

**Devolution - the Northern Ireland Way:  
An Exercise in 'Creative Ambiguity'**

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## **Abstract**

*Devolution in Northern Ireland followed directly from the 1998 Belfast (Good Friday) Agreement which provided, inter alia, for a democratically elected Assembly 'inclusive in its membership, capable of exercising executive and legislative authority, and subject to safeguards to protect the rights and interests of all sides of the community'. More than six years on, the Northern Ireland Executive and Assembly are in suspension for the fourth time (the latest since October 2002). The conjunction of devolution and the implementation of the Agreement mean that the former is wholly dependent on the vagaries of the latter and, as a consequence, has devalued the potential of devolution to improve the governance of Northern Ireland.*

## **Introduction**

More than six years after signing the Belfast (Good Friday) Agreement<sup>2</sup> the political situation in Northern Ireland is (once again) in limbo. The Northern Ireland Assembly has been in suspension since October 2002 and its second set of elections witnessed the anti-Agreement Democratic Unionist Party (DUP) top the polls. Moreover, according to the Independent Monitoring Commission<sup>3</sup>, 'paramilitary activity as a whole is at a disturbingly high level, and violence short of murder is at a level which would cause outrage in the rest of the United Kingdom or in Ireland' (Independent Monitoring Commission, 2004: 8.2). All of this is at odds with the British Government's key objective to keep devolution in place through 'creative ambiguity', or letting the peace process breathe, on the issue of decommissioning - the major problem which has dogged the political process (Blair, 2003).

This tacit, or on occasions explicit, government tactic of creative ambiguity has served to directly link the political process and the peace process, regarding them as

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<sup>2</sup> The title of the Agreement is contested in Northern Ireland, with unionists/loyalists preferring the designation 'Belfast Agreement' and nationalists/republicans using 'Good Friday Agreement', denoting the day on which it was concluded. To avoid partisan labelling, the term used in this article is 'the Agreement'.

<sup>3</sup> The Independent Monitoring Commission was set up by the British and Irish Government on 7<sup>th</sup> January 2004. It has three functions: to report on the continuing activities of paramilitary groups; to report on security normalisation in Northern Ireland; and, to consider claims by parties in the Northern Ireland Assembly that ministers or other parties are not committed to non-violence and exclusively peaceful and democratic means or are not conducting themselves in accordance with the pledge of office. Article 3 of the International Agreement notes that 'the objective of the Commission is to carry out [its functions] with a view to promoting the transition to a peaceful society and stable and inclusive devolved government in Northern Ireland.'

mutually reinforcing, although without a clear notion of whether there is causality between the two processes, its direction or robustness. For example, the (then) Secretary of State for Northern Ireland argued the Agreement established the principle that 'political stability is best achieved in the absence of violence, but an unbreakable peace can only be built in the context of fair, inclusive and functioning political institutions' (Mandelson, 2000a). Hence, long-term political stability and peace is predicated upon violence abatement and devolution, respectively. The problem, however, is that intermittent and faltering spells of devolution have delivered a hugely imperfect peace. In fact, as the Independent Monitoring Commission's (IMC) Report (2004) makes clear 'recent years, and particularly since the Agreement, have seen a marked increase in total paramilitary violence short of murder by both republican and loyalist groups' (IMC Report, 2004, 20: 4.4). Although the British Government has linked devolution to the wider peace process, in reality there has been little immediate impact. The insidious criminal activities of loyalist and republicans groups involved in drugs, extortion, paramilitary-style shootings and beatings is evident with or without devolution. They have not abandoned violence - theirs is a mafia culture created by decades of paramilitary conflict and buoyed-up by the release of prisoners under the Agreement. The link between the political process (with the outworking of devolution) and the peace process is therefore problematic. As Bradbury and Mitchell (2001: 267) observe 'power sharing may have been the most effective and perhaps the only means of creating peace but it makes the process of 'normalising' politics in Northern Ireland very difficult'. To use devolution as a mechanism to advance the peace process has failed to realise the potential of the former, whilst making little headway on the latter.

