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“Devolution, Governance and the Peace Process”

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Abstract

Devolution and the associated mechanisms of governance - a power-sharing Executive, elected Assembly, cross-border bodies, a reformed system of public administration and civic engagement, are part of the wider mosaic of peace building. Their implementation is an attempt to institutionalise stability and copper-fasten a political settlement. This paper outlines the changing governmental arrangements obtaining within Northern Ireland, as it has shifted tentatively away from Direct Rule. It maps the wider public sector in Northern Ireland, including civil administration (chiefly the Northern Ireland Civil Service), an extended mosaic of non-departmental public bodies (NDPBs) and other public agencies that, together with local government, form a complex multi-layered sub-regional governance. Our contention is that the manner in which the administration of Northern Ireland has been conducted yields fruitful insights into issues of territorial management in other areas afflicted by intractable constitutional wrangles and attendant violence. In short, an agreed system of governance is integral to the transition from conflict to peace (or at least stability) and, in the case of Northern Ireland, was central to the substance of the Belfast Agreement, characterised by a power-sharing Executive.

Introduction

Few places in the western world have attracted the level of intense political, media and academic scrutiny as has been lavished on Northern Ireland, so synonymous is it with political violence and terrorism. Inevitably, the spotlight has gravitated towards more immediate symptoms of its inter-communal ethno-national strife and, of late, the tortuous trail of acrimonious negotiations in the 'peace process'. Consequently, the routine business of government has received rather less attention, notwithstanding some notable exceptions¹. However, there are fundamental aspects of the way in which Northern Ireland has been governed and its wider system of public administration that do merit inspection.

When Ireland was partitioned in 1920, Northern Ireland remained an integral part of the UK. Broadly ever since, it has been governed in accordance with British administrative precepts, although considerable differences have co-existed reflecting prevailing local conditions. Largely, any divergence from established norms in the UK reflects how the Province is 'a

place apart' and 'special case' wherein the British state 'governs without consensus'². Northern Ireland was never envisaged as a shared political construct or as Northern Ireland's first Prime Minister, James Craig, put it "all I boast is that we are a Protestant Parliament and a Protestant state"³. To secure this, from its foundation in 1921 until the suspension of Stormont in 1972, the Ulster Unionists formed the Government of Northern Ireland and made an attempt to share power with Catholics. In turn, Catholics deepened the antagonism of Unionists by refusing to recognise the legitimacy of the Stormont regime, which led to an indifferent minority population, and the determination of the majority to monopolise power⁴. Birch put this more succinctly: "For fifty years Northern Ireland had a political system in which a permanent majority nursed their power and a permanent minority nursed their grievances"⁵.

Geographically separate and politically distinct from Great Britain, Northern Ireland's semi-detached character is reinforced by its proximity to the Republic of Ireland with which it enjoys a contentious relationship, especially following the Anglo-Irish Agreement (1985) and subsequent role for Irish civil servants in mediating Northern Ireland's affairs. Idiosyncratic though these various administrative arrangements can be, they have functioned satisfactorily albeit problematically and controversially. Indeed, the relative stability and continuity in the administration of key public services undoubtedly helped fashion some semblance of normality for the besieged population.

Thus, this paper does two things. It outlines the changing governmental arrangements obtaining within Northern Ireland, as it has shifted tentatively away from Direct Rule. In particular, it focuses on the institutional novelties of the devolved settlement that was established for Northern Ireland's internal affairs as part of the Good Friday (Belfast) Agreement in 1998, as well as those of a cross-border (North-South) and pan-British Isles (East-West) nature, which together have been styled 'devolution-plus'⁶. It maps the wider public sector in Northern Ireland, including civil administration (chiefly the Northern Ireland Civil Service), an extended mosaic of non-departmental public bodies (NDPBs) and other public agencies that, together with local government, form a complex multi-layered sub-regional governance. This analysis also includes consideration of the changing nature of governance involving the development of partnership arrangements, which have received an important boost as a result of the emerging European dimension of governance. Our

contention is that the manner in which the administration of Northern Ireland has been conducted yields fruitful insights into issues of territorial management in other areas afflicted by intractable constitutional wrangles and attendant violence. In short, an agreed system of governance is integral to the transition from conflict to peace (or at least stability) and, in the case of Northern Ireland, was central to the substance of the Belfast Agreement, characterised by a power-sharing Executive.

Political Developments from Direct Rule to Devolution

Governing without Consensus

Unionist dominance in Northern Ireland during the period 1921-1972 resulted in what Whyte described as a "consistent and irrefutable pattern of deliberate discrimination against Catholics" in electoral practices, public employment, policing, public employment, public housing and regional policy, respectively⁷. These grievances led to the emergence of the Civil Rights movement which sought to redress discrimination through public protest in the form of demonstrations and marches. In 1968 one such march in (London)Derry protested that the majority Catholic city was gerrymandered in such a way as to be run by Protestants. The march met with a violent reaction from the police and Protestant mobs. In response the Unionist Prime Minister, Terence O'Neill, announced a programme of reform - a points system for housing allocations, an Ombudsman, the repeal of Special Powers Act (legislation passed in 1992 to deal with illegal political activities), 'one man, one vote' (*sic*) for local elections, and an independent housing executive.

The reforms enraged Protestants without appeasing Catholics and although inter-communal violence quelled in the short-term, disunity amongst the Unionists began to emerge. Prime Minister O'Neill resigned in 1969 suffering a loss in support from the Unionist rank-and-file and his parliamentary party for conciliatory overtones to Nationalists. Militant Nationalists/Republicans and Loyalist terror groups then engaged in campaigns of violence. This led to the British Government to authorise the deployment of units of the armed forces in support of the civil power. Several political and military blunders followed, from internment without trial through 'political status' for IRA prisoners, to the shooting of 13 demonstrators at an anti-internment march in (London)Derry (Bloody Sunday - 30th January 1972). In March

1972, with inter-communal violence and terrorist action continuing, the British Government suspended the regional parliament at Stormont and introduced Direct Rule from Westminster⁸.

