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FUTURE

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PROPOSALS BY THE ULSTER DEMOCRATIC UNIONIST PARTY,
NORTHERN IRELAND ASSEMBLY GROUP,
FOR PROGRESS TOWARD FULL DEVOLUTION IN NORTHERN IRELAND
SEPTEMBER 1984

PRESENTED TO THE NORTHERN IRELAND ASSEMBLY REPORT
COMMITTEE ON DEVOLUTION BY:

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THE WAY TO PEACE

1. We are aware of a view in some circles that political developments can restore peace in Northern Ireland. Since it is the wanton terrorism of the Provisional I.R.A. that denies peace to Northern Ireland, the logic of that belief is that the Provisional I.R.A.'S campaign of terror can be assuaged, if not defeated, by the application of some political formula. This is dangerous nonsense because no political action, short of the unthinkable - a surrender to the I.R.A.'S demand for a 32 county Republic - will cause the I.R.A. to go away. Essentially only military defeat of terrorism will bring peace to Northern Ireland. Therefore those republican politicians in Northern Ireland who speak in terms of securing peace by political means and who insist that only adoption of their particular political policy will bring peace, are in reality seeking to hide behind the awful spectre of terrorism and are using the I.R.A. as a political battering- ram to try and persuade H.M.G. into acceptance of their point of view. The Government should ever remember that terrorism must be eradicated and not accommodated; and that political advantage must be won by argument and not blackmail.
2. The U.D.U.P. feels constrained to point out that if and when a devolved structure is established in Northern Ireland, the I.R.A. will unleash a most horrific campaign of terror against it, and against the people of Northern Ireland, and that H.M.G. will need to prepare long and hard to frustrate and defeat their evil plans.

SECURITY AND THE NEW INSTITUTIONS

3. It is essential that a new Northern Ireland administration "should not conduct its business either isolated or excluded from the concern for security which is pervasive" and therefore that "arrangements will thus be needed to give those (locally elected) representatives a voice in security matters". We welcome the fact that in Command 7950 the Government recognised this need. We view this issue as being of tremendous importance and are eager, therefore, to explore how best a new Northern Ireland

Government can be given a real influence in security matters, because without this its credibility will be so severely undermined as to make its task nigh impossible.

4. While the U.D.U.P. can face the reality that with the current involvement of the Army in Northern Ireland full Law and Order powers will not be conferred to local institutions in the immediate future, we feel it is imperative that the door should be kept most firmly open so that full Law and Order powers can be transferred at an appropriate time in the future.
5. However, pending a full transfer of Law and Order powers, the U.D.U.P. can see no reason why certain aspects of the criminal law could not be transferred immediately. We have in mind those areas which have no direct bearing on the security situation and which surely would be quite proper matters for local control. In this regard we note with hope that paragraph 11 of Command 7950 spoke only of it not being realistic, at present to confer on a Northern Ireland Administration "full responsibility for the criminal law and the Police and Prison Services". Partial responsibility therefore would seem to be possible and compatible with that Document.
6. Another important step which we feel could be taken to give the Northern Ireland Assembly credibility, would be the ability to appoint members to the Northern Ireland Police Authority and to receive and debate the Chief Constable's Annual Report.
7. Most important of all some procedure must be devised to directly involve the Northern Ireland Government in the day-to-day control of security matters. So long as security remains the dominant concern of the people of Northern Ireland then so long will a government in Northern Ireland which has no effective say on security remain largely inept, despised and ineffective. Thus we suggest that the Leader of the Northern Ireland Government should be involved along with the Secretary of State, the Chief Constable and the G.O.C. in the regular discussions which take place on security matters.
8. If Law and Order is ever to be transferred to the Northern Ireland Institutions, then it is crucially important to have close liaison maintained between those who presently control security and the Northern Ireland Government; we feel this suggestion is the best way of doing this. To facilitate this exercise and in particular to ensure confidentiality the Chief Executive should be made a member of the Privy Council. Indeed, given the relationship of co-operation and confidence that will need generally to

develop in a devolved system between the Secretary of State and the Chief Executive, membership of the Privy Council for the Chief Executive would appear essential so that the necessary exchanges can freely take place in confidence.

9. Furthermore as the 'Ulsterisation' of the security drive continues with more and more dependence on the R.U.C. and the U.D.R. it is surely politically sensible to develop a parallel involvement of the Northern Ireland Administration in security matters.

