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The Alliance Party of Northern Ireland
Alliance

David Ford

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Date 2 Dec 2003
To Owen Smith
Re Review Thoughts
Contents: This plus five pages

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Sent to
Mary Madden
for advice
FR 27716
4/12/03

Owen

Attached is a non-paper consisting of:

- a 2 pages summary of the Draft Paper for the Review
- b 3 pages extract from the Alliance Manifesto

I trust that these are not contradictory and are of use. Matthew Rycroft told me this afternoon that Downing Street would appreciate a copy from you.

Regards



CONFIDENTIAL Draft for Council Sept 2001

Agenda for Democracy Summary

The major strength of the Agreement continues to lie in its creation of a set of political institutions with cross-community legitimacy within a deeply divided society. The implementation of the Agreement has been undermined by continued bickering among pro-Agreement parties and their failure to rise above narrow sectarian concerns, instead of working for the common good. Fortunately, the Agreement provides terms for its own comprehensive review.

The following proposals for improving the Agreement are designed to take Northern Ireland forward for the next generations.

- The Agreement would be modified to allow the Principle of Consent to be used to determine other constitutional futures for Northern Ireland than merely a straight UK/United Ireland choice.
- Alliance advocates the reduction in the size of the Northern Ireland Assembly from 108 MLAs to 80-90 MLAs.
- Alliance advocates creating approximately 12 Assembly constituencies, to each return about 6 to 8 MLAs by STV.
- Alliance supports an Assembly voting system for specific matters consisting of a weighted majority, free from communal/sectarian designations. This will ensure *de facto* cross-community voting, avoid entrenching divisions, pigeon-holing MLAs and their electors, and accommodate demographic and political change. Alliance proposes a threshold level of 60-65%.
- There should be a clear requirement for the Chair of the Public Accounts Committee to be a representative of a political party not on the Executive.
- Alliance argues that the Assembly Executive should be a voluntary coalition, negotiated between parties and endorsed by a weighted majority vote in the Assembly, to ensure a cross-community composition.
- Alliance advocates replacing the current OFMDFM. Most of its functions should be allocated to a more appropriate Department, retaining a small co-ordinating core. The First Minister would fulfil the normal functions of a chief minister, in addition to serving as a Minister of his or her own Department.
- If the Office of the First Minister and Deputy First Minister is to continue, then Alliance advocates that a full Scrutiny Committee be established in the Assembly to scrutinise the functions of the OFMDFM.
- In order to make Executive Ministers more accountable, Alliance would grant the Assembly (on the basis of a weighted majority vote) the power to negate a Ministerial decision.

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- Alliance advocates that the First Minister, Deputy First Minister, Taoiseach and Tanaiste make a joint report in both the Assembly and Oireachtas annually, and be subject to questions from legislators.
- Alliance would require both the Assembly and Oireachtas to establish a North-South Parliamentary Tier, open to all parties, with each jurisdiction sending an equal number of participants.
- Alliance believes that there is scope for increasing the number and areas for formal North-South co-operation through implementation bodies.
- Alliance advocates that a good relations duty should be placed upon all public bodies, to promote sharing over separation.
- Alliance believes that the definition of a ceasefire should be clearly set out, based on paragraph 13 of the Joint Declaration, and encompass an end to all paramilitary activity.

The Agreement

Alliance reiterates its full support for the Good Friday Agreement. The Agreement represents an historic accommodation among the various political traditions in Northern Ireland, north and south, and all of these islands. Its major strength continues to be the creation of a set of political institutions with cross-community legitimacy within a deeply divided society. The Agreement also provides the opportunity to discuss and develop some fundamental aspects of a shared society, like human rights, equality and social justice.

Yet the implementation of the Agreement has been undermined by continued bickering among the pro-Agreement parties and their failure to rise above narrow sectarian concerns to work for the common good. At the outset, the Agreement was seen as a win-win by all sections of the community. Sadly, it is today regarded in zero-sum terms, with a gain one for one section of the community being perceived as a loss by another.

Most crucially, we have witnessed a deterioration in community relations and an increase in sectarianism, racism and segregation on the ground. Regrettably, the Agreement has played a major role in contributing to an institutionalised sectarianism in Northern Ireland.

Comprehensive Review

Several years on, it is possible to view the Agreement and its implementation from a clearer and more critical perspective. Over the past five years, those deficiencies and flaws in the Agreement have come into much clearer focus.

Fortunately, the Agreement does provide the terms for its own comprehensive review. It is now necessary to review its terms and structures, and to learn the lessons of experience.

This will not be a renegotiation, but rather improvements to the working of the Agreement, firmly based on the principles of the Agreement.

