



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 189/12

4 December 2012

NIAR 899-12

Ray McCaffrey & Tim Moore

Opposition, community designation and D'Hondt

1 Background

This briefing paper has been prepared for the Assembly and Executive Review Committee following its meeting on 20 November 2012. The Committee has recently completed a review of Parts 3 and 4 of the Northern Ireland Act 1998 and this paper will inform the Committee's Terms of Reference for its next review in 2013.

The paper provides information on the following topics with regard to the Northern Ireland Assembly and, where appropriate, other legislatures:

- Opposition
- Community designation
- D'Hondt

The paper explores the issues in question and highlights areas that the Committee may find useful in its deliberations.

2 Introduction

In a seminal 1966 study of the operation of political oppositions, Robert Dahl¹ observed how opposition was found in different patterns in modern democracies; more recent studies² have also underlined the range of opposition models that exist in advanced democracies.

In spite of this variation, the traditional Westminster (with a capital O) model of opposition is the benchmark against which the operation of the Assembly is most frequently compared. It has, for example, been noted that:

...criticism of Northern Ireland's inclusive executive design is that the new Assembly has a rather small part of its membership free to serve as an opposition for standard adversarial parliamentary debating in the classic Westminster model: 'by making the mistake common in ethnic conflicts of failing to distinguish inclusion in the "political community" from inclusion in government, the arrangements left the Assembly bereft of any effective opposition to challenge executive dominance'³.

In the traditional Westminster model, the party which has the most non-government members in parliament/house of parliament becomes the opposition party and its leader becomes the Leader of the Opposition. In broad terms, the role of the Opposition, as its name suggests, is to oppose the Government and form an 'alternative government' if the existing government loses the confidence of the House. Any consideration of the establishment of an opposition in the Assembly must, however, recognise the consociational framework which underpins the workings of the Assembly and the Executive.

Four common characteristics of consociational democracies (grand coalition, proportionality, segmental autonomy and mutual (minority) veto have been identified and it has been noted that:

What these characteristics indicate is that political decision-making is not based on a victory by a majority, but on a consensus involving all, or at least as many as possible, of the opposing segments. In other words: in a consociational democracy there is no shortage of ideological opposition, but...this opposition involves some kind of elite cooperation rather than competition⁴.

The same research goes on to state that although opposition has not been widely studied within consociational models, the following hypotheses apply:

¹ Dahl R 'Political Oppositions in Western Democracies' Yale University Press, 1966

² For examples see Ludger Helms Five Ways of Institutionalizing Political Opposition: Lessons from the Advanced Democracies http://www.sciencespo.site.ulb.ac.be/dossiers_supports/opposition-et-democratie1.pdf

³ Wilson and Wilford, 'Northern Ireland: A Route to Stability?', p. 8

⁴ Rudy B. Andeweg, Lieven De Winter & Wolfgang C. Müller Parliamentary Opposition in Post-Consociational Democracies: Austria, Belgium and the Netherlands in Journal of Legislative Studies, 2008

- In order to facilitate cooperation and accommodation, governments will tend to include all or most of the pillar parties, and thus will be oversized or 'grand' coalitions rather than aiming at minimum size.
- Hence, the parliamentary opposition tends to be small in size, and mainly composed of parties that do not represent a particular pillar and its constituent organisations. Often the parties in the parliamentary opposition will have an anti-establishment or even anti-system profile, given the 'closed' or 'blocked' nature of their political system.
- Elections will tend to be only mildly competitive as, on the one hand, citizens will not vote for a party not representing their own pillar, and the campaign primarily serves to mobilise the party's natural constituency. On the other hand, election results also do not strongly influence a party's chances to enter government. Good relations with the other pillar parties are more important to get access to offices, policies and public goods.
- The parliamentary opposition, especially the non-pillar parties, will be powerless vis-a-vis the cartel of pillar parties in government that may have installed oligopolistic parliamentary rules that constrain the opposition role of small parties.
- The opposition is not only weak in parliament, but neither is it capable of mobilising large sections of the population for extra-parliamentary opposition activities, unless a pillar party in opposition decides to mobilise the members of its pillar's organisations and media when it feels that other pillar parties do not respect the rules of the consociational game.
- As the media, interest groups, and 'old' social movements are to a large extent also pillarised, and the latter have privileged access to pillar elites in the political as well as the corporatist arenas, they do not tend to engage in extra-parliamentary opposition activities, unless a pillar party in opposition decides to mobilise the members of its pillar's organisations and media.

In spite of such hypotheses, some commentators maintain that 'Nothing about consociation, properly understood, precludes parliamentary opposition⁵' and in this context have argued that:

Mechanisms for rigorous accountability exist. Ministers face an Assembly Committee in their jurisdiction headed by a representative of another party. (The 1998 Northern Ireland Act prevents the committees from being chaired or deputy-chaired by ministers or junior ministers. The committees are required, where feasible, to be organized in such a way that the chair and deputy chair be from parties other than

⁵ J. McGarry and B. O'Leary 'Consociational Theory, Northern Ireland's Conflict, and its Agreement (Part 2). What Critics of Consociation can Learn from Northern Ireland', *Government and Opposition* vol 41, No 2 pp249-277, 2006

that of the relevant minister). This inhibits full-scale party fiefdoms in any functional sector – which cannot be said for the Westminster system⁶.

In addition to the work of the committees, the same authors have argued that ‘... the d’Hondt mechanism ensures that not every party is in the executive, so there are automatically some opposition backbenchers and it is up to parties to choose to be in government or in opposition...or to play both sides of the track... and be rewarded or punished by voters accordingly’⁷.

3 Formal Opposition

Erskine May provides some historical background to the role of formal opposition within the Westminster context:

The importance of the Opposition in the system of parliamentary government has long received practical recognition in the procedure of Parliament...In 1937 statutory recognition was accorded through the grant of a salary to the Leader of the Opposition. The prevalence (on the whole) of the two-party system has usually obviated any uncertainty as to which party has the right to be called the ‘Official Opposition’; it is the largest minority party which is prepared, in the event of the resignation of the Government, to assume office⁸.

Erskine May also adds that: “The Speaker’s decision on the identity of the Leader of the opposition is final (under the Ministerial and other Salaries Act 1975)”.

Therefore the current Official Opposition is the Labour Party (which forms the Shadow Cabinet). The other opposition parties are the DUP, Scottish National Party, Sinn Féin, Plaid Cymru, SDLP, Alliance and the Green Party of England and Wales.

