

Ulster Democratic Party

A Northern Ireland Assembly

Integral to the problems within Northern Ireland has been the imbalance of political power, not only between unionists and nationalists but also within unionism. Northern Ireland's history is evidence that a strong tradition of political accommodation is lacking. The **Ulster Democratic Party** believes that devolution and the establishment of a Northern Ireland Assembly on the basis of *co-determination* can overcome these problems, if both unionist and nationalist leaders are willing to share responsibility and decision-making. Key to the establishment of such an assembly are:

- devolution
- proportional representation
- a written constitution including a bill of rights and the principle of consent
- and a fully accountable and representative democratic government.

More than two decades of direct rule from Westminster have made it clear that removing political decision-making from Northern Ireland has not fostered accommodation and reconciliation. Rather it has served to further alienate both unionists and nationalists, while encouraging irresponsible and unaccountable political behaviour. Devolution, in contrast, would place the decision-making and responsibility back into the hands of the people of Northern Ireland. It would encourage policies which specifically address Northern Ireland's governance, society, and economy. Devolution would reflect the opinion of the majority of the people by Northern Ireland remaining within the Union, while providing the political space for

full nationalist participation. Thus, only devolution would provide a workable framework for conflict resolution through *co-determination*.

Recognising that Northern Ireland is a divided society and thus cannot be governed by majority rule is the first step towards *co-determination*. The second step is accepting that neither a return to Stormont nor a united Ireland will resolve the conflict and produce a stable, equitable and lasting settlement. The final component of *co-determination* is adequate protection of minority rights and civil liberties.

The **Ulster Democratic Party** consequently proposes the creation of a devolved Assembly, *co-determination* for the people of Northern Ireland through shared responsibility, and a written constitution including a bill of rights as the basis for a new political structure in Northern Ireland.

Proposals for an Assembly

The **Ulster Democratic Party** believes it is vital for the conflict resolution process to establish a new institution for the governance of Northern Ireland, replacing direct rule from Westminster. A devolved Assembly fully accountable to the people of Northern Ireland will place responsibility for the future of Northern Ireland back into the hands of the people, while in no way diminishing Northern Ireland's constitutional status as an integral part of the United Kingdom. Devolution for Northern Ireland would unequivocally maintain the link with Britain. At the same time, it would provide for the possibility of *co-determination*.

In accordance with the Government's plans for devolution and the modernisation of the United Kingdom, the **Ulster Democratic Party** proposes the creation of a 110 member single chamber devolved Assembly for Northern Ireland. In line with the

proposals for the Scottish Parliament, the Assembly will have an Executive headed by a First Minister. The relationship between the Executive and the Assembly will be similar to that of the UK Government and UK Parliament. In addition to the First Minister, the Executive will further consist of a team of Northern Irish Ministers which will reflect the political make-up of the Assembly and will be fully accountable to the Assembly. Ministers of the Executive will be answerable to the Assembly, and the Assembly's committees will be able to scrutinise and report on the effectiveness of the Executive's administrative action and its use of public monies voted to it by the Assembly.

The legislation setting up the Northern Ireland Assembly should specify those powers which remain non-devolved: Constitutional matters, UK foreign policy, UK defence and national security, UK fiscal and macro-economic policy, social security, and employment legislation.

A devolved 110-member Northern Ireland Assembly should have legislative powers for:

- health
- education and training
- local government
- social work and housing
- economic development and transport
- civil law, criminal law and home affairs
- the environment
- agriculture, fisheries and forestry
- sports and the arts
- research and statistics
- security and policing

The Northern Ireland Assembly should further have the control of local authority expenditure, non-domestic rates, and other local taxation in line with the tax varying powers of the proposed Scottish Parliament.

Further, the Assembly should have full control of Northern Ireland's security policy and policing, including police reform, emergency provisions, and criminal justice. Accordingly, the Royal Ulster Constabulary should be directly accountable to the Assembly.

And finally, the Assembly should be able to scrutinise EU legislative proposals and have a Northern Irish representative office in Brussels.

Since many of the areas falling under the remit of the Assembly are specialised, the **Ulster Democratic Party** believes committees should be established to take over the responsibilities of the existing six Northern Ireland departments (Agriculture, Economic Development, Education, Environment, Health and Social Services, and Finance and Personnel) as well as new responsibilities devolved to the Assembly. The number, responsibilities, and configuration of these committees would be determined by the Assembly as a whole.

The committees would be headed by a Chair and Deputy Chair, reflecting the balance of the parties in the Assembly. The Chairpersons would take on the duty of the day to day responsibilities of the current NI departments in consultation with the committees, which, in turn, would be fully accountable to the Assembly.

Committees will also be set up to carry out Assembly business including the initiation of legislation, scrutiny of proposals, as well as wide-ranging investigative duties. The latter will ensure that a proper system of checks and balances is in place and that the governance of Northern Ireland is transparent and fully accountable.

Should disputes arise within the committees and fail to be resolved, the Assembly as a whole would adjudicate.

