

Internal UUP Paper Strand One Positions #2

- Northern Ireland does require a new institution dedicated to the governance of the province. That institution must have political efficacy and be "boycott proof" with no incentive to nationalists to make it fail.
- Devolution to that institution and revamped local authorities should be limited to the areas currently controlled by the Northern Ireland Departments. The institution should only exercise administrative/executive powers akin to the proposals for the Welsh Assembly¹ although there could be a limited legislative role. We would expect a positive case to be made for each proposed legislative power.
- Before devolution there should be a review of the existing distribution of functions within and between the Northern Ireland departments. The DoE might be split up to separate the "developmental functions" such as planning and housing from the "environmental" ones such as heritage, pollution control and wildlife. Similarly at DANI the interests of the consumer and those of the producer are all under one roof. The political efficacy test may require that even more departments be created to be controlled by local elected politicians.
- The new institution will in effect be The Northern Ireland Assembly. Elections to the Assembly will use the existing parliamentary constituencies as the basic electoral unit with each such constituency returning five members using STV - a total of 90. (Others could argue for an Additional Member Scheme² which may be employed either on a NI wide basis or using groupings of the parliamentary constituencies.)
- Unlike Wales, we do not envisage an Executive Committee of the Assembly acting as a cabinet. Rather the executive would be the Assembly in total with administrative functions carried out by committees whose chair and composition would be allocated on a proportional basis as in some local authorities. Broadly there should be a committee for each NI department, but this should not exclude others e.g. EU matters³. Each committee would have a chair and deputy chair on a proportional basis (taking suitable account of those who may not

¹ See "A Voice for Wales" and in contrast "Scotland's Parliament" - copies at Stormont office

² See Appendix A

³ See Appendix B

be committed to exclusively peaceful means). The D'hont system would be appropriate in this area.

- In effect, each chairperson would become 'Head of Department' which would be the equivalent of 'Minister'. It would be the function of the relevant committee to determine the policy to be followed by each Department, subject as it would be to ratification by the whole Assembly. The chairperson would have day to day charge of the Department and a specified range of powers to enable him/her to carry out the functions of the office effectively. These powers would not be incompatible with a chairpersons' duty to report directly to his committee nor would they enable a chairperson to operate outside the policy decisions of the relevant committee.
- The Assembly as a whole would adjudicate on policy disputes which affect different Departments, such as budget allocation. However, Heads of Departments would be expected to make determined efforts to resolve their differences informally before a budget was presented to the whole Assembly. The Head of Finance and Personnel would be expected to play a leading role here.
- Decision should be taken on a simple majority basis. The Scottish and Welsh proposals⁴ aim to ensure that potential problems in the decision making process are identified at the earliest possible point by utilising pre-legislative checks. This is an aspect of devolution which could be employed in Northern Ireland. However as the Assembly would operate within statutory limits flowing from proposed Human Rights legislation a cumbersome structure of checks and balances would be unnecessary. Importing "sufficient consensus" into Assembly decision making would focus on the two tribal blocks at the expense of others and, more importantly, ensure administrative gridlock. Similarly we do not see the need for a second or complimentary chamber for the regional governance of 1.5 million people.
- The Secretary of State would be the main means of liaison between the Assembly and the government of the day in London. At Westminster the NI Select Committee and the NI Grand Committee would continue to function in relation to Northern Ireland matters. As for relationships with the Irish Republic and the rest of the UK, these are matters for Strands 2 and 3.

⁴ See "Scotland's Parliament" page 14, para 4.16 & "A Voice for Wales" page 28, paras 4.26 - 4.27

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- The Assembly would not have any revenue raising powers and would operate within the block grant system. Accordingly Westminster would hold the purse strings and full participation in Parliament and liaison with government would be crucial to ensure NI's needs are articulated in the spending rounds. Law will still be made at Westminster - albeit not by Orders in Council. This all means that a partnership between the Assembly, Parliament and government should evolve. That partnership could take several forms but at the very least the Assembly should be able to influence legislation before Parliament. Again using the Welsh proposals, the Secretary of State should be obliged to consult with the Assembly about the NI legislative programme. The Assembly could debate the programme and present responses. In addition the assembly could debate matters of interest/concern to NI and let Parliament know its' views.
- A rights framework is an essential part of the Strand One component of the Talks. We welcome the incorporation of ECHR into UK domestic law and can envisage protocols relating specifically to Northern Ireland. It is in the interests of the Unionist community to have a rights culture and protection regime in NI second to none.