Northern Ireland: a route to stability?

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Executive summary

- Northern Ireland might be described as being in a ‘pre-post’-conflict situation. Despite and even *because of* the Belfast agreement, sectarian divisions in the region are as wide as ever.

- If political stability is to be won, policy needs to turn from ‘consociationalism’ and crisis-management and towards a focus on integration and a strategic commitment to the emergence of a civil society.

- This will require renewed ‘constitutional engineering’ which moves beyond a conventional political agenda focused on paramilitarism, the army and the police, and who holds ‘sovereignty’ in Northern Ireland.

- The review of the Belfast agreement due late in 2003 provides an opportunity to think outside the conventional box. The paper sets out four reforms which could form the heart of a renewed agreement, each designed to tackle features of the agreement which have (inadvertently) widened rather than limited community divides. We suggest:

    1. Recognition of Northern Ireland’s unique constitutional character
    2. Reform of the electoral system to encourage parties to moderate their identities
    3. Removal of the requirement for Northern Ireland Assembly members to register their communal affiliation
    4. Formation of the Executive by inter-party agreement rather than automatic appointment

- The linking theme is to move from an agreement which used sectarianism as its building blocks to one with an architecture for a more normal, civil society.

Introduction – The ‘Terrible Beauty’ of the Belfast Agreement

Looking across a UK now undergoing a radical devolution experiment, unimagined since talk of ‘home rule all round’ in the 1910s, a paradox immediately presents itself. British governments, Labour and Tory, supported devolution in Northern Ireland throughout the intervening period: they turned a blind eye to human rights abuses at Stormont following partition, resisted

assuming responsibility as the region descended into violent crisis between 1968 and 1972, and as soon as 'direct rule' began set about seeking to dismantle it. No concerns here about devolution meaning the 'break-up of Britain' or a brake on socialist egalitarianism. Yet, while the Scottish Parliament and Welsh National Assembly, stillborn in 1979 and even now regarded with lukewarm popular enthusiasm, appear irreversible features of the political landscape,[1] devolution at Stormont was, at time of writing, in suspension for the fourth time.

The paradox has a simple explanation. 'Home rule' was first envisaged for Ireland as a whole as a way to offload a problem which constantly beset British politics. Identified, however, with Catholic Ireland, home rule culminated in the partition of the mainly Protestant north-eastern counties and, with it, the 'lock-in'[2] of the Catholic minority there. Devolution to Northern Ireland was then imposed against a reluctant majority to insulate the British political class from Ireland as a whole even while *de jure* responsibility remained for part of it. After ineffectual parliamentary and, occasionally, paramilitary opposition, the Catholic community found a powerful political voice in the 1960s with the civil-rights movement, destabilising Protestant 'unionism' and eventually precipitating a Westminster takeover and a commitment that renewed devolution would be on a power-sharing, not monopolistic, basis.[3]

But agreement in 1973-74 was partial and brief, mainly due to disagreement over the arrangements linking the two parts of the island, and it was not until the Belfast agreement of 1998[4] that devolution was once more attempted. Yet this was not the embodiment of some autonomist 'settled will' as for example in Scotland: rather, it was the product of a constitutional stand-off in which unreconstructed communalist aspirations—to retain or abolish the Irish border—were locked in enduring antagonism. This is the 'terrible beauty' of the agreement: it kept the alternative options alive and as a result left two mutually exclusive futures open and unreconciled.

Replenishing the 'factory of grievances'

For this reason devolution to Northern Ireland *per se*, even power-sharing devolution *per se*, does not diminish intercommunal divisions. Indeed, evidence from the annual *Life and Times Survey* on public attitudes in Northern Ireland shows a sense of deterioration in recent years (Figure 1) and a diminishing

