

SECRET - PERSONAL**DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND**

1. A 90-seat Assembly with five members elected by PR/STV from each of the 18 parliamentary constituencies.
2. Devolution of executive and legislative functions covering the responsibilities of the six Northern Ireland departments, in accordance with principles set out in paragraph 11 below.

Safeguards

3. Safeguards to ensure all sections of the community can participate and work together successfully in the operation of these institutions and that all sections of the community are protected, including:
 - (i) allocation of Chairs, Assembly Secretaries and Committee membership in proportion to party strengths;
 - (ii) the ECHR and any Bill of Rights for Northern Ireland supplementing it which neither the Assembly nor public bodies can infringe, together with a Human Rights Commission;
 - (iii) arrangements to provide that key decisions and legislation are proofed to ensure that they do not infringe the ECHR and any Bill of Rights for Northern Ireland;

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- (iv) arrangements to ensure key decisions are taken on a cross-community basis, for example through a weighted majority of members voting (X %);
- (v) key decisions requiring cross-community support to be designated in advance (eg election of presiding officer, standing orders, budget allocations, employment equality, cultural issues) and/or be triggered by a right of petition exercised by a significant minority of Assembly members (X%);
- (vi) an agreed Code of Practice, [to be drawn up by the Assembly itself as part of its Standing Orders,] specifying the respective roles of the Assembly, Assembly Secretaries, its Committees, and Committee Chairs;
- (vii) an Equality Commission to monitor a statutory obligation to promote equality of opportunity in specified areas and parity of esteem between the two main communities, and investigate individual complaints against public bodies.

Operation of Assembly

4. Committees for each of the main executive functions of the Northern Ireland Administration. Membership, Chairs and Assembly Secretaries to be allocated proportionally, using the d'Hondt procedure, with the Assembly Secretary accountable for the executive function to the Committee.

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5. The relevant Chairman, under the Code of Practice, would have access on behalf of the Committee to departmental papers.
6. A Liaison Committee bringing together the Assembly Secretaries of the departmental committees. The Chair either to be selected by the members of the Committee or fall automatically to the first Assembly Secretary to be selected through the d'Hondt procedure. Other non-departmental committees (eg Audit Committee, EU Committee, Justice and Home Affairs Committee) at Assembly's discretion, with members, Chairs and Assembly Secretaries appointed according to procedure in paragraph 4 above.
7. Parties and individuals could decline to take up posts. Duties of postholders to be defined in the Code of Practice, as well as sanctions, which might include removal from office if postholder, in failing to meet his responsibilities, loses the confidence of the Assembly, voting on a cross-community basis. Parties can also remove postholders if they lose confidence in them. Casual vacancies to be filled by a member of the same party.

Executive authority

8. Executive authority to be administered by the relevant Assembly Secretary (eg Assembly Secretary for Agriculture) acting as head of department, subject to:

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- (i) agreed arrangements for policy oversight and delegated authority, allowing the Secretary to carry out his functions within policy guidelines agreed with the Committee.
 - (ii) abiding by the ECHR, existing anti-discrimination provisions and any Bill of Rights for Northern Ireland supplementing it;
 - (iii) a statutory obligation, monitored by an Equality Commission, on all public bodies to promote equality of opportunity in specified areas and parity of esteem;
 - (iv) in cases of dispute between the relevant Assembly Secretary and committee, the Assembly as a whole to have the power of decision, exercisable only on a cross-community basis. In practice, where an Assembly Secretary is operating within understandings reached in the Liaison Committee, it is likely that Assembly approval would be secured.
9. Funding for Assembly's responsibilities to be determined primarily on basis of existing comparability and block arrangements.
10. Liaison Committee to table an agreed budget, linking resources with objectives, policy and legislative proposals, in advance of each financial year. For approval by Assembly, after scrutiny in departmental Committees, on a cross-community basis. In-year changes by the same procedure.

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11. Assembly to pass primary legislation for Northern Ireland in devolved areas, subject to:

- (i) the ECHR and any Bill of Rights for Northern Ireland supplementing it which, if the courts found to be breached, would render the relevant legislation null and void;
- (ii) decisions by simple majority of members voting except when decisions on a cross-community basis required;
- (iii) detailed scrutiny and approval in the relevant departmental committee;
- (iv) mechanisms, based on arrangements proposed for the Scottish Parliament, to ensure suitable coordination, and avoid disputes, between the Assembly and the Westminster Parliament;
- (v) option of Assembly seeking inclusion of Northern Ireland provisions in UK-wide legislation in Westminster Parliament especially on devolved issues where parity normally maintained (eg social security, company law).

12. Assembly able to legislate in reserved area with the approval of the Secretary of State and subject to Parliamentary control.

13. Disputes over legislative competence to be decided by the Courts.

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14. Arrangements to represent the Assembly as a whole, at Summit level and in dealings with other institutions, to be agreed. Otherwise, representation to be by the Assembly Secretary of the relevant departmental committee.
15. Terms to be agreed between appropriate Assembly representatives and UK government to ensure effective coordination and input by Assembly Secretaries to national policy-making, including on EU issues.
16. Role of Secretary of State:
 - (i) to remain responsible for NIO matters not devolved to Assembly, subject to regular consultation with the Assembly and Assembly Secretaries;
 - (ii) to approve and lay before the Westminster Parliament any Assembly legislation on reserved matters;
 - (iii) to represent Northern Ireland interests in the United Kingdom Cabinet;
 - (iv) to have the right to attend the Assembly at their invitation.
17. Westminster Parliament (whose power to make legislation for Northern Ireland would remain unaffected) to:

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- (i) legislate for non-devolved issues, other than where Assembly legislates with approval of Secretary of State and subject to control of Parliament;
- (ii) reserve powers to legislate to ensure United Kingdom's international obligations are met in respect of Northern Ireland;
- (iii) scrutinise, including through the Northern Ireland Grand and Select Committees, the responsibilities of the Secretary of State.

democratic institutions as

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