After the former Stormont arrangements were prorogued and Direct Rule from London was imposed in 1972, successive British Governments sought to restore a form of devolved power-sharing administration that commanded widespread cross-community acceptance. However, save for the ill-fated ‘Sunningdale’ experiment of 1973-1974, the temporary expedient of Direct Rule endured, whereby the Secretary of State (a UK Cabinet minister) and up to four Ministers of State, exercised direction and control over the Northern Ireland Office (NIO) and the central government departments of Northern Ireland. Much of the paraphernalia of Stormont remained in situ⁹. The “change to direct rule was accomplished without any interruption in the day to day business of government”¹⁰ and “all that was left was the ritual of an orderly and responsible take over”¹¹.

A ‘democratic deficit’ arose because neither the Secretary of State nor his/her team junior ministerial team represented a Parliamentary constituency in Northern Ireland. Ministers had “a non-elective relationship with the recipients of policy”¹². Northern Ireland legislation was dealt with through Parliamentary Statutory Instruments rather than full Bills at Westminster. Accountability, already tenuous, was undermined further by the fact that no select committee existed for Northern Ireland business (unlike for that of the Scottish and Welsh Offices). Only in 1993, as part of a ‘deal’ to ensure the continuing support of Ulster Unionist Party MPs for John Major’s embattled Conservative Government was a Northern Ireland Affairs Committee established. The early performances of Northern Ireland Civil Service officials before Parliamentary scrutiny quickly exposed their relative inexperience of dealing with politicians’ oversight¹³.

While the immediate circumstances were rather different to those obtaining in Great Britain, Northern Ireland’s experience of both devolution (under Stormont) and Direct Rule was considered in what Connolly and Loughlin termed an ‘adoption or adaptation’ continuum¹⁴. They argued that as Northern Ireland is an integral part of the United Kingdom, the policy agenda is determined, in part at least, by the concerns of that wider polity. On the other hand, given the unique political environment, regional networks exist which adapt Whitehall policies to suit the circumstances of Northern Ireland. Thus, since policy uniformity with

administrative diversity has long been the norm with the British ‘union state’ tradition, Northern Ireland’s political masters (be they the old Unionist Party or London-based ministers) basically followed Westminster and Whitehall, albeit tailoring their policy prescriptions to suit local conditions, thereby securing ‘parity with particularity’. However, as Gaffikin and Morrissey noted, the concept of ‘adoption’ assumed the application of uniform policies through the UK even though that was often not the case¹⁵. Instead, they spoke of adaptation within a standard framework of theories, policies and structures. Loughlin went further, contending that policy making in Northern Ireland could be viewed as “a continuum going from a high degree of convergence to a high degree of divergence” from UK practice¹⁶. Ultimately, of course, for Direct Rule ministers, ensuring the ‘good government’ of Northern Ireland amounted to ‘holding the line’, pending a resolution of the ‘troubles’.

The ‘Peace Process’

Since the inception of Direct Rule in 1972, the stated aim of successive UK administrations was to seek peace, stability and prosperity for the people of Northern Ireland, within a framework of harmonious relations with the rest of the United Kingdom, the Republic of Ireland and the European Union. A senior Northern Ireland Office official described this approach as follows:

- Promoting agreement among all people who live on the island of Ireland working with the Irish Government to that end;
- A co-operative and coherent approach to all aspects of government policy in Northern Ireland which recognises that the fundamental political, security, economic and social problems are closely interrelated; and,
- Policies informed by the principles of equality of opportunity, equity of treatment and parity of esteem, irrespective of political, cultural or religious affiliation of gender¹⁷.

What is important about this approach is the recognition that addressing political problems at the macro level is, in itself, insufficient. The role of the state in coping with political violence was changing from an exclusive military response to a form of containment/rapprochement which recognised the inextricable links between security issues and other political, economic and social matters. In other words, even if progress could be made on political, constitutional and security issues, the underlying community divisions will still exist and need to be

addressed. Any progress at the political level therefore needed to be consolidated by government initiatives to bring about equality, promote reconciliation and mutual respect for separate cultures and traditions - in short, to create a community which accommodates people's aspirations and traditions. This has been referred to as the 'hearts and minds' strategy, central to which are policies aimed at improving community relations and providing equality of opportunity and equity of treatment. Specifically, the Northern Ireland Office saw this as a means of 'wooing' non-Republican Catholics, supporting moderate Nationalist politics in the form of the SDLP, and stemming the rising electoral endorsement of Sinn Féin.

Although failure appeared to be the one constant, the search for a political settlement produced several attempts by successive governments. The path towards achieving peace, stability and prosperity was littered with false dawns, acrimonious exchanges, and mistrust, punctuated regularly by continuing terrorist outrages on both sides. The role played by the British state as a neutral broker is highly contested in their quest to achieve a political settlement. In fact, far from an independent arbiter, the British Government has been accused of being a protagonist in the conflict. Ní Aoláin's research into 350 deaths caused by agents of the state between 1969-94 illustrates this, as does Rolston's work in which 'collusion' and state violence are seen as barriers to political development¹⁸.

It was not until 1982 that the Northern Ireland Secretary of State proposed 'rolling devolution' under which an elected Northern Ireland Assembly would gradually assume executive powers in proportion to politicians willingness to share responsibility¹⁹. Although all parties fought the elections to the Assembly, the Nationalists (SDLP and Sinn Fein) boycotted it in protest against any initiative that sought only internal solutions (that is, excluding Dublin) to Northern Ireland's problems and Unionists' willingness to work only on quasi-majoritarian terms. With no acceptable proposals for devolved structures emerging from the Assembly and electoral support for Sinn Fein increasing at the expense of the SDLP, the British and Irish Governments signed the Anglo-Irish Agreement in 1985.

Reflecting on the period preceding the Anglo-Irish Agreement, O'Day commented:

Violence was endemic but had receded from the levels of the mid-1970s British governments increasingly sought to manage the crisis through bilateral diplomacy with the Dublin regime ... While the strategy paid dividends in terms of Anglo-Irish

relations, it did not end terrorism and it exacerbated concerns with the unionist community²⁰.