The term ‘opposition’ appears only once in the Scotland Act 1998 and does not feature in the Government of Wales Act 2006 or Northern Ireland Act 1998. Section 97 of the Scotland Act 1998 outlines the assistance to be provided to opposition parties⁹.

The Labour Party in Scotland and the Conservatives in Wales have, however, designated themselves as the ‘Shadow Cabinet’¹⁰. This is important because unlike in the Northern Ireland Assembly there is the potential for a vote of ‘No Confidence’ in the incumbent administration, and in such circumstances an alternative government must be ready to take power.

⁶ J. McGarry and B. O’Leary ‘Consociational Theory, Northern Ireland’s Conflict, and its Agreement (Part 2). What Critics of Consociation can Learn from Northern Ireland’, *Government and Opposition* vol 41, No 2 pp249-277, 2006

⁷ As above

⁸ Erskine May ‘Parliamentary Practice’, 24th Edition, Lexis Nexis, 2011

⁹ The use of headings in Acts of Parliament did not start until 1845. In Acts passed thereafter the headings can be said to ‘constitute an important part of the Act itself’. When an Act does have headings, any of the sections under such a heading must be interpreted in the light of all the sections under that heading. (from *How to Understand an Act of Parliament* by DG Gifford and John Salter, Cavendish Publishing, 1996

¹⁰ <http://www.scottishlabour.org.uk/shadowcabinet> accessed 26 November 2012

However, unlike Westminster, there is no recognition of an Official Opposition in the Scottish Parliament or the National Assembly for Wales, although as this paper describes, there is provision for non-Government parties in relation to parliamentary time etc. The role of opposition or non-Executive parties in the UK and Ireland Parliaments/Assemblies (with the exception of the Northern Ireland Assembly) is largely outlined in Standing Orders, rather than legislation. Separate legislation exists regarding the funding of political parties to carry out their functions.

Internationally, the South African Constitution provides an example where the role of opposition is entrenched in the supreme law of the land¹¹. Article 57 of the constitution provides for recognition of the leader of the largest opposition party in the Assembly as the Leader of the Opposition. In addition, Article 178 provides that at least three members of opposition parties represented in the Assembly must be appointed to the Judicial Service Commission. Rule 21 of the of the National Assembly of South Africa states that 'The leader of the largest opposition party in the Assembly must be recognised as the Leader of the Opposition'¹².

Financial assistance to opposition

Political parties with non-Executive or Government roles are usually allocated additional money to assist in their Parliamentary/Assembly duties. Political parties in Northern Ireland already receive funding under the Financial Assistance Scheme. In the event of an opposition emerging at some point in the future, consideration may need to be given to reviewing the scheme to ensure that non-Executive parties are adequately funded.

House of Commons

Short money – funding to support opposition parties in the House of Commons – was introduced in 1975. It is made available to all parties in the Commons that secure either two seats, or one seat and more than 150,000 votes at the previous UK Parliamentary election. The scheme is administered via a 1999 resolution of the House and has three main components:

- **Funding to assist an opposition party in carrying out its Parliamentary business:** the amount payable to qualifying parties from 1 April 2011 is £15,039.85 for every seat won at the last election plus £30.04 for every 200 votes gained by the party
- **Funding for the opposition parties' travel and associated expenses:** the total amount payable under this component of the scheme for the financial year commencing on 1 April 2011 is £165,218 apportioned between each of the

¹¹ Constitution of South Africa: <http://www.info.gov.za/documents/constitution/1996/index.htm> accessed 21 November 2012

¹² Rules of the National Assembly: <http://www.parliament.gov.za/content/NA%20Rules%207th%20edition~1.pdf> accessed 27 November 2012

Opposition parties in the same proportion as the amount given to each of them under the basic funding scheme set out above

- **Funding for the running costs of the Leader of the Opposition's office:** under the third component of the scheme, £700,699 is available for the running costs of the Leader of the Opposition's office for the financial year commencing on 1 April 2011¹³

In addition, the Leader of the Opposition, the Opposition Chief Whip and a maximum of two Assistant Opposition Whips in the House of Commons receive a salary from public funds, on top of their parliamentary salary.

Scottish Parliament

Short money is an informal term for the scheme of assistance for registered non-Executive political parties in the Scottish Parliament.

All payments for financial assistance are made under a transitional order - The Scottish Parliament (Assistance for Registered Political Parties) Order 1999 (the Order). The Order makes provision for the Scottish Parliamentary Corporate Body (SPCB) to make payments to qualifying parties for the purpose of assisting Members of the Scottish Parliament connected with those parties to perform their parliamentary duties. Qualifying parties are those registered political parties with whom any MSP is connected.

The Order provides that an MSP and a registered political party are to be regarded as connected if the MSP was returned at the previous general election, or at a subsequent election to fill a constituency vacancy, after contesting it as a candidate for that party or was included in the party's regional list for that general election and as such was returned to fill a subsequent regional vacancy.

The maximum amount which may be paid to each qualifying party in any period is calculated by reference to the number of MSPs connected with that party multiplied by a fixed amount. This amount will be increased annually in line with increases in the retail prices index.

The Order also provides that the fact that any MSPs who are connected with a qualifying party and are also members of the Scottish Executive or junior Scottish Ministers is to be disregarded if the number of such MSPs connected with that party who are also members of the Scottish Executive or junior Scottish Ministers is not more than one fifth of the total number of members of the Scottish Executive or junior Scottish Ministers. The Order provides that in calculating the total amount payable to such parties any MSP connected with that party who are also Members of the Scottish Executive or junior Scottish Ministers should be disregarded.

¹³ House of Commons research paper 'Short Money':
<http://www.parliament.uk/documents/commons/lib/research/briefings/snpc-01663.pdf>

Should the number of MSPs connected with a qualifying party who are also members of the Scottish Executive or junior Scottish Ministers be equal to or more than one fifth of the total number then that party will not be entitled to receive any payments under the Order.

National Assembly for Wales

Section 24 provides for assistance to groups of Assembly members. It requires the Assembly Commission to make payments to political groups for the purpose of assisting them to perform their functions as Assembly members. In July 2011 the National Assembly for Wales Remuneration Board published a report which detailed the various payments to Members and political groups. The report recognised the role of non-Executive parties:

Leader of a political group without an executive role: The additional office holder's salary is to be calculated as follows: a base level of £12,420 plus an additional £1,000 for every Member of the group to a maximum salary of £41,949¹⁴.

