

Introduction

The British Government paper on "Common Principles" presented to participants on 5 May stated that any new political institutions in Northern Ireland, should be such that both communities in Northern Ireland, "should be able to identify with them". This is indeed a fundamental criterion. The SDLP paper "Agreeing the basics of the problem" tackled the same day, sets out in detail our views on this issue, since agreement of the nature and scope of the problem is the logical and indispensable starting point in the search for an agreed solution. In that paper we stated that "given the essential characteristics of Nationalist and Unionist identities, the new political structures which we are seeking to build must be such that both communities can identify with them". We believe that the current proposals for a new political structure which has its roots in the existing relationships between the two islands. We believe that a new Community of equals of example and context is needed to help us to respect diversity of identity while working together on our common problems and interests.

AGREEING NEW POLITICAL STRUCTURES

SUBMISSION BY THE

SDLP

TO THE

INTER PARTY TALKS

MAY 1992

Introduction

- i. The British Government paper on "Common Principles" presented to participants on 5 May stated that any new political institutions in Northern Ireland, should be such that both communities in Northern Ireland, "should be able to identify with them". This is indeed a fundamental criterion. The SDLP paper "Agreeing the nature of the problem" tabled the same day, sets out in detail our views on this issue, since agreement on the nature and scope of the problem is the logical and indispensable starting point in the search for an agreed solution. In that paper we stated that "given the essential characteristics of Nationalist and Unionist identities, the new political structures which we are seeking to build must ensure parity of esteem for both. We welcome the common recognition that the conflict of identities here has its context in the wider relationships between the two islands. We believe that the European Community offers an example and context in which we can fully respect diversity of identity while working together on our common problems and interests".

2. We agree furthermore that arrangements should be "stable and durable", "workable", "self-sustaining" and would strongly endorse the DUP position that the agreed structure "must not be seen as a victory or defeat to any party. It must not be the "1992 model" of a past failed system. It must be sufficiently innovative to ensure that it is not written-off before it is properly considered." Arrangements lacking these criteria are likely to end in political failure, to the detriment of the credibility of the political process as a whole. The real question is not however whether new arrangements should have these and other desirable key attributes, but rather how they can be attained.

3. Our goal should be to design new structures which will be both democratic and at the same time appropriate for the particular circumstances of Northern Ireland, with its fundamental lack of political consensus, conflicting identities, (which as the DUP states, "reach out beyond the confines of Northern Ireland itself"), and aspirations and predictable political cleavage lines, linked on all sides in Northern Ireland with the establishment of the state itself. Our models should therefore be sought in areas which have endeavoured to overcome problems of conflict and division. The most conspicuously successful and original has been the European Community. Its operations are moreover relevant and familiar, since both the British and Irish states are linked by common membership and a joint commitment with the other States to an even closer union within its ambit. Northern Ireland's own experience in the European Community

has been both positive and beneficial - something, indeed, due in no small measure to the quality of representation provided over the years by Northern Ireland's own MEPs.

4. The SDLP, therefore, believe that the European Community institutions offer an accessible and persuasive model of how new arrangements for Northern Ireland might be shaped allowing of course for necessary adaptations to local circumstances.
5. The relevant institutions of the European Community are to be seen in its representative, executive and legislative structures. As in the European model we feel that the arrangements to be agreed should form one interlocking system with respect to Northern Ireland and its wider relationships.

PROPOSALS

Executive Commission

6. We propose the establishment of an Executive Commission (The Northern Ireland Executive Commission). The SDLP accept that the procedures for appointing the European Commission cannot find an exact echo in the appointment of the proposed Northern Ireland Commission. We would, therefore, argue that the Commission should reflect both the democratic preferences of the electorate in Northern Ireland and the key external relationships which it is necessary to cater for, since they are no less fundamental to agreeing internal relationships in Northern Ireland than they are to external aspects.

