

Consultation on measures to improve the operation of the Northern Ireland Assembly

Response from the Northern Ireland Constituency Labour Party

Introduction and summary of our position

Labour welcomes the opportunity to comment on four key areas that require measures to improve the operation of the Northern Ireland Assembly. Despite the achievement of the Good Friday Agreement, we believe there is scope for Northern Ireland to be governed more efficiently and effectively despite the need to move with caution in order to ensure community endorsement of change. In particular, although as a cross-community party we would like to see the development of an opposition at the Assembly, we are aware that the issues are complex and require further work in order to develop realistic options. We propose a fundamental review of decision-making along the lines of the Opshal Report (1993).

1. Number of seats in the Northern Ireland Assembly

Labour agrees that it is reasonable to consider a reduction in the number of seats in the Northern Ireland Assembly. However, the size of the Assembly is only one part of the over-governance of Northern Ireland. Any reduction needs to be considered along with the Reform of Public Administration, so that local government, appointed bodies and the Assembly are all fit for purpose. The size of the Assembly also needs to be considered in the light of what the Assembly does. Efficiencies can also be made by reducing the number of departments.

The paper's concern that smaller parties might lose out disproportionately is connected as much to the structures of the Assembly and the voting system as to the number of seats available. In particular, the eventual removal of a mandatory coalition government and community designation would provide greater incentive to vote for parties such as ourselves who do not draw their support from one 'community' only.

We believe that the boundary link with Westminster constituencies should remain, in order to assist with public understanding of areas of representation and to allow coherent political campaigning.

Labour also welcomes the establishment of the Constitutional Convention in the Republic of Ireland and will follow its progress and implications for the governance of the North with interest. We expect the Northern Ireland Office to do the same.

2. Length of Assembly terms

Labour believes that the combination of Parliamentary and Assembly elections could only work in conjunction with the banning of multiple mandates. If separate candidates stand for each body, then the holding of these elections together provides an opportunity for public education about the respective roles of each legislature and allows the presentation of a

coherent political platform combining commitments at each level. However, if the same candidates stand for both legislatures, it may confuse the public.

For the same reason, we do not believe that local government elections should be held on the same day. We suggest three ballots, including two multi-member elections, would create much bigger possibilities for voter error.

Although we have no problem with the idea of fixed five-year terms for the Assembly, it would be undemocratic to extend the term of the current administration, as well as leaving it out of alignment with Westminster elections if the intention is to hold them together in future.

3. Multiple Mandates

The question of multiple mandates for the Assembly and the House of Commons has been covered above. Labour believes each role is a crucial part of a fully functioning democracy and should be undertaken on a full-time basis, as indeed should other elected positions with the exception of local councillor. Removing 'double jobbing' from our political culture will open up elected positions to a wider range of people including those who are currently under-represented in political structures, such as women, disabled people, younger people, minority ethnic groups and the LGBT community.

For the same reason, we do not think MLAs should also be members of the House of Lords, either in its present state or in UK Labour's ideal form of a fully elected second chamber.

The consultation paper does not express a view on overlaps between MLAs and other elected offices, for example local councillor, MEP, member of Seanead Éireann or Irish President; nor does it address the holding of appointed roles other than the House of Lords.

Labour opposes all 'double jobbing' in elected positions, and suggests that elected politicians should only hold appointed office *ex officio* their elected position. If all parties can agree to this, then legislation should not be necessary. However, history indicates that a comprehensive voluntary agreement is unlikely to be successful.

4. Government and opposition

The consultation paper is disappointingly vague on the controversial subject of a formal opposition in the Northern Ireland Assembly and fails to address the complexities of the issue. It is also disappointing that the NIO considers 'any changes could only come about with the agreement of the parties in the Assembly' (para. 4.3), because none of the parties in government (the vast majority of MLAs) has any incentive to agree to a different structure.

The creation of a power-sharing Northern Ireland Assembly and Executive as a result of the 1998 Good Friday Agreement was a tremendous achievement which has shown that the two main communities can govern together. It was a necessary and important step at the time and transformed Northern Ireland. Some would argue it is too soon to consider alternatives. But it is also the case that the current system not only creates disincentives for the formation of an opposition (the giving up of Ministerial positions; no additional funding to carry out the role) but also institutionalises the 'two communities' model of government through

community designation, thus diminishing the power of any party choosing to designate as 'Other'. Change to this system – whether now or in the future – is essential if we are to move away from tribal politics and make political decisions based on meeting the economic and social needs of the whole population. Labour, as a cross-community party, wants this change to happen and in theory supports the development of an opposition at the Assembly.

However, the heart of the problem is as follows. If a structure for government and opposition remains based on power-sharing between the two main communities, then the non-aligned parties continue to be relatively powerless and the incentive for them to grow is removed. Northern Ireland then remains stuck in territorial politics. On the other hand, if all restrictions on the formation of government and opposition are removed, and coalitions are formed entirely at the behest of the political parties, there is a possibility of single community government. This would seriously endanger community legitimisation of the Executive and Assembly and hence their ability to govern.

We believe these issues need far more consideration, requiring the commissioning of research and expert advice in order to develop realistic options. The Northern Ireland Office cannot expect an issue of this magnitude to be solved through an open question on a consultation paper. We propose a fundamental review of decision-making structures following the model of the Opsahl Commission, which in 1993 produced influential and far-reaching proposals in response to a wide range of evidence.

Northern Ireland Constituency Labour Party

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