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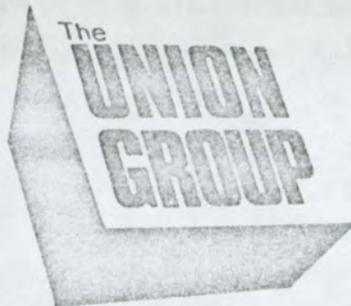
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Chairman: Robert McCartney Q.C.

Dear Sir/Madam,

The enclosed publication is the first production of a new Group consisting of members of the Ulster Unionist Party. The topic is devolved Government and the author is the well-known expert on Northern Ireland Constitutional issues, David Trimble.

The views expressed by Mr. Trimble in his paper are his own and do not necessarily reflect the opinions of the members of the Group.

The Group will continue to stimulate discussion of important issues affecting the people of Northern Ireland by publishing papers, holding meetings and seminars. In due course, the Group will apply for affiliation to the Ulster Unionist Council.

Membership is restricted to members of the Ulster Unionist Party, but non-members of the Party may become associate members of the Group if they are interested in becoming members of the Party.

If you have any observations on Mr. Trimble's paper, or wish to know more about the Union Group, please write to me or the secretary of the Group at the above address.

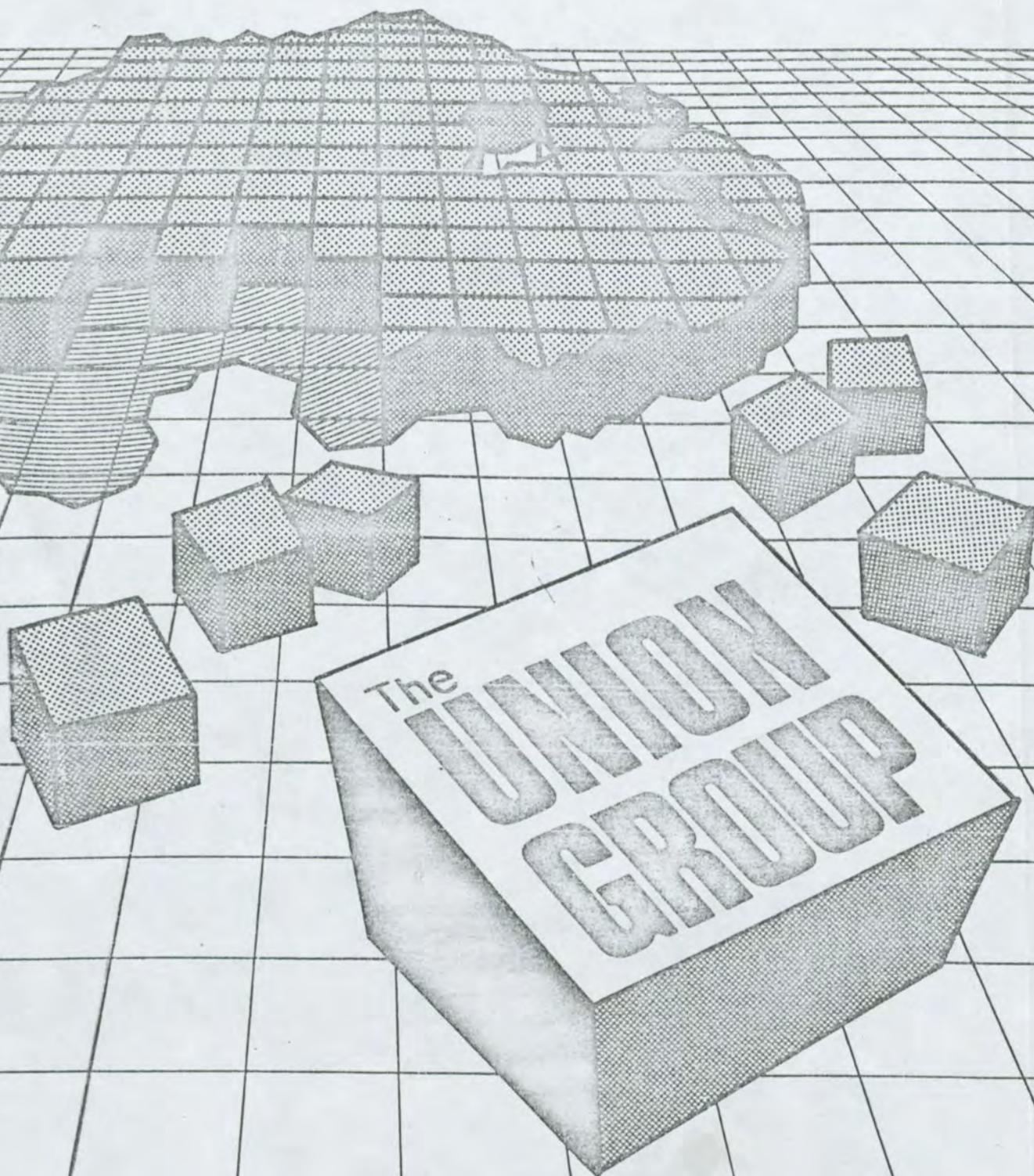
Yours faithfully

Robert McCartney

A Group of members of the Ulster Unionist Party dedicated to the union between Great Britain and Northern Ireland and to fostering the interests of the people of Northern Ireland based on the principle of civil and religious liberty for all.

Hon. Secretary: 41 Grange Avenue, Bangor, Co. Down BT20 3QF.

Options: Devolved Government
for NORTHERN IRELAND





OUR AIM

This paper by David Trimble is the Union Group's first publication. It deals with one of the most controversial political issues in Northern Ireland — devolved government.

Controversial because since the demise of the Stormont Parliament in 1972, not only has a fierce argument raged as to what form devolution should take, but there has also been a considerable body of opinion asserting that for Unionists full integration between Northern Ireland and Great Britain is the only logical constitutional solution.

The views expressed by David Trimble are his own and do not necessarily reflect the opinions of the members of the Union Group. However, the Group hope that this paper will give a greater understanding of the options available, their advantages and their disadvantages, and that it will stimulate informed debate as to how Northern Ireland is to rule itself, or be ruled, in the future.

The Group intend that this paper will be the first of many examining a wide variety of matters touching the lives of the people of Northern Ireland. There must eventually be a settlement of the question of how Northern Ireland is to be governed. But beyond this issue there are many other problems to be tackled.

