

**NATIONAL ARCHIVES****IRELAND**

<b>Reference Code:</b>	2003/13/18
<b>Title:</b>	Department of Foreign Affairs paper on a new administration for Northern Ireland, consisting of observations on a new Northern administration, Northern Ireland Assembly, Northern Ireland Executive, and Westminster's role. Also includes a summary of proposals by political parties in Northern Ireland.
<b>Creation Date(s):</b>	1972
<b>Level of description:</b>	Item
<b>Extent and medium:</b>	7 pages
<b>Creator(s):</b>	Department of Foreign Affairs
<b>Access Conditions:</b>	Open
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I CONTENTS

1. This Paper on a new administration for Northern Ireland consists of four parts, viz.:

General Observations on a New Northern Administration

Northern Ireland Assembly

Northern Ireland Executive

Westminster's Role

2. A summary, in tabular form, of the main proposals of political parties in Northern Ireland is annexed to this Paper for the purpose of facilitating an assessment of the likely form and functions of new structures for the government of the North.



II. GENERAL OBSERVATIONS

3. (i) Effective minority participation in any new arrangements for the government of Northern Ireland is essential.
- (ii) Any Administration which the majority and minority representatives are prepared to accept and work would probably be acceptable to the Dublin Government.
- (iii) The "Irish Dimension", acknowledged in the British Green Paper, should be given meaningful expression in the new framework. This could, perhaps, best be achieved by means of a strong North/South institutional link.
- (iv) Decision-making by the new Northern Administration is likely to be difficult, especially if it has responsibility for powers which in the past were basically divisive. It follows that the stronger the powers of the Administration, the more difficult it will be to get agreement.
- (v) It would seem to be necessary to have appropriate internal checks and balances on the exercise of power and decision-making by the Administration and to have suitable machinery for the resolution of deadlocks.
- (vi) It will probably be necessary to accept that the Office of Secretary of State for Northern Ireland will be maintained, especially if the new administration is not strong.
- (vii) It can be reasonably assumed from the Green Paper that any new arrangements for the government of Northern Ireland will exclude the paraphernalia which gave Stormont many of the outward trappings of sovereignty.
- (viii) There is strong support for a Bill of Rights in Northern Ireland. Even the Unionist Party proposes the introduction of "a precise and comprehensive Bill of Rights". The Green Paper carries the following comment (para. 64) on this subject:
- "what is essential is that any provisions which . . . might be incorporated in legislation should have a practical and not just a declaratory effect".



III. NORTHERN IRELAND ASSEMBLY4. General

The British Green Paper apparently rules out:

- (a) full integration of Northern Ireland with Britain  
for a number of reasons including the fact that  
"it would be unacceptable to the Republic of Ireland  
and would make cooperation with the Republic more  
difficult";
- (b) an independent Northern Ireland;  
and
- (c) joint sovereignty by Britain and Ireland over Northern  
Ireland.

5. Form of New Assembly

It is reasonable to assume, from the Green Paper and other sources, that the British Government intend to provide for an Assembly in Northern Ireland. It is likely to be unicameral with 75-100 members. A feature of the proposals put forward by the various political parties in the North is that none of them envisaged a second Chamber although the Green Paper points out that in certain jurisdictions it is used to impose checks and correct imbalances.

6. Method of Election to Assembly

The Unionists are the only political party in Northern Ireland to propose the retention of the simple majority system of voting to a new Assembly. All the other parties which have submitted proposals favour the proportional representation (STV) system which is being used in connection with the forthcoming local government elections. The old system of simple majority voting certainly did not operate to the advantage of the anti-unionists as they held only 23% of the seats in the Stormont House of Commons - a percentage which is a good deal lower than the over-all strength of the non-unionist community. While the P.R. system might be expected to improve this situation for the minority, especially if the Assembly is to be almost twice as large as Stormont, it may not work in the manner we in the South are accustomed to because of community polarisation.

7. Powers of New Assembly

Broadly speaking the division of functions between the Westminster and Northern Ireland Parliaments under the Government of Ireland Act, 1920 was as follows:

Westminster

Crown

Armed Forces

Foreign Relations

Major Taxation

Post Office

Coinage

External Trade

Northern Ireland

Internal Security

Prison and Legal Systems

Agriculture

Education

Regional Economic Development

Health and Social Services

Local Government

Rating and Valuation

Present indications are that the British Government wish to reserve to themselves control over internal security, prison and legal systems.