The significant reduction in violence during this period has been as a result of a number of factors according to O'Duffy. As the security forces improved their intelligence gathering and assumed greater powers to tackle terrorism, the IRA moved to a more covert cell-structure to improve its effectiveness. As a direct consequence, the security forces adopted quasi-legal or illegal operations ('shoot-to-kill' tactics, collusion with loyalist paramilitaries, forced interrogations and the use of 'supergrasses') to tackle terrorism. At the same time the Republican movement developed its political machinery following the community support engendered by the hunger-strike protest in the early 1980s. According to O'Duffy, security policy during this period was dictated by three main considerations: reducing violence to 'acceptable' levels; appeasing Unionists demands to defeat the IRA; and marginalising paramilitaries in an effort to bolster political progress between constitutional parties²¹.

Unionists were incensed that the 1985 Anglo-Irish Agreement had been negotiated without consulting the Unionist majority, formally incorporated an 'Irish dimension', and had the status of international law. The two main Unionist parties (UUP and DUP) engaged in a campaign of political disruption and demonstrations that failed to rescind the Agreement, and their relationship with government ministers plummeted to an all-time low. Morrow argued that the Anglo-Irish Agreement also created difficulties for Sinn Féin by bolstering the SDLP and constitutional Nationalism²². The political momentum generated by Sinn Féin from the hunger strikes had evaporated and led Republicans to rethink their political and military options. This new thinking was captured by their emerging conviction that the conflict in Northern Ireland could not be resolved by military means alone - one which would transform their approach from a policy of 'Brits Out' to endorsing the principle of consent.

Thereafter, commentators disagree over the precise time at which a/the 'peace process' can be dated with confidence (to say nothing of the reasons of its emergence), although revulsion at the Remembrance Day bombing in Enniskillen in 1987 appeared to foster a climate of accommodation, hitherto largely lacking, among some key politicians. Certainly, the results of the local government elections in 1989 marked a turning point in local government bringing a degree of moderation (always a relative term in Ulster) not unrelated to the decline in representation from the political extremes. Inter-party political talks commenced in March

1991, to find a means by which substantial powers and responsibilities might be returned to locally elected representatives. Although these became mired in procedural and substantive wrangling, breaking down in November 1992, they set down tentative parameters within which any future moves to a settlement would need to be located.

Desperate to prevent a dangerous vacuum from emerging, and reflecting the political will of the then British Prime Minister (John Major) and Irish Taoiseach (Albert Reynolds), the two governments seized the initiative by issuing a joint communiqué, the Downing Street (Joint) Declaration (December 1993). In making explicit what was already widely assumed, the British government's announcement that it has "no selfish strategic or economic interest in Northern Ireland" represented a powerful public statement designed to neutralize charges that it was engaged in colonial repression when, in truth, what was afoot amounted to a "psychological withdrawal from Ireland prefiguring political and military disengagement"²³. That such beliefs still lingered in some Republican circles appeared altogether misplaced in a post-war Cold War global environment.

The Joint Declaration, set alongside a flurry of secret discussions that included an unpublished peace plan devised by the SDLP and Sinn Féin, acted as a catalyst for the first IRA cease-fire on 31 August 1994. This was subsequently followed (14 October 1994) by a reciprocal cessation of violence from the combined Loyalist Military Command, an umbrella group comprising the Ulster Volunteer Force, the Ulster Defence Association and the Red Hand Commandos. The IRA announcement claimed its cessation was in recognition of the 'potential of the current situation and in order to enhance the democratic peace process'. The Loyalists, in turn, stated that their cease-fire was 'completely dependent upon the continued IRA cessation, since the Republican cease-fire has yet to be declared permanent'.

The two Governments published 'Frameworks for the Future' ('the Frameworks Documents') in February 1995. Partly through choreography, partly by individual protagonists 'testing the water' through unilateral gestures, the peace process inched forward until the momentum stalled in February 1996 when the IRA ended its cease-fire in dramatic tragic fashion, before being regenerated in May 1997 following Labour's landslide General Election victory.

Anxious to avoid a repetition of earlier talks in which discussion of substantive issues frequently fell victim to procedural foot-dragging, the Government set a firm timetable for the new round of talks. Nonetheless, while the details were debated *ad nauseum*, the broad outline was clear, being based on the notion of ‘Three Strands’ (Internal, North-South, East-West) plus steps to ensure phased ‘normalisation’ through policing reform, weapons decommissioning, relaxation of security policy, prisoner releases, and an ‘equality agenda’ placed on a statutory footing. The subsequent agreement reached on Good Friday (April 1998) was ratified in a referendum on 22 May 1998. “Ostensibly a democratic device, referendums allow for blunt majoritarianism and have a disastrous record in attempting to ‘resolve’ complex ethno national conflicts around the world”²⁴. Thus, the referendum question was devised in such a way as to minimise the dangers of majoritarianism by garnering cross-community support as distinct from the last plebiscite (the Border Poll of 1973), while being simultaneously replicated in the Irish Republic (though not Great Britain). On an exceptionally high turnout of 951,845 (80.9%), the ‘Yes’ vote was 676,966 (71.12%), with the ‘No’ vote being 274,879 (28.88%). On 25 June 1998, elections to the new Northern Ireland Assembly were held.

New Institutional Arrangements

The Good Friday Agreement was designed to bring peace to the divided society of Northern Ireland and mark a new dimension in the way it was governed. In the sixth year of the post-agreement era, however, important institutions have been suspended and aspects of the process appear to have relapsed. Early optimism has evaporated as promises have gone unfulfilled. Nevertheless, for the foreseeable future, the Agreement remains the only realistic alternative to continued Direct Rule. Even if substantially revised, the core principles (revolving around the Three Strands and the consent principle) seem set to remain central to any reformulated or renegotiated version that may arise following elections.

The Belfast Agreement involved a radical departure from the devolution in existence from 1921-72. No longer would Northern Ireland be “hermetically sealed from outside influence”²⁵. Direct Rule had signalled an irrevocable shift in its governance for, while not proving the temporary expedient hoped for by London, it was clear that restoring the *status quo ante* of a majoritarian Stormont was no longer a credible alternative. Thus, although the Belfast Agreement affirmed that Northern Ireland should remain within the United Kingdom so long

as that was the wish of the people living there, both governments would give effect to arrangements for a 'United' Ireland if that should become the wish of the people of Northern Ireland. The Irish government undertook to amend its 1937 Constitution (Articles 2 and 3) to reflect this principle of consent, while the British government agreed to introduce legislation to do likewise.

