



Northern Ireland
Assembly

Assembly and Executive Review Committee

OFFICIAL REPORT (Hansard)

Review of d'Hondt, Community Designation
and Provision for Opposition: Platform for
Change Briefing

7 May 2013

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Paul Givan
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt
Mr Sean Rogers
Ms Caitríona Ruane

Witnesses:

Ms Eileen Cairnduff	Platform for Change
Dr Robin Wilson	Platform for Change

The Deputy Chairperson: I welcome Dr Robin Wilson and Ms Eileen Cairnduff. Thank you for your submission and your attendance. I ask you now to give us an oral briefing.

Dr Robin Wilson (Platform for Change): Thanks very much, Deputy Chair and members, for having us. Eileen and I are conscious of time and of the imminence of the statement at 10.30 am. I propose to give a five-minute presentation and then either of us will field questions.

I stress that we are asking you to consider the submission in conjunction with that of the previous year on the number of Departments and the size of the Assembly, and to see what we present to you today as a coherent overall package of proposals on the three issues that you have asked to be addressed.

What we are really saying across this submission is that the argument about the kind of governance structures that we have here has been bedevilled, over the years, by a polarisation between people who fundamentally believe that the Westminster model is the model and who consider that the winner-takes-all political culture at Westminster is what we should aspire to, and those on the other side who have rejected that model in favour of an insistence on having, essentially, a communal veto against majority rule.

What we try to say in this paper is that there is a middle way. That does not make us the voice of the Alliance Party. The middle way says that we should think of the wider European context as the model. In that wider context, the norm is not a winner-takes-all culture but shifting coalitions of different parties as elections succeed one another. In Northern Ireland, we should try to reach a point as soon

as possible where we have a more flexible system of power sharing, which retains the equality of citizenship at its heart but, nevertheless, allows us to be more normal in that European sense.

What we suggest on the issue of d'Hondt is that the way through that argument, which, again, polarises between people who want a voluntary coalition and those who say we should keep it as it is, is to have a mandatory, agreed coalition, which would be formed after each election. It would not need to be an all-inclusive grand coalition. Parties could choose to be part of that coalition or not part of it, depending on their ability to agree on a programme. Such a Government should operate with collective responsibility in support of that programme, as did, of course, the 1974 power-sharing Government. They should operate in a joined-up way, which the d'Hondt arrangements do not encourage. That would send out a very strong signal to society in Northern Ireland that we have a purposeful Government, committed to reconciliation. In that light — and Eileen may want to come back to this later — we think that the arrangements for communal designation are totally inappropriate in a democratic society, because a democratic society has to be based on the idea that voting counts and makes a difference. You do not simply have a view on an issue that derives from your religious background but you listen to the arguments and change your view as you may. In that context, communal designation has proved to be a straitjacket that has prevented the emergence of more normal politics in Northern Ireland, and it has sent the wrong signal on reconciliation to wider society.

We suggest that it is possible to provide various minority protections, and we offer three possible ways to do that: through a super-majority requirement to form a Government; a Northern Ireland bill of rights; or through a requirement that a Government be formed on a 50:50 basis. Those can easily replace communal designation as a safeguard to militate against majority rule.

Finally, in that context, it seems logical to have an opposition consisting of those parties that elect to be non-governing parties after an election, and which can, therefore, hold the Executive to account. That is, as we point out, allied to the reconstitution of the Civic Forum, which is a statutory duty that is not being implemented, with a view, if one is in one of those opposition parties, to being able to present the case as to why one should be in government after the next election.

I have just skated over the surface, but it is probably best to leave it at that and take comments and questions.

The Deputy Chairperson: Thank you very much for that, Robin. Will you elaborate on what you mean by a numerical super-majority requirement, and comment on the need for a cross-community requirement for Government formation for a period of time?

Dr R Wilson: The current position is, obviously, that we have communal designation and the sense is that the cross-community support requirements provide you with a safeguard against winner-takes-all type of behaviour. We do not want winner-takes-all type of behaviour. However, there are other ways that would keep the baby of power sharing and equality without the bath water of entrenching sectarianism, as with the current arrangements.

We suggest that, after an Assembly election, there would be negotiations among the parties on a potential Programme for Government. Whichever parties decided to coalesce behind that programme would then have to be able to command a sufficient majority in the Assembly to go into government together and implement that programme. What the precise figure for that should be is a matter of legitimate debate. I think that around the 65% level would be reasonable but that is something that people can argue back and forth about.

The Deputy Chairperson: Sorry, can I just stop you? Are you saying that it would not require a majority within each community bloc, as such, but just a majority of, as you say, maybe 65%?