[1] Curtice, John (2002), 'Devolution, the union and public opinion: report prepared for the House of Lords Committee on the Constitution inquiry into "Devolution: inter-institutional relations in the United Kingdom"', Strathclyde: Strathclyde University
[2] Horowitz, Donald L (2001), *The Deadly Ethnic Riot*, Berkeley and Los Angeles: University of California Press
[3] Northern Ireland Office (1972), *The Future of Northern Ireland: A Paper for Discussion*, and (1973), *Northern Ireland: Constitutional Proposals* (Cmnd 5259), Belfast and London: NIO
[4] Northern Ireland Office (1998), *The Agreement: Agreement Reached in the Multi-Party Negotiations*, Belfast and London: NIO

optimism about future harmony (Figure 2).[5] In the era marked by the fall of the Berlin wall as a symbol of ideological confrontation, Northern Ireland has accumulated, at the last official count, 27 'peace walls' separating hostile 'communities'.[6] The 'brawl in the hall' among assembly members at Stormont which accompanied the ending of the third suspension in November 2001 has been matched on the streets by recurrent clashes at the interface between the communities.

Figure 1: proportion of respondents who think that relations between Protestants and Catholics are better now than 5 years ago

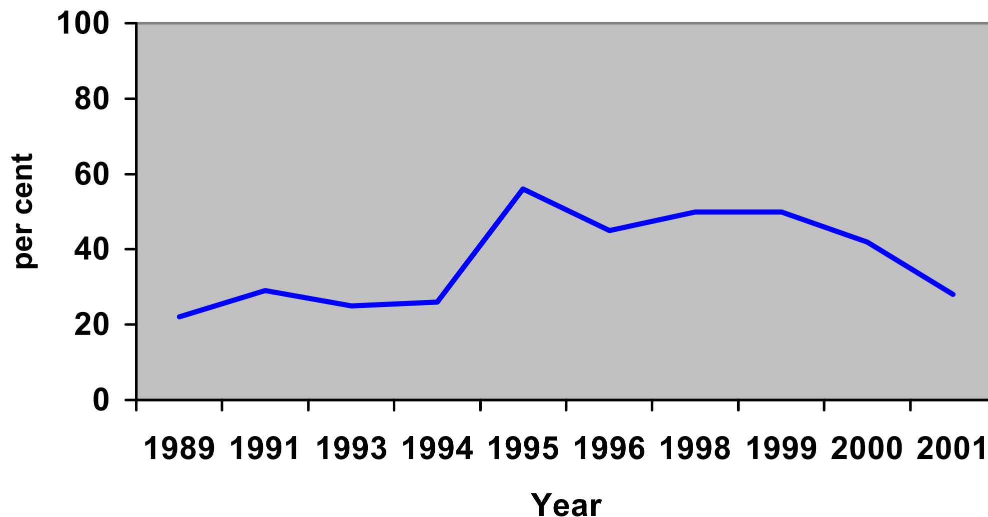
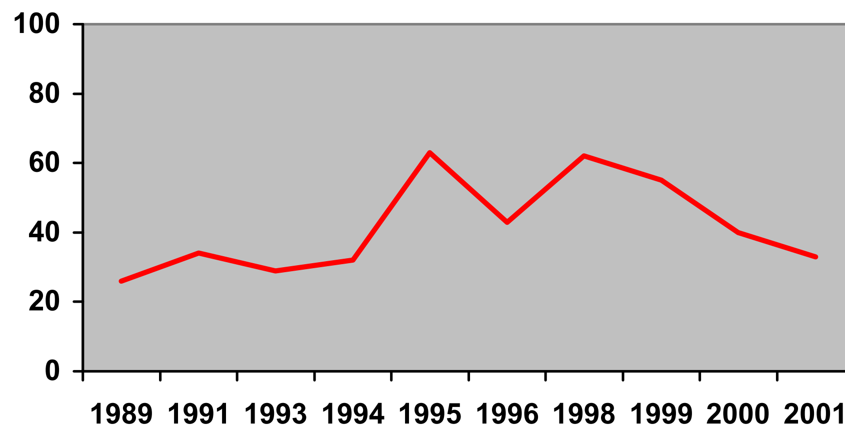


Figure 2: proportion of respondents who think that relations between Protestants and Catholics will be better in 5 years time