The Union Group intend to make an informed and informative contribution to discussing the things that are really important to the Ulster People — jobs and homes, peace and liberty — for all.

Robert McCartney
Chairman

THE UNION GROUP

The Union Group has been formed by members of the Ulster Unionist Party with the aim of fostering both the union between Great Britain and Northern Ireland, and the interests of the people of the Province based on the principle of civil and religious liberty for all.

The Group believes that there are many important issues facing Northern Ireland — both political and social — and that these issues should be discussed and debated as fully as possible. It intends therefore to help to stimulate that discussion by publishing papers on a regular basis, as well as holding meetings and seminars. In due course the Group will apply to the Ulster Unionist Council for affiliation.

Those who are interested in joining the Group, or want further information, should contact the Secretary at the following address:

The Union Group
41 Grange Avenue
Bangor
County Down
BT20 3QF

Although precluded from full membership, non-members of the Ulster Unionist Party interested in becoming members of the Party will be welcomed as associate members.

DAVID TRIMBLE: a member of the Executive of the Ulster Unionist Party, he represented the South Belfast constituency in the Northern Ireland Constitutional Convention and chaired the drafting committee of the Ulster United Unionist Coalition which prepared the report adopted by the Convention. David Trimble is a Senior Lecturer in Law at Queen's University.



WHY DEVOLUTION?



Most people in Northern Ireland would like to see a system of devolved government. That is the inescapable conclusion to be drawn from every election and opinion poll. Of course they are prepared to tolerate other systems of government, such as direct rule, with varying degrees of enthusiasm, but devolution is the preferred option.

Another system which has been canvassed involves a series of changes to local government, such as the creation of either a number of new councils to act as an upper tier above the present district councils or a new regional authority. These changes are sometimes presented as if they were a form of devolution. Perhaps they are in that they devolve the *administration* of some services. But it is only administration which can be devolved in this way: legislation — which embodies most of the policy making — is retained. Consequently the scope for effective decision taking at regional level is limited. If such a system could truly be called devolution then devolution already exists throughout England and in Scotland and Wales!

But of course when people use the term "devolution" they mean the devolution of administrative and legislative powers over certain functions to an elected Assembly or other Parliamentary institution. This paper will only discuss such a form of devolution and the term will be used accordingly.

