

Such a form of power sharing is not untried. Though the EU has little to recommend it, for decades the European Parliament has exercised a shared legislative function with the Council of Ministers (now, formal codecision on many matters). Indeed, there a further complicating dimension is that it is the European Commission which initiates legislation, but it processes through the Parliament and the Council of Ministers.

In practice how such would work is that the British ministers would introduce their legislation to the Assembly, it would pass through the normal processes of second stage, committee state, consideration stage and final stage, before being signed off by the Secretary of State and given Royal Assent by Her Majesty.

To cope with policy conflicts between the Assembly and Westminster and incompatible expenditure demands, there would have to be a procedure of conciliation between the Assembly and the British ministers. Again such has existed for years in the EU between the Parliament and the Council of Ministers. Here the Chair of the relevant committee could act as rapporteur for the Assembly in any negotiations with the minister, with both sides statutorily bound to make determined efforts to reach consensus.

Individual MLAs would continue to have unfettered opportunity to introduce Private Member's Bills.

As for the British ministers' exercise of executive functions, these would be subject to all the scrutiny powers of the Assembly and its statutory committees, with their powers to command witnesses and papers.

By this approach those elements which have been working could be retained and in time, as alliances evolve, the return to the exercise of executive power could occur through coalition of the willing and a counter-balancing Opposition. Moreover, if any coalition collapsed, the default position of Stormont retaining the legislative role would sustain devolution.

Clinging endlessly to the failure of mandatory coalition is not serving Northern Ireland well. The perpetual cycle of crisis and sticking plaster talks, before lurching to crisis again is destroying the body politic and public confidence in it. It is time for fresh thinking, such as these proposals contain.

Jim Allister MLA

Constituency Advice Centre, 38 Henry Street, Ballymena, BT42 3AH
tel: 028 2564 0250 email: info@jimallister.org



www.facebook.com/jim.allister.1



[@JimAllister](https://twitter.com/JimAllister)



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A path to making Stormont work

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A path to making Stormont work

TUV PROPOSALS TO MOVE NORTHERN IRELAND FORWARD

The failure of the present Stormont arrangements is self evident. That this failure arises from the unworkability of the present structures should be equally obvious, yet some cling to trying to patch up that which will never work. All they are doing is perpetuating the failure.

Plan A

TUV has a clear vision of what will work and provide good and durable government. It is voluntary coalition with an Opposition. This does not deny cross-community government. Indeed, the strategic use of weighted majority voting would guarantee this.

With no party big enough to govern on its own, coalition is inevitable. As elsewhere, for it to work, it must be a coalition of the willing. Those, after an election, who can agree a programme for government on the key economic and social issues and who together can command the requisite majority in the Assembly, form the government - whoever they are. Those who can't agree - whoever they are - form the Opposition, challenging and presenting an alternative at the next election.

To ensure cross-community involvement TUV would accept a weighted majority of 60% in an Assembly vote to approve the new government and its programme. As politics further normalise it should be possible to reduce the threshold to 50 % over succeeding elections. The much abused Petition of Concern procedure should be banished, along with designations which entrench the divisive basis of the present system.

Some in the wake of the failure of mandatory coalition may belligerently refuse to contemplate anything but more of the same failure, but we need to move on. Until enough are ready to embrace essential change and permit government which can work, then, an approach which concentrates their thinking and maximises local control within Northern Ireland could be beneficial.

The collapse of mandatory coalition need not mean the end of devolution. Far from it. Indeed, it can be the catalyst to project Northern Ireland forward into governmental arrangements that work and end the cycle of failure.

Plan B

The key to preventing the collapse of the present failed Stormont meaning the end of devolution is to salvage that which has worked and jettison that which has failed.

By its nature devolution embraces two distinct aspects: legislative devolution (exercised by the Assembly) and executive devolution (exercised by ministers). Analysis of the failure of the present Stormont throws up the obvious conclusion that it is the dimension of executive devolution which has failed.

Legislative devolution has been reasonably successful, both in processing such Bills as have been presented, including Private Member's Bills, and in performing the scrutiny function through its committees.

Thus, in moving forward, there may be merit in building on what has succeeded, by preserving legislative devolution, while giving time for executive devolution to evolve into something workable.

The practical outworking of such an approach would be that the elected Assembly would be preserved as the legislature for transferred Northern Ireland matters, along with its important scrutiny function, but without a local executive. Executive functions would be exercised by British ministers, but with the vital distinction from the past that they would be accountable to the Assembly and their legislative programme would pass, not through Westminster, but through the Stormont Assembly.



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