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NORTHERN IRELAND DISCUSSION PAPER NO 2

Constitutional Convention Procedure

Possible methods of procedure for the Northern Ireland Constitutional Convention are suggested in a Discussion Paper published today.

In his foreword to the paper, the Secretary of State for Northern Ireland, Mr Merlyn Rees, says "The aim of the British Government is that through the Convention the people of Northern Ireland should be given the chance to chart Northern Ireland's future together. The Convention is a deliberative body. It offers that opportunity for which so many of the people of Northern Ireland have asked - the chance to discuss and seek agreement among themselves."

The role of the Convention will be to suggest new constitutional arrangements for Northern Ireland which will "command the most widespread acceptance throughout the community." It will not be a legislative body and its proposals will be subject to the decisions of the Westminster Parliament.

In the White Paper published in July this year and the subsequent Northern Ireland Act 1974, the maximum scope is left for the Convention itself to decide how best to carry out its work and reach its conclusion. This paper identifies some of the

procedural matters on which such decisions must be made by the Convention and seeks to assist discussion by putting forward possible procedures which might be adopted. Three annexes at the end of the paper describe the methods adopted by other Conventions - in Ireland in 1917/18, in Newfoundland, in 1946/47 and in Australia at the moment. The point is made, however, that "These Conventions concern totally different issues and circumstances from those of the Northern Ireland Convention."

Members and Chairman of the Convention

The Northern Ireland Act provides that the Convention will consist of a Chairman, together with 78 Members elected from the 12 parliamentary constituencies of Northern Ireland using proportional representation. The paper recognises that the Chairman's role will be a delicate one. While preserving his impartiality, he must be ready to help the Convention towards reaching agreement. "One of his major functions may well be to seek to help the Convention find a way past apparently insuperable differences of opinion, and to stimulate new lines of thought and new avenues of approach to the Convention's task."

Staffing of the Convention

Some provisions for a Convention secretariat will need to be made and the Government will make arrangements for this. The paper suggests that, in addition to the secretariat, the Convention may wish to enlist the assistance of a panel of experts on a permanent, temporary or part-time basis. It specifies the possible desirability of the full-time services of a constitutional lawyer and an economist.

Method of proceeding

It is specifically provided in the Act that the Convention "may appoint committees to assist it in the discharge of its functions." The Discussion Paper suggests how this might be done and says that there might be merit in the appointment of some kind of Steering Committee to act in close consultation with the Chairman and to maintain a general oversight of proceedings.

The Paper discusses the question of a record of proceedings and to what degree the workings of the Convention should be held in public. It points out that, since matters of some delicacy will be under discussion, it is important that Members should be able to work free from outside pressures in an attempt to reconcile.

conflicting viewpoints. It can also be argued, however, that any elected institution depends in large measure on maximum public awareness of its activities. The paper concludes that these two approaches are not necessarily mutually exclusive and that it might be possible to hold full sessions of the Convention in public, with the proceedings of committees and working parties in private.

On the question of rules of procedure, the paper says that the Convention "may well think it undesirable to regulate its business in a rigid manner lest it be faced with the need to make continual changes. As an alternative to drawing up a set of comprehensive rules, the Convention might, therefore, feel it appropriate to adopt a few broad and simple rules (supported perhaps by an omnibus clause allowing relevant House of Commons rules to be applied where the Convention's rules are silent).

In the conclusion to the main body of the paper, it is stated that "the terms of reference specifically require the Convention to consider arrangements for government which are not only likely to command 'widespread acceptance throughout the community' but 'the most widespread acceptance.'" It follows from this that the Convention's principal aim must be to reach full agreement on what system of government would be likely to command widespread acceptance throughout the community - or, if the Convention considers that more than one system meets these criteria, which of them can be expected to command the highest degree of widespread acceptance.

"If it proves impossible to reach full agreement within the Convention, it would be open to the Convention to report on the various arrangements for government that had been considered as likely to command the necessary widespread acceptance throughout the community, and on the degree of support within the Convention for each of these arrangements. It would then be for Parliament to take the balance of opinion within the Convention into account in considering the Convention's Report."

ANNEXES

The paper describes in detail the arrangements made for the 3 other Conventions mentioned above. It lists the procedures adopted by each one under the headings of membership, chairmanship, secretariat, committees, order of business, standing orders, record of proceedings, press and publicity, method of handling suggestions, research and information, evidence, voting procedures and attendance.

The purpose of the Discussion Paper is to provide background information for the use of the Convention. It is for the Secretary of State to lay down initial standing

orders so that the Convention can get under way but thereafter it is for the Convention to order its own affairs. It would obviously be difficult for the Convention to decide on this in a vacuum and the Discussion Paper seeks to provide it with information on procedural matters so that it can reach informed decisions.

As the Secretary of State for Northern Ireland says, in his foreword to the paper, "The aspiration which must be turned into reality in Northern Ireland is that its community should come together for Northern Ireland. Reconciliation, peace, stability, justice, social and economic progress are the real needs and heartfelt desires of virtually all the people. It is up to those who are elected to the Convention and to the leaders of all shades of public opinion to recognise the needs and to turn the desires into reality. It is this that can bring the years of bitterness and bloodshed to an end."