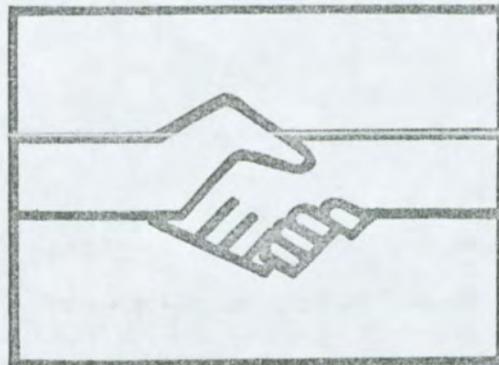
Questions could possibly be asked as to what functions should be devolved, but one of the remarkable features about the debate on future structures of government for Northern Ireland is that such questions are very rarely asked. There seems to be a broad agreement throughout the community, including all the major political parties, that devolution should include most domestic matters, the economy, the environment, agriculture, etc. There is only one matter which is controversial and that is the question of responsibility for "law and order" matters. But even here there seems to be general agreement that some responsibility for this should be devolved. The divisions concern the type of security policy that might be pursued subsequent to such devolution.

So, if there is broad agreement on the need for devolution and on the functions to be devolved, what is there to talk about? Sadly everybody in Northern Ireland knows the answer to this last question. There are deep divisions among the political parties as to the machinery by which these devolved powers should be exercised. These different opinions are very firmly held and the resultant deadlock has prevented progress for the last decade.

As another attempt at devolution gets under way, it will once again be dominated by the old arguments over power sharing and majority rule.

There is no instant solution to this dispute — indeed I doubt if anyone does possess a magic wand. What follows is a brief description of the various systems that have been proposed at one time or another and suggestions as to the merits and demerits of each, and then some vague conclusions. The author is a convinced Ulster Unionist and consequently firmly committed to a democratic system of devolution within the Union. Nevertheless, he will try to conduct this analysis in a relatively non-partisan manner.

POWER SHARING



In a sense the argument for a power sharing system of government can appear to be self-evident. There are undoubted communal divisions within Northern Ireland. These divisions have involved the question of who is to exercise power and how it is to be exercised. What could be more obvious than to say that if power is shared then the divisions will be resolved?

Other more sophisticated arguments have been presented, but it is proposed to look at the actual systems involved. While many ideas have been mentioned from time to time, there are just two that need to be considered in detail, the Executive which took office in 1974 under the Northern Ireland Constitution Act 1973, and the idea of an executive formed on the basis of proportional representation.

THE 1974 EXECUTIVE

The 1973 Act provided for devolution and the appointment by the Secretary of State for Northern Ireland of an Executive if "... having regard to the support it commands . . . and to the electorate on which that support is based (it) is likely to be widely accepted throughout the community".

The clear intention at the time was that the Executive should contain representatives of both Unionists and Irish Nationalists. As there was then only one major political party representing each section of the community, it followed that the Executive would have to contain both of them. As we know, the Unionist Party fractured and broke under the pressure to try and get it to agree and those who refused to agree later inherited that party.

But the Act did not explicitly say that these parties must be in government — instead it gave to the Secretary of State a discretion to appoint an executive and then indicated in broad terms the way he should exercise that discretion. It was impossible to be more explicit without going to the lengths of providing for separate electoral registers and saying that the Chief Executive was to be elected by Unionists, his deputy by Nationalists and so on. Such arrangements have been made in other countries, but the Northern Ireland community is not divided as extensively as those other countries and, in any event, experience of such arrangements has been very depressing.

The attraction of the 1973 Act from the point of view of minority parties is that it guaranteed them a place in government.

Yet this was also the disadvantage of the Act. If the certain persons who form part of a government are guaranteed a place in that government, then the way in which the government operates would be changed significantly.

The concept of collective responsibility will disappear. This is the idea that all the members of the government will be jointly responsible for government. It involves the notion that they should support all the decisions of the government and resign or be fired if there is a decision they do not like and wish to attack. This simply cannot apply where some members have guarantees of their place in office. For an example of such an Executive one has only to look at the National Executive of the British Labour Party. Its members are elected individually and so cannot be fired for opposing majority decisions. The way it conducts its business does not inspire confidence.

There is another aspect of collective responsibility and that is the notion that the Executive is responsible to an elected Assembly which can dismiss the Executive if it is dissatisfied with it. Guaranteeing a party a place in government effectively deprives an Assembly (and through it, the electorate) of the chance of dismissing a government. It is for this reason, as well as the fact that it interferes with simple majority rule, that many attack power sharing as undemocratic.

The advantage of the system is said to be that it will put a minority into office and compel the parties to make compromises. While it will undoubtedly put a minority party into office, it is doubtful if compromise will result. If one party has a guarantee of office but the other parties do not then no compromise will take place — the party with the guarantee will call the shots and the other party will find itself compelled to go along with whatever is imposed on it, or else to opt out and try to change the system.