Has the Blair Government's approach of 'creative ambiguity' finally been frustrated by a series of false dawns on the issue of decommissioning which has led to a collapse in trust between the political parties? This article aims to do three key things. First, it will examine the 4 periods of devolved government in Northern Ireland. In particular it will highlight how, through a policy of 'creative ambiguity', the political and peace processes (devolution, the implementation of the Agreement, and the transition to a peaceful society) have become inextricably linked. Second, using attitudinal survey data, it will interrogate the linkages between devolution, the performance of the Assembly and Executive and the wider political agenda - because the Agreement has

run into trouble, by association so has devolution. Finally, it takes stock of where we are now with devolution in the event of a continuing impasse on the political front.

## **Background**

Devolution in Northern Ireland followed directly from the (1998) Agreement which provided, *inter alia*, for a democratically elected Assembly 'inclusive in its membership, capable of exercising executive and legislative authority, and, subject to safeguards to protect the rights and interests of all sides of the community' (Belfast (Good Friday) Agreement: 1998: 5). The approval of the people of Northern Ireland and the Republic of Ireland was sought for the Agreement in referendums held in both jurisdictions on 22<sup>nd</sup> May 1998. The referendum in Northern Ireland resulted in a 71.1% vote in favour of the Agreement (with a turnout of 81.1%), and 94.4% support in the Republic of Ireland (on a 55.6% turnout). These figures belie a split in unionist support with two exit polls suggesting a small majority (55% in the RTE/Lansdowne exit poll) endorsing the Agreement at the referendum. Such overwhelming support for the Agreement and concomitant devolved government heralded a new era of peace and political stability. Hence, on 2<sup>nd</sup> December 1999 the Northern Ireland Assembly and its power sharing Executive Committee of Ministers assumed powers of self-government under the Northern Ireland Act 1998 which gave legal effect to the Agreement (O'Leary, 2001). The 108-member Assembly has responsibility for all major public services ('transferred' matters) in Northern Ireland although 'excepted' (e.g. defence, taxation and foreign policy) and 'reserved' matters (e.g. policing, security policy, criminal justice) remain under the control of the Secretary of State. Excepted matters are the responsibility of Westminster but reserved matters can be transferred to the Assembly at some future point. The Secretary of State has already referred a number of reserved matters to *ad hoc* committees of the Assembly for consultation (e.g. Proceeds of Crime Bill, Criminal Justice Reform, and Criminal Injuries Compensation). Commenting on the importance of the Agreement, Bogdanor noted:

The Agreement has a double significance for the government of the United Kingdom since it proposes not only a solution to the Irish problem, but also recognition of the process of devolution to the non-English parts of the United Kingdom (Bogdanor, 2001: 109)

The argument in this paper is that a necessary concentration on the former has detracted from the effective outworking of devolution and, as a consequence, devalued the potential for improving governance within Northern Ireland.

Such initial hope and optimism exemplified in the referendums have now faded. Almost 5 years on, devolution is in suspension for the fourth time, over 40% of Protestants feel the Agreement is 'basically wrong' and should be 'renegotiated or abandoned' (Dowds, 2004) and there is little immediate prospect of reverting from direct rule to devolved government<sup>4</sup>. Yet despite considerable progress claimed by both the British and Irish Government in implementing many aspects of the Agreement, it has been impossible to find a compromise between republicans and unionists on the arms issue which remained (until the Leeds Castle talks, September 2004) a stumbling block to the restoration of devolution. The Joint Declaration by the British and Irish Governments (April 2003:8) set out proposals necessary 'to promote trust, implement the Agreement fully, restore the devolved institutions and attain a fully normal society'. The proposals aimed to secure broad support among the parties and prompted the question (from the Prime Minister) – will the IRA halt all paramilitary activities? The IRA's response was ambiguous and, as a consequence, the opportunity for a pro-Agreement combined political front was missed. This resulted in a more general loss of trust between parties and a long-term stalemate with intermittent flurries of political activities precipitated or forestalled by elections (to the Northern Ireland Assembly - November 2003, and European elections - June 2004), a review of the operation of the Agreement, new proposals from the Democratic Unionist Party to restore devolution (*Devolution Now* and *North South/East West*), and the controversial report of the Independent Monitoring Commission. That this would all end in tears was captured by the comments: 'the outworking of this sustained constitutional conflict was not difficult to anticipate. Not only would Northern Ireland be cut-off from the modernisation dynamic of the wider UK constitutional reform project, devolution would be involution. Worse still, the questions on which politics would focus would be eminently predictable' (disband/reform/retain the RUC, flags, prisoner release, and marching) (Wilford and

