

Constitutional and Political Group  
Northern Ireland Office  
1<sup>st</sup> Floor  
11 Millbank  
LONDON  
SW1P 4PN

23<sup>rd</sup> October 2012

Dear Sir/Madam,

**RESPONSE TO NIO CONSULTATION ON MEASURES TO IMPROVE THE OPERATION OF THE  
NORTHERN IRELAND ASSEMBLY**

I am pleased to enclose with this letter my response to the Northern Ireland Office consultation on measures to improve the operation of the Northern Ireland Assembly.

Firstly it is very welcome that the previous Secretary of State for Northern Ireland took the initiative on this important issue which concerns many fundamental matters of Government accountability and the functioning of purposeful democracy. It was particularly important that NIO launch this exercise as, as discussed in this response, the current parties of the Northern Ireland Executive have a vested financial and political interest in maintaining structures in the status quo, structures whose preservation may not best serve the public interest.

In this sense the public criticism by interested parties within the Executive<sup>1</sup> to Owen Patterson's launch of this consultation could be read partly as a vindication of its purpose and its need. It would be deeply disappointing after such a positive step forward by the predecessor Secretary of State to cast a spotlight on the structurally eternalised carve-up Executive structure, if his successor proved less willing to take on vested interests. It is my hope, and those of many other supporters of democracy in Northern Ireland, that this consultation will prove the important first step towards truly appropriate Government structures in Northern Ireland, and NOT a forgotten exercise, the results of which are consigned to a dusty cupboard. The democratic structures of Government in Northern Ireland CAN be better, and SHOULD be better. This contributor rejects the "this is as good as you're going to get" philosophy that has taken hold in some parts of civic society in Northern Ireland, and instead assert that "we can do better".

I look forward to NIO's presentation of the consultation results, and consequent actions.

Yours sincerely,

---

<sup>1</sup> <http://www.belfasttelegraph.co.uk/news/politics/meddling-owen-paterson-reveals-vision-for-a-revamped-stormont-16198163.html#ixzz23joQWY7c>

# NIO CONSULTATION ON MEASURES TO IMPROVE THE OPERATION OF THE NORTHERN IRELAND ASSEMBLY

## EXECUTIVE SUMMARY OF POINTS OF RESPONSE

### *Number of Assembly Seats*

- Before reducing the number of MLAs it is of central electoral importance that the ridiculous “First Minister” race is brought to an end. This distorts election preferences and injures opportunities for smaller parties, that appeal to voters on other issues, to gain representation.
- The future size of the Assembly should be 90, elected through mixed-member proportional representation (4 MLAs per constituency, 18 via national list).

### *Assembly Terms*

- More than one legislative election on one day is sub-optimal for the good functioning of the democratic process, entailing risks of voter confusion, and diverting attention from the individual importance of each election.
- To avoid clashing with the 2015 Westminster election, the term of the Assembly should either be extended, or the election held in the second part of 2014.

### *Multiple mandates*

- Multiple mandates are a regrettable occurrence, throwing up obvious complications in so far as an individual being adequately able to represent his constituents in more than one elected chamber, that frequently sit simultaneously.
- Multiple mandates also compound Northern Ireland’s unique detachment as a region from Westminster-Government, allowing individuals to keep their Westminster seat as a reserve position from their primary political interests in the Stormont Assembly.
- Primary legislation to end double jobbing is therefore supported.

### *Opposition*

- A formal Government-Opposition system in Northern Ireland is fundamental to the long term operation of good Government and accountable democracy. The NIO should therefore play a facilitating role in bringing such a system about.
- The need to maintain some form of power-sharing or consociational structures in the short to middle term is recognised by the respondent. It is therefore recommended that the NIO conduct a study of options for consociational or power-sharing based forms of opposition and submit these options for public consultation.

## **Number of Seats in the Northern Ireland Assembly**

This contributor recognises that 108 MLAs is currently too high a figure to sustain in the long term. Not only does every MLA entail significant cost to the public purse (not only salary, but staff, office costs and other related expenses), but, perhaps more importantly, it is probably unrealistic to believe that the electorate in each constituency can adequately scrutinise the performance, work rate and outputs of each of their six MLAs. Ideally, therefore, this number should be reduced.

However, before reducing the number of MLAs there is one issue above all that must be addressed: ending the farcical and distorting electoral race for possession of the First Minister post.

### ***a) The pre-requisite requirement BEFORE cutting MLA numbers: ending the "First Minister" race***

The St. Andrews Agreement heralded in a very unfortunate and regrettable change to the Good Friday Agreement: *the electoral (and sectarian) race-off for the Grand Prize of the Title of First Minister.*

Analysis of Assembly election literature, television coverage and polling will reveal a less than mild obsession in the minds of many voters and the local political class with the issue of "who will be First Minister" after an Assembly election. This is because the St Andrews Agreement now makes it a condition that whichever party in the Assembly wins the most seats gets to nominate the First Minister post. This reduces the election in far too many voters' minds to a self-defeating question of "will it be *"our" guy or "their" guy?"*, crowding out other important matters and issues of Government accountability, and is therefore having a deeply injurious effect on the operation and conduct of Assembly elections in Northern Ireland.

In such a context, the two lead parties in the "race" top polls across constituencies, with smaller parties lucky if they achieve a seat in the later stages of the count.

