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21 March 1996

THE FRAMEWORK FOR A BROADLY ACCEPTABLE ELECTIVE PROCESS LEADING TO ALL-PARTY NEGOTIATIONS

A paper by Her Majesty's Government

The Communiqué of 28 February 1996, agreed by the Prime Minister and the Taoiseach, confirmed the fundamental priority they attached to securing the earliest possible inclusive negotiations to address comprehensively all the relevant relationships and issues in an interlocking three-stranded process. The Communiqué declared that, having undertaken intensive consultations and the elective process set out in the Communiqué, all-party negotiations will be convened on Monday 10 June 1996.

2. Both the British and Irish Governments have undertaken intensive multilateral consultations with the relevant Northern Ireland parties. The purpose of those consultations was to:
 - a. seek widespread agreement on proposals for a broadly acceptable elective process leading directly and without preconditions to all-party negotiations on 10 June 1996;
 - b. seek widespread agreement on the basis, participation, structure, format and agenda of substantive all-party negotiations; and
 - c. consider whether there might be advantage in holding a referendum in Northern Ireland, with a parallel referendum held by the Irish Government in its own jurisdiction on the same day as in Northern Ireland. The purpose of such a referendum would be to mandate support for a process to create lasting stability, based on the repudiation of violence for any political purpose.
3. As envisaged in the Communiqué of 28 February, the two Governments have reviewed the outcome so far of these consultations.
4. Following that review, this paper sets out the basis on which the Government will now bring forward legislation on the elective process, based on a judgement of what seems most broadly acceptable. The two Governments have already published their proposals on the ground rules for negotiations aimed at securing widespread agreement, and on which consultations continue.

Legislation

5. A Bill will be introduced in the Westminster Parliament as soon as possible to enable an election to be held in Northern Ireland on 30 May. The primary purpose of this election will be to provide a pool of elected representatives in Northern Ireland from which negotiators will be selected to participate in the negotiations.

There will be a clear timetable of steps leading directly and without further preconditions to the convening of all-party negotiations with a comprehensive agenda on Monday 10 June 1996.

Form of election

6. The consultations have revealed deep divisions over the form of election, with parties attaching crucial importance to the issue and some threatening to withdraw from the process if not satisfied.

7. Three different electoral systems were put forward by the main parties. None of these systems, however, secured the support of parties representative of both main communities. Nor was any obvious solution advanced which seemed likely to secure broad acceptance across the community.

8. In the absence of widespread agreement, the Government has taken account of the following factors:

- its overriding obligation is to ensure the start of all-party negotiations on 10 June;
- the negotiations should be conducted on as inclusive a basis as is compatible with democratic principles;
- it would be wrong to conduct the election, intended to bring all parties together in negotiations, on the basis of any system that was in flat contradiction to the express views of one or other of the main communities;
- none of the systems identified by the parties meets this test and accordingly none is acceptable;
- a fair and balanced system must therefore be identified which should secure broad acceptance across the community.

9. The Government has decided that such a way through is offered by a list system but on a constituency basis and supplemented by Northern Ireland-wide party preference. This draws on each of the ideas canvassed by the parties. In detail:

- five representatives would be elected from each of the 18 parliamentary constituencies, but not by PR/STV;
- voters would cast a single vote for the party of their choice on the ballot paper and party representatives would be elected in each constituency in proportion to a party's vote;
- in each constituency, parties would nominate in advance a list of named candidates who would constitute their representatives if elected;

- the votes cast for each party would also be aggregated across Northern Ireland and the ten most successful parties would, in addition, each secure two elected representatives from candidates nominated for this purpose in advance.

10. This fair and balanced system seems to the Government one that should secure the most broad acceptance, and legislation will accordingly be brought forward on this basis.

Referendum

11. The Bill will also provide a power, by subordinate instrument subject to affirmative resolution in Parliament, to hold a referendum in Northern Ireland on a question or questions connected with the negotiations. This will enable the Government to meet its undertaking that any outcome from the negotiations agreed by the parties would be put to the people of Northern Ireland in a referendum before being submitted to Parliament.