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<sup>4</sup> The Life and Times Survey 2003 showed that 77% of Catholics felt the Agreement was 'basically right' and should be 'implemented in full or the specifics need to be renegotiated'. On the other hand,

Wilson, 2000: 81). Devolution in Northern Ireland, unlike Scotland and Wales, has become inextricably linked to the divisive issues which precipitated its inception and were to characterise its operation in practice, to which we now turn.

### **Devolution - period 1<sup>5</sup>**

The political parties involved in the multi-party negotiations leading to the Agreement described it as offering 'a truly historic opportunity for a new beginning' (Belfast (Good Friday) Agreement 1998: 1). The (then) Secretary of State remarked, 'after a quarter of a century the curtain is finally coming down on direct rule...after 30 years of violence the people of Northern Ireland can at last look forward to a future of hope and confidence' (Mandelson, 1999a). Yet even at the outset, devolution in Northern Ireland was born out of the 'high' politics of resolving the constitutional and security issues of Northern Ireland and not a public policy agenda linked to local accountability, subsidiarity and, as a consequence, better public services. Typically, this included amendments to Articles 2 and 3 of the Irish constitution triggered by devolution, and parallel British constitutional changes including the repeal of the Government of Ireland Act 1920. These signalled the last traces of irredentism by the Republic of Ireland and enshrined the principle of consent in law as the cornerstone of a new dispensation. The changes were to assuage unionist fears of annexation by the Irish State. Northern Ireland is part of the United Kingdom for as long as that is the wish of a majority of its people. If the people of Northern Ireland were formally to consent to the establishment of a united Ireland, the government of the day would bring forward proposals, in consultation with the Irish Government, to give effect to that wish. These constitutional matters contrast sharply however with the public's perception of devolution (expressed in survey evidence) and the role which a local Assembly would play<sup>6</sup>. The results suggested:

Many respondents anticipated that the Assembly would be a serious working chamber, rather than a venture for the continuation of the nationalist-unionist struggle. They also suggest a certain fatigue with the already protracted peace process and a desire to move on to more prosaic but immediately relevant

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41% of Protestants considered the Agreement was 'basically wrong' and needed to be 'renegotiated or abandoned'.

<sup>5</sup> The first period of devolution was: 2<sup>nd</sup> December 1999 - 11<sup>th</sup> February 2000.

<sup>6</sup> Northern Ireland Life and Times Survey - data gathered October 1999 - January 2000. This is a random sample of 2,200 adults across Northern Ireland conducted by ARK - Queen's University Belfast and University of Ulster.

issues of governance and the delivery of services by locally controlled institutions (Wilford *et al*, 2003: 43)

Welcoming devolution, the Ulster Unionist Party leader, David Trimble, described direct rule as the 'debasement of democracy' (Northern Ireland having had its own parliament for over 50 years). His party's agreement to share power with Sinn Féin was conditional upon their commitment to exclusively peaceful means and an acknowledgement that decommissioning was essential to the peace process. The IRA, in turn, appointed an interlocutor to work with the Independent International Commission on Decommissioning (IICD), a body charged with monitoring, reviewing and verifying progress on decommissioning illegal arms. There had been no decommissioning of IRA weaponry in advance of devolution and Sinn Féin argued that it must take place in the context of the full implementation of the overall settlement<sup>7</sup>. Unionists, however, were nervous that Sinn Féin in government might want to back its political demands with the tacit threat of a return to violence. By way of reassurance, the Secretary of State made it clear at the start to the House of Commons that:

If there is default, either in implementing decommissioning, or indeed for that matter devolution, it is understood that the two governments, British and Irish, will take the steps necessary to cease immediately the operation of the institutions - the Executive, the Assembly...Nobody should doubt my resolve to ensure that no party profits from preventing progress in all aspects of the Good Friday Agreement...In terms of the steps taken and those in prospect, a heavy political price will be paid by those who default...It would pain me to do so, but I would not shrink from suspending the institutions if it proved necessary, thus restoring the *status quo*, so as to consider how to rectify the default (Mandelson, 1999b: 345).