Membership

7. We propose a six member Commission:

- three members directly elected for a fixed term (say four or five years) by STV from a three seat Northern Ireland Constituency;
- one Member each to be nominated separately by the British Government, the Irish Government and the European Community to serve for the same term.

8. Chairmanship/Presidency of the Commission would be held by the elected Commissioner receiving the highest number of first preference votes.

Principal Powers and Functions

9. The Commission might:

- (a) function as a normal Cabinet, with powers which include the initiation of legislation with each Commissioner heading one of the six traditional Departments of Government in Northern Ireland, while exercising certain responsibilities collectively (eg security and judicial matters, civil, human and communal rights, fiscal and budgetary matters, European and external relations etc.);

or

- (b) exercise the same range of functions exclusively according to the principle of collective responsibility.

10. If (b) was the preferred option, it would be necessary to appoint Department Heads (Ministers of State, say six) to oversee the day-to-day running of each Department. We suggest that these be appointed by the directly elected Commissioners (two each) and be drawn from the Assembly.

11. Again, in relation to (b), we would suggest that the Commission would be greatly strengthened and more deeply rooted in the community if the three directly elected Commissioners were to take a direct role in economic development. Joint promotional activities, investment seeking and developmental initiatives could create a very strong bond of common purposes and endeavour, while simultaneously improving Northern Ireland's image in the world at large. The three directly elected Commissioners could exercise a major part of their functions in this regard through the agency of a number of economic development boards, constituted on a regional basis.

12. While we recognise the need to explore further the proposals contained in the above outline, we believe that because of their implications for the wider relationships to be considered in Strands 2 and 3, much of the details in regard to these issues must await consideration in those Strands.

Parliamentary Assembly

13. We propose the establishment of a Parliamentary Assembly for Northern Ireland. We feel the European Parliament offers a very useful model for such a body. We would suggest a factual paper might be prepared and tabled, setting out the structures, powers and functions of the European Parliament, in order to permit the parties to consider this proposal in full. We would envisage that the Parliamentary Assembly

would include a Committee structure related to the Departments of Government for Northern Ireland and also envisage that the Parliamentary Assembly might:

- furnish an opinion, after scrutiny in Committee, of all draft legislation relevant to its mandate;
- table questions, written and oral, to the Commission, with which it would have formal consultation procedures;
- exercise defined powers in relation to the budget for Northern Ireland.

14. The size and methods of election to the Parliamentary Assembly warrant further discussion among the parties. At this stage the SDLP would propose a membership of 85 elected on the basis of the existing 17 Northern Ireland Constituencies, five members to be elected for each Constituency by the STV system.

Wider Relationships

North - South Relationships

15. In keeping with the European model we will be proposing in Strand 2 a North-South Council of Ministers. Such a Council would have responsibility for the overall development of relationships between both parts of the island. Also in keeping with the European model we would

envisage the Council consisting of the relevant Minister from the South and his/her counterpart from the Northern Ireland Executive Commission, depending on the issues under discussion.

16. Among the major areas which we envisage coming under the remit of such a Council would be economic development (industrial investment, tourism, energy, transport etc), agriculture, security matters, human, civil and communal rights, social and cultural matters.

British-Irish Relations

17. In Strand 3 we will be proposing similar institutions to express and develop British-Irish relationships.

Parliamentary Relationships

18. We would add that in regard to both North-South relationships and those between Ireland and Britain, we will also be proposing an appropriate parliamentary dimension to these links.

19. Full consideration of these issues, must, of course, await Strands 2 and 3. We mention them here because of the important role envisaged in their development for the Northern Ireland Executive Commission and the Northern Ireland Parliamentary Assembly.

MEETING THE REQUIREMENTS

20. In a submission to the Talks last year entitled Requirements for New Structures the SDLP indicated some of the essential characteristics which such new structures should contain in order to address effectively the problems we face. The requirements which we listed, were as follows:

- (i) Parity of Esteem;
- (ii) Equity of Treatment;
- (iii) Capable of providing Peace and Stability
- (iv) Based on Democratic Process, founded on Consensus;
- (v) Recognition of Totality of Relationships;
- (vi) The European Community Dimension;
- (vii) Innovative;
- (viii) Confidence-building;
- (ix) Durable and Capable of evolving.