It also detailed other payments that were to be made available:

- (a) a group of three or more Members, which **is** represented by a Member in the Welsh Government, is entitled to £127,390; or
- (b) a group of between three and ten Members, which is **not** represented by a Member in the Welsh Government, is entitled to £199,048 and
- (c) a group of more than ten Members, which is **not** represented by a Member in the Welsh Government, is entitled to the amount in sub-paragraph b) and an additional £30,866 for each additional five members of the group (or part thereof)¹⁵.

Standing Order 1.3 states that for the purposes of the Government of Wales Act, a political group is:

- (i) a group of Members belonging to the same registered political party having at least three Members in the Assembly; or
- (ii) three or more Members who, not being members of a registered political party included in Standing Order 1.3(i), have notified the Presiding Officer of their wish to be regarded as a political group¹⁶.

The Presiding Officer must decide any question as to whether any Member belongs to a political group or as to which political group he or she belongs.

¹⁴ National Assembly for Wales Remuneration Board Determination July 2011. The Board's report on Office Holder Remuneration makes reference to opposition.

¹⁵ As above

¹⁶ Standing Orders of the National Assembly for Wales, October 2012: http://www.assemblywales.org/clean_sos.pdf

Dail Eireann

According to the Standards in Public Office Commission:

The Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2001 ("the Party Leaders Allowance Act") provides for the payment of an annual allowance to the parliamentary leader of a "qualifying party" in relation to expenses arising from the parliamentary activities, including research, of the party. The allowance, which is referred to as the Party Leaders Allowance, is paid by the Department of Finance...

A "qualifying party" is defined in the Party Leaders Allowance Act as a political party registered in the Register of Political Parties which contested the last general election or any subsequent by-elections and which had at least one member elected to Dáil Éireann or elected or nominated to Seanad Éireann at that general election or at any subsequent by-election.

The allowance is calculated for each parliamentary leader by reference to the party's representation in Dáil and Seanad Éireann. If a qualifying party forms part of the Government, the combined allowances in respect of its members of the Dáil, only, is reduced by one-third.

The Party Leaders Allowance Act provides for an allowance of €48,547 per member for each of the first ten members of a qualifying party elected to Dáil Éireann, €38,837 per member for each member from 11 to 30 members, and €19,423 for each member over 30 members.

The Party Leaders Allowance Act provides for an allowance of €31,743 per member for each of the first five members elected or nominated to Seanad Éireann, and €15,872 for every member thereafter.

The Party Leaders Allowance Act provides for an allowance of €27,934 for non-party members of the Dáil and an allowance of €15,872 for non-party members of the Seanad. Non-party members of the Dáil and Seanad are not required to make returns to the Standards Commission accounting for their expenditure of the allowance and the Standards Commission has no role in relation to the monitoring of such expenditure¹⁷.

Composition of Committees

Committees provide a vital method for scrutinising the government of the day. The Chairs and Deputy Chairs of committees within the Northern Ireland Assembly are currently chosen via the D'Hondt method, as is the case in the Scottish Parliament for convenors (Chairs). In the House of Commons, the government is allocated the majority of Chairs. In the context of a move towards a formal opposition in the Northern Ireland Assembly, is there an argument that opposition parties should be granted the

¹⁷ Standards in Public Office Commission website accessed 28 November 2012

Chairmanship of more committees, or should this continue to be administered on a proportional basis?

House of Commons

The House of Commons provides the following information on the composition of select committees:

Most select committees in the House of Commons have around a dozen members, though some committees have more and some fewer. Ministers, opposition front-bench spokesmen and party whips do not normally serve on most select committees.

The membership of committees in the Commons reflects the party balance in the House as a whole, meaning that a majority of each committee will be MPs from the governing party or parties. At the moment, for a typical 11-member committee the composition might be five Conservatives and one Liberal Democrat, and five Labour or four Labour and one from another opposition party.

Chairs of select committees have few formal powers and can only vote in the event of a tie but they play a key role in leading the committee's work and setting the agenda.

The allocation of chairs to different parties is also made to reflect the relative party strengths in the House as a whole. Chairs of most select committees receive an additional salary for their work¹⁸.

Following the 2010 UK Parliamentary election "the House agreed a motion in the name of the Prime Minister, the Leader of the Opposition and the Deputy Prime Minister, allocating the chairs of each of the select committees covered by Standing Order No. 122B to a specific party"¹⁹. MPs then put themselves forward for the election of Committee Chairs.

Scottish Parliament

Membership of committees in the Scottish Parliament is decided on a roughly proportional basis. Furthermore, the allocation of convenors (Chairpersons) is undertaken using the D'Hondt method²⁰.

National Assembly for Wales

Section 29 of the Government of Wales Act 2006 legislates for the composition of committees²¹. The membership of each committee must reflect (so far as is reasonably practicable) the balance of the political groups to which Assembly members belong. If a proposal for the composition of a particular committee is not supported by two-thirds of

¹⁸ House of Commons Brief Guide 'Select Committees' August 2011 accessed 26 November 2012

¹⁹

²⁰ Scottish Parliament Guidance on Committees: <http://www.scottish.parliament.uk/parliamentarybusiness/20956.aspx> accessed 26 November 2012

²¹ Government of Wales Act 2006

the Assembly in a vote, then the d'Hondt formula will be used to determine the membership of that Committee. SO 17.4 states that in deciding the chairs of committees the Business Committee must have regard to the need to ensure that the balance of chairs across committees reflects the political groups to which Members belong. SO 17.6 states that no motion to agree the membership of a committee can be passed unless the membership reflects (so far as is reasonably practicable) the balance of the political groups to which Members belong; and (if the motion for it is passed on a vote), at least two-thirds of the Members voting support it²².

Dail Eireann

Standing Orders of Dail Eireann are silent on the allocation of TDs to committees. However, the website of the Oireachtas states that: "Each House decides the Orders of reference, membership and powers of Committees. It is the practice for Committee membership to be proportionally representative of the House which sets it up"²³.

Parliamentary/Assembly time

A key consideration with respect to opposition parties would be the guarantee of time to raise non-Executive business. The House of Commons, Scottish Parliament and National Assembly for Wales guarantee time for non-Government business.

House of Commons

Standing Order 14 outlines the arrangement of public business in the House:

14.—(1) Save as provided in this order, government business shall have precedence at every sitting.