These were prophetic words and clearly linked devolved government to the wider political agenda of Northern Ireland in the mind of the Secretary of State, with the British and Irish governments being guardians of the devolved institutions.

By February 2000 devolution was in trouble as David Trimble had nothing to show for his policy of 'jumping first' into government with Sinn Féin in the expectation that

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<sup>7</sup> The three principles agreed by the pro-Agreement parties as a pre-requisite to devolution were: an inclusive Executive exercising devolved powers; the decommissioning of paramilitary arms by May

the IRA would reciprocate with decommissioning. The Ulster Unionist leader had gambled, with a post-dated letter to the Ulster Unionist Council, if decommissioning had not begun by their meeting in February (2000) he would resign. This was offered in a bid to invoke the party's insistence on their mantra of 'no guns, no government'. To further cement the link between devolution and the wider political agenda, the Secretary of State announced to the House of Commons - 'if there is no decommissioning, there will be no implementation of the Good Friday Agreement, there will be no devolution in Northern Ireland. It is a matter of colossal regret, but it is a fact' (Mandelson, 2000b). In short, the devolution agenda became mired in the search for a constitutional settlement and its effective implementation.

In advance of suspension the (then) First Minister expressed disappointment and argued that direct rule is the 'third best' option. 'Treating Northern Ireland properly is the second best, but I think the best of all is in fact to see devolution succeed within the United Kingdom which is what we're trying to do through the implementation of the Belfast Agreement' (Trimble, 2000a). With paramilitaries refusing to break the logjam on decommissioning, the Secretary of State argued that although progress had been made between the IRA and the IICD, it was insufficient and he suspended the Assembly on 11<sup>th</sup> February 2000. Commitments to decommission, he demanded, had to be clear otherwise they could not command confidence in their intent.

Nationalists reacted angrily and complained that suspension represented accedence to the Unionist veto and was aimed expressly at stopping the resignation of the First Minister, a move that would have collapsed the institutions in any event. Republicans blamed the suspension on a mixture of unionist obduracy and British Government treachery in the face of the IICD assessment that an IRA commitment on the arms issue 'holds out the prospect of an agreement which will enable it (the Commission) to fulfil the substance of its mandate' (Nieminen, de Chastelain and Sens, 2000)<sup>8</sup>. The IRA responded by withdrawing its interlocutor from future contact with the IICD. Sinn Féin claimed that Britain's unilateral suspension of the Assembly was in direct

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2000; and the modalities of decommissioning to be determined by the Independent International Commission on Decommissioning.

<sup>8</sup> The IICD's assessment was published 1½ hours after the Secretary of State had taken the decision to suspend the institutions. The Secretary of State later argued that with more time to clarify what the IRA

violation of the Agreement. A rift between Dublin and London was evident with suggestions the Irish Government shared Sinn Féin's view that the suspension was illegal under the terms of the Agreement. Public recriminations between the governments were muffled in the interests of the wider process. The British Government defended its position by arguing that the two questions (posed by the (then) Deputy First Minister, Seamus Mallon) - 'were the IRA prepared to disarm, and if so, when would they do so', went largely unanswered and hence unionists had lost confidence that arms would be put permanently beyond use. The choice for the Secretary of State (with the apt sobriquet 'the Prince of Darkness'), who excoriated Sinn Féin's 'lordly and arrogant' rejection of pleas to disarm, was between suspension and collapse.

The first period of devolved government therefore reinforced the link between devolution (its survival) and decommissioning. Unionists wanted certainty about decommissioning before they participated in the institutions. Republicans countered that certainty about decommissioning could only be achieved when the political institutions had been functioning for some time. In this political limbo neither 'guns or government' were delivered - the first period of devolution had foundered on the IRA's failure to decommission. Nationalists argued that decommissioning became a problem because the unionists made it so (above all other issues) and a more productive focus was to ensure that violence had ended and the use of violence for political purposes would not be resumed (Mallon, 2000). Decommissioning, in other words, should never have been elevated to the importance it has achieved, not least because much of the ongoing violence (deaths, shootings and assaults) originates from loyalist paramilitaries. Decommissioning, it appears, matters more for its symbolism than its practical impact. But symbols matter in Northern Ireland. The Government, in turn, placed more emphasis on keeping devolution going than extracting arms from the IRA and tacitly acquiesced in the (Sinn Féin) view that the silence of guns would suffice - 'creative ambiguity' in action. For republicans, the 'pike in the thatch' mentality (dating back to the 1798 rebellion against the British when pikes were put in the thatched roofs of peasant soldiers 'just in case') is still part of their consciousness militating against decommissioning.

