

5 April 1998

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.

Safeguards

3. Safeguards to ensure all sections of the community participate and work together successfully in the operation of these institutions, and that all sections of the community are protected including:
 - a) allocation of Executive Office and Committee Chairs according to the D'Hondt system and committee membership in broad proportion of party strengths;
 - b) arrangements to ensure that key decisions are taken on the basis of parallel consent between both main communities. This would require the support of a voting majority which also comprises at least 50% in each case of those identifying themselves as nationalist or unionist and voting;

- c) key procedural decisions (including the election of office-holders, standing orders) will also require parallel consent.
- d) The requirement of parallel consent on other decisions to be triggered by a petition supported by at least 20% of those entitled to vote;
- e) 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;
- f) 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.
- g) 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, in addition investigate individual and group complaints against public bodies.

Operation of Assembly

4. There shall be a Chair and Deputy Chairs of the Assembly, to be elected on the basis of parallel consent, as set out in para 3 above.

5. There shall be Committees relating to each of the Departments 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, such 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.
7. Standing Committees on primary legislation may be established as required.
8. Decisions within plenary meetings of the Assembly shall be in accordance with the relevant provisions in paragraph 3 above.
9. Where the parallel consent requirement is triggered as at paragraph 3 above, or at the request of the executive or the relevant Departmental Committee, the Assembly shall appoint a special committee to examine and report on whether a measure or a proposal for legislation is in conformity with equality requirements, including the ECHR/Bill of Rights. The committee shall have the power to call people and papers to assist in its consideration of the matter. The Assembly shall then consider the report of the Committee and can determine the matter in accordance with the parallel of consent procedure.

Executive Authority

10. There shall be Secretaries/Ministers, drawn from the Assembly, who shall have executive responsibility for Government Departments and such other duties as may be assigned to them.
11. Departmental Secretaries/Ministers will liaise regularly with their respective Committees.
12. There shall be a First Secretary/Minister and a Deputy First Secretary/Minister.
13. The First Secretary/Minister shall be nominated by the largest party in the Assembly prepared to assume the responsibilities of executive office.
14. The Deputy First Secretary/Minister shall be nominated by the party with the largest number of seats in the other community, which is also prepared to assume the responsibilities of executive office.
15. The duties of the First Secretary/Minister and Deputy First Secretary/Minister shall jointly include responsibility for ensuring good governance, and over-seeing the development and implementation of public policy and legislation, on a basis which secures widespread acceptance, and in conformity with the ECHR, a Bill of Rights and equality proofing measures.

These joint duties will also include:-

- a) co-ordination of work of Ministers/Secretaries and Departments to provide executive coherence;
- b) consult and advise Ministers/Secretaries of Departments;
- c) general oversight of budgetary process, including arbitration of disputes;
- d) overall responsibility for civil service;
- e) co-ordination of relations with other arrangements including North-South, East-West, and EU;
- f) convene and preside at meetings of Ministers/Secretaries with responsibility to promote consensus and to deem whether there is parallel consent for an executive decision;
- g) in consultation with other Ministers/Secretaries, assign further ministerial responsibility, within the scope of transferred functions, with the approval of the Assembly;
- h) power to dismiss a Minister/Secretary (or others in Ministerial office) for failure to comply with the requirements and duties of executive office, consistent with para 23 below.

- i) present proposals for programme for government and executive sponsored legislation to the Assembly;
- j) to report to the Assembly on the overall discharge of executive responsibilities;
- k) make designated public appointments;
- l) commission reports on administrative or policy issues;
- m) receive reports from relevant bodies or persons and to act, or make recommendations, on these;
- n) monitor and, where appropriate, make proposals in relation to the organisation of Government Departments in their functions;
- o) exercise a representative role.

Meetings of Secretaries/Ministers

- 16. There shall be an arrangement for the Secretaries/Ministers to meet on a regular and frequent basis and to be known as the Executive Council/Committee/Commission/Committee of Secretaries/Ministers.
- 17. 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 co-ordination 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.

18. Such meetings of Secretaries/Ministers or Deputy Secretaries/Ministers shall be presided over by the First Secretary/Minister and his/her Deputy.
19. The First and Deputy First Secretary/Minister shall make the necessary arrangements for such meetings.
20. In doing so, they shall consult, as appropriate, with each of the other Secretaries/Ministers in order to determine the business for such meetings.
21. The First and Deputy First Secretary/Minister shall have a particular responsibility for the promotion of consensus among Secretaries. Decisions shall be by consensus or failing consensus, by a means which ensures parallel consent, and which includes a majority of all Secretaries/Ministers voting on a decision.

Code of Practice for Secretaries/Ministers

22. On nomination, each Secretary/Minister shall publicly commit himself/herself in the presence of the members of the Assembly to the terms of the Code of Practice for Secretaries/Ministers.
23. The terms of the Code of Practice are set out in Annex X.
24. A Secretary/Minister shall hold office unless replaced by his/her nominating party or unless required to resign following a breach of the Code of Practice adjudicated upon by the First and Deputy First Secretary/Minister. The party of the dismissed Secretary/Minister will have the power to nominate his/her replacement.

Legislation

25. 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 provisions null and void;
 - b) Decisions by simple majority of members voting except when decisions on the basis of parallel consent are required (see para 3 above);

- c) where the parallel consent is requirement is triggered, there shall be a special equality proofing procedure, as set out in paragraph 9 above;
 - d) detailed scrutiny and approval in the relevant departmental committee;
 - e) mechanisms, based on arrangements proposed for the Scottish Parliament, to ensure suitable co-ordination, and avoid disputes, between the Assembly and Westminster Parliament;
 - f) 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).
26. Legislation may be initiated within the Assembly, within committees, and by Secretaries/Ministers on behalf of their Departments.
27. Disputes over legislative competence to be decided by the Courts.

Relations with other Institutions

28. The Executive Council/Committee/Commission/Committee of Secretaries/Ministers would provide the Northern element of the North/South Ministerial Council. 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.

29. The Assembly will nominate members to an agreed joint parliamentary forum with the Oireachtas.
30. 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.
31. Likewise, the Executive Council/Committee/Commission/Committee of Secretaries and Assembly would play appropriate roles in whatever wider East/West structures may be developed.
32. 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.

Review

33. After a specified period there will be a review of these arrangements, in line with the terms of the overall agreement.

Role of Secretary of State:

34. 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 an lay before the Westminster Parliament any Assembly legislation on reserved matters;
- c) to represent Northern Ireland interests in the British Cabinet.

Funding

35. Funding for public expenditure on transferred matters to be determined primarily on the basis of existing compatibility and block arrangements.
36. Discretionary fiscal powers to be available to the Assembly.