(2) Twenty days shall be allotted in each session for proceedings on opposition business, seventeen of which shall be at the disposal of the Leader of the Opposition and three of which shall be at the disposal of the leader of the second largest opposition party; and matters selected on those days shall have precedence over government business...²⁴

Prime Minister's Questions

At Prime Minister's Questions, the Leader of the Opposition is allowed to ask six supplementary questions and the leader of the next largest opposition party is allocated two²⁵.

²² Standing Orders of the National Assembly for Wales November 2012

²³ <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/leaflet/comm.htm>

²⁴ Standing orders of the House of Commons, September 2012:

<http://www.publications.parliament.uk/pa/cm201213/cmstords/180912.pdf>

²⁵ <http://www.parliament.uk/Templates/BriefingPapers/Pages/BPPdfDownload.aspx?bp-id=SN05183>

Scottish Parliament

Standing Orders require parliamentary time to be provided to parties not in Government and the Parliamentary Bureau must ensure that:

- on 12 half sitting days in each Parliamentary year, the business of committees is given priority over the business of the Scottish Executive at meetings of the Parliament;
- **on 16 half sitting days in each Parliamentary year, meetings of the Parliament consider business chosen by political parties which are not represented in the Scottish Executive or by any group formed under Rule 5.2.2; and**
- at each meeting of the Parliament there is a period of up to 45 minutes for any Members' Business²⁶

First Minister's Questions

The Scottish Parliament has produced guidance on the process to be followed at Question Time. Regarding First Minister's Question Time, the guidance states²⁷:

The Presiding Officer considers the following criteria when selecting FMQs

- Questions should be topical and suitable for supplementary questions;
- A reasonable political balance between the parties is maintained over time;
- Other than for party leaders, diary questions are avoided;
- There should be no duplication with questions to be asked at Topical, General or Portfolio Questions in the same week;
- Members record of selection for FMQs.

National Assembly for Wales

Standing Order 11.21 guarantees Chamber time for non-Government business:

11.21 Time must be made available in each Assembly year for debates on the following items of business:

- (i) the UK Government's legislative programme (in accordance with section 33 of the Act);

²⁶ Standing Orders of the Scottish Parliament, November 2012:

http://www.scottish.parliament.uk/Parliamentaryprocedureandguidance/SO4_Revisions_Complete.pdf

²⁷ The Scottish Parliament, 'Guidance on Parliamentary Questions', August 2012:

<http://www.scottish.parliament.uk/Parliamentaryprocedureandguidance/GuidanceOnPQs-rev.pdf>

(ii) the policy objectives and legislative programme of the government;

(iii) motions proposed on behalf of political groups who are not political groups with an executive role (and the time allocated to each political group for motions proposed by it must so far as possible be in proportion to the group's representation in the Assembly);

(iv) motions proposed by any Member who is not a member of the government²⁸;

There is no published guidance or protocol that entrenches the role of the Opposition in the Chamber. Plenary operates with reference to the Chamber Handbook which is an internal document only and states that the timing and structures are agreed by the Presiding Officer according to the structures outlined below. The length of time allowed for a debate is ultimately a matter for the Presiding Officer's discretion during Plenary.

The Leader of the largest opposition party is not described as "the Leader of the Opposition" in the Record of Proceedings but as "the Leader of the Welsh Conservatives".

Dail Eireann

A relatively recent innovation allows each leader in opposition time to ask questions of the Government:

27. (a) At the commencement of Public Business on Tuesdays and Wednesdays, the Ceann Comhairle may permit, at his or her discretion, a brief question not exceeding two minutes from each Leader in Opposition to the Taoiseach about a matter of topical public importance and in respect of which the following arrangements shall apply:

- (i) the Taoiseach shall be called upon to reply for a period not exceeding three minutes,
- (ii) the Leader in Opposition who asked the original question may then ask a brief supplementary question not exceeding one minute,
- (iii) the Taoiseach shall then be called upon to reply in conclusion for a period not exceeding one minute²⁹.

A leader in opposition means a political group within the Dail as defined in Standing Orders:

120 (1)(a) any Party which had not less than seven members elected to the Dáil at the previous General Election or which, if it had less than seven, attained the number of seven members as a result of a subsequent bye-election, or

²⁸ Standing Orders of the National Assembly for Wales, October 2012 accessed 28 November 2012

²⁹ Standing Orders of Dail Eireann accessed 28 November 2012

(b) a majority of the members of the Dáil who are not members of a group as defined in paragraph (1)(a), being not less than seven in number, who request formal recognition as a group in writing to the Ceann Comhairle: Provided that such request shall be signed by all such members. The Ceann Comhairle shall grant formal recognition as a group to such members as soon as possible thereafter³⁰.

Private Members' Business

Each week the Dáil sets aside three hours, between 7.30 – 9.00 pm on Tuesdays and Wednesdays. During this time the opposition parties and groups can bring forward their own Private Members' Bills and motions for discussion. These usually concern major political issues of the day. On the first Friday of each month the Dáil sits to consider legislation introduced by any member of the Dáil except for a Minister or Minister of State. This debate happens at the second stage. This is a general debate on the principles of the Bill and what else could be put into the Bill or what should be taken out. If more than one Bill is submitted for consideration then a lottery takes place to decide which Bill will be discussed³¹.

4 Community designation

The Northern Ireland Act 1998 and Assembly Standing Orders make provision for Members to designate themselves as 'Nationalist', 'Unionist' or 'Other' at the first meeting of the Assembly after an election.

Section 5(A) of the Northern Ireland Act 1998 states:

[(5A) Standing orders of the Assembly shall provide that a member of the Assembly designated in accordance with the standing orders as a Nationalist, as a Unionist or as Other may change his designation only if—

(a) (being a member of a political party) he becomes a member of a different political party or he ceases to be a member of any political party;

(b) (not being a member of any political party) he becomes a member of a political party.

"designated Nationalist" means a member designated as a Nationalist in accordance with standing orders of the Assembly and "designated Unionist" shall be construed accordingly.

Standing Order 3 details the procedure to be followed in designating as Nationalist, Unionist or Other:

- (7) After signing the Roll a member may enter in the Roll a designation of identity, being "Nationalist", "Unionist" or "Other". A member who does not register a designation of identity shall be deemed to be designated "Other" for the purposes of these Standing Orders and the Northern Ireland Act 1998.
- (8) A member may change his or her designation of identity only if -

³⁰ As above

³¹ [www.oireachtas.ie/parliament/.../Parliamentary-Guide-Eng-\(web\).pdf](http://www.oireachtas.ie/parliament/.../Parliamentary-Guide-Eng-(web).pdf)

- (a) (being a member of a political party) he or she becomes a member of a different political party or he or she ceases to be a member of any political party;
- (b) (not being a member of any political party) he or she becomes a member of a political party.
- Any such change takes effect immediately after notification in writing is submitted to the Speaker.
- (9) The Clerk shall draw up a list of the party affiliations of the members. Each member shall have the opportunity to confirm or correct his or her affiliation as stated in that list³².