Specifically, the Belfast Agreement created new devolved democratic institutions. There is a 108-strong Assembly elected by the single transferable vote (STV) form of proportional representation. The number of seats was a product of pre-Agreement negotiations during which concerns were expressed that if the demands of the smaller Loyalist parties (PUP/UDP) were not met, their cease fires would not be sustained. Hence, early discussions about having 5-member parliamentary (Westminster) constituency elections (giving a 90 person Assembly) moved to agreeing 6 members per constituency, resulting in 108 seats in the new Assembly. This contrasts with a 129 member Scottish Parliament which has three times the population of Northern Ireland and broadly similar powers. As Wilford and Wilson point out, the combination of using the STV electoral system and efforts to ensure Loyalist representation in the Assembly provided a disincentive for extremist electoral behaviour²⁶. On the other hand, the expressed intent of the Agreement is to provide a democratically elected Assembly in Northern Ireland which "is inclusive in its membership".

From the Assembly, a First Minister, Deputy First Minister and 10 (later 12) other members were appointed to form the Northern Ireland Executive. Together, both institutions constituted a power-sharing arrangement in the classic consociational mould albeit with novel features designed (depending upon one's political perspective) to ensure certain outcomes did (or did not) eventuate, involving weighted majorities and cross-community support. While not being a formal 'grand coalition', the Executive was tantamount to a permanent 'rainbow coalition government' drawn from the Assembly using the d'Hondt method. The positions of the First and Deputy First Ministers are inextricably linked. The Agreement required there to be a committee for each of the main executive functions of the Northern Ireland administration. The number of government departments was part of the negotiations mainly between the UUP and the SDLP during late 1998. Concurrently, Northern Ireland's government departments were reconfigured from 6 to 10 (see Table 1), as well as a new Office of the First Minister and Deputy First Minister (OFMDFM). The Northern Ireland Office remained in situ to deal with

those matters reserved (policing, prisons, security and criminal justice) as well as in the event of a suspension.

Table 1: Central Government Department Structure Under Direct Rule and Devolution

Old Structure	New Structure
NIO Central Secretariat	NIO Central Secretariat
	Office of First Minister and Deputy First Minister
Agriculture	Agriculture and Rural Development
Economic Development	Culture, Arts and Leisure
Education	Education
Environment	Enterprise, Trade and Investment
Finance and Personnel	Environment
Health and Social Services	Finance and Personnel
	Health and Social Services and Public Safety
	Higher and Further Education, Training and Employment (subsequently retitled 'Employment and Learning')
	Regional Development
	Social Development

Under devolution, ministers have full executive authority in their respective areas of responsibility, a travesty of democracy according to the Agreement's implacable opponents such as Ian Paisley's Democratic Unionist Party (DUP) when faced with Sinn Fein ministers holding portfolios in health and education. There are checks on ministerial autonomy but they appear weak; in theory, the Assembly could sack a minister though that seems inconceivable given the Assembly arithmetic. Additionally, a powerful committee flanks each department, being "charged to 'advise and assist' each of the departments with which they are associated 'in the formulation of policy'; in addition, they may initiate primary legislation"²⁷.

In addition, the Anglo-Irish Agreement of 1985 and its associated secretariat were abolished. The Agreement signalled the creation of a new North-South Ministerial Council (and other all-Ireland Implementation Bodies) established under a new British-Irish agreement, and a British-Irish Council ('Council of the Isles') and a British-Irish Intergovernmental Conference (see Table 2).

Table 2: North-South Institutions

Implementation Bodies	Areas of Co-operation
Inland Waterways	Agriculture
Food Safety	Education
Trade and Business Development	Environment
Special EU Programmes	Health
Language (Irish and Ulster Scots)	Transport
Aquaculture and Marine Matters	Tourism

Any analysis of the situation in Northern Ireland must take into consideration that the political reality of the Province is shaped not only by the British government but also by reference to the Irish Government. The desire of ‘integrationists’ that Northern Ireland was ‘as British as Finchley’ and thus should be fully integrated into the UK - always highly unlikely even under the avowedly ‘Unionist’ Thatcher governments – has looked increasingly untenable since 1997 and Labour’s constitutional reforms in Great Britain. At the same time, however, its position has never been directly comparable to that of Scotland and Wales. The Agreement’s quasi-federal tendencies and its provisional nature, as distinct from finality (namely, the prospect of rolling referendums on the question of an irreversible secession from the UK and (re-) union with southern Ireland), confers upon Northern Ireland a greater autonomy than has been accorded to any other part of the UK²⁸.

Beyond the ‘first order’ institutions, the Belfast Agreement involves a twin track approach. One element includes a review of public administration arrangements in Northern Ireland incorporating local government, quangos and agencies (but importantly not the 11 government departments). The second element has three aims: firstly, to develop more formal arrangements with the voluntary and community sector in the decision making processes of government departments; secondly, the institutionalisation of social partnership through the Civic Forum, established under the Belfast Agreement; and finally, the emergence of local partnership arrangements in a number of important functional areas (health, community safety and ‘well-being’)²⁹.

Taken as a whole, the institutional arrangements fashioned by the Belfast Agreement have attracted considerable comment. The new governmental architecture of the British Isles entails a series of institutional connections that represents an interesting species of federalism. Thus,

the exclusivist demands of traditional Ulster unionism or Irish nationalism are oddly out of place in what Elazar contended was an emerging new paradigm. According to Elazar, nation states will not disappear but

will be overlaid by a variety of federal arrangements of a confederal character ... in a network of agreements that are not only militarily and economically binding for de facto reasons but are also becoming constitutionally binding, de jure. This overlay increasingly reflects what was called state sovereignty, and forces states into various combinations of self-rule and shared rule to enable them to survive at all. That means federalism, understood in the broadest sense as a genus involving combinations of self-rule and shared rule rather than as the one species of federalism accepted in modern times – federation³⁰.