A PROPORTIONAL REPRESENTATION EXECUTIVE

This tries to cure one of the defects of the 1973 Act by giving everybody a guarantee. Under this system, every party would be represented in government in proportion to party strength. This could be done in a number of different ways — the Executive could be directly elected by the people, or it could be elected by the Assembly by proportional representation. One problem would be the question of the allocation of ministerial posts. Who is going to get the plum jobs and who is to get more menial tasks? Advocates of P.R. Executives tend to get a little vague when faced with these issues.

Indeed, when the Government suggested a form of P.R. Executive in its second White Paper presented to the "Atkins Conference" in 1981, it said that at this point one would use "an appropriate mechanism to allocate portfolios." However, it did not say what this mechanism might be. Leaving aside that difficulty, which some might describe as technical, a P.R. Executive does achieve the objective of securing representation in government for all major parties. At the same time it avoids the criticism of giving a particularly favoured place to a particular party: they are all treated in the same way.

However, it is open to some of the same criticisms as the 1973 Act. There would be no collective responsibility to hold the Executive together and the Assembly or electorate could not dismiss such an Executive from office. This latter point may seem academic, particularly when coming from a member of a party that formed the Government of Northern Ireland throughout its existence. But assuming for the moment that Ulster politics got away from the "border issue" and that "normal politics" developed, and further assume that there is a shift of opinion within the electorate in favour of full-blooded Bennite socialism. What would happen under this system?

Some members of the Executive would reflect the new views, but not others — does that mean that we will have Bennite socialism in some government departments, Alliance liberalism in another and green and orange toryism in others? Such a system is inconceivable because government cannot be divided in that way. The departmental structure of government is just a matter of convenience. In practice the work of one department affects and is conditioned by others. The more that is spent on industry, for example, the less there is for (say) housing — and both are determined by the amount of finance provided by the specific policies on taxation and borrowing.

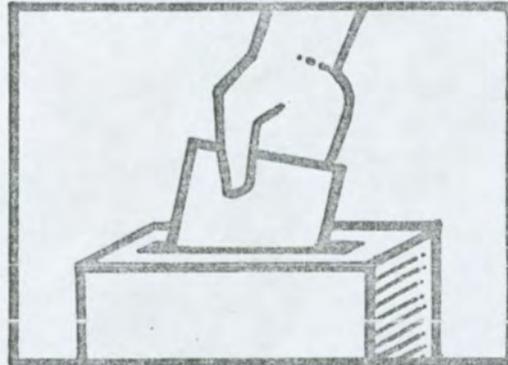
The truth is that government cannot exist unless there is a broad agreement on policy. Without such consensus there will be constant conflict within the government. This is why multi-party governments or coalitions are rare. They are formed for a specific purpose — such as the wartime coalition in Britain — or as a result of a specific agreement. Witness the recent coalitions in the Irish Republic, where detailed coalition agreements were hammered out before the coalition governments were formed and took office.

Under a P.R. government, there would be no such coalition agreement before the Executive took office. How then could policy conflicts be resolved? Obviously, in the first instance, by majority votes in the Executive, backed up by majority votes in the Assembly. But to return to the example we gave above. Will a Bennite socialist, assuming that he has a majority for his policies, be content to see the implementation of those policies in the hands of a tory Executive member? Or will such an Executive member be prepared to loyally carry out a policy he finds abhorrent? Common sense must tell us that neither would happen.

So how would such a conflict be resolved? The White Paper referred to above gives us the answer when it says: "Indeed in the last resort the majority (in the Assembly) might even be able to use their power to transfer all significant functions from the departments under the control of the minority members to those controlled by themselves."

So, at the end of the day, these systems cannot, of their nature, succeed unless those involved in working them make a special effort to make them succeed. And of course if people were prepared to make such a special effort, then there would be no need of any of these systems. I think that the conclusion is inescapable: enforced power sharing is a misconceived idea which cannot work.

MAJORITY RULE



The alternative to power sharing is said to be majority rule. In Northern Ireland that conjures up the image of a return to the old Stormont system. The majority party elects its leader and then forms a government consisting wholly of its own supporters and that is that! There is no doubt that when many Unionists talk of return to majority governments, they have the return to the old Stormont system in mind. Moreover a number would regard any departure from the old model as a dangerous concession to be vigorously opposed.

People say that a return to the old model is "just not on — the Westminster Parliament would never approve of it." This may well be true. Certainly successive British Governments have stated their opposition to return to the status quo. But I doubt if that in itself is a good reason for abandoning the old model. Certainly that reason smacks more of expediency and pragmatism than of principle, and appeals to expediency cut very little ice among people accustomed to standing up and being counted.