FINANCIAL MATTERS

10. In so far as the funding of expenditure by a Northern Ireland Administration is concerned, we re-affirm our belief that a grant-in-aid method should be used covering all transferred services.

A Northern Ireland Government, subject only to the approval of the Northern Ireland Assembly, must be free to discharge the primary function of government in pursuing its own policies, which would involve decisions on how much would be spent on the various aspects of government. Clearly the concept of parity will be an effective discipline in this exercise but nonetheless the Northern Ireland Government must be as free as possible within that restriction. Of course the Secretary of State will be involved in helping agree the annual grant needed each year and in securing as much as possible for Northern Ireland in Cabinet negotiations, but the expenditure of the money for transferred matters must at all times be the task solely of the elected Northern Ireland Government and Assembly.

RELATIONS WITH THE REPUBLIC OF IRELAND

11. While the people of Northern Ireland emphatically reject any institutionalised association or other constitutional relationship with the Republic of Ireland, they have no desire to live in hostility with their neighbours in the Republic of Ireland. But it must be for the people of Northern Ireland alone to decide what should be their relationship to the Republic. Therefore any developments in this direction can only follow the establishment of new institutions in Northern Ireland, when the elected Assembly would decide such matters. Most certainly the issue of the relationship between Northern Ireland and the Republic must play no part in the establishment of new political institutions in Northern Ireland.

12. While it is clear that there are areas where co-operation between Northern Ireland and the Republic could be mutually beneficial, it must be recognised that the constitutional claims made to Northern Ireland in the Constitution of the Republic, and the unreasonable attitude of various Dublin Governments to the vexed issue of extradition and security generally, will undoubtedly inhibit the extent to which co-operation can develop. So long as the Republic continues to operate as an 'Open House' for the Provisional I.R.A. then so long will normal co-operation be rendered impossible. Prospective economic co-operation in the nature of practical schemes of mutual benefit such as one would expect between members of the E.E.C. could develop but would require a normalisation of relationships and in particular de jure recognition by the Republic of Ireland of the status of Northern Ireland and an abandonment of its claim to sovereignty over Northern Ireland.
13. The Ulster Democratic Unionist Party is adamant that the Northern Ireland Assembly and Government must be responsible for dealing with the Government of the Republic of Ireland on all transferred matters and would not agree to Dublin/London negotiations to the exclusion of Belfast on such issues. We therefore feel it is imperative for the Northern Ireland Assembly to have legislative power to deal directly and effectively with the Dublin Government on such matters.
14. In respect of other external relationships the U.D.U.P. believes it would be the responsibility of H.M.G. in consultation with the Government of Northern Ireland to ensure that the interests of Northern Ireland are adequately represented in international affairs. In particular with the growing importance of the E.E.C. and other international organisations it may be necessary to have direct representation in Brussels and New York, similar to that which was obtained in the Home Office after 1940 when an Assistant Secretary from the Northern Ireland Cabinet Office was seconded for service. And when a United Kingdom Minister is negotiating in Brussels on matters in which Northern Ireland has an interest, his Northern Ireland counterpart should attend with him.

THE FRAMEWORK OF GOVERNMENT

15. Democracy has in the past been defined by the leader of the S.D.L.P. as rule by the majority with the consent of the community as a whole. Power-sharing however does not meet Mr. Hume's criterion, for power-sharing is based on the principle of preventing, or at least inhibiting, in some way the majority from ruling, with or without the consent of the minority. The U.D.U.P. proposals however ensure that the majority does rule yet at the same time giving a meaningful role, and laying down safeguards, for minorities, regardless of which party or parties form the majority or minority.