Together, therefore, the 3 strands of the Belfast Agreement amount, according to O’Leary, to an internal consociation built within overarching confederal and federal institutions;

it has imaginative elements of co-sovereignty; it promises a novel model of ‘double protection’; and it rests on a bargain derived from diametrically conflicting hopes about its likely long-run outcome, but that may not destabilize it³¹.

Certainly, in administrative terms, Northern Ireland is the living embodiment of ‘variable geometry’, confirming Rhodes’ contention that the UK possesses a ‘differentiated polity’³². Throughout its history, the governance of Northern Ireland (both internally, and in respect of its place within the UK) has exhibited profound differences with Great Britain (itself a far from homogenous entity). To that end, just as Direct Rule in no way implied that Northern Ireland was governed like the rest of the UK (for nowhere in Great Britain would reference be made to ‘Direct Rule’), so devolution simply underscores the sense of difference. Indeed, the pattern of the UK’s territorial management has become increasingly variegated as a consequence of devolution in Great Britain, too. The Belfast Agreement was fortuitously timed since it “enabled the Blair government to tie Northern Ireland into its wider constitutional reform project”³³. If the provisions of the Belfast Agreement are permitted to make themselves felt, the differentiation of UK governance will be entrenched further still (see Table 3). As the imposition of Direct Rule demonstrated, short of transforming the UK into a federal polity, when an intergovernmental conflict becomes insoluble, Westminster’s (legal) ability to prevail over a subordinate may confer supremacy but it cannot automatically ensure its legitimacy among the populace. Rather, it can sow the seeds of discontent that may

lead to the ultimate fragmentation of the very Union that the devolution was purported to strengthen.

Table 3: Levels of Governance and Institutional Arrangements

Tier/Level	Geographic Space	Typical Institution
International (Supranational/ Intergovernmental)	Europe	European Union
Bi-National (Intergovernmental)	British Isles	British-Irish Council ('Council of the Isles') British-Irish Intergovernmental Conference (replaces Anglo-Irish Agreement)
Extra-National (Intergovernmental)	Northern Ireland/ Republic of Ireland	North-South Ministerial Council
National	United Kingdom/ Republic of Ireland	Westminster/Oireachtas
Regional	Northern Ireland	Northern Ireland Assembly
Sub-Regional	County/Other	Area Boards (e.g., Health & Social Services Boards; Education & Library Boards)
Local	District/City/Borough	Local Authorities (e.g., Belfast City Council)
Sub-Local	Parish/Community/ Locality	Parish/Community Councils/Local Partnerships (e.g. North Belfast Partnership Board)

Devolution – a contribution to ‘peace and stability’?

An important consideration is what contribution (if any) have the devolved arrangements made to the creation and maintenance of peace and stability, the British Government’s stated intentions for Northern Ireland. Aside from the Northern Ireland Assembly being a visible manifestation of the implementation of the Belfast Agreement, what were the expectations for devolved government and to what extent have these been fulfilled? The transfer of power was devolved to the Assembly and its executive committee of ministers in December 1999. In the autumn of 2000, a survey of the population¹ was asked whether devolution would help secure peace in Northern Ireland. Overall, some 40% of the respondents agreed or strongly agreed that devolution would help secure peace in Northern Ireland and 24% disagreed or strongly disagreed. The results, disaggregated by religion are shown in Table 4 below.

¹ The results are derived from the Northern Ireland Life and Times Survey which is a probability survey of 1,800 adults (18 and over) carried via face-to-face interviews to monitor the attitudes and behaviour of the people of Northern Ireland on a range of issues (education, political attributes, health issues, community relations and social networks).

Table 4: Devolution will help secure peace (by religion)²

	Catholic %	Protestant %	No religion %
Agree and strongly agree	61	31	28
Neither	31	39	35
Disagree and strongly disagree	8	30	37

The data suggest that there was an initial optimism about the prospects of devolution helping to secure peace. It is also clear that the data from Catholics were much more sanguine than Protestants. Interestingly, when asked in the same survey, what was the most important day-to-day issue for the Assembly to deal with, almost 50% of respondents considered ‘the continuing violence’ as the principal concern for Members of the Legislative Assembly. This, despite the fact that policing, security policy and criminal justice are amongst the excepted and reserved matters for which the Northern Ireland Secretary has direct responsibility.

Table 5: What has the Assembly achieved (by religion)³

	Catholic %	Protestant %	No religion %
A lot	37	18	29
A little	52	56	51
Nothing at all	11	26	20

Some two years later with the Assembly suspended for the fourth time (in October 2002), public attitudes on the contribution of the Assembly were sought⁴. When asked what the Assembly had achieved, overall 27% of respondents claimed that it had achieved ‘a lot’, 54% said ‘a little’ and 19% ‘nothing at all’. Table 5 shows these data disaggregated further by religion. Again, Catholics were more positive about the achievements of the Assembly than Protestants. Taking tables 4 and 5 together would suggest that devolution as manifest through the Assembly has had limited success in its contribution to securing peace, with significant difference of opinion between the two main religious blocs.

² Data exclude ‘can’t choose’ and ‘missing’ categories.

³ Data exclude ‘don’t know’ category.

⁴ Data cited is drawn from the Northern Ireland Life and Times Survey 2002.

Assessing the Impact of the ‘Peace Process’ and Devolution on Governance

The impact of the ‘peace process’ and subsequent devolution can be assessed by reference to several different levels: central (provincial) government and the civil service; the North-South dimension; sub-regional governance (local government and quangos); community governance and civic partnerships; and, the European dimension. Each is considered in turn.

Central (Provincial) Government in Northern Ireland and the Civil Service

Predictably, the intermittent nature of devolution has plagued attempts to forge ahead with any semblance of a new, distinct policy agenda for Northern Ireland. While the new administration produced its Programme for Government (Executive, 2001), it has been remarkable how little divergence there has been from past practice “given the mantra of devolved ministers that they were out to ‘make a difference’ as compared with direct rule”³⁴. Wilford and Wilson observed

The document said 71% of actions identified in the programme – which, though annually iterated has had a three-year rolling timescale – had been achieved, or ‘substantially’ achieved or, at least, were ‘on track’. Otherwise, the report is marked by continuity rather than change³⁵.

