Next Steps Forward

A set of proposals that aim to re-inject momentum and stability in politics

Change has always come when people Step Forward

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Foreword

Twenty years ago, in 1998, almost three out of four people in Northern Ireland stepped forward to support the Good Friday Agreement. Despite the huge challenges and deep divisions within society, it was recognised that the next steps forward could be positive. That no one, whether politician or paramilitary, should take Northern Ireland back. Today, despite the challenging situation in which we find ourselves, without devolution and with Brexit progressing in its absence, the Alliance Party still believes that a positive vision, bold ideas and strong leadership is the only way to move forward and respect the spirit of the Good Friday Agreement.

That is why we are launching our paper ‘Next Steps Forward’, a set of proposals that aim to re-inject momentum into the process and restore stability in politics. These proposals should not be seen as an end in themselves but as a positive pathway towards a restored, fully functioning and effective devolved Assembly and Executive. Any interim arrangements to return stability and accountability will only be successful if they are both meaningful and transitional – effective in the interim and at restoring devolution.

The Alliance Party believes, through these proposals, that it is possible to take the next steps towards restoring devolution by creating mechanisms: for breaking the deadlock by dealing with, and potentially removing, some of the most contentious issues from the negotiating table; for restarting and reshaping talks by setting out a clear timeframe and appointing an independent facilitator; and for establishing parallel arrangements that enable key decisions, scrutiny and local legislation to be progressed during any negotiating timeframe.

Despite the setback and frustrations, Alliance remains focussed on how together we can take the Next Steps Forward that Northern Ireland needs to fulfil our potential and deliver for everyone.

Almost three out of four people in Northern Ireland stepped forward to support the Good Friday Agreement
Following the collapse of the latest round of talks last month, we are now looking ahead to a potentially difficult summer, with the marching season taking place in the context of an extended political vacuum. Once again we are weeks away from the new financial year as a Budget Bill is introduced at Westminster, meaning that strategic decisions regarding our local economy are paused and short-term fixes imposed from Westminster.

In this context, we have, therefore, given some thought as to how the current political situation could potentially be progressed over the coming months.

Breaking the Deadlock

It is clear that the components of a deal had progressed to an advanced stage last month with respect to the Irish Language and wider cultural issues as well as with respect to legacy matters. There were also issues which need to be addressed, such as the Petition of Concern reform and Equal Marriage, on which no progress towards agreement had been made and which were, therefore, to be placed on the long finger.

Whilst Alliance would ideally see the Assembly taking forward all of these issues, it appears that they are becoming increasingly intractable and the prospect of movement seems highly unlikely, certainly in the short term. At the same time, without movement on at least some of them, the formation of an Executive appears not to be possible.

Devolved matters: e.g. Irish Language, Equal Marriage
The Secretary of State could choose to legislate for some or all of those elements at Westminster. This would take pressure off the parties to deliver their constituencies in support of those issues, and allow a shift in the baseline position before returning to talks, increasing the prospect of agreement to form an Executive.

This would also prevent a situation where the first tasks facing a fragile restored Assembly and Executive happen to be some of the most difficult and sensitive issues, placing the structures under considerable stress from the outset.

Reserved matters: e.g. Petition of Concern, Stormont House Legacy Agreement
Reform of the Petition of Concern (POC) mechanism is of particular importance: all parties see the need for reforms, but are less united on how to do so. The Alliance Party has detailed proposals on a reformed POC, which includes limiting its use to the following areas:

- Matters of national identity;
- Matters which relate to the legacy of the conflict in Northern Ireland; or
- Matters which relate to the constitutional structure and institutions established under the Good Friday Agreement.

Significant reform of the POC will future-proof the Assembly to deal with other social policies and equality issues, preventing any single party being able to evade scrutiny or accountability to the Assembly or to frustrate the will of the electorate in future.

We also need to advance the Stormont House proposals to public consultation, as agreed – without any additions or omissions (such as a statute of limitations) and enabling legislation should be introduced at Westminster.
Multi-Party Talks

Alliance remains convinced that only multi-party talks led by an independent facilitator are capable of reaching a sustainable and inclusive solution to this impasse and to the formation of a multi-party Executive, therefore, they should be convened as soon as practicable. Lengthy delay leaves open the opportunity for further political drift.

A clear timeframe would need to be established at the outset for conclusion of any process, whether that conclusion is an agreement by the parties or a report of the facilitator regarding a reasonable deal to put to parties.

Given the nature of the breakdown of talks, the subsequent dispute over the status of negotiations and the damage caused to political relationships and to public confidence as a result, an independent facilitator is crucial in restoring confidence internally and externally in any process.
Parallel Arrangements

We would suggest the following measures could be taken forward in parallel with any talks process:

a **Reconvene the British-Irish Intergovernmental Conference (BIIC)**
   The BIIC should be reconvened as a formal consultation mechanism with the Irish Government. Whilst the North-South Ministerial Council cannot function in the absence of an Executive, the BIIC would provide an equivalent consultative role as an interim measure.

b **Reconstitute the Assembly Departmental Scrutiny Committees**
   Assembly committees could undertake the functions of scrutinising budgets and providing political advice and guidance on key policy decisions which are required in the interim to allow policy development and reform to proceed. The Committees could send reports, advice and decisions to the Secretary of State and BIIC. After consultation between the British and Irish governments, where appropriate, agreed legislation could be introduced at Westminster or ministerial direction given by the Secretary of State.
   This would ensure local input into decision-making, whilst avoiding the political challenges of either direct rule or some form of joint authority.

c **Re-establish the Northern Ireland Policing Board**
   The reconstitution of the Policing Board is now a year overdue. There are growing tensions and falling confidence in policing, which could be partly assuaged through restoration of this accountability mechanism. We therefore urge the Secretary of State to seek political nominees to the Board from the Party Leaders and move to appoint them without further delay.

d **Voting on advanced stage legislation**
   Prior to the collapse of the Executive in January 2017 there were pieces of legislation - both Private Member’s Bills and Departmental bills - which had either completed Public Consultation or Committee scrutiny, or were about to reach that point.
   The Assembly could be recalled in Plenary to vote on this legislation, either to legislate itself or to shape bills which could then pass through Westminster as Orders in Council. In the absence of Ministers, Committees could bring forward legislation working with the Department. Such a mechanism would allow the Assembly to take on its legislative role and prevent ongoing stagnation without absorbing significant Parliamentary time at Westminster, as they would have been drafted, scrutinised and debated at the Assembly.
   There would still be a need for items such as the Budget or other more complex government Bills to go through Westminster as they need the high level of technical detail provided by Executive/Ministers, but there could be scope for the Assembly to at least progress some legislation in the interim.

e **Establish a cross-party Brexit committee**
   Alliance proposes that a cross-party Brexit committee be formed in order to ensure Northern Ireland’s voice is heard as negotiations on the UK’s exit from the EU progresses.
Conclusion

These layers would finely balance the political powers between Westminster and Stormont, with Irish Government input, in a way which maintains the constitutional integrity of Northern Ireland and the overall strands of the Good Friday Agreement, and avoiding nationalist or unionist exclusion in a transitional phase of operation.

It would also allow MLAs and parties to re-engage on issues of substance and take on some responsibility in return for their salary. Most importantly, it would help clear the backlog of decision-making which has developed during suspension.

Finally, they would create the political space in which broader agreement might be possible with respect to forming an Executive and to help rebuild political relationships and trust.

Whilst these measures fall well short of a functioning and accountable devolved Assembly, as a time-limited mode of operation in parallel with formal talks, it may be more acceptable than any of the alternatives.