16. Our basic approach is that we must devise a system which is not dependent on a particular election result but which can survive any election result, only a system based on majority rule can stand this test. The vital elements of democracy must be adhered to in any proposal if it is to last.
17. The aspect of "the mandate" is at the centre of democracy as we know it but in power-sharing proposals it is at best pushed aside. Elections in democratic societies are concerned with the question "who shall govern?" The electorate vote for a representative whose policies they support, or at least dislike less than others, for indeed it often is the case that voters vote against one candidate rather than for another. In a party system the group that gains the majority has consent to pursue their programme. Thereby the expressed wish of the electorate is given effect. A government which attempts to govern not on the basis of an endorsed programme but on the basis of some hodge-podge of conflicting ideas is doomed to fail.
18. Whatever proposal is adopted must be workable and avoid the main weaknesses of schemes that have already failed. Let us look in this regard at the role of the opposition. Under all-in power-sharing the vital aspect of opposition in the Assembly would be absent.
19. A political system gains from the function of Opposition essentially in two ways. In the first place a number of benefits flow from subjecting the activities of those in power to regular scrutiny. In second place criticism may lead to the improvement of policies, and certainly provides those in power with a reaction to their activities.
20. It could be said, at least, that an opposition by the pursuit of its function serves to educate the public and keep them aware of the deficiencies of those in power. In addition to all the benefits that flow from subjecting the rulers to scrutiny the critics of those in power can provide the electorate with a choice of rulers - an alternative government. These two functions of criticising those in power and seeking to replace them add vitality to the political system and therefore whatever the swingometer may say of the potential of electoral success the role is an important and necessary one no matter who it is that plays it. So whether an opposition is office-seeking or more positively office-expecting the country needs the check and balance of a questioning, criticising opposition ready and able to pounce upon injustice as well as defects of policies.
21. T.D. Nielden wrote: "The ultimate criterion of a democratic state is bound to be the legal existence of an officially recognised opposition". In his

book "The Life of Politics", Fairlie contends that government only properly works if the government is subject to real criticism of its programme and actions. "The creation of a legal opposition is the most important contribution which British political practice has made to the development of free government." So it is well said that the leader of the Opposition exercises a function almost as important as the function of the Leader of the government. The one permits the other to govern because the second permits the first to oppose, and together they lead their parties in the operation of the Constitutional machine. Can we really afford to adopt a system without this vital element? We say no.

22. Again, regarding the workability of a scheme of government, we stress the importance of "collective responsibility" which of course is largely absent in power-sharing proposals. Lord Salisbury underscored the importance of this concept when he said, "Decisions arrived at by Cabinet must be defended by every Minister or if a Minister is not prepared to do so he must resign. For all that passes in Cabinet each member of it who does not resign is absolutely and irretrievably responsible, and has no right afterwards to say that he agreed in one case to a compromise, while in another he was persuaded by his colleagues. It is only on the principle that absolute responsibility is undertaken by every member of the Cabinet who, after a decision is arrived at remains a member of it, that the joint responsibility of Ministers to Parliament can be upheld and one of the most essential principles of parliamentary responsibility established". It cannot be expected that a body of able Ministers can agree about all questions all the time. Particularly is this so with a coalition government. Much more can this be said in the case of a coalition that is not voluntary but contrived. Frequent resignations would involve splits, which in time would lead to weak government. A Cabinet that is agreed upon fundamentals can compromise upon issues much more easily than a Cabinet that is diverse. The great danger is that while disagreements in a normal cabinet could lead to the fall of the government, disagreement in a rigged cabinet must lead to the fall of the system.
23. We can think of no greater recipe for disaster than a Cabinet, Executive or Principle Committee whose members can go off on a frolic of their own. What more likely way could be found to weaken the leadership of the Government than its members attacking one another's policies and personalities publicly. Is this what we want? Again we say no.
24. We have attempted to outline briefly our contention why any proposal to be lasting must be democratic and workable and emphasized that it must

also be as widely acceptable to the community as a whole as possible. However we are aware that there are those who do not accept Northern Ireland as a distinct entity and those who do not accept the political process and such people will never accept anything that is devised. But substantial acceptability must be given to any new system. What we do know is that systems that have been torn down in the past because they were rejected are no more likely to find acceptability to-day and should therefore be disregarded.

In arriving at our proposals we have taken account of all the points concerning the need for Democratic Consent, The Mandate, Opposition and Collective Responsibility. We guard them as they are the essentials of any worthwhile and workable process of government.