IV. Northern Ireland Executive

8. The first point to be emphasised in a discussion of any new Executive arm of government in Northern Ireland is the need to accommodate the minority in the exercise of power. The Green Paper discusses possible forms of government for Northern Ireland and states that apart from "committee government" there are at least four theoretical means of securing a broadly-based administration. All five systems are explained in the following paragraph. As the British are unlikely to go outside the broad confines of the Green Paper other alternatives have not been examined.
9. (i) The committee system can be operated in a number of ways but, although it would have the effect of making executive power less concentrated and would give a more active role to the minority, the Unionist majority would, in the absence of specific safeguards or blocking mechanism, still have its way in the last resort through sheer voting strength.
- (ii) A system of proportional representation government where all substantial elements elected to the Assembly would secure representation in the government according to their representative strength. The Green Paper claims, however, that this system could exclude the possibility of any Opposition and would not be made easier by the very broad range of political opinion.
- (iii) A system of entrenched government where certain minority elements must by constitutional requirement be included in government. The Green Paper points out that this form of government could present very difficult problems of definition, and impede the development of non-sectarian party structures.
- (iv) A system of bloc government where the party or parties commanding a majority in the Assembly would be required to coalesce with the party or parties commanding a majority of the minority. The Green Paper states that this system would ensure some residual Opposition, and make possible the exclusion of small, irresponsible groups on the extreme wings of politics but that in practice it would be apt to prove a somewhat complex, inflexible and artificial device.



- (v) A system of weighted majority government where an incoming government would require the endorsement of the Assembly not by a simple majority, but by a majority so weighted as to make necessary a broad range of support. In order to ensure that support would not come from representatives of a single community, the percentage required could hardly be less than 75. The requirements of a weighted majority could be applied solely to the endorsement of a government and subsequent votes of confidence, or to a wider range of parliamentary business
10. The Green Paper admits that there is an inherent danger in any of the above-mentioned systems in that any major political element could, for its own purposes, choose to bring government to a standstill. It adds that any such system would have to be under-pinned by clear, swift and efficient procedures for the resolution of disputes and the exercise of reserve powers. It is worth noting that apart from the general criticism mentioned in the first sentence of this paragraph the weighted majority system of government, unlike the others, is not specifically criticised in the Green Paper.
11. The above approach has been governed by the overriding consideration expressed in paragraph 3(ii) above that any administration which the majority and minority representatives are prepared to accept and work would probably be acceptable to the Dublin Government.



Westminster's Role in Northern Ireland

1. The British Green Paper states (in para. 79(b)) in the course of a listing of fundamental conditions for any new scheme of government for Northern Ireland that

"the sovereignty of the United Kingdom Parliament must be acknowledged and due provision made for the United Kingdom Government to have an effective and continuing voice in Northern Ireland's affairs, commensurate with the commitment of financial, economic and military resources in the Province".

Elsewhere in the Green Paper (para. 74) the same point is made:

".....the ultimate acceptance of that [U.K.] authority must be a necessary condition of the financial, economic and military assistance from which Northern Ireland benefits as a part of the United Kingdom. While such assistance continues, or may be required in the future, no Government could recommend a settlement to Parliament which did not give the Government an effective voice in the use to which it is put".

2. It is reasonable to assume that the Westminster role discussed in the above-mentioned passages in the Green Paper would take the form of a Secretary of State for Northern Ireland. This seems broadly acceptable.
3. Northern Ireland Representation at Westminster

It seems generally accepted that any new governmental arrangements for Northern Ireland would include increased representation of Northern Ireland at Westminster. On this we would point out that

- (i) increased representation at Westminster would tend to diminish the importance of a Council of Ireland;
- (ii) it would tend to reinforce the status of Northern Ireland as a part of the U.K.
- (iii) there would be serious implications for British domestic politics.

On a proportionate population basis the likely number of Northern Ireland M.P.s at Westminster would not exceed 20.