


# The current talks in Northern Ireland exemplify the mistrust that has attended devolution from the outset

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By Democratic Audit UK

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*Following an independent report assessing paramilitary groups in Northern Ireland last week, **Rick Wilford** reviews the current crisis and assesses prospects for institutional reform. He writes that while there are grounds to believe that progress is being made, the scope and scale of reform may fall prey to the temper of DUP-Sinn Féin relations which could yet deteriorate over the more salient issues of paramilitarism, welfare and the budget.*



*First Minister Peter Robinson and deputy First Minister Martin McGuinness on their way to meet the press at the US-NI Economic Conference. Credit: [John Harrison/Harrison Photography](#) CC BY-ND 2.0*

The current round of political talks in Northern Ireland exemplifies the mistrust and suspicion that has attended devolution from the first. Convened by the UK and Irish governments to try to resolve an impasse among the parties over both the chronic issue of welfare reform and the requirement to agree a sustainable Executive budget, the already-fraught atmosphere around the talks became acute in the wake of the [murder of former Provisional IRA \(PIRA\) 'enforcer'](#), Kevin McGuigan, in mid-August.

Mr McGuigan's murder, according to the Police Service of Northern Ireland's Chief Constable, George Hamilton, was committed by current members of the PIRA. Moreover, Mr Hamilton stated that some organisational elements of the PIRA remained in place, albeit that 'they are not on a war footing', remain committed to politics and 'are not involved in paramilitary activity in the sense that they were during the period of the conflict'.

His reassurance about PIRA's political focus did not, however, assuage the majority of political parties in Northern Ireland, nor did Gerry Adams' statement rejecting the Chief Constable's assessment and his (Adams') reiteration that the IRA 'has gone and is not coming back': a narrative Sinn Féin has articulated since 2005. By the end of August the Ulster Union Party (UUP) withdrew its sole member of the NI Executive, choosing instead to take up an oppositional role in the Assembly. Two weeks later, following the [arrest and questioning of Sinn Féin's Northern Chairman](#) Bobby Storey about Mr McGuigan's murder, the Democratic Unionist Party (DUP) leader, Peter Robinson, announced that he was to stand aside as First Minister and that three of his Ministerial team would resign their

posts. In the interim, Arlene Foster would remain as Finance Minister and step in as acting First Minister—a role time-limited to six weeks. In addition, the DUP boycotted most of the plenary sessions of the Assembly, insisting that there could not be ‘business as usual’ in the midst of the crisis.

While dramatic, what is instructive about the DUP’s reaction is its reluctance to collapse the devolved institutions: had the First Minister resigned rather than stood aside, an early Assembly election would have followed in a toxic atmosphere. Moreover, the DUP’s response was a concocted option, necessitating weekly renominations and resignations of its departmental Ministers, a tactic popularly understood as ‘[hokey-cokey politics](#)’. Mr Robinson’s stated preferences were either to adjourn the Assembly or suspend devolution—proposals rejected by all bar the Alliance Party— while the talks continued and the investigation of PIRA’s status was concluded. Towards the end of September, the UK government announced a [three-strong independent panel](#) to assess the status of both republican and loyalist paramilitary organisations, which [reported on 20 October](#).

Drawing on evidence supplied by the PSNI and MI5, the panel adjudged that the PIRA’s structures remain in existence, including the Provisional Army Council, albeit in a much reduced form. It retains a number of ‘departments’ and, notwithstanding decommissioning that was apparently completed in 2005, it still has access to some weapons. Furthermore, some of its members (presumably informants) believe that the Army Council ‘oversees both PIRA and Sinn Féin with an overarching strategy’.

These sobering conclusions were, however, ameliorated by the panel’s judgement that PIRA’s focus is ‘wholly political’, that its leadership remains committed to the peace process, and that it is not involved in recruiting or arms procurement (at least not since 2011), nor is it involved in targeting or conducting terrorist attacks against the state. The panel concluded that individual members of PIRA, and those in loyalist paramilitary organisations, are involved in a range of criminal activities that extend as far as murder, but that such crimes are not sanctioned by its leadership.