Wilford and Wilson attributed this to

weak policy capacity at Stormont (concentrated in a tiny Economic Policy Unit in the OFMDFM), the crowding out of policy innovation by Northern Ireland’s mistrustful audit culture and the virtual absence of any significant policy input from parties with no reliable positioning on any left-right governance spectrum³⁶.

They concluded:

The lurking paradox is that if the package of legislative and policy reforms proves to be welcome then direct rule may become less objectionable, particularly among unionists. As one advisor to Mr Trimble put it, albeit privately and somewhat rhetorically, ‘What’s the difference between direct rule and devolution? Direct rule is popular!’³⁷.

Apart from UK Departments of State that dealt with ‘reserved’ and ‘excepted’ matters, and whose staff belonged to the ‘Imperial’ or Home Civil Service (UKCS), civil administration within Northern Ireland (as in all of Ireland before Partition) has always rested with a wholly separate Civil Service – the Northern Ireland Civil Service (NICS)³⁸. Thus, under devolution,

Direct Rule and now devolution-*plus*, NICS has continued as a “unique example of a regional civil service within the UK completely separate from the UK Civil Service”³⁹. The network of government within Northern Ireland formed a territorial policy community, broadly though not fully congruent with Scottish and Welsh arrangements⁴⁰. NICS has never been directly comparable with the home civil service as it had different functional responsibilities although it has traditionally followed UKCS precepts on appointment and promotion.

Throughout Direct Rule, there was an enhanced role for the bureaucracy in containing the Northern Ireland conflict. For Morrow:

the emphasis on administration as opposed to representation has increased the scope for civil service influence over policy. Given the small size of Northern Ireland, the result has been a tight and intimate policy network dominated by administrative interests. The inability of local parties to influence policy has not, however, abolished the need of the government to stay in contact with the governed. As a result, the civil service has increasingly developed its own extensive and direct relationship with numerous groups and agencies⁴¹.

By the 1990s, the triumph of technocracy appeared irrefutable. Despite protests that theirs was an unwanted power, the fact remains that the senior civil service enjoyed disproportionate influence over the development, formulation and implementation of public policy in Northern Ireland (through, for example, the Policy Coordinating Committee (PCC); the PCC has since been replaced by a civil service management board). As Wilford and Wilson have remarked, the technocratic tenor of government has remained evident⁴².

Irrespective of its departmental configuration, the NICS has continued to serve its political masters, regardless of the constitutional status and prevailing governmental arrangements of Northern Ireland. While society has been disfigured and corrupted by inter-communal sectarian violence, everyday public administration has continued to function and maintain public services. Under the long period of one party rule at Stormont, there is some evidence to suggest that the ethos of the NICS became tainted by the realities of its operational environment⁴³. That is, the merit principle fell victim to an implicit (if not explicit) policy that discouraged the advancement of women (especially when married) and the appointment and promotion of Catholics to senior positions. No Catholic was appointed as a permanent secretary until the 1960s (contrasting with much higher levels of Catholic participation in the

‘Imperial’ Civil Service). Thereafter, payroll demographics ensured that historic under-representation of Catholics and women would endure until corrective steps on appointments and promotion could begin impacting on the gender and religious complexion of the senior echelons of the NICS. By the late 1990s, in large measure due to a Fair Employment Agency investigation and subsequent creation of an Equal Opportunities Unit within NICS, religious imbalances had been largely eliminated leaving gender as the most glaring discrepancy, as outlined in Table 6.

Table 6: Trends in Overall Composition of the NICS by gender and religion (by %)

	Male	Female	Protestant	Catholic
1987	59.8	40.2	62.5	37.5
1989	59.0	41.0	61.6	38.4
1991	57.7	42.3	61.2	38.8
1993	56.6	43.4	60.4	39.6
1995	55.3	44.7	59.7	40.3
1997	53.4	46.6	59.3	40.7
1999	52.0	48.0	58.6	41.4
2002	50.8	49.2	56.0	44.0

Note: Figures for Protestant and Catholic are adjusted to reflect the proportion of staff recorded as ‘non-declared’ or ‘non-denomination’. In 1987, the ND category was 11% of all NICS staff; in 2002, the corresponding figure was 3.5%

Source: Equal Opportunities Unit, Department of Finance and Personnel, Northern Ireland Government.

As well as its internal arrangements for ensuring equality in its staffing, Government has moved to augment Northern Ireland’s extensive fair employment legislation with measures designed to ‘mainstream’ equality provisions thereby ensuring that it satisfies equality considerations. In 1990, Policy Appraisal and Fair Treatment (PAFT) required that equality considerations be inserted into the policy-making process. PAFT was joined in 1991 by a second initiative, Targeting Social Need, designed to narrow the disparities between relative poverty levels within the two communities. Following the Belfast Agreement, both measures were subsumed by section 75 of the Northern Ireland Act, 1998. Legislation greatly extended the equality agenda to encompass multiple categories (religion and political opinion; gender, race and ethnicity, age, disability, marital status, sexual orientation, and those with dependants) along with the creation of a new Equality Commission subsuming all the previous statutory equality agencies⁴⁴.

The North-South Dimension

Unionists have long complained about a growing (albeit exaggerated) participation by Irish Civil Servants in the internal affairs of Northern Ireland following the Anglo-Irish Agreement. Ironically, forging closer relations with their southern counterparts proved easier during Direct Rule than during either the previous Stormont era or, indeed, since the intermittent restoration of devolution in 1999. The motivation for such developments is both political and pragmatic. The realisation that resolving Northern Ireland's problems demanded more than an 'internal' solution as well as the not illegitimate contention that Dublin 'spoke for' minority nationalist sentiment in the North, prompted the UK Government to warm towards the Republic's Government. Relations were more cordial thanks to the shared membership of, and - on Northern Ireland at least - a shared agenda within, the EC/EU, along with enhanced levels of cross-border security co-operation⁴⁵.