Quite apart from Westminster opposition to a return to the status quo, there is another factor which, at the end of the day, is more important. It is clear that a sizeable section of the population would be opposed to it. Not a majority true, not even all of the religious minority, but certainly a substantial section of that minority would. Some would even be prepared to carry that opposition to extreme measures. Some say in answer to this point: "But majorities have rights too and minorities cannot be permitted to obstruct majorities." This is true, but we must draw a distinction between day-to-day matters — the details of government, even the existence of a particular government and the question of the entire political system.

Normally, simple majority rule suffices for the day-to-day matters, but with regard to the political system itself, what is needed is a general acceptance of that system. This does not mean positive support. Indeed a person may be opposed to a system he has accepted.

For example, many Unionists are opposed to direct rule. Indeed hearing some of them talk, their opposition to it is deep-seated and bitter. Yet they all accept it. It may only be a grudging tolerance, but it is a long way from active opposition. If Unionists wish to see a Stormont system restored then they must gain at least that grudging tolerance from many who would regard themselves as Irish Nationalists. Of course, more than mere tolerance would be desirable.

Some affect to believe that such tolerance is there or would develop if only London gave Stormont back to us and that we do not need to think about how to gain this level of acceptance. They would say that it is dangerous even to think of such matters, for you thereby weaken your stand and may be driven into unwelcome power sharing. But this attitude is no more than a mirror image of the attitude of those who call on London to impose power sharing or some other solution upon Unionists. It is not an attitude that would be endorsed by most Unionists. Indeed, it was not the attitude of the founding fathers of Ulster Unionism.

Many remember the statement of Sir Edward Carson at the time that Stormont was created when he advised Unionists to govern in a fair spirit and show the minority that they had nothing to fear. This statement is often repeated as an attack upon Unionists, but those who use it in this way seem ignorant of the fact that the Unionist Government did actually endeavour to put Carson's advice into practice. In one of his first speeches to the new Northern Ireland Parliament, Sir James Craig, the first Prime Minister, said: "I myself and my colleagues are at the disposal of the people of Northern Ireland. We have nothing in our view except the welfare of the people". He was determined "to maintain the highest traditions of any Parliament in the British Empire (and) would look to the people as a whole and probe to the bottom of those problems that have retarded progress in the past."

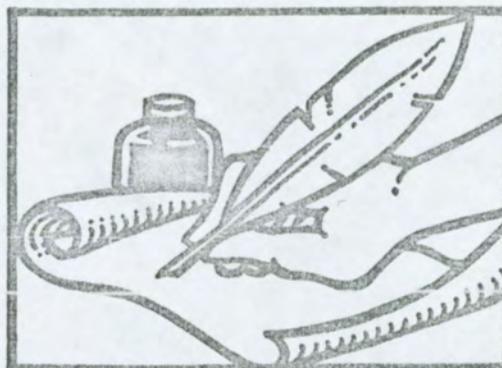
Craig could not be accused of merely indulging in the language of conciliation for he had so acted, on occasions at great personal risk to himself. Before the 1921 Treaty, Craig had gone south to speak to De Valera *while the latter was still on the run*. This meant putting himself into the hands of a go-between allowing himself to be taken, blindfolded, to an I.R.A. hideout. Even after the speech quoted above, Craig negotiated the Craig-Collins pact with Michael Collins which covered the whole range of law enforcement in Ulster, including the proposal that Catholic reserve constables should be recruited specifically for the policing of Catholic districts!

It is true that Craig's conciliatory gestures did not bear fruit but the responsibility for their failure did not rest with him. Even after the troubles, Craig made it a practice to go on regular tours of the Province and was assiduous in visiting Catholic areas so keeping, to some extent, in touch with opinion there.

We cannot tell at this distance in time just how significant these actions were in gaining some degree of acceptance for the Stormont system. No doubt many other factors were at work. But it is worth recalling these facts in order to remind ourselves that if we are to be successful in recreating devolved institutions then some steps, not necessarily the same as Craig's, must be taken. Quite apart from the demands that London makes of us, it is necessary that an effort be made to secure as much acceptance as it is possible, given the nature of the situation, to achieve.

Most Unionists acknowledge this need. A wide range of ideas have been suggested, some by Unionist parties, some by other parties. Each one will be briefly discussed in turn. Some will be found to have merit (though in varying degrees) others will be found to be wanting in merit. Successful devolution may depend on just how the pack is shuffled.