In addition, the paper Common principles listed on an indicative basis a number of principles which should underlie any new political institutions in Northern Ireland. We feel that these two sets of criteria, taken together, offer a good description of the attributes which we must seek to include in any new arrangements. The new institutions proposed above would we feel meet all the key requirements and principles.

21. The democratic principle is built into the arrangement directly, both at the Assembly level and at the Commission level. The precise details of the democratic checks and balances - for example as between Assembly and Commission - are a matter for further discussion but, broadly speaking, the European precedents in this regard should be very serviceable. PR as the basis for elections would safeguard appropriate degrees of representation for all section of society in Northern Ireland.

22. The SDLP's proposals are specifically designed to ensure an appropriate and equitable role for both sides of the Community. They do not limit themselves to eliminating discrimination and the negative effects of the predictable political cleavage lines in Northern Ireland derived from the establishment of the State. It is of course vitally important to correct these things but our stated common aim of "achieving a new beginning in relationships" requires something more. The proposed structures will ensure, in a positive and proactive way, that parity of esteem, the legitimacy of both traditions and equity of treatment are clearly seen to be the basic, founding principles of new arrangements, thereby ensuring for the first time structures with which both traditions in Northern Ireland are able to identify fully and actively.

23. They meet the criterion of being stable and durable and self-sustaining. They take full account of electoral change, but with in-built "stabilisers" in the appointed commissioners whose presence ensures that all the key relationships are managed within the system. The structures are automatically endowed with a direct relationship with European Community institutions as with institutions in Britain and the rest of Ireland, thereby ensuring a local expression for Northern Ireland's wider relationships. The special link with the European Community is proposed because of the Community's example for conflict resolution, its increasing relevance to daily life in Northern Ireland and the consequent need to develop direct links with the centre of influence and decision making in the Community. All of these links provide an in-built incentive to consensus, which is so crucial in divided societies, both in the operation of the Commission and Assembly Committees.

24. Provision for development is inherent in the system to cater for changing political realities and can be made more explicit if desired. The successful development of institutions in the European Community suggests that arrangements modelled on them will show the same capacity for growth and adaptation to the changing needs of the people served by them.

25. They provide all constitutional parties with a meaningful role at Assembly, Committee and legislative levels, subject of course to electoral support. They ensure this role for all parties without relying on, still less entrenching, inter-community divisions.
26. Parliamentary scrutiny is a conspicuous feature of the arrangement. In addition to the provisions inherent in the European model in this regard, the SDLP would be prepared to consider any further measures which might be agreed as desirable to meet local circumstances.
27. We particularly endorse the criterion, common to the SDLP, DUP and "Principles" papers, that the new structures should be innovative. The failure of previous political structures designed for Northern Ireland shows the need for new structures to provide against the prospect of any attempt to undermine them. The SDLP's proposals endeavour to meet this requirement by separating the executive body (ie the Commission) from the deliberative body (ie the Assembly). We readily admit that this separation of function would be innovative as far as political traditions in these islands are concerned. However, such a separation is characteristic of many political cultures where it has been deemed necessary to avoid the concentration of deliberative/consultative/legislative powers within the same body from which the executive is drawn, thereby making the latter dependent on the former. France and the US are two pertinent examples where this separation has been adopted,

though in different ways. The history of political structures in Northern Ireland teaches that a similar separation would be more likely to succeed than structures which sought to emulate the past, irrespective of whatever new safeguards might be included.

28. We believe that the model sketched out above would, with the other arrangements which will be under consideration in the Second and Third Strands, go a very considerable way towards achieving a system of administration which will help to break down and heal divisions and barriers between our peoples.