Interestingly, even in the period of suspended devolution, north-south bodies have operated on a "care and maintenance" basis, with the role of the Northern Ireland Executive being filled by the Direct Rule administration⁴⁶. Thus, despite a widespread assumption that

the lifespan of the implementation bodies would be seriously compromised by a long suspension, the bodies have thus been able to survive and continue their work. Indeed, decisions have been made in quite significant areas (including important appointments, policy matters and budgetary approval) on the basis of agreement between the relevant minister in Dublin and his or her counterpart in the British administration in Belfast⁴⁷.

Perhaps this foreshadows the shape of things to come – creeping bi-governmentalism, albeit falling short of the joint-sovereignty speculated upon by some pundits. Coakley argued that it does provide a new momentum for the British-Irish Intergovernmental Conference. He noted that the Agreement gives Dublin a voice in non-devolved matters – effectively, a considerable say in Northern Ireland's 'internal affairs', and a widening one during periods of suspension. Coakley concluded that the impact of suspension in Strands 2 and 3 has been less pronounced for while the Agreement said the Northern Ireland Assembly and North-South Ministerial Council were mutually inter-dependent, and that "one cannot function successfully without the other", the Council and its associated bodies have continued operating, while, similarly, so have the British-Irish bodies (p.26).

Sub-regional governance (local government and quangos)

Ordinarily, a system of elected local government might have afforded some opportunity for bypassing Northern Ireland's constitutional imbroglio. However, once again, it was a quirk of history that ensured that the 'permanent impermanence' of Direct Rule effectively embargoed any meaningful progress on promoting peace, reconciliation and stability via local government until the late 1980s⁴⁸. In any jurisdiction, the role of any (devolved) regional government is inextricably bound up with the fate of local government but especially so in Northern Ireland. Heated disputes over aspects of local authority behaviour had plunged the Province into the very civil unrest that brought Stormont into disrepute and that led, ultimately, to its demise.

The ensuing removal of functions from elected local authorities and suspension of Stormont required vesting responsibilities with other bodies - with quangos. Since 1970, quangos have been the mainstay of Northern Ireland's governmental architecture. Ordinarily, as Kingdom observed, quangos "offer governments some extremely useful facilities, enabling them to wash their hands of embarrassing matters, disclaim responsibility for unpopular policies, evade parliamentary scrutiny and keeps areas off the political agenda"⁴⁹. Certainly, as a tool for administering and delivering public services, quangos have proved valuable in the quagmire of Northern Ireland's sectarian divisions. Indeed, in terms of consumer satisfaction, impartiality and delivery, the performance of many quangos excels the rather lacklustre and often shameful record of former local authorities. Nonetheless, while being an understandable administrative device in the exacting conditions of Northern Ireland, as Skelcher remarked, the democratic deficit that quangos create "reflects a fundamental weakness in the ability of citizens to be involved in the structures with which society governs itself"⁵⁰. As the Executive's Programme for Government (2001) signalled:

We have inherited from the last 30 years a wide range of public bodies. Their organisation and structure reflected the needs of those times. They helped maintain services at a time of very limited public accountability. But now that devolution has been achieved, there is a need for change that will provide not only greater accountability, but should ensure that organisations that deliver many key services throughout Northern Ireland are more coherently organised. It is therefore important that we set about a major process of reform in central government (para. 7.1.1).

Reconnecting citizens and those in government has been a recurrent theme across western democracies in recent years. For Northern Ireland, while devolution represents a decisive attempt to end such an estrangement, it is only the first of several necessary steps. Moreover, despite their creditable showing, as a device for political management, many quangos may well have outlived their usefulness in Northern Ireland. Denuded of the harsh realities of decision-making, local politicians have been able to snipe from the sidelines and indulge the luxury of opposition, free of the burdens of office⁵¹. As well as the trappings, devolution invests them with the burdens – and unenviable obligations – of office, to make the difficult choices within finite budgets, that previously rested with Direct Rule ministers.

Devolution also signalled a green light for significant reform of public administration. Having been in place for over thirty years, the current system – itself the result of partial implementation of an earlier reorganisation – is long overdue for change. Questions of legitimacy and accountability are accompanied by concern over the efficiency and quality of services given the plethora of bodies that exists. Simply, Northern Ireland is ‘over-governed’ – or at the least, over-administered⁵². Not surprisingly, there have been repeated calls for streamlining. Consequently, a major examination of the system of public administration has been underway since mid-June 2002.

The origins of the Review of Public Administration (RPA) in Northern Ireland are to be found in the *Programme for Government* in which the Northern Ireland Executive pledged from the outset to “lead the most effective and accountable form of government in Northern Ireland” (Executive, 2001). The Executive inherited a system of non-departmental public bodies responsible for major functions such as education, health and housing which together consumed two thirds of their devolved budget. Its terms of reference are: “to review the existing arrangements for the accountability, administration and delivery of public services in Northern Ireland, and to bring forward options for reform which are consistent with the arrangements and principles of the Belfast Agreement, within an appropriate framework of political and financial accountability”.

Despite the present suspension of the devolved arrangements, Direct Rule ministers have permitted the work of the Review Team to continue, in the hope if not expectation that, once devolution is restored, the momentum of reform can be maintained.

Community governance and civic partnerships

Throughout the Direct Rule period, the failure to secure a viable devolved settlement encouraged ministers to engage with other social partners as means of seeking to legitimise policy making in any environment devoid of an elected regional government. Partly, the logjam on political developments at the macro level encouraged individuals who might otherwise ordinarily be interested in party politics to organise and engage with non-political bodies such as community and voluntary groups. Over time, Northern Ireland has acquired an impressive array of such groups, far in excess of comparably sized regions elsewhere – some 4500-5000 voluntary organisations alone. The richness and diversity of this ‘third’ sector (that is, neither public nor private) prompted government to develop partnership arrangements in the hope of increasingly popular participation in the policy process as well as encouraging cross-community cooperation on (the very wide) areas of common concern as a means of overcoming (or by-passing) the wide party-political divisions.