A BILL OF RIGHTS



This comes firmly into the area of minority protection for a Bill of Rights will only be relevant to protecting the interest of individuals. In a sense we already have one. There are provisions in the 1973 Constitution Act designed to prevent discrimination on the grounds of political opinion or religious belief. The European Convention on Human Rights applies here in that individuals may apply to the European Commission and Court of Human Rights. Indeed there have been cases on internment, interrogation procedures, the right to life and homosexuality.

It has been common ground among political parties that there be a Bill of Rights but no one expects it to achieve very much. This is because it relates to individuals whereas the conflict in Northern Ireland relates to the national identity and the political role of groups. Moreover, it is generally recognized that any Bill of Rights must allow governments to derogate from it in times of emergency. Thus internment without trial was upheld as lawful under the European Convention. No one expects very much from this — it is a good thing but not a solution.

ENTRENCHED PROVISIONS



To entrench a provision is to write it into a country's constitution in such a way that it cannot be changed except by some special procedure. A Bill of Rights would have to be entrenched. A way of entrenching provisions governing a devolved government in Northern Ireland would be to put those provisions into Westminster legislation which should not be amended by the Northern Ireland Parliament. This was done by the Government of Ireland Act 1920. An entrenched provision in it was the prohibition on endowing or penalising a religion.

Another method of entrenchment is to provide that change can only be made by a referendum. This is the method adopted in the Republic of Ireland. The provisions in its Constitution — such as the ban on divorce — can only be amended by a referendum. But on such a referendum a simple majority would suffice.

The significant matters with entrenched provisions are twofold. First there is the question of what is to be entrenched. A Bill of Rights is one thing, but should matters relevant to political issues also be entrenched? For example, should the franchise or voting methods be fixed in this way; or should a statement of what are the acceptable methods of political action be involved; is it wise to entrench today's attitudes to the state and society which may change in the future?

This leads to the second problem area. The method by which change is to occur. The idea of entrenchment is to make change difficult; but it must not make it impossible or even too difficult. An example of the dangers of this is the way that the entrenchment of property rights in the Government of Ireland Act made nationalisation schemes here difficult and town planning impossible until the Government at Westminster was finally persuaded to abolish that particular entrenchment in 1962.

WEIGHTED MAJORITIES



This idea is very much in the news today. It is an entrenching provision which states, in effect, that for such and such a purpose a majority is not fifty-one per cent, but sixty-five per cent or seventy per cent or seventy-five per cent or whatever. Such a provision could be used to entrench a Bill of Rights. However, it assumes more significance in the way it is being used at present.

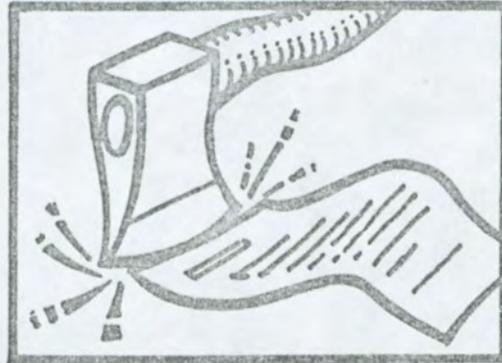
Under the Prior plan, the proposed Northern Ireland Assembly would only be able to make a report to Westminster on the future government of Northern Ireland if seventy per cent of Assembly members agreed to the report. Clearly the Government's hope is that in order to gain this degree of support, there would have to be a deal between the parties about how a future government would be found. This deal, it is hoped, will have "cross-community" support and so, in effect, the parties will be forced to coalesce if they want a government.

It could be described as a very subtle way of achieving a multi-party government without directly imposing it. But it is also an uncertain way of achieving that result. For a deal between the parties could be done in a different way. To put it crudely, there are many different ways of buying support. It is even conceivable that some parties may support a report just because it is the right thing to do.

A more direct way of using a weighted majority would be to require such a majority on the formation of a government or enactment of certain legislation. The former would be a power sharing device. The significance of the latter would depend on the legislation to which it was attached. If it related to the protection of individual rights then it would be a simple entrenching device of no day-to-day significance; but if it related to a matter of government routine, it would fundamentally change the character of the government.

Thus, one cannot make a general judgment on the weighted majority idea. It is not automatically a good thing or a bad thing. It depends on the circumstances.