Yet smaller political parties, representing important sections of the community, are necessary for the maintenance of both a representative chamber and a vibrant democracy. On this latter point, for vibrant democracy and good government to exist, political parties that gain Executive power need to feel challenged by smaller parties that might be able to contest their hold on power at the next election. This should in theory serve as a motivating stimulus to good performance in Government and ward off the damaging effects of complacency of the electorate by those who govern. All of this is damaged by the "First Minister race" which threatens a permanent two-party electoral face-off and eventual power-sharing supremacy.

Reform to the NI Assembly MLA numbers should not therefore come at the cost of opportunities for small parties to gain representation. A simple reduction of MLA numbers per constituency can ONLY therefore be acceptable if the pantomime contest for title of First Minister is put to an end, freeing voters to vote on their issues of concern, not simply to take part in the latest sectarian headcount.

This can be put to an end quite simply by either returning to the Good Friday Agreement arrangement of a cross-party vote on the title, or, (in this contributor's opinion the more sensible option) calling the First and Deputy First Ministers what they actually are: "Joint First Ministers".

This change MUST precede any reduction in MLA seats to avoid worsening an already noticeable problem in relation to elections. The NIO should consider the issue integral to the discussion.

#### ***b) How to reduce numbers***

As hinted above, this contributor does not believe voters, with busy day-to-day lives to lead, can reasonably be expected to keep track of the performance of each of their 6 constituency MLAs. Nor am I aware of the evidence of the benefits of having 6 constituency MLAs, as opposed to, say, 4.

This respondent suggest best practice be looked at from other areas, and in particular the commonly used system of Mixed-member proportional representation (e.g. German Bundestag, Canada, Scotland).

This would require voters to vote twice: once for their constituency representative (a suggested 4 MLAs per constituency), and once for a party on a national list (proposed 18 list member, providing a total of 90 MLAs).

This would serve the purpose of both reducing the number of MLAs, as well as protecting (possibly enhancing) opportunities for smaller parties to gain representation, who typically enjoy greater levels of opportunity under a national list vote.

### **Assembly Terms**

From experience of campaigning and speaking with voters over ten years of elections, both in Northern Ireland and England, it is this contributors strong opinion that multiple elections for different jurisdictions on the same day both confuses many voters, and dilutes the integrity of the electoral process. Elections are supposed to be the ultimate accountability device for party performance at enacting mandates. More than one election on a single day weakens the public attention given to each individual election and therefore does a disservice to the democratic process. If such scenarios can be easily avoided, they should be avoided.

I personally contest the assumption provided in paragraph 2.5 of the consultation document that there was little or no confusion about local and assembly elections held on the same day in 2011. I can give many accounts of individuals I met and canvassed in the Lagan Valley constituency (particularly, but not solely, more senior generations of voters) who felt confused about the triple-header ballot. The low turn-out of that election should not be discounted from the discussion either.

Furthermore, it can be difficult to get voter attention to local level politics (e.g. council) when they may be more primarily concerned with the simultaneously occurring national level election (e.g. Stormont). This would also likely be the case with a Stormont-Westminster election.

To avoid voter confusion and diversion of attention, this respondent believes the elections for Assembly and Westminster should be held in different years where possible, but otherwise not less than 6 months apart.

In response to a specific issue explored by the consultation, this respondent considers it should be possible to get Assembly agreement to a no more than 1 year extension to its mandate, which, as a Chamber elected by the people, is in itself is at least a means of mandate extension with a small democratic legitimacy which might be generally acceptable to the public. It should be noted that in recent times, local elections in Northern Ireland have been extended beyond mandate without significant public rancour (ref RPA delay).

Otherwise consideration could be given to an early Assembly election in the second part of 2014.

## **Multiple mandates**

Being able to give personal experience of elected representatives in Northern Ireland being unable to attend an important vote in Parliament due to attendance in Stormont, this respondent is strongly against the concept of dual mandates, or "double jobbing".

Northern Ireland suffers from low participation in national government as currently (the only part of the United Kingdom without an MP in the Government for example). Permitting our MPs to hold the position as a reserve role, secondary to their MLA position (or indeed vice versa) is perverse if we consider these positions to be of high democratic importance ~ which we surely must. The consultation document is therefore correct. Primary legislation should be enacted to abolish double jobbing Members of Parliament.

It is noted that the principle that dual mandates should be avoided is already recognised by the prohibition relating to Members of the European Parliament holding more than one elected position.

## **Opposition**

Of all the issues tackled in this consultation, the issue of creating a formal opposition system in the Assembly is of the most importance, and the most fundamental in terms of improving the transparency and accountability of Government in Northern Ireland, and the vibrancy and health of our democracy. The respondent therefore strongly supports the arguments for the creation of such a system given in paragraph 4.2 of the consultation document.

However, fears and concerns expressed in some political quarters of "a return to the old Stormont of majority rule" are recognised as being felt by significant parts of the current electorate, or at least the leadership of political parties they vote for. Therefore a form of Government-Opposition that still embraces concepts of power-sharing should be explored.

It is the consideration of this respondent that international models from regions of the world where identity politics is an unfortunate fact of political life, and distinct structures of power-sharing are

---

therefore required, could be illustrative to Northern Ireland. These include: Belgium, Switzerland, New Zealand, the Netherlands (1917-1967), Macedonia, Lebanon, Kenya and Nigeria.

This respondent recommends that the NIO conduct a study of options for consociational or power-sharing based forms of opposition and submit these options for public consultation.

I, and others with an interest in this issue, would happily give time and support in relation to any preliminary work, or provision of useful examples, to assist this activity.