THE GOVERNMENT AND ADMINISTRATION OF NORTHERN IRELAND

1. THE CABINET SYSTEM

25. The U.D.U.P. holds that a Cabinet system of government formed by the leader of the largest party or group of parties should be established and be responsible to the Assembly. The Ballot Box must be the only door into Government. In particular we are adamant that no country ought to be forced to have in its Cabinet any person whose political philosophy and attitudes have revealed his opposition to the very existence of that State.
26. The U.D.U.P. considers that it is fundamental to a Democratic Government that:
 - (i) It is elected to carry out policies submitted to the electorate and to fulfil commitments of an ideological nature and of general political intent.
 - (ii) The electorate would always be in a position to endorse or reject such a government.
 - (iii) The Executive would always be united on policy and be collectively responsible for all decisions.
 - (iv) The Prime Minister would always be in a position to appoint or dismiss members of the government, subject to his ability to maintain a majority in the Assembly.
 - (v) Such a government should be ultimately answerable to the people but in its legislative proposals and day to day administration it is vital that the government be effectively answerable to the Assembly.
27. The U.D.U.P. believes that for a Democratic Government, it is desirable that:

- (i) Opposition be effective; otherwise there would be no accountability in any meaningful sense.
 - (ii) All sections of the people identify with the institutions of the State.
 - (iii) The parliamentary system should seek in every practical way to safeguard minority interests and that such interests should be meaningfully represented and be capable of calling to account any action that might be deemed unfair or unjust to them or others.
28. The U.D.U.P. believes that such a system avoids constitutional rigidity and is sufficiently flexible to meet changing circumstances. Our proposals allow ample scope for the electorate to return, if it so desires, a coalition of those who believe in power-sharing.
- It is open to the S.D.L.P. and others to enter into an electoral pact and seek a popular mandate and such a coalition would have a genuine prospect of success. Even during its "Hey-Day" the U.U.U.C.'s popular support varied from 51.1 to 58.1%. So to argue that there must always be a majority opposed to S.D.L.P. participation is wrong, particularly now that Unionism is more divided than ever.
29. The U.D.U.P. could not accept any system in which the Executive consisted of the Chairmen of Departmental Committees unless those Committees were all composed strictly on party strengths and each freely elected its own chairman, so that majority rule could be assured. Such appointments would be subject to full Assembly approval. In practice such a cumbersome system could work only if there already existed a broad consensus between all the parties on matters of policy. However, in our view such a system could only be second best for all sides, and the minorities would be robbed of the many safeguards which can be offered in a Cabinet system of government. Our belief that the Executive should be "Cabinet-style" rather than "Committee-style" is based on the following reasons:
- (i) "Committee Style" would deny the Leader of the Northern Ireland Government the fundamental right to choose and remove his Ministers in accordance with their abilities and his needs.
 - (ii) The essential element of 'Collective Responsibility' would be absent in a 'Committee Style' executive, as the 'Minister' would owe his loyalty and position to his committee or some other external factor, rather than to his Prime Minister or Ministerial Colleagues.
 - (iii) The important sense of accountability associated with a cabinet would be absent with a "Committee Style" executive. How could the Assembly ever

bring down a "Committee Style" executive?

- (iv) "Committee Style" would be inappropriate to the status and operation of a devolved Parliament and Government for Northern Ireland within the United Kingdom. "Committee Style" is wholly inconsistent with the practice and precedent of the United Kingdom.

2. DEPARTMENTAL COMMITTEES

30. In keeping with our acceptance that a meaningful role must be provided for minority groupings the U.D.U.P. envisages a system of strong Departmental Committees covering each of the Government departments. The Departmental Committees, each consisting of 8 backbenchers drawn proportionately from the Elected House, would have normal parliamentary committee voting rights. The chairmanship of the Committees would be allocated on a proportional basis. However, if it was felt necessary, the U.D.U.P. would not stand in the way of the membership of the Committees being drawn equally from Government and Opposition, with the Chairmanships similarly shared. The U.D.U.P. submits that such committees would give a real and influential role to backbench members and the Assembly in recognition of this role would provide remuneration to attending members and salaries for the respective chairmen and vice-chairmen.

COMMITTEE FUNCTIONS:

31. A. ADVISORY AND SCRUTINY FUNCTIONS-

- (i) To receive the estimates, accounts and annual reports of the Department;
- (ii) To obtain from the Department such information as the Committee requires in discharging its functions. This would include papers, as the Committee thinks fit, if the Minister agrees.
- (iii) To require the attendance of the Minister or any other public officials engaged within its sphere of responsibility. Adequate safeguards must be established to ensure that the Minister's attendance is consistent with his other duties.
- (iv) To hold enquiries into any matter within its sphere of responsibility, as the Committee thinks fit.
- (v) General powers to review areas within its responsibility with a view to recommending a particular policy to a Minister.

