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Title: Typescript memorandum titled 'The Voluntary Coalition Solution' by Sir Robert Lowry, Chief Justice of Northern Ireland and Chairman of the Northern Ireland Constitutional Convention, in which he sets out parameters of voluntary coalition as a basis for discussion between parties to the Northern Ireland Constitutional Convention. Includes agenda for a discussion.

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THE VOLUNTARY COALITION SOLUTION

1. The attached paper forms the agenda for a discussion on the above solution. It does not purport to specify all the terms and each negotiating team may wish to discuss some aspects with me in order to seek clarification before putting the paper to its own party. I hope to receive some pointers from the teams in relation to the questions raised in paragraph 5 of the agenda. This will help me to draw up an outline draft scheme for closer consideration.
2. There is, of course, a wider aspect. I refer to the entire machinery of devolved government. There are also points within the scope of voluntary coalition not covered by paragraph 5 and I shall carefully note any which are mentioned to me. The object at present is to see whether broad agreement is possible and the immediate need is to concentrate on the voluntary coalition idea. In presenting a flexible agenda I want to give the parties a chance of making, and not merely considering, suggestions which might form part of a draft scheme. May I now venture to make a few observations based on the negotiations and my own thinking so far.
3. Every member and party in the Constitutional Convention recognises that Northern Ireland needs, and needs quickly, an executive government, legislature and institutions which will restore and preserve stable government, tackle the present economic crisis, which involves special problems for Northern Ireland arising from its geographical position and the disastrous impact of the civil disturbances, and secure peace in a law-abiding community. These objectives serve the common interest of all and can best be achieved, for the benefit of the entire community regardless of religious or political views, if they have the goodwill and active support of every law-abiding member of the community and all the political parties.
4. Some members, particularly those in the SDLP, believe that political power in Northern Ireland, which confers the ability to protect and assist the underprivileged and to take part in decisions as to the shaping of the future of the Province, ought, for a considerable period at least, to be shared at executive level by the parties which command substantial electoral support at the polls. Such members believe that this need, which modifies the ordinary democratic principle of government, springs from the fact that in Northern Ireland only one political party or group, namely that of broadly Unionist sympathies, has commanded or is in the short term likely to command the degree of support which would enable an executive government to be formed. Therefore the swing of the pendulum which is regarded as a normal feature of parliamentary democracy is lacking in Northern Ireland. These members also recognise that the need (in which they believe) for simultaneous, as distinct from alternate, power sharing

may disappear in time, if Northern Ireland political institutions develop on lines different from those along which they have travelled in the past.

5. Other members, who mainly belong to UUUC, consider majority government, as reflected in the composition of the executive, to be in accordance with a basic principle of parliamentary democracy. These members therefore reject the principle of institutionalised power sharing at executive level. At the same time, based partly but not entirely on the special political situation in Northern Ireland, they consider that the power of Parliament to influence and scrutinise the policy and actions of the executive government ought to be strengthened and, to this end, the UUUC has proposed the creation and statutory entrenchment of Committees of the Northern Ireland Parliament which would be subject to the ultimate control of that Parliament and whose functions and powers would enable them to scrutinise the actions of Government and Government departments, to send for papers and persons, including Ministers, and to originate and comment on proposed legislation. A majority of the Chairmen of such Committees would be drawn from the ranks of the Parliamentary opposition and the proposal for Committees is quite independent of the coalition proposals.
6. There is, however, a great deal to be said for the propositions (1) that the Province is faced with an economic, political and security crisis and (2) that, if a programme of measures and policies (including policy in the vital area of security) can be widely agreed, the crisis can be dealt with much more effectively to the benefit of the entire community. The existence of a crisis and the need to devise a broadly based programme to meet it create the situation in which it may be appropriate to consider a voluntary coalition government. This kind of rule is consistent with the ordinary principles of democratic parliamentary government. Any Parliament and Government which is contemplated ought to be equipped with wide powers. These are necessary in order that a new Northern Ireland Parliament should be in a position of sufficient confidence and strength and that it may be able to deal successfully with the crisis which has developed in such a menacing fashion over the years.
7. It has been proposed for consideration that without sacrifice of principle on either side a voluntary coalition can and should be formed and that coalition government should continue for a period which might realistically be regarded as proportionate to the magnitude of the crisis and the nature and timing of the necessary remedies. It can be strongly argued that an economic plan is needed and also that the restoration of peace and political stability can best be achieved during a period when ideological controversy as to forms of government is by mutual consent suspended in the Parliamentary sphere.

8. Without speculating as to the probable response of the Government and Parliament to a Convention report based on a majority view, it is reasonable to assume that an agreed report has a much greater chance of full acceptance and speedy implementation. In the present state of Northern Ireland this is clearly an important consideration for all parties as well as for the people.
9. The continued surges of violence make it more difficult to negotiate and think calmly and can cause people who have painstakingly built up an atmosphere of trust to drift apart. This is exactly what all the terrorists want us to do. The IRA and Provisional Sinn Fein have sworn to wreck the Convention. Let us remember that this violence is their way of trying to achieve that objective and let us not fall into their trap. The recent shocking events should not weaken but strengthen the resolve to seek an honourable agreement.

Robert Lanyon.

4 September 1975

AGENDA FOR A DISCUSSION

1. Para 8 of the UUUC Policy Document stipulates the following conditions for coalition government:
 - (i) By agreement between Parties before an election and obtains approval from the electorate.
 - (ii) Where the largest Party in Parliament has not an overall majority and needs to obtain it by agreement with another Party. At best this can only be a short-term government.
 - (iii) Where an emergency or crisis situation exists and parties by agreement come together in the national interest for the duration of the crisis.

2. It has been represented to the Chairman that:
 - (1) An emergency already exists in Northern Ireland - both a security and an economic crisis.
 - (2) Parties in the Convention might come together for an agreed period and on an agreed programme to deal with these crises.
 - (3) The immediate need is for strong, stable civil government.

3. The Parties have therefore asked the Chairman to arrange a series of discussions to explore the possibility of Parties agreeing on a structure of government for Northern Ireland and in very broad outline on a security, social and economic policy which might form the basis for a voluntary coalition.

4. The following assumptions have been made:
 - (a) That devolved Parliamentary government is envisaged.
 - (b) Any Party prepared unequivocally to endorse the agreed programme is eligible for inclusion in such a coalition.
 - (c) That an agreement to form a coalition should embody a fixed term of years.
 - (d) That the Prime Minister should have the right to select his Cabinet, to shuffle portfolios, to dismiss Ministers and to seek a dissolution of Parliament.

- (e) The enabling statute should avoid statutory prescriptions for coalitions.
- (f) The agreement can be embodied in a non-statutory or extra-statutory form such as:
 - (i) a report from the Convention
 - (ii) a White Paper submitting the report to Parliament

5. The following questions arise:

- (a) What should be the length of the agreement in 4(b).
- (b) Whether the first Parliament should be elected for a full term or longer.
- (c) Whether the agreement should provide for non-statutory or other method of review.
- (d) The powers to be devolved.
- (e) The security, social and economic policy to be adopted.
- (f) Safeguards that may be required by either Party.
- (g) The conditions that either Party would wish to see fulfilled.
- (h) The composition of such a Government.