12. A strong case has also been made for holding a referendum in Northern Ireland in advance of the negotiations and with a parallel referendum held by the Irish Government in its own jurisdiction on the same day. The purpose of such a referendum would be to mandate support for a process to create lasting stability, based on the repudiation of violence for any political purpose.

13. However, the electoral system which the Government has devised will itself mandate parties and their representatives to participate in the all-party negotiations beginning on 10 June. These negotiations will address comprehensively all the relevant relationships in an interlocking three stranded process. They will be open to all democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process. In the light of this, the Government remains to be convinced that a clear case exists for a referendum in advance of negotiations, in addition to the elective process.

Timetable for transition to negotiations

14. The Bill will set out, as appropriate, the procedural steps necessary to lead directly and without preconditions from the election to the convening of all-party negotiations:

- immediately after the election, the Secretary of State will be required, subject only to the discretion described below, to invite leaders of those parties which achieve representation in the election to select negotiating teams no later than Monday 3 June;
- each Government will also establish a negotiating team at the same time;

- all-party negotiations with a comprehensive agenda will be convened on Monday 10 June at a plenary meeting involving the negotiating teams of all participants.

15. In the Communiqué of 28 February, both Governments expressed the hope that all parties with an electoral mandate will be able to participate in all-party negotiations. However, both Governments also agreed that the resumption of Ministerial dialogue with Sinn Féin and their participation in negotiations requires the unequivocal restoration of the ceasefire of August 1994. In the event of the IRA failing to restore its ceasefire of August 1994, Sinn Féin will therefore not be invited to select a negotiating team and will not participate in negotiations. To give effect to this, invitations to the leaders of parties to select teams and attend negotiations will need to be at the discretion of the Secretary of State, whose policy it will be to exercise this discretion solely for the purpose set out here and after consultation, as appropriate, with the Irish Government.

Ground rules for substantive all-party negotiations

16. The British and Irish Governments have already published for consultation their proposals, aimed at securing widespread agreement from the parties, on the basis, participation, structure, format and agenda of all-party negotiations. Consultations continue on these.

Elected forum

17. To run in parallel with these negotiations, but with no power to intervene in them, the Bill will also provide for an elected forum, constituted by all the elected representatives, to meet in Belfast on a regular basis on days when the negotiations are not in session. The forum will be independent of the negotiations and, without intervening in their conduct, its purpose will be, through its discussions, to promote dialogue and mutual understanding on issues relevant to relationships within Northern Ireland.

18. The Bill will provide that the forum should cease to exist twelve months after the election, subject to a power for the Secretary of State to extend its life by up to a further twelve months. In any event, the Secretary of State will be required to dissolve the forum if he judges that the negotiations have reached a conclusive outcome or are no longer in process. The elected forum will be unable to exercise legislative, executive or administrative functions and will have no power to determine the conduct, course or outcome of the negotiations.

19. The forum will have the ability to establish committees to consider specific issues within its remit, such as social and economic questions, cross-community reconciliation, equity of treatment and aspects of human rights. There will be a requirement that the membership and chairmanship of committees be allocated on a proportional basis reflecting party strengths in the forum. The forum, or its committees, will also be enabled to conduct hearings

at which public submissions could be made by relevant bodies and individuals such as community, voluntary, women's and youth groups, trade unions, business and professional organisations, the churches, academics and others.

20. Any discussions, studies or reports of the forum could inform the negotiating process, which could commission such work. This or any other interactions between the forum and the negotiating process which might be proposed by participants in the negotiations and which might be of benefit in developing agreement will be by agreement among the participants in the negotiating process and only at their instigation.

21. The forum will be required to proceed by broad consensus. There will be provision for the selection of a chairman and adoption of procedural rules.

22. The Bill will also provide for elected representatives to receive an appropriate allowance in respect of attendance at the forum and the negotiations.

Conclusion

23. The Government commends these proposals as providing a fair and acceptable basis for the launch of substantive all-party negotiations on Monday 10 June 1996.

NORTHERN IRELAND OFFICE

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