B. LEGISLATIVE ROLE:-

All Bills when introduced in the Assembly should pass to the relevant

Departmental Committee after their first reading and before the second reading on the floor of the House. The Committee should consider the proposed Bill and might conduct public hearings on the Bill before reporting to the House. The U.D.U.P. would consider a proposal that any Bill rejected by the relevant Departmental Committee should then on its second reading require a weighted majority of 60% of those voting. The Committee stage of all Bills, except those subject to a weighted majority, would be taken in the relevant departmental committees. In such a system it would be imperative, to avoid the progress of a Bill being deliberately obstructed, to provide for the Assembly to be able to require a Committee to furnish its report within a given time. Any Committee wishing to introduce its own legislation by way of private members business would be given additional time not normally accorded to an ordinary private members Bill. Each Committee could also report to the House on such delegated legislation as may be referred to it by the Assembly.

32. We note that from time to time some have described as 'inadequate' the role provided in scrutiny and watchdog committees for those not in Government under our proposals, yet even this role is not envisaged by such critics for a loyalist minority which refuses to join in a power-sharing government. All of which only underscores the fact that a power-sharing system can have no effective or adequate role for a minority which on principle refuses to enter the Government, whereas a more positive role can be created for those not in Government under a majority rule type system.

3. THE CHAIRMAN'S LIASION COMMITTEE

33. Over and above the Departmental Committees the U.D.U.P. would consider the establishment of a Chairman's Liaison Committee which would consist of the Leader of the House and all the chairmen of the various Assembly Departmental Committees at any given time, with the exception of the Subject Committees, and the Leader of the Official Opposition, who would chair this Committee.

The functions of this important and most influential Committee would be -

- (i) to be consulted by any Minister proposing to present a Bill to the House before such a Bill is published, so as to ascertain the views of the Committee and hence to afford this Committee the opportunity

- to influence Government policy at this crucial stage;
- (ii) to act as the liaison body between the various Departmental Committees and so to resolve any disputes as to jurisdiction between these Committees.
 - (iii) to adjudicate on the allocation of monies for the work of the Committees.

4. SUBJECT COMMITTEES

34. The U.D.U.P. recognises that certain crucial questions shall not be transferred to the local legislature but nonetheless in appreciation that these matters are of particular concern to the communities in Northern Ireland we believe that the Assembly of Northern Ireland should have an advisory and monitoring role in these matters.

A. SECURITY SUBJECT COMMITTEE:

In view of the vital and overriding importance of law and order to all aspects of everyday life the U.D.U.P. believes that a Security Committee should be appointed to advise the Secretary of State on matters relevant to this subject and be consulted by him in matters of a security nature. The Committee would be composed of ten members elected by and from the Assembly by PR and chaired by the Prime Minister.

B. EXTERNAL RELATIONS SUBJECT COMMITTEE:

As many aspects of Northern Ireland life are now influenced by the EEC the U.D.U.P. believes that a Committee to study, monitor and advise on EEC matters would be advantageous. In this regard our relationship with the Irish Republic, which shares a land border with Northern Ireland, should be given particular attention. This Committee should be composed in the same manner as the Security Subject Committee and similarly meet under the chairmanship of the Prime Minister.

Alternatively a single committee covering all non-transferred matters could be created. Indeed such a committee as a microcosm of the Assembly could largely serve the purpose of an Advisory Council to the Secretary of State on such vital issues.

STATUTORY SAFEGUARDS FOR THE MINORITY

35. Further to the special privileges and safeguards already outlined for minority interests namely:

- a. The Departmental and Other Committees with their special minority participation, and
- b. The provision for weighted votes on a rejected Bill at second reading, we are prepared to support the following further safeguards to all sections of the community, including the minority -
 - (i) We accept that the existing safeguards and remedies against discrimination on religious or political grounds as laid down in the 1973 Act should be maintained and to this extent would be prepared to accept, in the main, the continuance of Part III of the 1973 Act. We note that Sect. 17 of the 1973 Act makes void any proposed legislation which discriminates on the grounds of political or religious persuasion and further that Section 18 gives the Secretary of State power to refer any provision of the Assembly to the Judicial Committee of the Privy Council to see if it might be void under Section 17, and that Section 19 outlaws discrimination by public authorities, including Ministers and District Councils. As a means of strengthening these statutory safeguards, which in their terms are adequate, we would support a facility whereby a stated minority, say 30% of the Assembly, could require the Secretary of State to make a referral to the Privy Council under section 18.

