

Ref: Disk 1 Cmn

12 June 1991

OUTLINE OF "COMMISSION STYLE" ADMINISTRATION

EXECUTIVE

A "Northern Ireland Commission" of six members. Three members to be elected from a three seat constituency, by STV; one member to be appointed by the Irish Government, one member by the British Government and one member by the EC. Each member of the Commission would act as "Minister" in charge of a NI Department of Government.

Distribution of portfolios could be according to a number of formulae:

- a) Commission members make a choice in their turn according to an agreed "pecking order";
- b) Commission members draw lots for "pecking order" and then choose;
- c) Fixed formula (poll-topper takes Economic Development etc)
- d) Loose formula (governments decide in consultation).

Chairmanship of the Commission might be held by a) poll-topper
b) British and Irish nominees in turn, or c) EC nominees.

The six departments to be headed by members would be:-

- a) Finance and Economic Development
- b) Justice
- c) Environment and Local Government
- d) Health and Social Services
- e) Agriculture, Fisheries and Rural Development
- f) Education and Community Relations.

The Commission would have the right to initiate legislation, to appoint judges, to deal with the government of the Republic in relation to all transferred matters. The Commission might also be given fiscal autonomy, or a qualified form of autonomy.

Stable
Birt + ksh
+ EC

innovative

Commissioners (appt.)

↓
accountability

Commission
making
Consensus
qualified majority
ministry
Commissioners

Euro appointed

The advantages of such a form of Executive Government:

- 1) STABILITY AND INDEPENDENCE: The Commission would not be vulnerable to upheavals in an assembly-type body, or dependent on parliamentary groups or temporary alliances. The Commission could not be brought down by the resignation of any member or members.
- 2) COMMITMENT AND INVOLVEMENT OF BOTH GOVERNMENTS: The role of the two governments in appointing two members of the Commission commits both on an ongoing basis to the survival and success of the Commission.
- 3) COMMITMENT OF EC: Direct linkage of the NI Commission to the European Community would provide a unique channel of influence of potentially enormous importance.
- 4) EXPANSION OF THE INTERNATIONAL CONTEXT: The Commission would involve two governments directly and all other member states of the European Community indirectly. This commits enormous international power and resources to the survival and success of the Commission.
- 5) PARTNERSHIP EMBODIED IN THE SYSTEM: The proposed framework would give substantial power to an effective partnership of the predominant parties from each side of the divide, stabilised by external participation.
- 6) NOT BOYCOTTABLE

The Commission could be greatly strengthened and more deeply rooted in the community if the three directly elected Commissioners were to take a direct role in economic development. In order to allow them to commit time to this role, they might be allowed to appoint "Ministers of State" or Assistant Commissioners to take the burden of routine departmental administration. Joint promotional, investment seeking and developmental activities could create a very strong bond of common purpose and endeavour, while simultaneously improving the image of Northern Ireland in the world at large.

The three directly elected Commissioners could exercise a major part of their functions in this regard through the agency of a number of Economic Development Boards, constituted in much the same way as the present Health and Education Boards. However territorial divisions and appointment mechanisms would have to be carefully devised so as to ensure adequate representation of the nationalist community and protection of the interest of nationalist areas in the east. The involvement of local politicians and community leaders in this kind of common

purpose and meaningful work could have a significant impact on local communities, not only in generating economic development, but also in binding people together.

LEGISLATIVE OPTIONS

1. The Commission might initiate legislation by way of directives, with both parliaments having consultative rights. After this consultative process has been gone through the directive would be written into law.
2. A Legislative Assembly might be elected. 3/4/5
member
 - a) An Assembly might be elected from 17 constituencies as in the past.
 - b) An Assembly of 30 members, could be elected by the district councillors, on a "single constituency" STV basis. Candidates for election, who need not be councillors, might be nominated by five councillors.

The Assembly would, initially, have consultative powers only, such as the power to scrutinise legislation affecting Northern Ireland, and propose amendments to it. It would also have the right to prior scrutiny of Commission legislative proposals, and the right to propose amendments which could only be overruled by two thirds of the Commissioners.

The Assembly could elect six departmental committees of five members each, with each Assembly member being a member of only one committee. The Chairman of each committee might be given certain rights in relation to access to the Commissioners, questions to the Commissioners, access to Departmental Officers, and information. A method of electing the committees might be devised which would ensure that minority parties got a fair share of committee chairs.

JUDICIARY

The present Judicial structure would be retained, with the Commission acquiring the right to appoint judges by means of an agreed formula. However, (i) a Common Bill of Rights might be enacted north and south, and a common Court of Human and Civil Rights established, with an agreed number of member judges being appointed (e.g. three by the southern government and one each by the "troika"); (ii) a common framework of anti-terrorist legislation might also be enacted north and south, and a common court established in the same way to deal with such offences. There would be very clear advantages for both unionists and nationalists in this arrangement.

THE NORTH-SOUTH DIMENSION

EXECUTIVE An Irish Interstate Council might be established along the lines of the European Council of Ministers, with its own permanent Secretariat, and meeting place. There would be an agreed schedule of meetings of Ministers and Commissioners to deal with common business, and a previously agreed framework of common intent to harmonise and co-ordinate policy and practice in both jurisdictions. This makes absolute sense in relation to Agriculture, Environmental matters, Energy, Economic Development and particularly Justice.

The Justice Interstate Council would recruit a new security force from all parts of the island which would deal with all politically motivated violent crime. The force would act under the command of the Interstate Council and within the legal and judicial framework described above. The existing police forces north and south would become civilian police forces, and the military would be quickly phased out of the situation as the new body acquired the numbers, equipment and resources to take control of the situation. The intention in the immediate future would be to mesh this new structure into new structures developing in Europe as a whole to deal with terrorist crime. The advantages for both the unionist and nationalist interests in dealing with this problem, first on a north-south basis, and secondly on a European basis, are profound.

LEGISLATIVE Joint Committees of the Dail and the Assembly could meet on a quarterly basis to hear reports from the Interstate Council, and with certain rights to interrogate Ministers and Commissioners etc. Consideration might be given to the possibility of northern representation in the Oireachtas.

JUDICIAL Two new courts as described above.

THE EUROPEAN DIMENSION

It would be agreed that in relation to transferred matters, Northern Ireland should deal with the European Community through the Irish Interstate Council. An agreement would be worked out with the Community about representation on the Council of Ministers (e.g. in respect of Agriculture, Energy, Environmental Protection, Transportation and Communications et al, Minister and Commissioner would sit jointly on the Council). The advantage for everyone in Northern Ireland of having, for the first time, a direct voice in EC business is so obvious that it doesn't need spelling out.