

NEW POLITICAL INSTITUTIONS IN NORTHERN IRELAND

(8 June 13.30)

(REVISED VERSION)

Possible Outline Framework (to assist discussion)

1. There would be a single, unicameral Assembly of 85 members elected by proportional representation and a separate election from a single Northern Ireland constituency to a panel of three people with significant consultative, monitoring, referral and representational functions.

2. The institutions would have executive and legislative responsibilities over at least as wide a range of subjects as in 1973 with scope for further transfers if the arrangements proved stable and durable and there was agreement on how to exercise such powers. Executive responsibilities would be discharged through Northern Ireland Government Departments, the Heads of which would be drawn from the Assembly.

3. The Secretary of State would remain accountable to Westminster for matters which were not transferred.

The Assembly

4. The Assembly would be presided over by a Speaker; election would be by a weighted majority, of say 70%, of the Assembly. The Assembly would exercise its powers through a system of Departmental Committees, with Chairmanships, Deputy Chairmanships and memberships allocated broadly in proportion to party strengths in the Assembly. The Chairmen of the Departmental Committees could be Heads of Departments. Non-departmental Committees would include a Business Committee and a General Purposes Committee with co-ordinating functions.

5. A "code of practice" would specify the respective roles, responsibilities and decision taking powers of Departments, Assembly Committees and the Assembly at large.

C O N F I D E N T I A L

6. Legislative procedures would be prescribed by constitutional legislation. All legislation could require the support of (at least) a majority of both the relevant Committee and the full Assembly. Certain important legislation (eg a financial measure, one with constitutional implications, or significant implications for community relations), could require weighted majority approval (of say 70%). Other measures might be dealt with on the basis of majority decision unless, for example, the Business Committee determined they were contentious or a petition to that effect secured a certain threshold of say 30% support in the Assembly.

7. The constitutional legislation for establishing new institutions would provide for machinery to deal with and correct grievances and would provide for the further entrenchment of individual and community rights, including through a Bill of Rights, which the Assembly could not amend.

8. The allocation of chairmanships between Committees would be made in accordance with party strengths, perhaps in accordance with the D'Hondt Rule. Any acceptable option for allocation must however ensure that the system of government provides an appropriate, fair and significant role for representatives of all main traditions in Northern Ireland.

9. Committee Chairmanships would normally last for the whole term of the Assembly. Chairmen of the Departmental Committees might be included as members of the General Purposes Committee. Further consideration will be given to means to prevent Chairmen becoming captives of their Committees. Chairmen, whose appointment would be formally ratified by the Assembly, would be accountable to the Assembly, including through answering questions.

10. Departmental Estimates, policies and actions would be subject to scrutiny by the relevant Committee, which would have the power to compel attendance, call for papers etc. The Assembly would debate reports from, and the minutes of, each Committee.

C O N F I D E N T I A L

11. Further consideration will be given to whether a mechanism is necessary to exclude from any share of executive power, or more generally, any individuals or representatives of parties who condone the use of violence for political ends.

The Panel

12. The panel might have a general duty, acting by consensus to consult, formally and informally, with the Assembly and with the Secretary of State and to give advice.

13. The panel's rights/powers and responsibilities (including statutory duties) and procedures would need to be carefully defined. For example, it could have powers in respect of proposed legislation, to determine (ie to accept, reject, give an opinion on or propose amendments to) any proposed legislation referred to it under procedures to be agreed. It might, by consensus, refer any proposed legislation for some form of judicial consideration.

14. It could have a supportive role in the public expenditure cycle, liaising with the Secretary of State over the setting of total Northern Ireland public expenditure. It could also be an arbiter in settling public expenditure allocation disputes between Departments, having regard to the views of Heads of Departments and the Finance Committee.

15. The panel might have power, by consensus, to approve designated public appointments made in respect of transferred matters. It could also advise the Secretary of State in respect of any appointments within his responsibility.

16. It could also have powers in relation to administrative actions or proposed actions, perhaps on the basis of a referral by a threshold vote within the Assembly.

17. The panel could have a duty to prepare for the Assembly and for the Secretary of State regular (annual) reports on their own activities and their view of the operation of the new political institutions.