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NIF document
- why we are from
NIF proposals*

Preliminary SDLP thinking on new Institutional Structures

Introduction

1. Developing on the themes set out in the two papers which our party tabled earlier, the SDLP now wishes to put forward some preliminary views on possible new institutional structures. The issues are extremely complex and clearly no party has a monopoly of wisdom. At various points in the paper, therefore, we have set out options for discussion - our hope would be to encourage a thorough and constructive debate leading to maximum convergence of views.
2. We would wish to underline that this paper is drafted with the objective of seeking to achieve agreement among all the participants. If the SDLP was simply describing its own preferred scenario, the paper would draw heavily on the proposals contained in the New Ireland Forum Report (it will be recalled that the options set out in the Forum Report were : Unitary State, Federal State, Joint Sovereignty). However, recognising in particular the realities of party positions in the North, we have concentrated instead on developing a model which we hope will be acceptable to all participants and, at the same time, can respond positively and effectively to the fundamental realities of the situation.

Basic Structure Proposed

*develop call
for Assembly
+ decision-making - w/l.*

3. The two essential elements in the structure proposed by the SDLP are a Consultative Assembly and a Quadrupartite Commission. The Commission and the Assembly - interacting with each other - would establish the policy framework within which the Northern Ireland Office and other Government Departments in the North would function.

4. It will be noted that the SDLP proposal does not provide for the establishment of an Executive. This reflects inter alia a widespread view that, in current circumstances, an Executive drawn from the Assembly might be too fragile a structure to withstand the strains to which it would inevitably be subject. This is not to say, however, that the SDLP has at this stage taken a definitive or permanent view on the principle of this issue, one way or the other.
5. Since the two bodies - the Commission and the Assembly - are integrally linked, they are considered together below in terms of (a) membership and (b) function.

Membership

(a) Assembly

6. The SDLP is ready to discuss (a) the optimal size of the Assembly and (b) whether members should be directly or indirectly elected.
7. In terms of size, it will be recalled that the Assembly established under the Sunningdale Agreement comprised 78 members elected by proportional representation and there may be good reasons to follow this precedent. For its part, however, the SDLP is inclined to feel that a somewhat smaller body might be more business-like and effective and thus attract and retain membership of a high calibre. While clearly the Assembly must be large enough to be fully representational, this could arguably be achieved by a membership of around fifty or so.
8. As to the method of election - direct or indirect - the SDLP feels that the merits and defects of both approaches should

be examined. Direct election has the obvious attraction of ensuring that Assembly members are fully in touch with, and therefore responsive to, the views of their electorate. However, in a situation where a new institution is seeking to establish itself and gain legitimacy and authority, there may be advantage - at least for an initial period - in indirect election. (The European Parliament, for example, was initially indirectly elected; the transition to direct elections followed a number of years of growth and development of the Parliament's role).

(b) Quadripartite Commission

9. We would propose that an eight-member Quadripartite Commission be established as follows:

- 3 Northern Ireland members (either directly elected by proportional representation or nominated by the Assembly);
- 2 British Government representatives (one of whom would be the Secretary of State for Northern Ireland);
- 2 Irish Government representatives;
- 1 member personally nominated by the President of the EC Commission.

10. The inclusion of Irish Government representatives on the Commission is put forward against the background of (a) the fundamental reality in this regard recognised and given institutional form by the British and Irish Governments in the Anglo-Irish Agreement, and (b) the analysis contained in the two earlier texts tabled by the SDLP; the role of the Irish Government in relation to Northern Ireland is, we would presume, now accepted in all objective analyses as being critical to the success of any settlement. In reality also, there are few, if any, functions which can be defined

as exclusively "internal" to Northern Ireland; in the two fundamental areas - economics and security - which shape the lives of people in Northern Ireland, the practical reasons for an involvement by the Irish Government are overwhelming. In the circumstances therefore, and while we recognise that this is a sensitive issue for some parties, we would hope that the objective needs and reality of the situation are such that a prolonged and sterile argument can be avoided.

11. While the suggestion for a European Commission representative on the Commission is quite radical, we believe there is a clear rationale for such a presence. Any attempt to reflect the true "totality of relationships" within Ireland, and between these islands, must encompass the reality that sovereignty is increasingly shared at EC level. Novel arrangements which might not be feasible in other parts of the Community can be justified in relation to Northern Ireland. The civil strife which has torn our people apart over the past twenty years is, for example, unique within the Community; if the nurturing of a strong EC role can help to overcome the identity crisis which is at the root of our problems, then we believe that - if all the participants in these talks are agreed - the support of the EC Commission and the Council for our approach is achievable.

Functions

(a) Assembly

12. The SDLP is prepared to participate fully in discussions as to the appropriate range of functions for the new Assembly. At this initial stage of discussions however, and subject of course to the views of the two Governments and the other parties, we would have doubts as to whether either minimal

*Develop this
argument to
include direct
representation
— etc*

Initiating Legislation

administrative-type powers or maximal legislative powers provides an appropriate model for a Northern Ireland Assembly. Our approach would be to try and strike a balance somewhere between these two options. In this regard, we would feel that the European Parliament offers a useful model for the establishment of a Northern Ireland Assembly and we would suggest that a factual paper, setting out the structures, powers and functions of that Parliament, might be prepared in order to enable us to take our consideration further.

13. In general terms, we would envisage the Assembly functioning broadly as follows:

- an Assembly opinion (to be provided within a fixed timeframe) would have to be provided for all draft legislation, this draft legislation to be scrutinised by the Assembly Committees;
- Committee views, if adopted by the Plenary, would constitute the Assembly's formal opinion;
- ~~Assembly approval would be required for the Northern Ireland budget as a whole (the Assembly might be enabled to alter expenditure, within fixed margins, on "non-compulsory" sections of the budget);~~
- the Assembly would have powers of censure of the Commission by a two-thirds majority;
- Assembly members would be entitled to table questions, written or oral, to the Commission.

14. As in the European Parliament, we would envisage the establishment of a Committee system, with a Chairperson and Rapporteur for each Committee, and the allocation of posts on an appropriate cross-party basis.

(b) Quadripartite Commission

15. The precise definition of the role of the Quadripartite Commission will obviously require the most careful debate. The SDLP would envisage the Commission as a body acting collectively, without the allocation of individual portfolios; decisions would preferably be by consensus but votes would be taken if necessary on a simple majority basis. In broad terms, we would envisage the functions of the Commission as follows:

- to agree the annual outline budget (including its division among Departments);
- to approve all draft legislation in defined sectors and/or involving expenditure over a certain threshold;
- to negotiate directly with the European Commission as regards all European Community financial programmes (structural funds, education, research, agriculture, etc.);
- to be responsible for all aspects of security policy;
- to approve judicial and other top level appointments.

Secretariats

16. Both the Assembly and the Quadripartite Commission would have their own (relatively small) Secretariats, appointed

directly by the bodies themselves.

Summing-up

17. We believe that the model sketched out above would, with the other arrangements which will be under consideration in the second and third strands, go some considerable way towards achieving a system of administration which will help to break down and heal divisions and barriers between our peoples, as well as providing a responsive and efficient system of government, with appropriate checks and balances within and between the new institutions. Within the basic approach outlined in its earlier papers, the SDLP is willing to discuss all aspects of these institutional proposals, and to bring forward detailed papers in each area in due course. We would also wish to add that, as we have made clear earlier, we attach particular importance in this whole exercise to the capacity of arrangements to evolve and we would need to see this provided for in whatever review mechanisms we establish.

Also with Ministers ?

Security

Finance