Finally, in order to ensure that decisions fully reflect all sections of opinion in Northern Ireland, decisions on contentious issues must command more support than a simple majority. Therefore, the **Ulster Democratic Party** proposes that decisions on non-contentious issues should be taken on the basis of a simple majority, while decisions on contentious issues require a two-thirds majority.

Elections

An important component for *co-determination* is proportional representation. In divided societies such as Northern Ireland electoral systems that discourage exclusive ethnic voting should be established. This would reduce the polarisation of the two communities and encourage compromise and accommodation. Communal voting patterns as well as the 'first past the post' system have tended to over-represent majorities and under-represent minorities and thus have contributed to widening the gap between the communities. Proportional representation would effect the opposite and, therefore, is clearly the preferable electoral system for *co-determination*.

The **Ulster Democratic Party** proposes that 90 seats of the 110 seat Assembly should be filled through elections based on proportional representation in the existing 18 Westminster constituencies.

In addition to proportional representation, the **UDP** deems a 'top-up' system for the other 20 seats essential. This serves to create a level playing field for parties which may be under-represented as a result of ethnic voting patterns typical in divided societies.

Combined electoral systems such as the 1996 Forum elections, which had a combined system of STV and 'top-up', have revealed several advantages for Northern Ireland's society which should not be ignored. They are able to accommodate both larger and smaller political parties, thereby enabling for a fairer and more accurate representation of all sections of society. They also have had a significantly smaller number of spoiled votes compared to other elections in Northern Ireland, thus reducing the potential for electoral fraud.

The **Ulster Democratic Party** believes that a combined electoral system is necessary as the basis for an Assembly. In order to adequately reflect the political make-up of Northern Ireland's divided society, the **UDP** proposes that the additional 20 seats should be allocated according to the D'Hondt system, taking into account the seats already won by the parties in the 18 electoral constituencies.

The **Ulster Democratic Party** therefore advocates the creation of a Northern Ireland Assembly to be elected as follows:

- 90 Assembly seats would be allocated to the first five candidates elected in 18 constituencies through STV
- 20 additional seats would be allocated to the D'Hondt system, taking into account the seats already won by the parties.
- Elections to the Assembly should be on a four year fixed term basis.

Only a combined electoral system comprised of proportional representation and a 'top-up' system - which would function similar to the additional member system in the elections to the Scottish Parliament - will ensure that all sections of the community can participate and that their interests are protected.

Relationships with other institutions

1. *Westminster*

- Relations between the Northern Ireland Assembly and Westminster should be enshrined in a written constitution for Northern Ireland and regulated through that constitution henceforth.
- Northern Ireland's MPs will continue to play a full and constructive part at Westminster as devolution is about strengthening the Union. Thus the NI Select Committee and the NI Grand Committee at Westminster will continue to function in relation to Northern Ireland matters.
- The Secretary of State for Northern Ireland will work in partnership with the new Northern Ireland Assembly and represent Northern Irish interests within the UK Government. The Northern Ireland Assembly and the UK Government will work closely together at both Ministerial and official level.

2. *Council of the British Isles*

- Representatives of the Assembly will also play a full and constructive role in the Council of the British Isles, as outlined in previous **UDP** proposals. The Assembly and the Council will work closely together so that Northern Irish interests are represented vis-à-vis Scotland, Wales, England and Ireland as a basis for regional co-operation.

3. *Europe*

- Relations with the EU will remain the responsibility of the UK Government, but the Northern Ireland Assembly will be involved in relevant UK decision-making and participate in relevant meetings of the Council of Ministers.

- Moreover, the Northern Ireland Assembly will be able to scrutinise EU legislative proposals as well as have a Northern Irish representative office in Brussels to complement the role of the UKREP.

4. *The Republic of Ireland*

- UK foreign policy matters are reserved for the UK Government.
- Matters on which North-South co-operation makes sense shall be dealt with within the remit of the North-South Ministerial Council. The Ministerial Council would function as a co-ordinating body with purely advisory functions within the framework of the Council of the British Isles. Executive, budgetary, and legislative authority will rest with the Northern Ireland Assembly, as detailed in the **UDP's** position paper on North-South Structures.

Co-Determination and a Written Constitution

Northern Ireland is a divided society and majoritarian governance, as history has proved, has been an obstacle to accommodation. A stable, peaceful, and democratic settlement can only be achieved through sufficient consensus amongst the parties and with the consent of the people of Northern Ireland. It can only be achieved through *co-determination*.

More than two decades of inter-communal conflict, however, do not make the transition to *co-determination* an easy one. The **Ulster Democratic Party**, therefore, believes it is necessary to have a written constitution which clearly outlines, demarcates, regulates, and protects the relationship between the people of Northern Ireland and the governing institutions. The written constitution will enshrine civil rights and liberties in a bill of rights, as well as clarify the relationship between

Northern Ireland and Westminster. The constitution will also incorporate the principle of consent as the basis for a new society and fair decision-making.

Political decision-making must be based on sharing responsibility for Northern Ireland's future. Unionists and nationalists must have a vested interest in making governance work. Only through agreement and consensus between the parties can governing institutions be created which command the support of the majority of both traditions. *Co-determination* will make a new political arrangement sustainable and allow institutions to operate through shared responsibility.