There is disagreement on the principle behind the use of community designation in the Assembly. Critics have argued that:

...the designation system (acts) to “entrench communalist politics”³³. According to critics, consociationalists promote group vetoes, because they assume that Northern Ireland will remain “forever divided, requiring skilful and continual management, rather than becoming a united, (though) diverse community with common interests and shared goals”³⁴. Specifically, the system is seen as according more weight to nationalist and unionist votes than those members who do not wish to be ‘pigeonholed’ in communal terms, thereby providing a deterrent for cross-community parties and politics to emerge³⁵.

However:

...advocates of consociationalism argue that they are merely legislating for what is already there and that any successful accommodation of competing ethno-nationalisms in Northern Ireland has to begin by accepting the saliency and relative historical fixity of ethno-national identities...Accordingly, consociationalists are apt to portray their clique as “pragmatists who, in accepting existing divisions within ethnically divided societies, strive to regulate them through complex constitutional engineering”³⁶.

³² Standing Orders of the Northern Ireland Assembly October 2012

³³ Wilson and Wilford quoted in Nagle and Clancy 2010

³⁴ Farry quoted in Nagle and Clancy 2010

³⁵ Nagle, John; Clancy, Mary-Alice C.. 2010., Shared Society or Benign Apartheid?: Understanding Peace-Building in Divided Societies. [online]. Palgrave Macmillan

³⁶ Kerr quoted in Nagle and Clancy

The 1998 Act sets out how community designation provides for a test of cross-community support for key decisions within the Assembly

4(5) In this Act—
 “the Assembly” means the New Northern Ireland Assembly, which after the appointed day shall be known as the Northern Ireland Assembly;
 “cross-community support”, in relation to a vote on any matter, means—
 (a) the support of a majority of the members voting, a majority of the designated Nationalists voting and a majority of the designated Unionists voting; or
 (b) the support of 60 per cent of the members voting, 40 per cent of the designated Nationalists voting and 40 per cent of the designated Unionists voting;

The relationship between the PR voting system and community designation and the consequences of their use have been explained in a theoretical way as follows:

The principle of parity and the principle of proportionality imply roughly the same outcome for representation, or for decision-making power, only when the relevant peoples have roughly the same number of valid voters. Imagine that two key peoples in a polity are roughly balanced in size: people A comprises 47 per cent of the electorate; and people B comprises 43 per cent; others (neither As nor Bs) comprise 10 per cent. Imagine further that all voters in each category vote for just one party of their ethnic category under a system of pure proportional representation (PR). In this example, achieving both proportionality, according to equality among individual voters, and parity between the peoples A and B, seems to be not too difficult.

In this case, the use of PR to elect legislators, and of a PR system to determine the executive, can be combined with a concurrent majority decision-making rule among the two peoples, A and B, over key matters.

Such concurrent majority decision-making can be achieved explicitly through corporate naming (or ‘designation’) of the peoples, such as: ‘A majority of those deputies who represent people A and a majority of those deputies who represent people B as well as a majority in the parliament shall agree before legislation is passed regulating any aspect of policing or internal security.’

Such a rule, however, has consequences for the voting power of ‘the others’ (neither As nor Bs) who may not be pivotal—that is, capable of being decisive in the outcome of a vote³⁷.

Addressing these consequences in the operation of the Assembly some commentators have argued that:

In effect, there are two orders of Assembly members: in relation to key decisions there are those whose votes always “count” and those whose votes never do so. Not only is this patently undemocratic, in the particular case of the Alliance Party it is also richly ironic. Since its inception, it has been bi-confessional and committed to the promotion of positive cross-community relations and yet it is a casualty of this

³⁷ C. McCrudden & B. O’Leary, ‘Courts and Consociations’, Oxford University Press, (forthcoming), pp14-15

anomalous and wholly unnecessary procedure which could easily be surrendered in favour of weighted majority voting on key issues³⁸.

However, others contend that these concerns are overstated:

In fact, the votes of others always count – they count towards the majority (or supermajority) threshold. Similarly, (it has also been argued) that “in practice the parallel consent rule implies that once a majority is secured within the assembly, the ‘others’ no longer count; at such a point, all that matters is whether or not there is a majority within both communities”. Again, this is a very misleading way of characterising the cross-community consent procedures. It is true that once a majority is secured in a cross-community vote, the votes of others no longer count. But it is equally true that under a simple-majority decision the votes of others do not count once a majority is otherwise secured.

Perhaps what critics...really mean to say is that the votes of designated unionists and nationalists are more decisive than the votes of designated others.

This much is suggested by the Alliance Party in its 2001 submissions to the Review of the Northern Ireland Assembly. As the Alliance Party points out, the cross-community consent procedures effectively count the votes of designated unionists and designated nationalists twice – first with respect to the overall threshold in the Assembly, and again with respect to the community designation thresholds.

So, in so far as the votes of others may be necessary to meet the majority or supermajority thresholds, their votes are not, strictly speaking, irrelevant. However, on a cross-community vote, the votes of designated unionists and nationalists are more likely than the votes of others to have a determinative effect on the outcome. This line of argument, at least, suggests a more precise way of formulating the problem³⁹.

A number of votes which cross-community support are specifically set out in the Northern Ireland Act 1998:

- changes to the schedule of reserved, transferred or excepted matters (Section 4(3))
- determination of the number of Ministers and their portfolios (Section 17(5))
- changes to the Ministerial Code (Section 28A(4))
- exclusion of Ministers from Office and exclusion of parties from holding Ministerial Office (Section 30)

³⁸ Rick Wilford 'Northern Ireland: The Politics of Constraint', Parliamentary Affairs vol 63 p137

³⁹ Alex Schwartz 'How unfair is cross-community consent? Voting power in the Northern Ireland Assembly'

- election of Presiding Officer (Section 39(7)) (also Principal Deputy Speaker and Deputy Speakers under Standing Orders)
- making, amending or repealing Standing Orders (Section 41(2))
- Petitions of Concern (Section 42)
- resolutions about reduction in remuneration (Section 47A(9))
- resolutions about reduction in financial assistance (Section 51A(8))
- censure resolutions (Section 51D(5))
- financial Acts of the Assembly (Section 63(3))
- draft budgets (Section 64)⁴⁰

Regarding petitions of concern Section 42 (1) of the 1998 Act states that:

(1) If 30 members petition the Assembly expressing their concern about a matter which is to be voted on by the Assembly, the vote on that matter shall require cross-community support⁴¹.