BLOCKING MECHANISMS



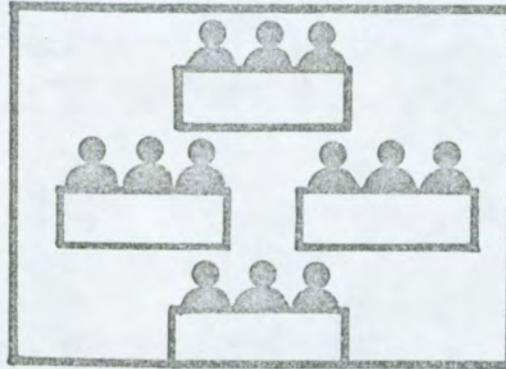
These are very similar to weighted majorities. They involve a special procedure or a special body with powers to delay or block legislation or government. Two examples may explain the range of possibilities. The House of Lords has a limited delaying power over most legislation. It is not a very effective blocking mechanism, but it is an effective "think again" mechanism. At the other extreme is the requirement in the original Cyprus Constitution, that the budget should be approved by a majority of Greek Cypriot M.P.'s and a majority of Turkish Cypriot M.P.'s. This meant that the Turkish minority had an effective block on finance. The extent of this device contributed to the breakdown of that constitution. It also points to the dilemma with these measures. If the block is modest, then it may do no one any good. If it is too extensive it may wreck the constitution.

Another problem is, who is to operate the mechanism? One possibility is the Senate or upper house. And how do you create another house whose composition differs from the lower house? The safeguard would be useless if those intended to be safeguarded by it cannot exercise it, and how are they to exercise it without institutions being rigged or frankly sectarian?

The justifiable distaste for such rigging has led to suggestions for *intervention powers*. That is, to exploit the inherently subordinate role of a devolved Parliament by giving the sovereign Parliament or government a power to intervene. However, this in turn can create problems. If the Secretary of State has such a power (and Mr. Prior's Bill does have provisions for him to "roll back" his devolution if he dislikes the results) then it will affect the parties in Northern Ireland.

They will see that power lies elsewhere and will act simply to influence the possessor of that power. The Assembly will merely be a stage where the parties act to try and win the Secretary's applause. In any event the Westminster Government can always intervene quickly by legislation even if there is no specific power in the devolution statute.

COMMITTEES



Many committees have been suggested, but there are basically three types.

1. DEPARTMENTAL COMMITTEES

These are intended to enable backbench members to share the running of a department with the minister. They are included in the 1973 Constitution Act. They gave the appearance of participation, but only that. Little has been heard of this idea since 1974.

2. SCRUTINY COMMITTEES

There have always been some scrutiny committees — the Public Accounts Committee for example. In recent years a range of new select committees has been created at Westminster. These committees can send for papers and require civil servants and ministers to appear before them.

The committees in the 1975 Convention Report were a very special version of this type. They were modelled on the committees of the United States Congress, with their independent staff and resources and a significant role in considering and promoting legislation. Indeed I remember a former Stormont cabinet minister saying at the time that agreeing to power sharing would be less dangerous than these committees. But I think he was exaggerating.

Certainly there seems to be a consensus today, both here and across the water, that the complexity and range of modern government are such that there *must* be powerful scrutiny committees if Parliament is to be able to do its important job of supervising government.

3. EXECUTIVE COMMITTEES

These are committees which actually run a government department, there being no minister at all and all the members of the committee collectively sharing the administration of the department.

This is the way that the functions of local government are discharged. Some think that if the idea were applied to a devolved government, with a committee to run each department, the problems of "power sharing" would disappear. All would be able to participate and the majority would determine things at the end of the day.

The flaw in this argument is that it assumes that central and local government are the same thing. They are not. Local government does not make policy, it merely implements it. With central government, there must be some over-riding policies to determine priorities between departments to give some coherence to the government as a whole. This could not be done in an executive committee system, unless the people who control the committees got together privately to sort things out. These people would have to be leaders of the majority. Indeed, one remembers that originally the cabinet was an unofficial committee or cabal.

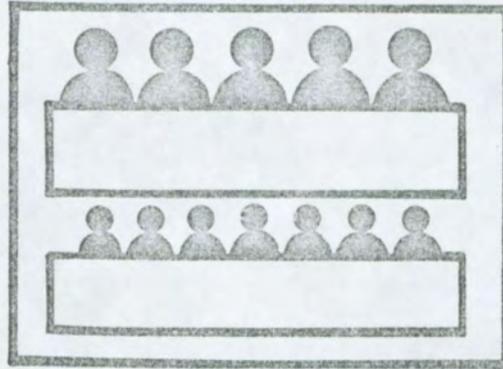
So executive committees would only work as "concealed majority rule". If this is the case, why do Unionists not rush to embrace them? The explanation usually given is that an executive committee system would be administratively unworkable. The task of controlling and co-ordinating the committees would be huge and the chances of good government emerging would be slight. I think this objection is valid if the powers of the devolved Assembly are extensive. The more limited the powers, the less the weight to this objection. It comes back to the original observation: executive committees are essentially a local government system.

