein in recent days
- But election campaign would be about the raid, not even about the Agreement or re-negotiation, and as such, the NIWC would find it difficult to get a look-in and the result would not necessarily be good for the Agreement.

Early Elections 1) November-January

- winter elections are bad for practical reasons
- all parties would be flying by the seat of their pants – NIWC does OK under these conditions
- Have to show the public that we are not afraid of elections, open to democratic mandate
- the fact that we are having to have early elections is a blow for the Agreement
- there would be little breathing space for movement away from crisis
- If Assembly is dissolved, with no suspension, then there is a legal requirement to call an election. If UUP Ministers withdraw, there's six weeks of limbo, and then a legal requirement to call an election. The SOS could call the election for next May, but it would be stretching the spirit of the law somewhat.

Early Elections 2) February – April

- less of a blow, more time to prepare (and for Electoral registers to be prepared), more time for something positive to happen
- With Trimble's January deadline, March elections looked likely

- The SOS is within his legal rights to set the election date two months before or after 1 May, less hardcore interference
- Still the question of what happens in the meantime if the Assembly collapses or is suspended.

Elections are postponed (**BEW**)

- SDLP reckon UUP are pushing for this – fear of the electorate
- Difficult position legally/morally, as the date is set in the act – what justification would they give?
- What measures would they put in place in the meantime, to justify a later election?

Petition of Concern:

buys us another 24 hours. need 30 signatures, like an exclusion motion. Possibility of having one calling on no decision to be taken by UUP until after Blair meeting with Adams (Thursday?) – no. A petition of concern is for a particular motion to become cross-community and delayed by 24 hours, not a form of motion in itself, and anyway, we couldn't put a motion down asking the UUP not to make a decision – it would have no legal basis and be about an internal party position.

– **QUESTIONS TO BE ANSWERED: -**

On the one hand, the scale, nature and timing of the PSNI "raid" in Parliament Buildings, (2 weeks after the UUC declaration to pull out), the distancing by the Chief Constable from the investigation (allegedly - has since apologised for PSNI behaviour), the behaviour of the SOS, if his office have been aware of the investigation since July, when they handed SF the so-called yellow card - all this path to peace stuff seems a bit meaningless - need more information on how live the documents were, i.e. did the British Government know that SF had them before 24th July, and haven't had the opportunity to take them from Castle Buildings since?

On the other hand, the Unionists aren't going to buy that for a minute; Trimble is being pressurised to jump; why did SF have these documents, and what was their intention? The unionists aren't going to stay in government with SF - SF are the only ones who may have done something wrong (NB innocent until proven guilty) and shouldn't escape censure. What is the mechanism for this?

Lines for interview (Evening Extra)

Jane on current situation.

- Its disappointing that we are back in another crisis, and the blame game that goes along with it, I think the people of Northern Ireland are entitled to be disappointed in politicians.
- We've had massive difficulties since 1998, there's no doubt about that, but in the last year, there have been a lot of successes in the Assembly, parties working together in committees, new laws being passed, given that we've showed it could work, it all the more disappointing that we are facing an uncertain future again.

- The losers in this situation will not be the parties, but the people of NI, those on waiting lists, children waiting for school reforms etc. The onus is on parties to find their way through.
- If there is a suspension or resignation, something has to fill the inevitable vacuum, or it will be filled by paramilitaries who have little interest in the future of the Agreement or even a political solution - we have to make sure that there's some kind of mechanism to move this forward, collapse is not an option
- Can't speak about the case because it would be unhelpful to jump to conclusions when we don't have the whole story, and an investigation and legal process are ongoing. There are certainly many questions to be resolved, but there are due processes to be followed.