Alliance's proposals for the Comprehensive Review are rooted in the party's key values:

- Commitment to exclusively democratic and non-violent principles.
- Opposition to sectarianism, racism and other forms of arbitrary division.
- Commitment to human rights, fair play and social justice.

The 'constitutional issue' is not a defining issue that preoccupies the Alliance Party. In keeping with the three core values the party's main concern is that the people's consent is paramount and that the legitimate interests of all are safeguarded.

Alliance is firmly committed to the principle of power sharing. We favour a move away from the rigid, consociational form of power sharing contained in the original Agreement, towards more flexible and integrated versions of power sharing more appropriate for an evolving and diverse society. Ultimately, our objective is to fashion Northern Ireland as a model European liberal democracy.

Alliance Proposals for the Review

Before the commencement of the scheduled formal Review of the Agreement, Alliance will be presenting a detailed paper setting out our proposals for making the Agreement work better. Our full proposals will include the following:

Constitutional Status

Alliance restates its support for the Principle of Consent. Alliance believes that the people of Northern Ireland should not be restrained from devising and advocating any constitutional outcome, not merely a straight choice between the maintenance of the United Kingdom or a united Ireland.

Size of the Assembly

Alliance believes that the Assembly is too large, and consequently too expensive. Alliance will support moves to reduce the size of the Assembly.

Designations and Voting System

Alliance is concerned at the sectarian nature of the Assembly designations and related voting system. It is crucially important that, in a deeply divided society, significant matters in the Assembly are decided on a cross-community basis. However, there are several different forms of cross-community voting, not confined to the two versions in the Agreement. There are four particular problems with the current system:

- the institutionalisation of sectarian division
- a lack of equality of votes between MLAs
- an inability to adjust to changing demographic and political circumstances
- the ability of minorities to effectively hold the process to ransom

Alliance strongly advocates the use of a weighted majority, free from any communal designations, for key decisions in the Assembly.

The Executive

The NI Executive has not performed as expected. Much of this is due to poor design. Through an involuntary coalition, there is no requirement or incentive for parties to abide by collective responsibility. Ministers can run their Departments as personal fiefdoms. There is little scope for removing a Minister who is underperforming or who is politically inept.

Alliance argues that the Executive should be formed as a voluntary power-sharing coalition, endorsed by a weighted majority vote in the Assembly to ensure a cross-community composition. It should be possible for parties to negotiate a balanced executive, with an agreed programme for government. This would be required to achieve a cross-community weighted-majority vote in the Assembly in order for it to come into effect.

Office of First Minister and Deputy First Minister

Alliance advocates the abolition of the current Office of First Minister and Deputy First Minister, to be replaced by a more streamlined office, with appropriate functions being reallocated to dedicated Departments.

The First Minister would fulfil the normal functions of a chief minister, chair meetings of the executive, and provide a representational service. A Deputy First Minister would deputise for the First Minister.

Ministerial Accountability

To date, Ministers in the Northern Ireland Executive have been able to take decisions within their own area of responsibility with little or no political checks and balances, and only the minimum protections provided by law. At the same time, the Statutory Committees have not been as effective as envisaged.

Alliance proposes to give the Assembly the power to nullify a Ministerial decision, through a weighted majority vote.

Committee Chairs

The d'Hondt system is a poor form of proportionality that is prone to major distortions. Alliance would replace the d'Hondt system for allocating Chairs of Committees, with a fairer and more effective system, where such a mechanism is required. One possibility would be via an STV election by the MLAs.

NI Assembly and Oireachtas

There is a need for more openness and transparency within the North-South Ministerial Council. Alliance believes that the Taoiseach and Tanaiste, First Minister and Deputy First Minister should make a joint report on the NSMC activities in each of the respective legislatures every year.

Alliance also believes that the Assembly and the Oireachtas should be required to establish a North-South Parliamentary Tier, open to all parties, with each jurisdiction sending equal numbers of participants.

Promoting Community Relations

Community relations must be given a higher profile following the Review of the Agreement.

Alliance proposes to place a statutory obligation on public authorities to carry out functions with due regard to the need to promote good relations between all sections of society. This would be of a similar nature to the current equality duty.

Human Rights

Alliance stresses our continued support for the work of the NI Human Rights Commission. There is a concerted attack on the Commission from both Nationalists and Unionists. The Commission is hampered by ambiguous mandate, related to the 'two communities'.

Alliance believes that the NTHRC should be given a clear remit to devise a Bill of Rights to protect individuals, minorities and communities in Northern Ireland.