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intended, and to build on it, it might have been possible to give unionists the confidence to continue with the Executive.

## **Devolution - period 2<sup>9</sup>**

The stalemate on decommissioning continued until May 2000 at which point, according to the terms of the Agreement, it should have been completed<sup>10</sup>. The mood changed with an IRA statement that they 'would initiate a process (within a defined context of British Government commitments) that would put their weapons completely and verifiably beyond use'. On the back on this, David Trimble achieved a narrow victory<sup>11</sup> at the Ulster Unionist Council meeting for his proposal to rejoin the Northern Ireland Executive, and the Secretary of State signed the Devolution Order effective from midnight 29 May 2000. The UUP leader described his policy choices as follows:

On the one hand, we can draw nationalism and republicanism into a consensus. On the other, we can be governed by London with Dublin interference, deprived of a voice, deprived of a vote and deprived of a veto. I will not go down that path... Getting the IRA to abandon their habits was never going to be easy... The party has taken huge risks for peace. It did so for a united Northern Ireland, within a pluralist United Kingdom. A much better option than any united Ireland (Trimble, 2000b: 6).

His critics, both within and outside the party, described the IRA statement as a garbled pronouncement which did not emphatically commit the IRA to disarm. Although an IRA arms inspection by independents<sup>12</sup> in June 2000 heralded some movement by republicans, the IRA failed to decommission. Republicans claimed that London had not met their commitments on policing reforms and demilitarisation. Arms inspection was seen as a poor substitute for unionists' long-standing demand that the IRA should actually start to give up weapons. David Trimble backed away from the inspection regime, under pressure from his party, and used the launch of the 2001 Westminster elections to announce that he would resign as First Minister by 1<sup>st</sup> July if there was no progress from the IRA on decommissioning. Bew explains his reasoning thus:

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<sup>9</sup> The second period of devolution was: 30<sup>th</sup> May 2000 - 10<sup>th</sup> August 2001.

<sup>10</sup> The Agreement reaffirmed all participants commitment to total disarmament of all paramilitary organisations 'within two years following endorsement in referendums North and South of the Agreement and in the context of the implementation of the overall settlement' - The Agreement, 1998: 20 - 3) - authors' emphasis.

<sup>11</sup> The Ulster Unionist Council voted to support the proposal by the party leader, David Trimble, to rejoin the Northern Ireland Executive by 459 votes to 403 or 53% for and 47% against.

Mr Trimble is certain that the Agreement will suffer from an incurable moral deficit if republicans evade the obligation, which they themselves formally acknowledge, to decommission. Most important of all for the process of reconciliation, prevarication on this issue - unfortunately acceded to from time to time by the two governments - has underlined the feeling that republicans are engaged in an act of pure self-interested cynicism. Mr Trimble has been prepared to be flexible about timing...but he is absolutely inflexible about the principle (Bew, 2001:16).

The First Minister resigned on 1st July 2001 but nominated his fellow UUP Minister (Reg Empey) as caretaker, triggering a six-week period in which to resolve the impasse over arms<sup>13</sup>. Trimble's resignation as First Minister was an attempt to assuage hardliners in his own party and wrongfoot the anti-Agreement DUP. His case for suspending the Assembly was that the IRA had failed 'to give up, break up or cement up a single illegal weapon' and he had been duped by Sinn Féin (The Economist, 2001:16). The British and Irish Government produced a package of proposals on policing reform, demilitarisation and the stability of the institutions, aimed at breaking the deadlock. In response, the IRA presented the IICD with proposals to 'initiate a process' that would put arms completely and verifiably beyond use (Nieminen, de Chastelain and Sens, 2001). Unionists saw this as a statement on the modalities of decommissioning which failed to address when it would happen. To avoid plunging Northern Ireland into an election, the Secretary of State (John Reid) decided to suspend devolved government from 11<sup>th</sup> August for one day to allow parties further time to consider the proposals of the two governments. This bought an additional six-week period for a deal to be brokered. Republicans accused the British Government of acceding (once again) to the unionist veto and the IRA responded by withdrawing their offer to the IICD.