Standing Order 28⁴² of the Assembly details the procedures to be followed in respect of Petitions of Concern:

28. Petition of Concern

(1) A Petition of Concern in respect of any matter shall be in the form of a notice signed by at least 30 members presented to the Speaker. No vote may be held on a matter which is the subject of a Petition of Concern until at least one day after the Petition of Concern has been presented.

(2) Other than in exceptional circumstances, a Petition of Concern shall be submitted at least one hour before the vote is due to occur. Where no notice of the vote was signalled or such other conditions apply that delay the presentation of a Petition of Concern the Speaker shall determine whether the Petition is time-barred or not.

To date in the 2011-2015 mandate, nine Petitions of Concern have been tabled (six Unionist and three Nationalist). In the 2007-2011 mandate, 33 Petitions of Concern were tabled (20 Unionist and 13 Nationalist). Appendix 2 provides the title and date considered in plenary of all Petitions since 2007. It also signifies the political designation of those Members bringing the petition.

Since 2007, the DUP have had the required numbers to present Petitions of Concern without the need to seek the support of other parties or Independents⁴³. Currently, Sinn Féin requires the support of one other Member outside its party if it wishes to present a

⁴⁰ Northern Ireland Act 1998 as amended

⁴¹ Section 42 of the Northern Ireland Act 1998 as amended

⁴² Standing Orders of the Northern Ireland Assembly: <http://www.niassembly.gov.uk/sopdf/2007mandate/standingorders.htm>

⁴³ The DUP obtained 30 seats following the 2003 Assembly election but the Assembly did not meet.

Petition of Concern. Table 1 shows the relative strength of each Assembly party in relation to cross-community support.

Table 1: Party strength in relation to cross-community support

Party	No. of Members	Designation	Percentage of total Members	Percentage of voting block (Nationalist or Unionist)
Alliance	8	Other	7.4	-
DUP	38	Unionist	35.2	67.9
Green	1	Other	0.9	-
Sinn Féin	29	Nationalist	26.9	67.4
SDLP	14	Nationalist	13.0	32.6
TUV	1	Unionist	0.9	1.8
UUP	15	Unionist	13.9	26.8
Independents	2	Unionist	1.9	3.6

Research from 2003 raised the prospect of replacing community designation with a weighted majority voting system:

In terms of changing parliamentary voting procedures, it would be a constructive step forward if the parallel consent mechanism for key decisions was removed and replaced with qualified majority voting, with a sufficiently high threshold (e.g., three-fifths or two-thirds of assembly members present and voting). This would still ensure that no decision could be taken against significant opposition in one of the two communities. It would also mean that the principle of designation could be removed - a small but significant symbolic step towards breaking down sectarian divisions in the Assembly⁴⁴.

The use of community designation is not unique to the Northern Ireland Assembly, Belgium provides another example, like Northern Ireland, of consociational democracy in which:

proportional representation, executive power-sharing and grand coalitions, minority vetoes are key elements...At the national level in Belgium, in response to Francophones' fear that they might be outvoted and dominated politically by the Flemish majority, Belgium has put in place a variety of institutional mechanisms that prevent Flemish domination through majority rule⁴⁵.

As part of the consociational arrangement, the Belgian Parliament is divided into a French-speaking group and Dutch-speaking group:

⁴⁴ <http://cain.ulst.ac.uk/ethnopolitics/wolff03.pdf>

⁴⁵ Robert Mnookin & Alain Verbeke 'Persistent nonviolent conflict with no reconciliation: the Flemish and Walloons in Belgium' 2009 (available at www.law.duke.edu/journals/lcp)

For critical political decision-making in the Belgian government, the elected members of each of the two houses of the legislature were divided into a French-language and a Dutch-language group...When the parliamentary language groups had a role to play, the constitution required a concurrent majority of votes in each language group of each house, but that concurrent majority was further qualified. The total of the affirmative votes cast in the two language groups was required to amount to at least two-thirds of the votes cast. In addition, there was an “alarm bell” procedure, which to be triggered, required a motion signed by at least three-quarters of the members of one of the language groups to be moved, stating that the provisions of a specified bill were likely to be seriously detrimental to relations between the two language communities. Upon the alarm bell being rung, parliamentary proceedings were suspended and the motion was referred to the Cabinet, which was required to give a reasoned opinion on it within thirty days and to request the parliamentary chamber concerned to vote either on this opinion or on the Bill. These provisions were designed primarily to protect the speakers of the country’s minority language, i.e. French. The Cabinet was required to have as many French-speaking as Dutch-speaking Ministers⁴⁶.

The provisions relating to language designation are given effect in the Rules of the Belgian Parliament⁴⁷. The procedure therefore bears similarities to that operating in the Northern Ireland Assembly, but the threshold appears to be set higher and applies only to legislation, rather than ordinary motions. There is nothing similar to a petition of concern which in certain circumstances may in effect allow a single party a veto on any issue.

5 D’Hondt

The consociational nature of the Belfast (Good Friday) Agreement was based on the need to accommodate competing political views “where the wider social and political context is inimical to majoritarianism, as is typical of deeply divided societies”⁴⁸.

In the Northern Ireland Assembly, Chairs and Deputy Chairs of committees and Executive Ministers are assigned using D’Hondt.

Consequently, coalition government in Northern Ireland is not based on inter-party negotiations following an election. Rather, membership of the Executive is “an automatic entitlement of electoral strength, determined... by the application of the mechanical D’Hondt divisor”⁴⁹ which allocates seats on the basis of the highest average (the number of seats each party wins at an Assembly election is divided

⁴⁶ C. McCrudden & B. O’Leary, ‘*Courts and Consociations*’, Oxford University Press, (forthcoming), p.50

⁴⁷ http://www.dekamer.be/kvvcr/pdf_sections/publications/reglement/reglementE.pdf

⁴⁸ Rick Wilford ‘The Assembly’ in *A guide to the Northern Ireland Assembly: agreeing to disagree?* Edited by Robin Wilson, TSO 2001

⁴⁹ Paul Mitchell ‘Transcending an ethnic party system?’ In *Aspects of the Belfast Agreement*, edited by Rick Wilford, Oxford University Press 2001

initially by one and thereafter by one more than the number of seats won, until all seats are allocated).

