1. Background

1.1. Government in Northern Ireland has been at an effective standstill since January 2017 when Martin McGuinness resigned as Deputy First Minister, bringing about an end to ten years of DUP-Sinn Féin power-sharing.

1.2. In the eleven months since, the Northern Ireland Civil Service (NICS) has effectively been running Northern Ireland on a day-to-day basis. This has led to public services continuing to be operational, but has created a situation where “policy” decisions have not been made, with a few notable exceptions. This is not a sustainable situation in the long-term.

1.3. When Sinn Féin brought down the Northern Ireland Executive, the former Finance Minister failed to put in place a budget prior to doing so. This has meant that NICS has been operating on a reduced financial allocation to date. We are now at a point where the money risks running out if action is not taken.

1.4. We have now reached a point where Secretary of State James Brokenshire has had to act in order to keep public services operational, by bringing through a budget for Northern Ireland in Westminster.

1.5. In April 2017, Green Party leader Steven Agnew proposed the idea of a Constitutional Convention to the Secretary of State to resolve the impasse in the talks at that point. This was dismissed at the time because only “immediate solutions” were sought. After seven months of stasis with no immediate solutions apparent, the need for creative, long-term solutions to a recurring issue in Northern Irish politics is even more important.

2. What is a Constitutional Convention?

2.1. A Constitutional Convention is a mechanism to encourage effective, detailed and deliberative consultation through a representative group of ordinary citizens, chosen in a quasi-random manner (see 3.1-3.4), akin to a jury. This can “de-politicise” controversial issues and allow them to be debated in a more informed manner. It is in keeping with one of the Green Party’s core principles: grassroots democracy.

2.2. Members of a convention are presented with evidence around a particular issue, can ask questions to clear up uncertainties, and asked to reflect on that evidence. They are then asked to come to a conclusion and produce a set of recommendations.

2.3. In the instance of fully functioning devolution, recommendations would be made to the Northern Ireland Executive. However, in the current context the Convention would report to
the Secretary of State for Northern Ireland as well as the Irish Foreign Secretary where Strand Two issues are engaged.

2.4. This is a mechanism that has been used in various instances across the world, most notably in the Republic of Ireland to reflect on a number of different issues. The Irish Convention on the Constitution\(^1\), for example, looked at issues including lowering the voting age, changing the length of the President’s term of office and marriage equality. Its successor, the Citizens’ Assembly\(^2\), has looked at abortion law reform and Ireland’s response to climate change.

2.5. Similar mechanisms have also been used in Canada to examine changes to the voting systems used in elections\(^3\).

2.6. Different organisations have attempted different pilot projects of Citizens’ Assemblies throughout the world. This has been trialled in the UK through the Citizens’ Assembly on Brexit\(^4\) which considered the preferred approach to Brexit after the triggering of Article 50.

2.7. In Northern Ireland, previous experience of deliberative democracy has been through the Civic Forum. A Constitutional Convention would differ vastly from the Civic Forum, and they should not be conflated.

2.8. The key differences between the Civic Forum and the Constitutional Convention would be:

2.8.1. The Constitutional Convention would be a random sample of individuals from across Northern Ireland, not a group of representatives of organisations who bring their own agendas to the table.

2.8.2. A Constitutional Convention would be issue-bound, focussed on specifics and tasked with coming up with a concrete set of proposals.

2.8.3. A Constitutional Convention would be time-bound, and participants’ involvement would be limited to, for example, a series of weekends. Recommendations would be delivered at the end of the series.

2.8.4. There would be a formal structure through which recommendations from the Citizens’ Assembly feed into the political process.

3. **What would a Constitutional Convention look like in Northern Ireland?**

3.1. A Constitutional Convention would be made up of a group of ordinary citizens, selected to be representative of the wider population of Northern Ireland.

3.2. These citizens would be drawn from the electoral roll in a quasi-random manner (in order to ensure that there was a representative balance across different groups of the population).

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\(^1\) [https://www.constitution.ie/Convention.aspx](https://www.constitution.ie/Convention.aspx)

\(^2\) [https://www.citizensassembly.ie/en/](https://www.citizensassembly.ie/en/)

\(^3\) [https://en.wikipedia.org/wiki/Citizens%27_Assembly_on_Electoral_Reform_(British_Columbia)](https://en.wikipedia.org/wiki/Citizens%27_Assembly_on_Electoral_Reform_(British_Columbia))

\(^4\) [http://citizensassembly.co.uk brexit/](http://citizensassembly.co.uk brexit/)
3.3. For example, the Irish Constitutional Convention ensured that the citizens selected were representative of the population in terms of geographic location across the four provinces, age, economic class and work status. A Constitutional Convention for Northern Ireland could follow a similar model, but would also need to be representative of community background.

3.4. For every citizen selected, an alternate replacement was also selected in case the original could not take part for any reason.

3.5. These citizens would receive a detailed briefing from experts from academia and civic society about the issues under consideration, as well as hearing from lobby groups from different sides of the argument. They would also have the opportunity to question these experts to clear up any uncertainties that they had.

3.6. There would then be facilitated discussion between members of the convention with the aim of coming up with a robust proposal, or set of proposals, to take forward to a final decision-making body at the end.

3.7. Where changes to the Good Friday Agreement are recommended, the final decision-making body would be a referendum, as the Agreement was originally ratified by a referendum, and therefore any changes to it should also receive the endorsement of the people.

3.8. This process would be time-limited, based on necessity and the nature of issues to be discussed, with the time tailored to need.

3.9. The Irish model was spread over months, with one weekend per month being spent on a different issue. A Constitutional Convention for Northern Ireland could be tailored to meet our specific needs.

3.10. The overall financial cost of such a process would not be onerous. In a similar process in the Republic of Ireland, the total cost over three years came to €1.367m.

3.11. The history of the Assembly shows that regular road-bumps are encountered, and that politically sensitive issues are kicked down the road, only to repeatedly rear their head. A Constitutional Convention would allow these issues to be resolved on a more sustainable basis. It would encourage political parties to accept a compromise position in instances where public support is indicated by the Convention.

4. Proposed issues for discussion by a Constitutional Convention

4.1. The St. Andrews Agreement in 2007 took Northern Ireland away from the provisions laid out in the Good Friday Agreement, endorsed by the people of Northern Ireland in a referendum, which stipulated that the First and Deputy First Minister were elected by the Assembly.

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5 [https://www.constitution.ie/Documents/BehaviourAndAttitudes.pdf](https://www.constitution.ie/Documents/BehaviourAndAttitudes.pdf)
4.2. This, along with misuse of the Petition of Concern mechanism to block issues like marriage equality, has caused the current problems and led to Northern Ireland being without government for almost a year.

4.3. It is natural in democracies for different parties to hold different policy positions, often diametrically opposed. The current problems currently facing Northern Ireland’s political system are structural in nature. Even prior to the current crisis, there have been a series of issues that have threatened to derail devolution. Temporary solutions were found to these problems, but we are now in a situation where we need longer-term, credible solutions.

4.4. Therefore, we propose that the first issues that a Constitutional Convention should consider as a priority are:

a) The process formation of future Executives, whether the current system of mandatory coalition is fit for purpose and potential alternatives.

b) Reform of the Petition of Concern and community designation, whilst exploring other mechanisms to protect minority and underrepresented groups.

4.5. The Constitutional Convention could also subsequently look at issues that may be politically difficult, such as legacy and cultural issues.

8 December 2017