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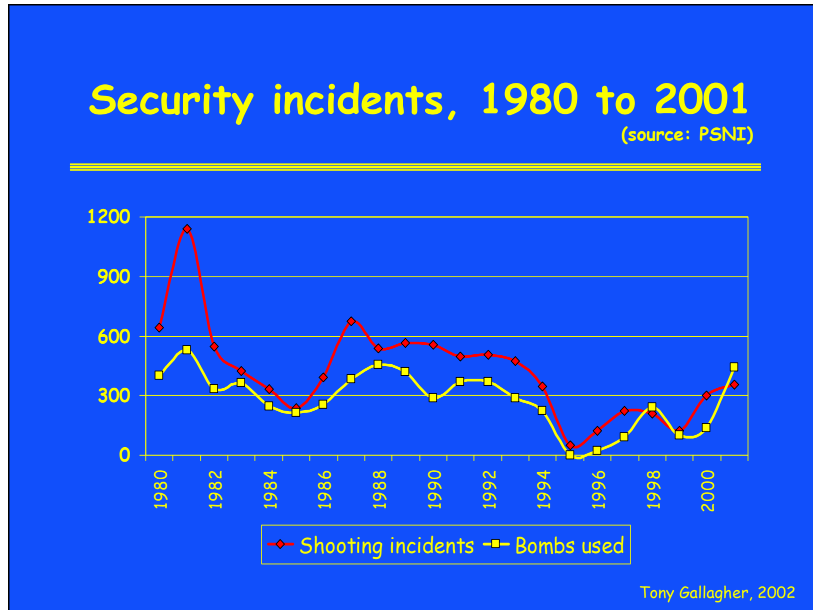
[5] We are indebted to Lizanne Dowds for this graphic information.
[6] Jarman, Neil (2002), *Managing Disorder: Responding to Interface Violence in North Belfast*, Belfast: Office of the First Minister and Deputy First Minister

Though violence is running at a much lower level than in the early 1970s the number of violent incidents has been rising after an initial decline following the paramilitary ceasefires of 1994 (Figure 3).[7]

[7] We are grateful to Tony Gallagher for analysing police data to this effect.

Figure 3: shootings and bombings in Northern Ireland by year



The Northern Ireland economy performs poorly relative to the rest of the UK. Though it did marginally catch up towards the UK average in the early 1990s, owing to the 'automatic stabiliser' of a large public sector in Northern Ireland amid falling private consumption in Britain, the 'peace dividend' following the 1994 ceasefires has not materialised (Table 1).[8] On this reckoning British Ministers might be advised to desist from constantly upbraiding the citizens of Northern Ireland for not appreciating how much better things have become.

Table 1: GDP per head in Northern Ireland as proportion of UK average

1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
73.8	76.4	77.6	78.7	79.8	81.5	80.1	80.1	77.7	77.5

Entrenching division

A 'blip' of polarisation after the Belfast agreement might have been dismissed as a case of the shock of the new. But, five years, four suspensions and three very polarised elections on, the sobering conclusion must be that at best the agreement has had a neutral effect on communal division—and, at worst, that perversely it has exacerbated it. How could this be?

The agreement is based on the 'consociationalist' model of 'constitutional engineering' for divided societies.[9] This entails a 'grand coalition' of

[8] National Statistics (2001), *Regional Trends No 36*, The Stationery Office
[9] Lijphart, Arend (1977), *Democracy in Plural Societies*, New Haven: Yale University Press

representatives of that society's ethnic groups, a 'mutual veto' arrangement between them, autonomy for these groups from each other and a proportionate distribution of public employment. It has been suggested that 'consociationalism' has more often been advocated than acted upon[10] and its principal advocate, Arend Lijphart, would now claim that only Belgium, Switzerland and Northern Ireland conform to the model.[11] Many though would argue that Belgium lacks an 'inclusive' grand coalition and that Switzerland is the antithesis of an élite-dominated system. Which leaves Northern Ireland—so often touted as a model for solutions to ethnic conflicts elsewhere—as the remaining example of a model developed in the 1970s but which has more recently come under sustained criticism.[12]

The fundamental problem with consociationalism is that it rests on precisely the division it is supposed to solve. It assumes that identities are primordial and exclusive rather than malleable and relational: high fences in other words make good neighbours! Hence its rarity: if consociationalism derives from consensus rather than conflict (as it did in the Netherlands) it will tend to wither away to intercultural civility; if it is a response to conflict it will tend (as in Belgium) to reinforce communal separation. A fundamental condition of consociationalism is an overarching allegiance to the shared polity which counteracts these centrifugal forces.

