

SDLP PROPOSALS

STRAND 1: DEMOCRATIC INSTITUTIONS

1. A 90-seat Assembly with 5 members elected by PR/STV from each of the 18 parliamentary constituencies.
2. Transfer of executive and legislative functions, covering at least the responsibilities of the six Northern Ireland Departments in accordance with the principles set out in paragraph 23 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:
 - a) allocation of [Ministerial] Office, and Committee Chairs according to the D'Hondt system and Committee membership in broad proportion to party strengths;
 - b) the ECHR and any Bill of Rights for Northern Ireland supplementing it which neither the [**Executive Council/ Committee/ Commission/ Committee of Secretaries**], the Assembly nor public bodies can infringe, together with a Human Rights Commission;
 - c) arrangements to provide that decisions and legislation are proofed to ensure that they do not infringe the ECHR, and Bill of Rights for Northern Ireland;

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- d) arrangements to ensure that key decisions are taken on the basis of **parallel consent** between both main communities. This [might] require the support of a majority of members voting who also comprise at least 50% in each case of those members identifying themselves as nationalist or unionist;
- e) key procedural decisions will require **parallel consent**. [The requirement of **parallel consent** on other decisions to be triggered by a petition and supported by at least 20% of the members of the Assembly;
- f) [An Equality Commission to maintain a statutory obligation to promote equality of opportunity [in specified areas] and parity of esteem between the two main communities and investigate individual [and group] complaints against public bodies].

Operation of Assembly

- 4. There shall be a Chair and Deputy Chair of the Assembly, to be elected on the basis of **parallel consent**, as set out in para. 3(d).
- 5. There shall be Committees for each of the main executive functions of the Northern Ireland Administration. Chairs and Deputy Chairs of the Assembly Committees to be allocated proportionately, using the D'Hondt system. Membership of the Committees shall be in broad proportion to party strengths in the Assembly [to ensure that the opportunity of Committee places is available to all members.]

6. Departmental Committees to have a scrutiny, policy development and consultation role with respect to the Department with which each Committee is associated. They shall have a role in initiation of legislation. Departmental Secretaries will liaise regularly with their respective Committee.
7. Standing Committees other than departmental committees may be established as may be required from time to time.
8. Decisions within plenary meetings of the Assembly shall be in accordance with the provisions in paragraph 3(c) and (d) above.

Secretaries/Ministers

9. There shall be Secretaries/Ministers who shall have executive responsibility for government departments and such other duties as may be assigned to them.
10. There shall be a First Secretary/Minister and a Deputy First Secretary/Minister.
11. The First Secretary/Minister shall be nominated by the largest party in the Assembly amongst those nominating secretaries.
12. The Deputy First Secretary/Minister shall be nominated by the party commanding the largest support in the other community to that represented by the party of the First Secretary/Minister and also nominating secretaries.

13. The duties of the **First Secretary/Minister and Deputy First Secretary/ Minister** shall jointly include:

- a) responsibility for ensuring good governance, over-seeing the development and implementation of public policy and legislation with widespread acceptance across the community and in conformity with the ECHR, Bill of Rights and equality-proofing measures.
- b) co-ordination of work of Ministers/Secretaries and Departments to provide **Executive Council/Committee/Commission/ Committee of Secretaries** coherence.
- c) co-ordination of relations with other arrangements including North-South, East-West, and EU.
- d) overall responsibility for civil service
- e) the determination of the overall annual budget and negotiation of its allocation
- f) consult and advise Ministers/Secretaries of Departments
- g) convene and preside at meetings of Ministerial groups with responsibility to promote consensus and to deem whether there is sufficient consensus for an executive decision.
- h) in consultation with other Ministers/Secretaries, assign further ministerial functions with the approval of the Assembly
- i) power to dismiss a Minister/Secretary (or others in Ministerial office) for failure to comply with the requirements of **Executive Council/Committee/Commission/Committee of Secretaries** office.
- j) present proposals for programme of government and **Executive Council/Committee/Commission/Committee of Secretaries**-sponsored legislation to the Assembly

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- k) to report and to the Assembly on the overall discharge of **Executive Council/Committee/Commission/Committee of Secretaries** responsibilities
- l) make designated public appointments
- m) present proposals for reorganisation of government departments and their functions
- n) commission reports on administrative or policy issues
- o) receive reports from relevant bodies or persons and to act or make recommendations on these
- p) exercise a representative role

Meetings of Secretaries/Ministers

14. There shall be an arrangement for the Secretaries/Ministers to meet, to be known as the **Executive Council/Committee/Commission/Committee of Secretaries /Ministers**.
15. The purpose of such meetings shall include: the co-ordination of business between departments of government; the allocation of budgets; to receive and discuss reports affecting the overall conduct of government; the determination of overall policy to be followed in North-South and East-West institutions; consideration of proposals for legislation and legislative programme; consideration of relationships with the European Union and other external relationships.
16. Such meetings of Secretaries/Ministers or Deputy Ministers/Secretaries shall be presided over by the First Secretary/Minister and his/her Deputy.