The Belfast/Good Friday Agreement and subsequent legislation ensured that parties which won a significant number of votes stood a good chance of participating in government. This particular application of d'Hondt appears unique to Northern Ireland as "nowhere else in the world is government formed by the d'Hondt rule, whose more normal role is the allocation of top-up seats under additional member systems of PR"⁵⁰.

Previous research has suggested changes to the application of D'Hondt:

The D'Hondt formula should be used for the nomination of the FM and DFM. This would mean that the first and second largest parties would nominate the FM and DFM – so they could come from any party, not just a unionist or nationalist party. We would, however, commend one important qualification: parties rather than MLAs should designate themselves as nationalist or unionist if they so wished. The rule governing the nomination of the premiers should then be that the two premiers could not both be unionist or nationalist.

The research goes on to state that:

Alternatively, the executive could be constituted by the Sainte-Lague mechanism, which is more advantageous for small parties than D'Hondt⁵¹.

It could be argued that the use of D'Hondt to distribute Ministerial portfolios does not lend itself to an opposition model. However, there is nothing that requires parties to take a seat in the Executive – they can refuse and the seat will be offered to the next eligible party. In effect, there is no practical barrier to parties withdrawing from the Executive if they wish, the question then becomes to what extent will those parties be afforded the traditional role and resources allocated to opposition parties?

An alternative to the sitting Government?

A criticism of the current Executive design in Northern Ireland is that it does not allow for a government in waiting to assume power if the current administration falls. There is no provision for a vote of no confidence in the Executive as there is in the House of Commons (by convention) and Dail Eireann (Standing Orders). The Scottish Parliament also provides for a vote of no confidence:

Under the standing orders (Rule 8.12), any MSP can lodge a motion that the Scottish Government or a specific Cabinet Secretary or Minister no longer enjoys the confidence of the Parliament. These are known as motions of no confidence. If notice of a motion of no confidence is supported by at least 25 MSPs, it has to be considered at a meeting of the Parliament. A motion of no confidence needs only a

⁵⁰ Robin Wilson 'The Executive Committee' in *A Guide to the Northern Ireland Assembly*, edited by Robin Wilson, TSO 2001

⁵¹ J. McGarry and B. O'Leary 'Consociational Theory, Northern Ireland's Conflict, and its Agreement (Part 2). What Critics of Consociation can Learn from Northern Ireland', *Government and Opposition* vol 41, No 2 pp249-277, 2006

simple majority in order to be passed. (That is, it will be passed if more MSPs vote for the motion than against it. No account is taken in this context of those voting to abstain or not voting.)

When a motion is passed that the Scottish Government no longer enjoys the confidence of the Parliament, the First Minister, all Cabinet Secretaries and Ministers must resign (The Scotland Act 1998, sections 45, 47 and 49). When a motion of no confidence directed at a named member of the Scottish Government is passed, that Cabinet Secretary or Minister would be expected to resign, but they are not obliged to do so by law.

Passing a motion of no confidence in the Scottish Government does not mean an automatic general election. However, there would be a general election if the Parliament then failed to nominate a First Minister for appointment by HM The Queen within 28 days.

The Parliament can also vote to dissolve itself, as distinct from simply passing a motion of no confidence. Section 3 of the Scotland Act states that if two-thirds of the Parliament (at least 86 MSPs) vote for it, the Parliament will be dissolved and a general election will be called⁵².

Similar provisions exist in the National Assembly for Wales.

Any move towards a similar mechanism in Northern Ireland would be a significant departure from the status quo and would likely require a review of the D'Hondt mechanism for the allocation of ministerial portfolios.

⁵² <http://www.scottish.parliament.uk/help/17019.aspx>

Appendix 1 – Financial Assistance Scheme in Northern Ireland

Northern Ireland

The Assembly Commission administers the Financial Assistance for Political Parties Scheme. The following tables outline the structure of the Scheme (2007 is the latest publication date for the Scheme).

Table 2: Article 3 of the Financial Assistance for Political Parties Scheme 2007

(a) £24,000 in respect of the costs incurred by a political party for the authorised purpose where that party has only one connected member (authorised purpose means the purpose of assisting members of the Assembly who are connected with that party to perform their Assembly duties)
(b) £48,000 in respect of the costs incurred by a political party for the authorised purpose where that party has two or more connected members
(c) £3,000 in respect of the costs incurred by a political party for the authorised purpose in respect of each member who is connected with that party who does not hold a ministerial or junior ministerial post
(d) £15,000 in respect of the costs incurred by a political party in the administration of its Whips' Office for the authorised purpose where that party has more than two but fewer than eleven connected members
(e) £22,500 in respect of the costs incurred by a political party in the administration of its Whips' Office for the authorised purpose where that party has more than ten but fewer than twenty-one connected members
(f) £30,000 in respect of the costs incurred by a political party in the administration of its Whips' Office for the authorised purpose where that party has more than twenty connected members
(g) Where during any year financial assistance is payable to any party under Article 3(d), (e) or (f), £500 in respect of the costs incurred by a political party to administer its Whips' Office for the authorised purpose in respect of each member who is connected with that party who does not hold a ministerial or junior ministerial post;
(h) For the purposes of the Scheme any member holding the Office of Speaker shall be considered to be connected with that party unless he gives notice in writing to the Finance Officer

The following table details how changes to party membership affects the payments:

Table 3: Article 5 of the Financial Assistance for Political Parties Scheme 2007

(1) Where during any year a new political party has been formed, the financial assistance payable to that party under Article 3 shall be calculated proportionately.
(2) Where during any year a member ceases to be connected with a political party, the financial assistance payable to that party under Article 3 for the remainder of the year shall be decreased accordingly.
(3) Where during any year a member becomes connected with a political party, the financial assistance payable to that party under Article 3 for the remainder of the year shall be increased accordingly.
(4) For the purposes of this Article, vacancies of members during any year arising during a period of dissolution and election of the Assembly shall not be taken into account.
(5) For the year commencing on 1st April 2007 the financial assistance payable under Article 3 shall be reduced proportionately to cover the number of days remaining in the year between the approval of this Scheme by the Assembly and the 31st March 2008 divided by 365.