Definition of a Ceasefire

The Government has maintained a distinction between a ceasefire and a cessation of all violence; Alliance has not. This distinction should be closed. Paragraph 13 of the Joint Declaration should be the basis of any definition of an end to all paramilitary activity:

"Paramilitarism and sectarian violence ... must be brought to an end, from whichever part of the community they come. We need to see an immediate, full and permanent cessation of all paramilitary activity, including military attacks, training, targeting, intelligence gathering, acquisition or development of arms or weapons, other preparations for terrorist campaigns, punishment beatings and attacks and involvement in riots. Moreover, the practice of exiling must come to an end and the exiled must feel free to return in safety. Similarly, sectarian attacks and intimidation directed at vulnerable communities must cease."

Alliance believes that the above standard should be incorporated into the Pledge of Office.

Alliance
The Alliance Party of Northern Ireland

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30 December 2003

Rt Hon Paul Murphy MP
Northern Ireland Office
Castle Buildings
Stormont Estate
Belfast BT4 3SB

Mr Brian Cowen TD
Department of Foreign Affairs
Iveagh House
St Stephen's Green
Dublin 2

Dear Secretary of State

Comprehensive Review of the Agreement

I enclose a paper giving some preliminary thoughts on the structures and agenda for the Review.

As yet, we have not had the opportunity to discuss our thoughts with other parties or with either Government in any detail.

Alliance would welcome an early meeting to discuss these proposals, and those of other participants, either in round table or bilateral format.

Yours sincerely

David Ford
Party Leader

Alliance Party of Northern Ireland Proposals for the Conduct of the Comprehensive Review of the Agreement

Negotiating Structures

The inclusive model from the 1996-1998 talks that produced the Agreement is appropriate. Central to that model is a round table approach to negotiations. All participants should be prepared to attend such plenary meetings and engage with the Chair, if not with other parties.

There may also be benefits from a range of subject committees and working groups. There should also be space for bi-, tri-, and multi-lateral meetings in order to better advance discussions on certain aspects.

Participants

All parties in the Assembly, along with the two Governments, are entitled to participate in the Review (except that the Irish Government is not a participant in Strand One discussions).

Irrespective of size (and related voting strength), all participants should be entitled to equal representation in the relevant formats.

There are virtues in not having too many people at the table during negotiations. Therefore in plenaries, parties should have two places at the table with speaking rights, and up three others in the room at any time.

While a case can be made that only elected MLAs should have speaking rights at plenaries, parties should be entitled to nominate anyone to represent them in committees or working groups.

Chairing

There may be scope for an independent Chair of the Review. However, such a person/persons would need to be well informed, neutral and immediately available, if time is not to be wasted. Otherwise the Chair should be taken jointly by the two Governments (except for Strand One issues).

Allowing for the duties attached to the European Presidency, and the responsibilities of the Prime Minister and Taoiseach, the Secretary of State and an Irish Minister of Cabinet rank should be available on a day-to-day basis to ensure that business proceeds efficiently.

Duration

The Review should be time-limited. Three or four months should have been adequate time, as all parties have known that this Review would take place for quite some time, and have had the opportunity to develop their ideas. In addition, the people of Northern Ireland expect to see elected MLAs carrying out the duties to which they were elected.

However, given the problems of suspension, the twice-delayed election and the new membership of the Assembly (both in terms of party numbers and the number of new members) it is probably unrealistic to set a very short time span.

Related to this, the Agenda should be time-bounded, including restrictions on speaking time for individual participants.

Decision-Making

The 'sufficient consensus' model from the Talks is no longer appropriate. This is reinforced by the fact that the cross-community voting systems in the Assembly are clearly going to be one of the key issues for discussion and reform within the Review.

Alliance's preference would be for decision-making to occur on the basis of a weighted majority of 60% of those present and voting.

Delegation leaders should cast all of the votes assigned to their party based on the November 2003 Elections.

Agenda

Alliance endorses the view of the Secretary of State that the underlying principles and components of the Agreement are fundamental, and are accordingly not part of this Review.

These principles include: human rights, equality of opportunity and equality of citizenship, entrenchment of the Principle of Consent, power-sharing devolution, accountable north-south structures, and commitments to democracy and non-violence.

However, within this context, there is scope for changing structures in the light of experience. This is consistent with the Agreement's remit for the Review.

Significant issues for the Agenda include:

1. Analysis of situation from each of the parties
2. Reaffirmation of the underlying values of Agreement: Preamble
3. Constitutional Matters (practical details, not the underlying settlement, e.g. timing of any border poll or trigger conditions)
4. Pledge of Office/Commitments to Democracy and Non-Violence
5. Strand One, in particular
 - (a) Size of Assembly
 - (b) Designations and Voting System
 - (c) Executive
 - (d) Committees
6. Strand Two
7. Strand Three
8. Human Rights, Equality and Community Relations
9. Economic and Social Issues