COUNCIL OF THE ASSEMBLY

Before leaving committees, mention should be made of the Council of the Assembly. This idea was floated by the Government in the second White Paper for the Atkins conference in 1981. It was a form of super committee in which the chairmen and deputy chairmen from scrutiny committees came together to exercise some delaying or blocking powers over legislation. The method of composing this committee had the effect of dividing its membership equally between government and opposition and giving it a blocking power would have turned it into a virtual "anti-cabinet" to balance the majority rule-style cabinet.

It was an ingenious way of finding a halfway house between simple majority rule and full-blooded power sharing. Surprisingly it did not seem to get a lot of attention and sank from view as the Atkins Conference petered out. It could be summed up as the ultimate in scrutiny committees. Of course, for some the ultimate is too far and it is certainly true the the precise powers and composition of any such grand committee would have to be negotiated with care.

TWO-TIER EXECUTIVES



Two-tier executives can take different forms. There could be cabinet ministers elected by a majority in the usual way with junior ministers drawn from both sides of the House. Or, they could be linked to executive committees with a small cabinet to determine policy leaving it to be implemented by the executive committees.

One of the problems with attempts to split up a government is that it can involve tremendous administrative difficulties. We have to ensure that one tier will work together with the other. Usually one tier will dominate the other. When this happens, it becomes impossible to prevent people objecting that this system is creating first and second class ministers — no one will want to be in the latter. This impression is strengthened by the rather unfortunate phrase that some Unionists have used to describe this sort of arrangement. They have said that they might share power "at a lower level".

In two-tier systems, the opposition, the lower tier, do not have power — they are merely required to carry out the policies that others have determined. No opposition groups have, or are likely to, welcome such a role.

AND THE ANSWER?

Those who have actively participated in or studied Ulster politics will know that this survey has left out quite a lot. But I think that enough has been said to enable some conclusions to emerge.

Enforced or imposed power sharing is not an option. It cannot be made to work if the majority oppose it. It has to be put to one side and those who continue to call for it must realise, sooner or later, that they are wasting their time. Executive committees and two-tier systems, while not as objectionable as imposed power sharing, are not really starters either. The way that the major parties to the debate have tended to avoid them is indicative of their worth.

This would seem to leave us with a Bill of Rights to protect individuals, an Executive formed in the usual way and a committee system with various powers to check or balance the Executive. This mixture is similar to the general shape of the 1975 Convention report. The detailed contours may differ, but it does seem that there is no realistic alternative to this type of system. But a problem still remains. While this system is good in theory, and is replete with protections for individuals and minority groups, it must sometimes appear to such groups as involving a leap in the dark requiring from them an act of faith — i.e. acceptance that those safeguards will be adequate.

This problem is really one of politics — to be resolved by the parties concerned. It is not a problem that can be solved by tinkering with the structures of government. I hope the survey of such structures will help to demonstrate that. What sort of policies should parties, specifically Unionist parties, adopt to deal with this problem? The problem concerns the initial phase of a new devolved system when a certain general acceptance of that system is necessary to get it off the ground.

I think that in this special situation Unionists should demonstrate goodwill by making an equally special gesture. I am not suggesting that Unionists should modify their actual policies in any way. We should set out our policies — on support for the Union, on security, on support for the security forces, on a return to peace, and on how we think the prosperity of the Province can be restored. Then we should say that we will seek the broadest support for these policies and that, in carrying them into effect, will not confine ourselves merely to our own party strength, but will invite all those who are prepared to work with us on that basis to join us in carrying them out. This would mean forming a coalition of all those prepared to endorse our basic policies.

When suggestions like this are made, some people say: "Does this mean you would accept X or Y in a government?" The answer to this is to say that we are not going to prejudge the issue with anyone. We should let other people decide for themselves. If they can support the policies we want, well and good. If they cannot, then they have counted themselves out.

In one sense it is no different to the traditional position of Unionist parties, but in the past we have tended to express that position negatively: we should now try to express that position positively.

Saying that those who are not against us we regard as being with us will change the atmosphere. It will isolate those who put an attachment to Irish Republicanism before the interests of the people of Northern Ireland. It will begin to create confidence in new institutions of government and reinvigorate Unionism and the Union. Such a positive approach to devolution will bring the day of achieving devolution much closer.