Dr R Wilson: It would require a super-majority in the Assembly of some figure that would be agreed, say 65%, for the sake of argument. There would not be communal designation.

The Deputy Chairperson: On a practical issue, could you imagine the formation of any Government in those circumstances that would include Sinn Féin?

Dr R Wilson: Yes. Any party could be in government and any party could decide not to be in government. There is no reason why, for example, you could not have a Government, for the sake of argument, that included Sinn Féin, the SDLP, the Alliance Party and — I am not quite sure what is happening to the Ulster Unionist Party. I am sorry to intrude on private grief but whatever there is

there. The DUP might say that it does not want to be a part of that and will campaign for a different Government in the future.

The beauty of having a number, once you get away from communal designation, is that anybody can be in and anybody can be out. Obviously, however, you could not have a situation where you simply had one community dominating the Executive to a degree that would frighten anybody on the other side.

Ms Eileen Cairnduff (Platform for Change): Surely, Sinn Féin has sufficient numbers in the Assembly now that the 65% number should not frighten it. Surely, you should not think that you will be put out at this stage of the game. I hope that we have reached a more mature stage in our government that things such as these can be considered.

Dr R Wilson: If I was a Sinn Féin member, I would agree with what Eamonn McCann said at the beginning of the Assembly, which was that Sinn Féin should go into Opposition and provide a left-wing opposition to the Government. That would be my position.

The Deputy Chairperson: I am not surprised that Eamonn would take that position. It sounds to me an awful lot like self-regulation of the Assembly. We know from experience in not just the political field but other fields that self-regulation often does not work.

Mr McDevitt: I declare an interest as someone who was involved with Platform for Change when it was being established.

You suggest that we set aside designation, and one of the models that you proposed was that there would be some way to do what you called a 50:50 Government. How would you know that it was a 50:50 Government if you did not have designation?

Dr R Wilson: That, we are suggesting, is not a particularly desirable fallback. It is, essentially, the Belgian model in the sense that the Government in Belgium has to consist of 50% Walloons and 50% Flemings. It is not a very good model because government in Belgium does not work. Leaving that aside, the comparison, Conall, would be with the fair employment monitoring system. I do not mind saying on a fair employment form that I am perceived as a member of the Protestant community. I am an atheist, but I know what I am doing when I say that. What I resent is anybody who says, "You are a Protestant, ergo you are also a unionist, loyalist or a member of the so-called PUL community", which I detest with a passion.

I have no problem at all about having to ensure that a Government would be 50:50 in the sense of people from Catholic and Protestant backgrounds, and any others could then be thrown in. What I have a big problem with is the idea that our political choices are programmed by birth and we would then have to have a Government of, say, 50% unionist and 50% nationalist, without anybody like me on the secular left of politics getting a look-in.

Ms Cairnduff: On a personal level, that is the main issue that I am strongly against. I am a Catholic unionist, I suppose, which is a new phrase that is being mentioned quite a lot. I would hate anybody to think that, because I am a Catholic, I am, ergo, a nationalist. I am actually English by birth but that does not mean very much these days.

Mr Hamilton: We will not hold that against you.

Ms Cairnduff: Exactly, do not. I am also in a mixed marriage. The messages that all this gives to the wider community is what leads us into problems with flags and national anthems at football matches.

Mr McDevitt: I will play devil's advocate. That is the scenario that would arise if you applied the fair employment test to government here. As it is today, with the test and designation, religion has nothing to do with it.

Ms Cairnduff: What about the others?

Mr McDevitt: What I am saying is that religion has nothing to do with it. Therefore, it is not an accident of birth thing.

Ms Cairnduff: Surely it is implicit.

Mr McDevitt: No, it is not at all implicit.

Dr R Wilson: I am a social scientist, Conall. I know of no correlation in social sciences that is anything like as close between how people designate in the Assembly and their religion. There was only one person in the Assembly whose designation I could not have predicted from their religious background, and that was John Gorman, who was a Catholic and in the Ulster Unionist Party. Every other single person who has designated since 1999 did so in a way that you could have predicted from their —

Mr McDevitt: That is not true. Billy Leonard, as far as I remember, was a Sinn Féin candidate.

Dr R Wilson: I beg your pardon, yes.

Mr McDevitt: I think you would probably find one or two other examples. It is the exception.

I am just trying to work it through. If you were to move away from mandatory designation, which I think probably everyone would see as a desirable outcome in the long term, there are phases that would allow you to move through that. If you were to move to 50:50, even if it were a voluntary designatory model, you would be reduced to religion, as you rightly point out. Of course, that would be extremely regressive because it assumes that it is just religion that defines your politics.