Four difficulties

There are four features of the Belfast agreement which arguably have entrenched sectarian division:

- the either-or **constitutional** choice between a United Kingdom and a United Ireland;
- the single-transferable-vote **electoral system** for the assembly;
- the requirement of **communal registration** for assembly members; and
- the use of the d'Hondt rule for **executive formation**.

New Labour figures have been inclined to claim that they have resolved the Northern Ireland **constitutional** conundrum with the Belfast agreement — a 'remarkably settled consensus about the constitutional questions that have dogged the last thirty years', as the former Northern Ireland secretary Peter Mandelson breezily affirmed to British and Irish parliamentarians in February

[10] Horowitz, Donald L (2001), 'The Northern Ireland agreement: clear, consociational, and risky', in John McGarry (ed), *Northern Ireland and the Divided World: Post-Agreement Northern Ireland in Comparative Perspective*, Oxford: Oxford University Press
[11] Lijphart, Arend (2002), 'The wave of power-sharing democracy', in Andrew Reynolds (ed), *The Architecture of Democracy: Constitutional Design, Conflict Management and Democracy*, Oxford: Oxford University Press
[12] Lustick, Ian S (1997), 'Lijphart, Lakatos and consociationalism', *World Politics* 50, 1: 88-117

2000.[13] But the ‘consent’ principle underpinning the agreement—that Northern Ireland is part of the UK but only for as long as a majority there so desires—was also at the heart of the 1973 propositions (though it was not then fully accepted by Dublin in the sense of removing its territorial claim over the north) and, indeed, by way of vote in the old Stormont parliament, was enshrined in the 1949 Ireland Act following the declaration of a republic south of the border. In essence, it was the basis of partition itself. It does nothing to disentangle Protestantism from unionism or Catholicism from nationalism, as the civil-rights movement subtly sought to do, and thus to mitigate intercommunal conflict.

It also does nothing to establish overarching allegiance to a shared polity. After three decades of membership of the European Union, Northern Ireland is inextricably entwined in a ‘variable geometry’ of relationships with the rest of Ireland, the rest of the UK and the rest of Europe, in a continent defined by ‘multi-level governance’ and porous borders. Either/or ‘sovereignty’ choices are in this situation remote from reality.[14]

The STV **electoral system** for the 108-member Northern Ireland Assembly is also not new: it was used for the 78-member 1973-4 precedent. Indeed, the expansion of the number of seats per constituency from five to six during the negotiations, at the behest of the Progressive Unionist Party and the Northern Ireland Women’s Coalition—to try to procure seats for the unpopular ‘loyalist’ paramilitaries—exacerbated the basic problem. This is that STV requires candidates to secure only a minority of votes—in this case just over 14 per cent—to reach the ‘quota’ required for election. They can therefore succeed simply by mobilising their core constituency. There is evidence that a well-chosen electoral system—the alternative vote is often cited as it requires candidates to secure a majority to be elected—can bring about more conciliatory electoral messages by more moderate candidates, allied to tactical voting in their favour from ‘the other side’, with perhaps even cross-communal centrist pacts. In Northern Ireland, by contrast, elections have become entirely communalised affairs, rewarding intra-ethnic outbidding as the only competition.[15]

The requirement for **communal registration**—that all assembly members (MLAs) register upon election as ‘unionist’, ‘nationalist’ or ‘other’—stems from the stipulation that there be ‘parallel consent’ through concurrent majorities in the ‘nationalist’ and ‘unionist’ blocs for some critical decisions. In particular, the crucial joint election of the first and deputy first minister (by implication one ‘unionist’, one ‘nationalist’), the first step in executive formation after an assembly election, can only be taken by this mechanism. This has had a perverse effect:

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[13] Speech to British Irish Inter-parliamentary Body by the secretary of state for Northern Ireland, Peter Mandelson MP, Northern Ireland Information Service, 14 February 2000

[14] Wilson, Robin (2001), ‘The politics of contemporary ethno-nationalist conflicts’, *Nations and Nationalism* 7, 3: 365-384

[15] Ruohomaki, Jyrki (2001), *Two Elections, Two Contests: The June 2001 Elections in Northern Ireland*, Belfast: Democratic Dialogue

demanded by the moderate nationalist SDLP, it has given legitimacy to anti-agreement unionists who always ignored Catholic opinion and can continue to do so—on the premiss that any agreement not supported by a majority of unionists carries no authority. It also means that the votes of communally registered members are more equal than the 'others' (which are irrelevant to the parallel consent process) and it required the bizarre 'redesignation' of liberal Alliance MLAs (as well as one NIWC member) as 'unionist' to secure the re-election of David Trimble as first minister and so end the suspension of the institutions in 2001. It would be highly unlikely that any secure power-sharing coalition would be undermined by issue-by-issue communal voting (there was no such protective provision in 1974). But a purely numerical weighted-majority requirement could remain as a guarantee against ethnic lock-in, without the risk of entrenching communalist alignments and mindsets.

Finally, the arrangements for **executive formation** by application of the d'Hondt proportionality rule are unique. They arose, in the final days of the talks leading up to the agreement, from the spatchcocking together of Ulster Unionist proposals for Welsh-style devolution with committee chairs distributed by d'Hondt (as in the European Parliament) and SDLP calls for executive power-sharing. They are unique because they reduce the executive effectively to a 'holding company' for a series of largely autonomous ministerial 'fiefdoms'.[16] Collective responsibility is for the most part absent and the executive has thus failed to supply the cement between otherwise mistrustful political factions. Indeed, post-agreement negotiations centring entirely on securing two ministerial seats for Sinn Féin required the number of departments to be increased from six to 10—'chopped-up government' as one former permanent secretary describes it. Moreover, 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 (all bar 16 MLAs belong to the four executive parties).[17] Arrangements requiring all parties aspiring to government to come to reciprocal arrangements, with executive formation dependent on assembly support, would shoehorn parties into accommodatory gestures, rather than engaging in the Pavlovian 'blame game'.

The way ahead

This paper has, notably, not focused on the conventional Northern Ireland political agenda—paramilitarism, the police and the army and, more widely, whether the agreement has 'copper-fastened partition' or is a stepping-stone

[16] Laver, Michael (2000), 'Coalitions in Northern Ireland: preliminary thoughts', paper delivered at a Democratic Dialogue round table on the prospective Programme for Government of the devolved administration
[17] Wilford, Rick and Robin Wilson (2001), *A Democratic Design?: The Political Style of the Northern Ireland Assembly*, London: Constitution Unit (UCL)

towards inexorable Irish unification. The fact that this *is* the conventional political agenda is itself the problem: the Northern Ireland political class is not incentivised by the current arrangements to turn its collective mind away from the question of who holds 'sovereignty' over the region and, relatedly, who exercises a 'monopoly of legitimate force'. Yet until it does political stability is likely to remain illusory, while the cycle of 'hopes rise for breakthrough' / 'new crisis for peace process' headlines repeats itself. If so, the citizens of the region will continue to endure sub-optimal governance, as major economic and social challenges are not given focused attention and intercommunal division bedevils the effective functioning of the public sphere.