A BILL OF RIGHTS

(ii) The U.D.A.P., while holding that a Bill of Rights is desirable for the whole of the United Kingdom, would be prepared if such is not available to accept a proposal for a Northern Ireland Bill of Rights which would incorporate a range of statutory safeguards against abuse of power. We would point out that the oversight of human rights already rests with an independent agency in that Section 20 of the 1973 Act established the Standing Advisory Commission on Human Rights. It is our contention that a Bill of Rights along with the existing safeguards in the 1973 Act and those already mentioned can provide all the safeguards that anyone could reasonably require.

AN OPTION WORTH CONSIDERING

- 30. In the search for a realistic, workable and fair system of democratic Government in Northern Ireland we believe that the second option in the Government Green Paper (Cmnd 7950), which followed the Aikins Conference, contains elements which deserve fuller consideration than they received. We, therefore, propose that the Committee look in detail at this scheme. At this stage we will thus indicate some of our thinking on the issue, for this purpose we assume an informed knowledge of the detail of Command 7950.

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37. There are aspects of Option 2 in Command 7950 which we reject, but as a basis for discussion we find Option 2 generally acceptable insofar as it preserves the crucial notion of the party or parties with a majority in the Assembly forming the Executive.
38. Before entering into detailed discussion of Option 2 let us note with approval the declaration by H.M.G. in paragraph 53 of Cmnd 7950 that "the Government believes that the holding of Executive seats is not the only way for minority representatives to participate in and influence the process of government in both the legislative and executive form". We welcome the acceptance of this contention, and we reaffirm that our Party has no desire to exclude minority elected representatives from the process of influencing Government, nor do we wish to deny the minority any of the safeguards and protections which all minorities should rightly enjoy.
39. While Option 2 is largely acceptable in that it preserves the fundamental concept of Majority Rule, it would not be acceptable if matters were so arranged as to undermine the Executive and frustrate its performance of the functions of government. The Executive as democratically based must be allowed to govern.

COUNCIL OF ASSEMBLY

40. We now come to deal with the proposed Council of the Assembly. While we do not accept the view in paragraph 57 that the powerful backbench scrutiny committees are not adequate to afford the minority parties the influence and safeguards which they could reasonably require, we nonetheless are prepared to countenance a Council of the Assembly, provided its powers are not such as to render meaningful government impossible or to turn democratic government into a farce. The role and powers of the Council of the Assembly are therefore crucial to its acceptability or otherwise.
41. Straightaway we must take the point that by virtue of its composition on a 50/50 basis between Government and Opposition this Council of the Assembly is an artificial, if not a gerrymandered creation, which does not relate to the strength of the parties in the elected Assembly. Therefore it would be intolerable to permit such a body to stand in the way of the democratically expressed will of the electorate so as to frustrate without restriction the actions and wishes of the appointed Government of the Assembly.

- The democratically composed Assembly must at all times be able to implement its policies and must not be held to ransom or vetoed by any undemocratic creation. This leads us to unreservedly oppose the suggestion in paragraph 58 of blanket blocking powers for the Council of the Assembly in regard to all legislation and the Public Expenditure Programme. We just could not contemplate a Bill or a Public Expenditure Programme, which had been approved by the people's elected representatives in the Assembly, being killed off by any Council in which the majority of the Assembly were deliberately under-represented and the minority of the Assembly deliberately over-represented. Such an exercise would demean democracy and do untold harm to the principle of democratic control through free elections.
- 42. The primacy of the Assembly must be maintained at all times. Under the 1920 Act a procedure existed for when the Senate twice rejected a Bill whereby a joint meeting of the two Houses could be convened and a vote taken on the issue; in this way the Senate as a non-elected House was denied a total blocking power. Similarly some way, though clearly a different way, must be found to ensure that the undemocratic Council of the Assembly cannot frustrate the work of the elected House. However we do not wish to see the Secretary of State involved in this process, as suggested in paragraph 58, as he would be subject to too many political pressures and which ever way he moved his standing and position would suffer in the Province.
- 43. Given that the Council of the Assembly is already deliberately disproportionate in its composition to the strength of the parties in the elected Assembly it would be quite improper for the Northern Ireland Government to have to cross a double hurdle of needing 50% plus 1 approval for its legislation etc; within such a body. That quite clearly would give the Opposition the double advantage of having an unmerited number of members in the Council and then even with that the ability by simply holding together to block and frustrate the Government. This simply is not the basis for fair and workable Government, rather it is a sure recipe for irresponsible Opposition muscle-flexing and wanton obstruction which would discredit the democratic process and bring government to a standstill. Clearly with the weighted composition of the Council the onus should be on the Opposition to muster up the 50% plus 1 if it wishes to block a Government measure - similar to the power to delay and refer back legislation which presumably would work on the basis of the Opposition having to get 50% plus 1. Why should it be easier for the Opposition to block a Government Bill than to refer it back for

