

Devolution in Northern Ireland

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Northern Ireland should not have received an invitation to the '10 years of devolution' celebration party! Power was devolved to the Northern Ireland Assembly and its Executive Committee of Ministers on Thursday 2nd December 1999 following the signing of the Belfast/Good Friday Agreement on 10th April 1998. Things went downhill quickly thereafter! The Blair Government saw devolution as a mechanism to advance the peace process by encouraging republicans and loyalists into an elected assembly and weaning them away from violence. The (then) Ulster Unionist Party leader agreed to share power with Sinn Féin on the condition that they decommissioned their weaponry. When this didn't happen, suspension of the devolved Assembly followed on 11th February 2000. This fitful process was to continue and devolution was suspended indefinitely for the fourth time by the (then) Secretary of State for Northern Ireland, John Reid, in October 2002 due to 'a lack of trust and loss of confidence on both sides of the community' precipitated, in part, by accusations made against Sinn Féin of intelligence gathering in Stormont - a charge vehemently denied by republicans.

Direct rule from Westminster was to remain in place for over 4 years until a new round of talks between the British and Irish Government took place at St Andrews in October 2006. The discussions centred on two issues: the need to support policing and the rule of law across the whole community leading to the devolution of policing and justice; and support for power-sharing and the political institutions. The British and Irish Government reached agreement on these issues in the St Andrews Agreement of 13th October 2006, the details of which were given legislative effect in the Northern Ireland (St Andrews Agreement) Act 2006. The Act made provisions for a new transitional Assembly, set out a timetable to restore devolution, the date for the third election to the Northern Ireland Assembly, and made important amendments to the Northern Ireland Act 1998 which came into force with the restoration of devolved government.

In the event, elections took place in March 2007 and devolution was restored on 8th May 2007 following a high profile meeting and media event at which Ian Paisley (then DUP leader) and Gerry Adams (the leader of Sinn Féin) agreed to establish a power sharing Executive comprising: 4 DUP, 3 Sinn Féin, 2 Ulster Unionists and 1 SDLP ministers with a DUP First Minister and Sinn Féin deputy First Minister. Northern Ireland has witnessed many ‘historic’ moments but the political imagery of Ian Paisley and Gerry Adams making a joint televised commitment to power sharing was captivating. The Northern Ireland Assembly and Executive have been in operation since then.

Unlike Scotland and Wales, devolution in Northern Ireland is inextricably linked to the divisive issues which precipitated its inception and characterize its operation in practice. Hence, although the First Minister proudly claims that devolution has now been in place for the longest continuous period in almost forty years, there was a hiatus in June 2008 when the Executive did not meet for 5 months over disagreement on major policy issues. Key areas of contention include: the end of academic selection – essentially the abolition of grammar schools; granting legal status to the Irish language; building a ‘conflict transformation centre’ or ‘shrine to terrorists’ (republican and loyalist descriptors, respectively) at the site of the former Maze prison; and how to address the vexed issue of victims of the conflict. The nature of the consociational arrangements which constitute power sharing, where key decisions are taken on a cross-community basis through parallel consent or a weighted majority, means that the DUP and Sinn Féin can exercise a mutual veto. This has led to gridlock in the decision making process over contentious issues and marginalization of other political parties in the Executive (SDLP and Ulster Unionist Party).

The Executive’s *Programme for Government 2008-11* makes a commitment to building ‘a shared and better future for all’. What is significant about this pledge is the word ‘shared’ in the context of Northern Ireland where 95% of children are educated in single identity schools and there are few mixed social housing areas. The direct rule administration had developed a policy and strategic framework to improve good relations in Northern Ireland entitled *A Shared Future* (March 2005) which rejected ‘separate but

equal' communities as an option. The returning devolved administration abandoned this policy document and committed to a replacement entitled *Cohesion, Sharing and Integration*. More than two years on, and following a plea from outgoing Chief Constable, Sir Hugh Orde, that the absence of leadership on this policy was causing a political vacuum, both the DUP and Sinn Féin have published separate versions of the document, accusing each other of bad faith and blocking consensus on the issue.

