



Northern Ireland Office

Press Notice

Great George Street, London, SW1P 3AJ. Telephone Enquiries 01-930 4300 ext. 276 or 277
Stormont Castle, Belfast, BT4 3ST. Telephone Enquiries Belfast 63011

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CONSTITUTIONAL CONVENTION FOR NORTHERN IRELAND

White Paper sets out plans for the future

A Constitutional Convention - to consider what provisions for the government of Northern Ireland would be likely to command the most widespread acceptance throughout the whole community there - will be set up following an election in the Province. That is the main proposal of a White Paper "The Northern Ireland Constitution" published today. (Cmd 5675).

Legislation will be introduced at Westminster to provide for the Convention to be based upon the constituencies and the methods of election laid down for the Northern Ireland Assembly. The Convention will, therefore, consist of 78 members elected on a multi-member basis from the 12 parliamentary constituencies in Northern Ireland by proportional representation.

The White Paper states that "The intention is that the Convention will be entirely a forum for elected representatives of the people of Northern Ireland. The Government will play no part in its proceedings but will, of course, be willing to make available factual information and to assist the Convention in any way which is likely to bring its deliberations to a successful conclusion".

The Convention will be required to make a report on its conclusions which will be laid before Parliament. It will be dissolved on the date of its laying its final report or six months from the date of its first meeting whichever is the earlier; but the dissolution may be postponed by the Secretary of State subject to Parliamentary control for periods not exceeding three months at a time.

The proposed legislation will make provision for the Secretary of State to direct the holding of a referendum or referenda on questions arising out of the work of the Convention.

The White Paper looks forward to a period of discussion in Northern Ireland and says "The Government considers that this process of discussion and consultation is a necessary preliminary to the holding of the election of members to the Constitutional Convention. It would not, therefore, propose to hold an immediate or early election and would aim to give about four weeks notice of an election".

The Problem

Part One of the White Paper analyses the problem facing Northern Ireland. It points out that "bright prospects for future economic progress have been clouded by political instability and violence. Since 1969, over 1000 people - men, women and children; soldiers, policemen and civilians - have died by violent means. There has been great, continuous and widespread suffering and destruction".

The Constitution of 1973 and the Northern Ireland Executive, January - May 1974

The White Paper goes on to trace the history of Northern Ireland over the past two and a half years. It summarises the extensive consultations in Northern Ireland which led up to the formation of the Northern Ireland Executive on January 1 this year. It comes up to date with an analysis of the recent strike leading to the collapse of the power-sharing Executive, and

concludes these parts with the statement that "If the Executive failed, the men who served in it did not fail. They disproved for ever the idea that it is not possible for Protestant and Roman Catholic to work together for the good of Northern Ireland and its people".

The Present Position

The White Paper makes it clear that the arrangements for the administration of the Province - under which the Assembly stands prorogued for four months and British Ministers have taken over the responsibilities of the former Executive members--can only be a stop gap.

This, too, will require legislation. The intention is to make the Secretary of State for Northern Ireland responsible to Parliament, for the services which were devolved to the Northern Ireland Executive; and also to make it possible to legislate for the Province by means of Orders in Council instead of the more protracted legislative procedure. These temporary arrangements will be provided for a year. With Parliamentary approval, this period may be reduced - or extended for further periods of not more than one year.

These temporary arrangements will supersede for the time being some provisions of the 1973 Constitution Act concerned with the legislative functions of the Northern Ireland Assembly and the executive functions of Heads of Departments and others.

FINANCE

The White Paper proceeds to an examination of the financial arrangements between Northern Ireland and the rest of the United Kingdom. It points out that "The amounts required to supplement Northern Ireland's tax revenue have, in fact, considerably increased in recent years. Excluding loans, the total for 1971-72 was £126 million, for 1972-73 £181 million and for 1973-74 £310 million; and for 1974-75 the estimate is £350 million. Including loans, the corresponding

figures are as follows: for 1971-72 £195 million, for 1972-73 £283 million, for 1973-74 £376 million; and for 1974-75 £430 million.

LAW AND ORDER

The White Paper draws attention to the role of the Army in Northern Ireland. It says that the Army has responded magnificently to the burdens placed upon it but that it has increasingly had to take on a policing role. It discusses the effectiveness of the police force and says "The people of Northern Ireland can make an essential contribution to ending violence, not by seeking to take the law into their own hands, but by showing their determination to create a just and stable society and by accepting and supporting the Police Service. Nothing would transform the security situation more quickly than a determination by the whole community to support the Police Service and co-operate with it". If this process developed, the Army would be enabled to make a planned, orderly and progressive reduction in its present commitment, and there would be no need for the Army to become involved again in a policing role.

The Next Steps

Moving on to a discussion of the future, the White Paper spells out a number of realities in the situation. It says that the people of Northern Ireland must play a crucial part in determining their own future and that no political structure can endure without their support, but that "if agreement is not reached, the troubles in Northern Ireland will not only remain but could intensify. No one will be able to turn this defeat into a victory. That is reality."

Further realities are that:-

"a. - history has caused divisions within the Northern Ireland community. Events of the past few years have amply demonstrated that no part of that community can, let alone should, be coerced into accepting the others' view. Events have also shown that a consensus can be obtained on the basis of serving the interests of the whole community. There must be some form of power-sharing and partnership because no political system will survive, or be supported, unless there is widespread acceptance of it within the community. There must be participation by the whole community.

"b. - any pattern of government must be acceptable to the people of the United Kingdom as a whole and to Parliament at Westminster. Citizenship confers not only rights and privileges but also obligations.

"c. - Northern Ireland, unlike the rest of the United Kingdom, shares a common land frontier and a special relationship with another country, the Republic of Ireland. Any political arrangements must recognise and provide for this special relationship. There is an Irish dimension."

The White Paper goes on to say that "It would be premature, at this stage, to say that the approach embodied in the Constitution Act 1973 is untenable. Indeed, much of the content of that Act is not a matter for dispute. What is apparent is that there is little prospect of forming from the present Northern Ireland Assembly another Executive which meets the terms of that Act."

Dealing with the reasons for the setting up of a Constitutional Convention and the limits within which it will operate, it is stated that "The Government believes it would now be right, as a first stage in further consideration of Northern Ireland's future, to provide a forum in which elected representatives of the people of Northern Ireland may have the widest possible discussions with the aim of determining what measure of agreement can be reached among themselves.

No possible solution need be excluded from such discussions but any proposed solution must recognise the realities outlined above. Moreover a majority does not have the right to impose its will in all circumstances; nor does a minority have any absolute right to veto. For its part, the Government must weigh respect for majorities and protection for minorities."

In conclusion, the White Paper says that "Her Majesty's Government believe that these proposals offer a new opportunity to all the people of Northern Ireland to contribute directly, and in their own way, to the solution of their own problems. The need is for a joint and stable society. It can be achieved by the people of Northern Ireland with their awareness of the realities of the situation. Failure will bring defeat to all. Success will bring the only real victory."