further consideration? Surely the opposite should be the case if H.M.G. desires to encourage consultation and consensus. It appears clear to us that to demand 50% plus 1 in the Council of the Assembly for the Government to get its legislation passed would create a charter for irresponsibility which will cripple democratic Government and defeat the intended purpose.

44. We note that it is suggested that all legislation, as well as the Public Expenditure Programme should come before the Council for approval. We can see no purpose in every Bill having to come before the Council, since each Bill during its passage through the Assembly will have to pass through the relevant Departmental Committee, also composed on a 50/50 basis. We would therefore suggest that instead of every individual Bill coming before the Council only the Assembly's equivalent to the 'Queen's Speech' should be passed to the Council along with the Public Expenditure Programme. Therefore the delaying powers and referral powers in relation to individual pieces of legislation would be exercised not by the Council of the Assembly but by the relevant Departmental Committee. This would leave the Council of the Assembly with general advisory powers, referral powers perhaps in relation to matters which are allegedly discriminatory and consideration of the annual Public Expenditure Programme and the annual 'Queen's Speech', with the powers in this regard tempered by an inability to permanently block progress in the face of Assembly opposition.

45. Such a system would we believe in the words of paragraph 58 of Cmnd 7950 "mark the effective involvement of the minority and secure it a powerful voice in the formulation of policy decisions about the Government of the Province and in day-to-day administration".

THE WAY AHEAD

46. Since it is abundantly clear that in any elected Northern Ireland Assembly there is always going to be at least a substantial loyalist minority opposed on principle to a power-sharing government, which minority would never join such a government, and since power-sharing has no "adequate" role for such a minority, and as it can only succeed in the absence of dissent, is it not evident that a possible way forward is on the basis of a system based for example, on a refined Option 2-type Scheme. Then the people of Northern Ireland can decide from election to election whether they want to

support those who wish to practise executive power-sharing or those who do not. If the power-sharers' secure majority support then a power-sharing executive can be formed under Option 2, and those opposed to it can have an adequate and meaningful role by availing themselves of the lavish machinery of Opposition. And if at the following election the electorate give majority support to anti-power-sharers then the roles would be reversed but the structure would remain unaffected. But under Option 1 (power-sharing) the structures could not survive such a change of opinion by the electorate. Not only has Option 1 the glaring and irreparable weakness of having no adequate role for an anti-power-sharing minority but it can only survive so long as it encounters suitable election results. Whereas in Northern Ireland we desperately need stability and therefore we need to create a system capable of surviving all election results. Only a system based on the essentials of majority rule can do this.

47. Furthermore, only the establishment of such a system can be sure to keep faith with the recognition by H.M.G. that any structures to be "lasting and workable" must be acceptable firstly to the majority of the Northern Ireland people and then to the majority of the elected Assembly members.
48. The establishment of a workable and acceptable Option 2 type system by H.M.G. does not rule out executive power-sharing, rather it gives the electorate the choice of executive power-sharing, or a form of majority rule, with the ability to change its mind. Option 1 offers neither of these democratic facilities, but rather denies both.

OTHER PROPOSALS

49. While the U.D.U.P. seeks early and total progress to full devolution, both legislative and executive, if this proves elusive then we are prepared to consider any proposals which progress us towards devolution. Provided the proposals are a genuine means to the end of full devolution and do not mean the end of devolution, then we are happy to give them full and fair consideration. In this connection we have some propositions for legislative devolution which we'd be prepared to develop and discuss at an appropriate stage.