Sinn Féin’s leadership reacted by maintaining what many believe to be a fiction: namely that the IRA has ‘gone away’ and that the party is in sole charge of pursuing Irish unification by exclusively peaceful and democratic means. As Martin McGuinness put it:

*‘Sinn Féin is the only republican organisation involved in the peace process, in democratic politics and in political activism. We take no instructions from no-one else (sic). We all have a responsibility to deal with these issues to tackle criminality and bring paramilitarism to an end’.*

The DUP reacted to the report by reinstating its Ministerial team and resuming business as usual in the Assembly chamber, but called for renewed urgency in the talks, the agenda of which was now extended to include the disbandment and legacy of all paramilitary groups. This prompted the party’s critics, especially those within the dysfunctional Unionist family, to accuse the DUP of moral bankruptcy. The party rejects this charge, although it is not without basis as Peter Robinson has set an arbitrary (and unrealistic) time limit of two weeks to ‘save Stormont’.

Whilst the focus now falls on paramilitarism and the neuralgic issues of welfare reform and a sustainable budget, the long-running saga of reform of the devolved institutions also figures in the talks.

From the outset of the Good Friday Agreement provision was made for institutional reform. To date, changes have been wrought in the architecture and procedures of devolution, albeit in a piecemeal fashion. For instance, the [Civic Forum](#) included in the original Agreement has been in abeyance since 2002; the means by which the First and deputy First Minister are appointed has been altered so the nominees no longer require a legitimising cross-community Assembly vote on a joint ticket, they are merely nominated by the two largest parties; the right to nominate the First Minister now falls to the largest party rather than, as hitherto, the largest party in the largest designation (i.e. Unionist or Nationalist); and the nominee for the post of Justice Minister is subject to a cross-

community vote in the Assembly—a radical departure from the [d'Hondt procedure](#) required for all other Ministerial nominations.

Whilst some of these changes can be construed as either the product of constraint or of accommodation, what matters is that the parties have been able to agree a number of reforms to the original template. Indeed, the parties have further agreed to reduce the number of Members of the Legislative Assembly from 108 to 90 from 2021 and to shrink the number of Departments from 11 to nine during the next Assembly mandate.

The opportunity for further reform is also available via a Private Member's Bill tabled by the Independent Unionist, John McAllister, and currently at Committee Stage in the Assembly. The chief purpose of the Bill is to provide for an 'Official Opposition' to enhance collective decision making in the Executive and improve scrutiny of the Executive by the Assembly. In short, in the minds of its advocates, the Bill offers the prospect of introducing a more orthodox (i.e. Westminster/Dáil) model of parliamentarianism rather than the more rigidly consociational model established in 1998.

Therein lies a problem. Departing from the 1998 model risks, not least in the minds of Sinn Féin, a departure from the principle of (Executive) inclusiveness, thereby threatening a cornerstone of the original design: some fear that providing for an Official Opposition is but a device for excluding Sinn Féin from Ministerial office—a fear that in my judgement is entirely unwarranted.

There is, too, a further problem. The Bill's progress could fall victim to the outcomes of the inter-party negotiations currently taking place. The scope and scale of agreed institutional reform may fall prey to the temper of DUP-Sinn Féin relations which could yet deteriorate over the more salient issues of paramilitarism, welfare and the budget.

As things stand, Northern Ireland's consociational model currently warrants at best two rather muted cheers. Bereft of an opposition, retaining communal designation in the Assembly, and the (at times cavalier) deployment of the Petition of Concern device to block matters that are far removed from its original intention to protect the rights of minorities, together combine to invite a heavily qualified assessment of its performance. As Dr McCoy would reflect, 'it's parliamentary life but not as we know it'.

Nevertheless, NI is in a much better place, parliamentary warts and all. Moreover, changing the architecture and procedures of devolution is one thing: what matters as much, if not more, is the presence – or absence – of a spirit of accommodation that animates the inhabitants of the devolved institutions.

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*Note: This article gives the views of the author, and not the position of Democratic Audit, nor of the London School of Economics. Please read our [comments policy](#) before posting.*

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