Dr R Wilson: No, because what you would be saying, as with the fair employment case, is that it does not say anything about your actual religion but just the background from which you come. That is just a safeguard, as we say. We do not think that it is the best one. We would much rather it was a super-majority and/or a bill of rights requirement, and you could have those as belt and braces if you wished. However, that is the example if it came to it and there was no other way that it could be done. Just to balance it out: I am an Irish citizen.

Ms Cairnduff: With fair employment, obviously it is always done in secret. If you fill in anything, it is usually put in a separate envelope, so we would expect that to be similarly done here.

Mr McDevitt: Eileen, let us apply the test to that. I do not mean to hog the session. This is a representative Parliament, so, if you vote for someone and their political platform in good faith and then there is the criterion that, let us say, the Government will be made up of half and half and you did not know that individual's religion, there would be a democratic issue on their criterion for being in government and the basis on which you would vote for them. So, you could not do it in secret. It is just not possible. You would be withholding from the electorate a vital piece of information that would then be relied upon to establish the composition of a Government.

Ms Cairnduff: I suppose so.

Mr McDevitt: One of the things that we are trying to do is think our way through an organic and evolutionary process, and one of the debates that has emerged in Committee is the idea of moving from the d'Hondt all-in, effectively, model to what I suppose the Committee is calling the d'Hondt opt-out model, where, after an election, parties would come together. They would know their potential entitlement according to the d'Hondt formula, and it may be a question of negotiating a Programme for Government, with those who cannot sign up to it leaving to form an opposition. This would be in the interim, obviously, to your idea, but how would you feel about that as a next step?

Dr R Wilson: In some ways, Conall, on any reasonable reading of the Belfast Agreement, you see that the Programme for Government was meant to be the gel that would hold the Executive together. Unfortunately, it did not end up playing that role. I would have no problem if d'Hondt were to fade into the background as the emphasis on coming together around the Programme for Government took over. If people were to feel that that was a more secure way of doing it and were fearful that, if there was no foundation, things could roll back, that would be fine.

Mr Beggs: You mentioned that it was thought that the Programme for Government would be the gel that would hold the various offices together with a united purpose. Do you agree that agreeing a Programme for Government a year after going into office is very bad practice, is illogical in most political norms that exist throughout the world and is not helpful? Do you agree that if it were agreed

before office was taken, it would be beneficial for the community and everyone and would bring cohesiveness to that Government?

Secondly, in my opinion, there has been a lot of abuse of key votes from certain political parties on both sides. Have you any suggestion for how to alter the current regulation to bring about what was originally intended?

Dr R Wilson: Roy, thanks for both your points. On the first, in the wider European model that we are talking about, it is not unusual for it to take weeks or months to form a Government while the parties that will eventually form it decide to agree on a programme. You cannot really agree in advance of the election, because you do not know what the election will show up. Part of what we are trying to say is that it is important that ordinary electors think that how they will vote makes a difference to what the final pattern turns to be. Nevertheless, I agree with the thrust of what you are saying, which is that there should be a link to a Government being formed and a programme being developed by that Government. The ordinary electors' point of view is that they elect people to do things, and, if there is not a connection between the Programme for Government and the formation of a Government, it disconnects people from the political process.

It would be much more purposeful if we could have, as Scotland does, a quite developed Programme for Government, with the Government committed to set of very clear policy goals. That would give politicians here the ability to say that this is something very different from what would have been done if we had direct rule. I am afraid that most people here would not say that that much has been done that is that different, because the Programme for Government has not been strong enough.

With regard to your second point about key votes, yes, they have been abused because different parties at different times have come at it in a partisan way. The idea was that it was meant to protect minorities; not the parties. We state in our proposal that that is one of a number of reasons why a Northern Ireland bill of rights that is based on some basic minority rights and protections should find its role and come back to the fore, because you could then get rid of those mechanisms for key votes that, like you say, are open to abuse.

Mr Beggs: Do we need a bill of rights to do that? Surely that could be agreed in the Assembly at present by just simply changing the regulations around key votes.

Dr R Wilson: It does not need to be agreed, but it would certainly be my view, given the divided nature of Northern Ireland, that the value of incorporating the two minority rights conventions from the Council of Europe, which we refer to in the submission, would be very strong. It would be seen as a signal that their rights were being protected, and it would be seen as Northern Ireland being in full compliance with the requirements on a European level.

The Deputy Chairperson: Are there any other questions? No?

Thank you very much for coming in. It has been short —

Dr R Wilson: We were conscious that it was a rush.

Ms Cairnduff: Thanks very much for giving us your time.

The Deputy Chairperson: The day after a bank holiday is always hectic. Apologies for that.

Dr R Wilson: Thank you very much for your time. We will obviously be available if you need to discuss any of those things further.