Starting in earnest during the 1990s, partnership arrangements were encouraged by ministers in local government. Contiguous with each local council area, district partnerships brought together elected representatives from the constituent local authority, members of statutory boards (these provide inter alia health, education, housing), and representatives from the ‘social partners’ (community and voluntary groups, businesses, trades unions and churches). These partnerships proved instrumental in the formulation of local priorities relatively free (though not completely) from the otherwise more fractious environs of many council chambers, as well as the disbursement of monies associated with the European Commission’s (Delors) Programme for Peace and Reconciliation. Such local compacts in Northern Ireland had not, hitherto, been replicated elsewhere in the UK⁵³.

The transition from Direct Rule to devolution has heralded a reinforcement of the trend. In its Programme for Government, the Executive stated its vision:

Regeneration of our society – in the fullest sense means that we have to tackle issues of equality and human rights, poverty and social disadvantage, renewal of the most disadvantaged neighbourhoods, sustaining and enhancing local communities and improving cross community relations. ... In tackling these issues we have the advantage of a vibrant and extensive community and voluntary sector which already

makes significant and critical contributions to many areas of life. A key challenge will be to build on this community capacity and to involve it in policies and programmes aimed at strengthening our community well being (Executive, 2001, para.2.1.1).

Osborne and McLaughlin conclude that local compacts have “the potential to give substance to the rhetoric of community governance, by providing explicit processes for the community to impact upon policy formulation and service management at local level”⁵⁴.

The European Dimension

The idea of ‘Europe’ and the unfolding process of European integration through the medium of the European Union serve as an umbrella under which the recurrent tensions within Northern Ireland have been outplayed. While the EU offered its services in brokering a deal within Northern Ireland, the reality has been that only its goodwill and, more tangibly, its largesse, have played a direct part. Nevertheless, the implicit impact of the wider European (and indeed global) dimension has fostered a changing environment wherein negotiations were conducted and to which, perhaps subliminally, the actors were responding. Much of that impact is perhaps symbolic, even abstract, but is no less relevant for all that, in the land where flags, emblems and the associated atavistic trappings of tribalism are so potent.

For some commentators, the Belfast Agreement typifies a new post-nationalist era when both Unionists and Nationalists are reviewing critically ideas of nation, state and identity⁵⁵. Put simply, it was hoped that the emergence of a shared European identity might transcend and render obsolete ancient enmities. Despite an enlarging European Union of regions with fast-disappearing internal borders, constitutional disputes of the type that beset Northern Ireland continue and so this main goal has not been achieved thus far.

Nonetheless, the influence of the European dimension has the potential to work in different ways and at different levels. Formally, the EU has no direct role in Northern Ireland – EU business is the competence of the relevant Member State (i.e. the UK Government). Nonetheless, with both the UK and the Irish Governments having acceded concurrently, the EU provides an additional forum in which diplomatic links can be created and differences settled. Additionally, all three MEPs from Northern Ireland have assiduously exploited available EU resources for the betterment of life in the Province (Northern Ireland retained its ‘Objective 1’ status long after its automatic entitlement had ceased). They were instrumental

in securing the ('Delors') Programme for Peace and Reconciliation Programme of 500M Euro to help bolster the peace process and promote reconciliation. Moreover, even before devolution, like other regions in the UK and across the EU, Northern Ireland had established a more permanent representation in Brussels, seeking to promote itself as a "forward and outward-looking region" (Executive, 2001). The House of Lords considered the devolved administrations in the UK to be better placed than counterparts elsewhere⁵⁶. The move was a pragmatic recognition not only of the shifting locus of power from nation-state to the supranational level, but desirous also of continuing to accrue the benefits that EU membership has yielded for a traditional relatively deprived part of the EU such as Northern Ireland.

Conclusions

For too long, political discourse in Northern Ireland has been characterised by a zero sum game form of analysis wherein gains for one side must imply corresponding offsetting losses by the other. However, the problems that confront the community as a whole in Northern Ireland frequently go far beyond narrow and exclusive cultural, religious or national identities. Longer-term stability warrants institutions of government (broadly defined) that can effectively deliver the range of public policy outcomes desired by citizens irrespective of background or affiliative ideology. Either/or 'solutions' - full integration, full reunification, or majoritarian devolution seem destined to fail since none can ever command the sufficiency of cross community consent required for it to enjoy popular legitimacy and authority. Superficially, at the heart of the Belfast Agreement is an antinomy – Unionists (and anti-Agreement Republicans) contend that it maintains the Union by copper-fastening Partition while Nationalists/Republicans (and anti-Agreement Unionists) contend that it loosens the Union and advances the cause of Irish reunification. Clearly, when couched in such stark terms, these diametrically opposed conclusions cannot be simultaneously correct. However, this is precisely why the Belfast Agreement was designed to transcend such categorical black and white analysis by recognising 'the totality of relationships in these islands'. Mutual recognition and accommodation rather than transformation of national and cultural identities is the order of the day. Though operationalising it has proved excruciatingly slow leaving a present settlement that is far from perfect, the Agreement – renegotiated, revised, reconfigured or not - appears to offer the only credible basis for lasting stability.

While there are serious misgivings, especially among Unionists, about devolution, these tend to concern its operationalisation, rather its intrinsic conceptual attractions. The stated positions of the various political parties appear to be out of kilter with the general feeling among the public. Overall, 43% of people in Northern Ireland support devolution, as compared with only 21% supporting a united Ireland, and fewer still (13%) direct rule or independence (10%). Support for the Union has fallen during recent years, though there has not been concomitant growth in commitment to the ideal of a 'united Ireland'. Rather, "the emphasis on either-or constitutional choices by Northern Ireland's politicians misread the public mood"⁵⁷. In all probability, with the joint guarantors of London and Dublin, any enduring settlement for Northern Ireland will involve a form of governance at the heart of which will be a lasting commitment to a sharing of power – and identities - of all sections of the resident population.

Devolution and the associated mechanisms of governance - a power-sharing Executive, elected Assembly, cross-border bodies, a reformed system of public administration and civic engagement, are part of the wider mosaic of peace building. Their implementation is an attempt to institutionalise stability and copper-fasten a political settlement. Despite the insidious and ongoing paramilitary violence, devolved government and reformed local governance arrangements (not simply because of their popular appeal) build-in a degree of electoral accountability which reaffirms the wider desire for long-term stability and peace co-existence, albeit with different long-term political aspirations.

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