

NATIONAL ARCHIVES

IRELAND



Reference Code:	2010/53/925
Creation Date(s):	January-March 1980
Extent and medium:	6 pages
Creator(s):	Department of the Taoiseach
Access Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

Papers presented by the

*PA
Sh1222*

ALLIANCE PARTY OF NORTHERN IRELAND

CONFERENCE

on the

GOVERNMENT

of

NORTHERN IRELAND

STORMONT

January - March 1960

ORDER OF AGENDA AS AT 21 JANUARY

- 1 One, or more elected bodies.
- 2 Subjects to be transferred.
- 3 Power to legislate.
- 4 Method of election.
- 5 Bicameral or unicameral.
- 6 The administration's modus operandi.
- 7 Role of Committees.
- 8 Role of Minorities.
- 9 Rights of appeal.
- 10 Over-ride powers.
- 11 Bill of Rights.
- 12 Financial arrangements.
- 13 Acceptability of proposals.
- 14 Permanence of arrangements.



THE ALLIANCE PARTY OF NORTHERN IRELAND

Headquarters:
88 UNIVERSITY STREET,
BELFAST BT7 1HE

Telephone:
Belfast 24274/5

THE INITIAL SUBMISSION OF THE ALLIANCE PARTY TO THE CONSTITUTIONAL CONFERENCE CONVENED BY THE SECRETARY OF STATE FOR NORTHERN IRELAND, JANUARY 1980.

INTRODUCTION

The Alliance Party has agreed to attend the Atkins Conference because it is convinced that the continuing political vacuum is disastrous for the future of the people of Northern Ireland. Direct Rule was designed as a purely temporary expedient and is accepted by almost everyone as a short-term procedure for governing the province in the absence of internal agreement. The temporary nature of Direct Rule in itself gives encouragement to those who seek to impose their own political will by the use of violence because in the absence of an agreed constitutional solution they feel that they have everything to fight for. Furthermore the irrelevance of local party politics on decision-making within Northern Ireland has seriously weakened the democratic process.

Alliance believes that there is an urgent need to bring back to Northern Ireland a form of devolved Government which can command widespread support throughout both sections of our divided community. We see the Atkins Conference as a timely and important opportunity to try to obtain an agreed basis for new devolved institutions which can command this widespread support and can begin the process of creating political stability in Northern Ireland.

We recognise that no political agreement which is acceptable to the vast majority of Northern Ireland people whatever their political tradition will be acceptable to the men of violence. In the Working Paper for this Conference one of the powers excluded to any new Northern Ireland body at this stage is control over security. It is, therefore, of the most vital importance that the Government at Westminster carries out its responsibilities to the people of Northern Ireland for the eradication of terrorism from whatever quarter. Without that commitment no agreed devolved administration for Northern Ireland could achieve a peaceful and prosperous society.

Powers to be Transferred

The Alliance Party is attending the Atkins Conference with the object of trying to achieve agreement for the transfer to a new Northern Ireland elected body of powers both legislative and administrative. These should not be less than the 1973 scale, and the Westminster Parliament must remain sovereign in all matters. We recognise that unless these powers are exercised and seen to be exercised in such a way that all sections of a divided community have confidence in the system, that devolved Government would not solve Northern Ireland's problems and could indeed exacerbate them.

Partnership

At the root of our problems in Northern Ireland is our fundamental community division and resulting lack of common identity. The Alliance Party believes that this can only be resolved by the creation of political institutions based upon the principle of partnership coupled with adequate safeguards.

Agreed structures of government would provide the vehicle for developing a new common loyalty between Catholic and Protestant within Northern Ireland and have also a major contribution to make in eradicating the root causes of violence. An administration drawn from all substantial elected groupings on the principle of proportionality would create political structures which both sections of the community would not only identify with and support but which together they would also be prepared to defend against the gunmen on both sides. Furthermore it is imperative that all those who participate in this administration fully support the security forces.

If we can succeed in establishing a partnership administration, freely agreed between representatives across the sectarian divide, then we would prevent paramilitaries from either side being able to exploit community divisions and feelings of insecurity for their own narrow selfish ends.

The Irish Dimension

This phrase was first officially used in the Green Paper of October 1972 to indicate that Northern Ireland and the Irish Republic did share one island, that there were certain historical connections, that there was a common security problem and that there were certain common social and economic problems particularly within an EEC context. However the phrase "Irish Dimension" has become associated in the public mind with two quite separate concepts:-

- (a) Movement whether by consent or otherwise towards some form of Irish unity.
- (b) Co-operation on common security, social and economic problems mutually advantageous to Northern Ireland and the Republic of Ireland within the existing constitutional position.