The agreement itself provides for its own review, four years on from when it 'comes into effect'. That might have been thought to have been after the referendums north and south in Ireland in May 1998, but official thinking seems to be tending to December 1999, when power was devolved formally and the parallel constitutional change took effect in the republic. This would suggest the conference between the assembly parties and the governments in London and Dublin—the format for the review—would take place towards the end of 2003. Since some of these parties would be anti-agreement—the Democratic Unionist Party demands its 'renegotiation'—tension would be inevitable. But it would be short-sighted to constrain the review to a photocall formality, as it does offer an opportunity, *within the terms of the agreement itself*, to make any necessary changes to engender future stability. Otherwise there is a very real danger, even if the institutions are not still in suspension at that stage, that the agreement would appear like a piece of elastic—superficially resilient, but unknowably close to being snapped by ever-widening communal division.

The review should, *inter alia*, consider the agreement through the lens of that very division. It is thus equally important to engage not just political but also the sometimes leavening civic actors in the debate. Looking at what features, in retrospect, may have inadvertently exacerbated tension, and how integrative incentives might be established, four reforms suggest themselves:

- a refocusing from the procedure for constitutional *change* towards a new and positive statement of Northern Ireland's constitutional *character*, recognising that the region will exist for some time to come as a unique intercultural entity, while removing any barriers to the competences it may deploy in conjunction with its southern neighbour—thereby advancing reconciliation within Northern Ireland and in Ireland as a whole;
- a reconsideration of the electoral system for the assembly, rather than plumping for STV, with a view to encouraging parties to compete by moderating identity, or even to pool votes, rather than adopting antagonistic postures—AV plus a proportionality top-up would be one option[18]—allied to a more compact assembly;

[18] suggested in private correspondence by Donald Horowitz

- removal of the requirement for communal registration, to ensure all assembly votes are equal and to allow cross-sectarian alignments to emerge—perhaps with a secular weighted-majority requirement for what are currently defined as potentially controversial ‘key’ decisions, though in the expectation that a more stable administration would act as a cross-communal assembly majority; and
- executive formation to be *via* inter-party agreement rather than automatic appointment, with ministers having to secure weighted-majority support from the assembly (akin to the Swiss Federal Council) or to match a bill-of-rights requirement for egalitarian ‘fair participation’ (this could be the basis for a ‘minimum winning coalition’), thereby rewarding conciliatory behaviour between/among parties that commit themselves to the wider public interest—and in the process rationalising the number of departments to favour ‘joined-up’ government.

These reforms would require amendment of the Northern Ireland Act 1998. The detail suggested here is, however, less important than what such reforms would try to achieve. The goal would be to move from an agreement which made a Faustian pact with sectarianism—even paramilitarism—for reasons of short-term *Realpolitik* to a more stable and enduring architecture which can build good governance and, over time, allow Northern Ireland to make the transition to a ‘normal’, civil society. Whether that process culminated over time in the unification of Ireland or the rendering of the border as merely an immaterial line on a map could be safely left for others to decide.

There are, of course, thinkable alternatives entirely outwith the agreement’s parameters, but these are more thinkable than do-able. Direct rule could be indefinitely maintained, but this would condemn Northern Ireland to the status of a perpetually mendicant, quasi-colonial ‘satrapy’, while Scotland, Wales and eventually the English regions moved to varying degrees towards autonomous self-government.

A united Ireland could be secured in the medium term, albeit with optimistic assumptions about demographics and nationalistic assumptions about the homogeneity of Catholic constitutional choices; but it would be neither practicable nor ethically desirable if the border were simply to become, as post-unification Germans would say, ‘a wall in the head’, corralling an alienated Protestant minority in the same manner as Catholics were mistreated by partition, and no government in Dublin would countenance it—never mind the cost of replacing the ‘Westminster subvention’ that keeps Northern Ireland afloat.

Joint, British-Irish authority over Northern Ireland would allow that cost to remain overwhelmingly with the UK exchequer for the present, but it would further entrench sectarian division by incentivising communal appeals for support to supposed patrons in London and Dublin, which already have a disturbingly infantilising effect on Northern Ireland political behaviour.

Given the alternatives, shared democratic responsibility and empowerment within the region, a commitment to 'ever-closer union' with the republic, engagement with policy networks in Britain and a cosmopolitan disposition towards Europe and the world represent the only feasible avenue, for all the citizens of Northern Ireland, to a civilised and modernised future.

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