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17. The First and Deputy First Secretary/Minister shall make the necessary arrangements for such meetings.
18. In doing so, they shall consult with each of the other Secretaries/Ministers in order to determine the business for such meetings.
19. The First and Deputy First Secretary/Minister shall have a particular responsibility for the promotion of consensus among Secretaries (para.15(g)). Decisions shall be by consensus or failing consensus, by a means which ensures **parallel consent** from both the nationalist and unionist Secretaries/ Ministers, and which includes a majority of all Secretaries/Ministers voting on a decision

Code of Practice for Secretaries/Ministers

20. On nomination each Secretary/Minister shall publicly commit himself/herself in the presence of the members of the Assembly to the terms of the Duty of Service for Secretaries/Ministers.
21. The terms of the Duty of Service are set out in Annex A.
22. A Secretary/Minister shall hold office unless replaced by his/her nominating party or unless required to resign following a breach of discipline adjudicated upon by the First and Deputy First Secretary/Minister.

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Legislation

23. Assembly to pass primary legislation for Northern Ireland, in transferred areas, subject to:
 - a) 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;
 - b) decisions by simple majority of members voting except when decisions on a cross-community basis required;
 - c) detailed scrutiny and approval in the relevant departmental committee;
 - d) mechanisms, based on arrangements proposed for the Scottish Parliament, to ensure suitable co-ordination, and avoid disputes, between the Assembly and Westminster Parliament;
 - e) option of Assembly seeking inclusion of Northern Ireland provisions in UK-wide legislation in Westminster Parliament especially on transferred issues where parity normally maintained (e.g. social security, company law).
24. The Assembly able to legislate in non-transferred areas with the approval of the Secretary of State and subject to Parliamentary control.
25. Legislation may be initiated within the Assembly, within Committees and by Secretaries/Ministers on behalf of their Departments.
26. Disputes over legislative competence to be decided by the Courts.

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Relations with other Institutions

27. The **Executive Council/ Committee/ Commission/ Committee of Secretaries/Ministers** would provide the Northern element of all-Ireland structures to be agreed in the negotiations. Participation would be a duty of service for all members who, in the performance of this duty, would continue to be bound by collective responsibility, and who would also be subject to scrutiny by the Assembly. Members of the Assembly would take part in any all-Ireland parliamentary tier.
28. The **Executive Council/ Committee/ Commission/ Committee of Secretaries/Ministers** would be closely associated, in a manner to be agreed, with whatever arrangements were agreed for continuing consultation and co-operation between the British and Irish Governments on non-transferred matters.
29. Likewise, the **Executive Council/ Committee/Commission/Committee of Secretaries** and Assembly would play appropriate roles in whatever wider East/West structures may be developed.
30. In relation to EU matters, the **Executive Council/ Committee/ Commission/ Committee of Secretaries** would implement EU directives and programmes within Northern Ireland, insofar as they related to transferred matters, and subject to whatever role had been agreed for all-Ireland structures in respect of these matters.

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31. Role of Secretary of State:

- a) to remain responsible for NIO matters not transferred to Assembly, subject to regular consultation with the Assembly and Assembly Ministers/Secretaries
- b) to approve and lay before the Westminster Parliament any Assembly legislation on reserved matters;
- c) to represent Northern Ireland interests in the British Cabinet;
- d) to have the right to attend the Assembly at their invitation

Funding

32. Funding for the Assembly's responsibilities to be determined primarily on the basis of existing compatibility and block arrangements.

33. Discretionary fiscal powers to be available to the Assembly.

Review

34. After a specified period there will be a review of these arrangements, including the details of electoral arrangements and of the Assembly's procedures, with a view to agreeing any adjustments necessary in the interests of efficiency and fairness.

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Annex A

Duty of Service for Ministers/Secretaries

To pledge:

- (a) to discharge in good faith all of the duties of office, including appropriate participation in North/South and East/West bodies;
- (b) commitment to non-violence and exclusively peaceful and democratic means;
- (c) to serve all the people of Northern Ireland equally, and to act in accordance with the general obligations on government to promote equality and prevent discrimination;
- (d) to participate with colleagues in the preparation of a programme for government;
- (e) to operate within the framework of that programme when agreed within executive and endorsed by weighted majority in the Assembly;
- (f) generally to be bound by collective responsibility.