The first of these concepts is catered for by periodic referenda of the people of Northern Ireland, the next being due in 1983. We reject any attempt to move towards Irish unity other than by this referendum process. Any such attempt not only breaches the principle of consent but is counterproductive to the achievement of peace, reconciliation and inter-community justice within Northern Ireland.

The Alliance Party favours co-operation with the Republic of Ireland on matters such as security and the promotion of schemes of mutual advantage in social and economic fields. In this sense there is an Irish Dimension. However since the destruction of the 1920 Council of Ireland by the South and the destruction of the 1974 Power Sharing Executive because of the widespread opposition to the proposed Council of Ireland within the North itself, any new institution to try to jointly promote such co-operation would have such an aura about it of suspicion and failure that it would inevitably fail.

Therefore, necessary and desirable co-operation with the Republic of Ireland should be based upon ad hoc co-operation between Governments and other public bodies North and South and not upon a new institution such as a Council of Ireland.

Constitutional Protections

(a) Bill of Rights

In any new constitution for the future government of Northern Ireland there should be incorporated a Bill of Rights, guaranteeing to all citizens their fundamental Human Rights based on the European Convention on Human Rights and any such Bill must be judicially enforceable through the courts.

(b) Right of Appeal

There should be a right of appeal on legislative and administrative matters to the sovereign Parliament at Westminster in clearly defined circumstances and based upon substantial minority objection.

(c) Weighted Majority Voting Procedure

Certain legislative and administrative decisions should require approval by a weighted majority vote.

Questions for Discussion

In the Secretary of State's Working Paper (Ref pages 10 and 11) a number of questions are posed for discussion at the Conference. The Alliance Party considers that it would be helpful in this document to put forward very briefly and concisely its attitude to each of these questions. We believe that the details are a matter for negotiation at the Conference itself. Hereunder we have set out the questions asked and our answers in the hope that certain areas of agreement can be identified between parties attending the Conference and the areas of disagreement reduced and clarified.

Q 1 *Should there be one elected body, or more?*

A 1 There should be one elected body.

Q 2 *What should be the method of election of the elected body or bodies?*

A 2 Proportional Representation (STV) based on multi-member constituencies.

Q 3 *In the case of one body, should there be one chamber or two; and if two, how should the upper chamber be chosen and what powers should it have?*

A 3 There should be one chamber.

Q 4 *Should the Executive be "cabinet-style" or "committee-style"?*

A 4 Either, provided it is based upon the principle of proportionality.
(Also see A 11)

Q 5 *What part (if any) should committees play in legislative or executive decision-taking; could they have an investigation or advisory function?*

A 5 Committees should have both investigative and advisory functions.

Q 6 *Should the range or number of functions transferred be on the 1973 scale or more limited?*

A 6 Not less than the 1973 scale.

Q 7 What should be the extent of the powers transferred: legislative and executive, or executive only?

A 7 Legislative and executive.

Q 8 If legislative, should they extend to primary legislation (subject to over-ride by the Westminster Parliament) or only to subordinate legislation?

A 8 Primary legislation subject to clearly defined over-ride by Westminster Parliament.

Q 9 If executive powers only are transferred, ie on local government lines, should they be confined to management or include responsibility for policy within a legislative framework?

A 9 See answer to Q 7.

Q 10 How much financial power should be given to the elected body or bodies, and to the executive, as regards (a) the raising of revenue and (b) deciding how the available resources should be distributed?

A 10 The right to decide how available resources should be distributed and also defined limited rights to raise revenue as for example the fixing and raising of the Regional Rate.

Q 11 What are the best arrangements to take account of the interests of the minority community in decision-taking, whether legislative or executive: for example, should a proportion of posts be reserved to their representatives or should certain posts and/or decisions require approval by a weighted majority vote?

A 11 The decision-making process should be based upon the principle of proportionality in respect of the exercise of executive power, thus giving all parties in proportion to their elected strength an appropriate say in the exercise of responsibility.

In addition certain legislative and administrative decisions should require approval by a weighted majority vote.

Q 12 Should there be an established right of appeal by minority groups in the elected body (or bodies) to a higher authority with "over-ride" or blocking powers?

A 12 Yes in clearly defined circumstances and based upon substantial minority objection. Furthermore there should be a Bill of Rights judicially enforceable through the courts.

Submitted 4th January 1980