

DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND

SDLP Commentary on the latest draft (15:35 Thursday 2nd April 1998)

1. The SDLP notes the continuing development of thinking in the successive drafts of this paper. There remains a considerable gap between our position and that set out in the latest draft, particularly in relation to the formation of an executive arm of government.
2. There is no clear definition in this draft, of where executive authority resides, how it will be exercised, and how executive coherence and collective responsibility can be maintained. There is a dangerous confusion between the proposed relationship of an "Assembly Secretary" with his/her departmental committee, and his/her role as a member of the proposed "Liaison/Policy Co-ordination Committee". Whereas the provision of para. 9.(1) in the 11:46 draft, which gave the entire Assembly ultimate control of (i) the legislative initiative, (ii) policy, and (iii) resource allocation, has been removed, para. 9(3) in the 15:35 draft makes essentially the same provision. Control of these functions on a day-to-day basis still effectively remains in the hands of the Departmental Committee as proposed in the 15:35 draft. Departmental Heads would have no real executive authority, and could over-ruled on almost any matter by their Committees or the Assembly. We do not believe that such a system is workable. Our own views on the formation of an executive have already been made known.
3. We welcome movement towards a "parallel consent" provision with a trigger mechanism; however, we would wish to see it more clearly defined as a vote which would require the support of an overall majority of those voting, including a majority in each case of those voting who identify themselves as belonging to each of the two main traditions.

4. Further thought needs to be given to which issues might be defined as requiring parallel consent, over and above key procedural decisions.
5. Whereas Chairs and Deputy Chairs of Assembly Committees might be chosen according to the D'Hondt principle, further thought needs to be given to devising a fair system for apportioning committee seats among the entire membership, so that balance can be achieved on all committees.
6. We oppose the creation of a non-departmental Justice and Home Affairs Committee at this time.
7. It needs to be made clear that where the Assembly may legislate in respect of reserved matters, parallel consent would be necessary.
8. A Code of Practice covering the respective roles of Executive, Assembly and Committees, as well as the Duty of Service of those in executive positions vis-à-vis Strand II and Strand III roles, must be agreed in advance, and not left for negotiation in the Assembly.