Notwithstanding some expected policy disagreements the key prize is that there is now a mandatory coalition of 4 political parties sharing power and there are realistic prospects of its sustainability. The Executive and Assembly can also point to some policy successes: free public transport is available to all those over 60; the regional rates (Northern Ireland did not replace household rates with council tax) have been frozen for three years; prescriptions charged have been abolished; there has been a major investment in infrastructure projects in schools, roads and hospitals; and water charges have been deferred, to list just some of the achievements. While these policies have been popular with the electorate they are predicated on an expanding public sector budget yet they include measures which limit the size of the Executive's resource base. One politician described the situation in this way:

We avoid the hard issues because we don't want to impact negatively on power sharing arrangements. The threat in these circumstances is not as it was in the past to the overall stability of the institutions, but it poses real questions about the effectiveness of governance in terms of delivering public policies for Northern Ireland. So far we have been let off the hook because of the generous financial settlement from the Treasury and huge international good-will but these simply paper over the cracks for so long. Ultimately it is resources which will challenge the under-performance of the Assembly (Interview with senior Alliance Party MLA).

In fact, the resources issue is currently exercising the Executive, in particular the Department of Health, Social Services and Public Safety where the Minister (Michael McGimpsey) has proposed cuts of 150 beds in the Royal and City Hospitals, Belfast and embargoed recruitment of nursing posts. These proposals/actions, the minister argued, are due to a combination of pressures on health spending including the large bill for swine flu

(£77m) and the substantial deficits which health trusts have now incurred in their revenue spending. Despite being the largest budget holder in the devolved administration, overseeing 47.5% of the total spend (£8.6b), the Health Minister described the financial circumstances in his department as facing ‘a bleak future where we have given all we can give in cost-cutting terms’. His political opponents, in particular DUP members of the Health Committee in the Assembly, accuse him of poor stewardship of his department and cynically directing cuts in areas most likely to attract high profile media coverage. Westminster electioneering has already begun!

The Office of the First Minister and deputy First Minister recently published its first ‘delivery report’ on the *Programme for Government 2008-11* within which the key priority is to grow a dynamic innovative economy. In addition, the devolved government aims to:

- Promote tolerance, inclusion and well-being.
- Invest to build infrastructure.
- Deliver modern, high quality and efficient public services.
- Protect and enhance the environment and natural resources.

Progress against these goals was reported by officials within the 11 devolved government departments using the traffic light red/amber/green system where: red indicates little or no progress; amber progress is less progress than expected; and green suggests good progress. Of the 66 key goals and commitment made by the devolved government, 8% (n=5) were reported as red, with a further 30% (n=20) amber; and 62% (n=41) green – a creditable performance. However, this way of monitoring progress is a highly impressionistic means of judging implementation of the *Programme for Government* not least because it offers no evidence as to how assignment to these three categories (red/amber/green) was arrived at. Add to this the fact that public service agreements (PSAs) in the *Programme for Government* were devised by civil servants who are now self-reporting progress against their own targets implies a less-than-objective exercise.

Compare the assessment of devolved government by officials with data gathered from approximately 1,200 respondents in the Northern Ireland Life and Times probability survey conducted between October 2008 and February 2009. Interviewees were asked 'how much do you think the Assembly has achieved'? The results showed that 73% of respondents felt the Assembly had achieved 'a little' or 'nothing'. Officials have a very different view of *Programme for Government* delivery than members of the public.

None of the above should be read as an indictment of the significant political progress which has been made in reaching a power sharing settlement, coalition government, stable political institutions and a significant decline in violence. On the contrary, we acknowledge and applaud these successes. What it does show, however, is that locally elected politicians have found the transition from 'power without responsibility' or denouncing direct rule British ministers, to ownership of, and accountability for, public policies more difficult than they first anticipated.