Appendix 2 – Petitions of Concern

	Petition	Brought by Nationalists or Unionists?	Signatories to Petition	Date considered in Plenary
Mandate 2011-2015				
Party representation following election: DUP: 38 SF: 29 UUP: 16 SDLP: 14 Alliance: 8 Green: 1 TUV: 1 Independent: 1	FCS - Criminal Justice Bill (NIA 10/11-15) - Amendment 1	Nationalist and Other	Sinn Féin/Alliance/Green	12/03/2013
	Establishment of an Ad Hoc Committee	Unionist	DUP	26/02/2013
	CS - Criminal Justice Bill - Amendment 26	Nationalist	Sinn Féin/SDLP	25/02/2013
	CS - Criminal Justice Bill - Amendment 24	Nationalist	Sinn Féin/SDLP	25/02/2013
	CS - Criminal Justice Bill - Amendment 21	Nationalist	Sinn Féin/SDLP	25/02/2013
	National Crime Agency	Nationalist	Sinn Féin/SDLP	01/02/13
	Commitment to Inclusivity, Mutual Respect, Peace and Democracy - Amendment 1	Nationalist	Sinn Féin/SDLP	21/01/2013
	Report on complaints against Mr Jim Wells MLA	Unionist	DUP	19/11/2012
	Ad Hoc Committee on Conformity with Equality Requirements - Welfare Reform Bill	Nationalist	Sinn Féin/SDLP	19/11/2012
	Ad Hoc Committee on Conformity with Equality Requirements - Welfare Reform Bill - Amendment 1	Nationalist	Sinn Féin/SDLP	19/11/2012
Marriage Equality (Revised Wording)	Unionist	DUP	01/10/2012	

	Retention and Release of Information from Police Officers	Unionist	DUP	29/11/2011
	Murder of Pat Finucane - Amendment 1	Unionist	DUP/UUP	08/11/2011
	Murder of Pat Finucane	Unionist	DUP/UUP	08/11/2011
	A5 Dual Carriageway Project - Amendment 1	Nationalist	Sinn Féin/SDLP	07/06/2011
	A5 Dual Carriageway Project	Unionist	DUP	07/06/2011
Mandate 2007-2011				
Party representation following election: DUP: 36 SF: 28 UUP: 18 SDLP: 16 Alliance: 7 Green: 1 PUP: 1 Independent: 1	Planning Bill - Amendment 2	Unionist	DUP	21/03/2011
	Final Stage - Local Government (Disqualification) Bill	Unionist	DUP	09/03/2011
	Planning Bill - Amendment 102	Unionist	DUP	08/03/2011
	Planning Bill - Amendment 20	Unionist	DUP	08/03/2011
	Justice Bill - Amendment 11	Unionist	DUP/UUP	07/03/2011
	Justice Bill - Amendment 10	Unionist	DUP/UUP	07/03/2011
	Justice Bill - Amendment 9	Unionist	DUP/UUP	07/03/2011
	Justice Bill - Amendment 8	Unionist	DUP/UUP	07/03/2011
	Justice Bill - Amendment 6	Unionist	DUP/UUP	07/03/2011
	Justice Bill - Amendment 5	Unionist	DUP/UUP	07/03/2011
	Armed Forces and Veterans Bill - Clauses 2 through to 8 and the Long Title	Nationalist	Sinn Féin/SDLP	15/02/2011
	Armed Forces and Veterans Bill - Clause 1	Nationalist	Sinn Féin/SDLP	15/02/2011
	Caravans Bill - Amendment 15	Unionist	DUP	25/01/2011
	Caravans Bill - Amendment 14 New Clause	Unionist	DUP	25/01/2011
Caravans Bill - Amendment 13	Unionist	DUP	25/01/2011	

	Caravans Bill - Amendment 12	Unionist	DUP	25/01/2011
	Second Stage - Victims and Survivors (Disqualification) Bill	Nationalist	Sinn Féin/SDLP	14/12/2010
	Final Stage - Local Government (Disqualification) Bill	Unionist	DUP	07/12/2010
	Irish Language Strategy	Unionist	DUP/UUP	08/11/2010
	Proposed Rose Energy Incinerator at Glenavy	Unionist	DUP	27/09/2010
	Safe Passage to Gaza for the MV Rachel Corrie	Unionist	DUP	07/06/2010
	40th Anniversary of Disbanding of B-Specials and Formation of UDR	Nationalist	Sinn Féin/SDLP	24/05/2010
	Northern Ireland Human Rights Commission	Nationalist	Sinn Féin/SDLP	03/11/2009
	'Act on CO2' Advertising Campaign	Unionist	DUP	30/03/2009
	Dual Mandates	Unionist	DUP	10/03/2009
	North-South Ministerial Council	Nationalist	Sinn Féin/SDLP	09/02/2009
	Civic Forum	Nationalist and Unionist	Sinn Féin/SDLP/PUP	03/02/2009
	Irish Medium Primary School	Nationalist	Sinn Féin/SDLP	24/06/2008
	Irish Medium Schools in Dungannon / South Tyrone	Nationalist	Sinn Féin/SDLP	13/05/2008
	Forkhill Military Site	Nationalist	Sinn Féin/SDLP	07/04/2008
	FIFA Eligibility Proposal	Nationalist	Sinn Féin/SDLP	11/12/2007
	Irish-Medium Club Bank	Nationalist	Sinn Féin/SDLP	13/11/2007
	Irish Language	Nationalist	Sinn Féin/SDLP	09/10/2007
Assembly suspended October 2002-May 2007				
Mandate 1998-2003				

Party representation following election: UUP: 28 SDLP: 24 DUP: 20 Sinn Féin: 18 Alliance: 6 UKUP: 5 PUP: 2 Northern Ireland Women's Coalition: 2 Independent: 3	Strategic Investment and Regeneration of Sites Bill	Unionist	N/A (Assembly suspended from this date)	14/10/2002
	Election of First Minister and Deputy First Minister	Unionist/Nationalist/Other	UUP/SDLP/Alliance	05/11/2001
	Motion to amend Standing Orders	Unionist	DUP/UKUP	05/11/2001
	Northern Ireland Human Rights Commission	Nationalist and Other	SDLP/Sinn Féin/Alliance	25/09/2001
	No Confidence in Minister of Education	Nationalist	SDLP/Sinn Féin	08/05/2001
	Display of Easter Lilies in Parliament Buildings	Nationalist and Other	SDLP/Sinn Féin/Alliance/NIWC	10/04/2001
	Union Flag	Nationalist and Other	SDLP/Sinn Féin/Alliance	6/06/2000