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<sup>12</sup> Cyril Ramaphosa, a leading figure in the African National Congress, and Martti Ahtisaari, a former President of Finland, reported on 26<sup>th</sup> June 2000 to the British and Irish Government that the arms dumps they had seen contained 'a substantial amount of military materials safely stored'.

<sup>13</sup> The Northern Ireland Act 1998 specifies that if the First or Deputy First Minister resigns or ceases to hold office, there must be a new election for both within six weeks. If no election is possible, ultimately there must be an Assembly election.

### **Devolution - periods 3 &4<sup>14</sup>**

Little improved in the intervening period. A second 24-hour (described as 'technical') suspension was announced by the Secretary of State on 21<sup>st</sup> September after failing to break the deadlock and reinstate the First Minister, permitting a further six-week breathing period. Dr. Reid argued that he could not credibly repeat suspension in this way (did not intend to do so) and there was now an opportunity for those with illegally held arms to resolve this issue. Ulster Unionists exerted further pressure by withdrawing their ministers from the power-sharing Executive. Within days the IICD witnessed a 'significant' quantity of IRA weaponry (arms, ammunition and explosives) put completely beyond use, described by Secretary of State Reid as taking the 'peace process on to a new political level - rarely has the whole community be so united' (Reid, 2001a). The IRA claimed 'this unprecedented move is to save the peace process and to persuade others of our genuine intentions'. Undoubtedly, however, United States pressure to decommission and the events of September 11<sup>th</sup> were influential on republican thinking. Global attitudes to international terrorism intensified that pressure and the IRA leadership did not want to be caught on the wrong side of history. Despite much over-use of the words 'historic breakthrough', this move was considered just that because the IRA had previously looked upon disarmament as surrender. As one observer argued:

For too long politics in Northern Ireland have been imprisoned by dreary recrimination and perpetual crises - much of it revolving around the arms issue. It created a wearying atmosphere of political and public despondency (Moriarty, 2001:6).

The return to political stability wobbled when the UUP leader, David Trimble, renominated his ministers to the Northern Ireland Executive but failed to get elected First Minister after two rebel members from his own party voted against him. Through procedural redesignation of smaller parties he was re-elected (the Alliance Party (3 members) and Women's Coalition (1 member) redesignated as 'unionists'), prompting a period of political calm. The IRA had finally moved on decommissioning and devolution was again fully functioning at Stormont. The Ulster Unionist leader,

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<sup>14</sup> The third and fourth periods of devolution were:  
12<sup>th</sup> August 2001 - 21<sup>st</sup> September 2001  
23<sup>rd</sup> September 2001 - 14<sup>th</sup> October 2002.

however, came under increasing pressure over time as unionist support for the Agreement ebbed and disillusionment with the peace process grew.

This 'final' period of devolution lasted almost 13 months until it was indefinitely suspended by the Secretary of State in October 2002 for the fourth time since its inception in December 1999. The most recent crisis was the result of (another) political impasse described at the time as 'a lack of trust and loss of confidence on both sides of the community' (Reid, 2002). This stemmed from concerns about parties' commitment to exclusively democratic and non-violent means and accusations by each community of the other that they did not endorse the full operation and implementation of the Agreement. A climate of mistrust and uncertainty prevailed accentuated by events such as the trial of republicans in Colombia (allegedly involved in training the left-wing FARC guerrilla group, but since found not guilty), the break-in at Special Branch offices in Castlereagh Police Station (where personal details of Special Branch detectives were removed), and political espionage at Stormont implicating Sinn Féin. In the latter, unionists accused the IRA of exploiting Sinn Féin's membership of the Executive to gather information (names and addresses of prison officers) for use in future acts of violence. Sinn Féin, in turn, complained about a police 'raid' on their offices at Parliament Buildings in Stormont. A subsequent investigation by the Police Ombudsman found no evidence to substantiate allegations that the searches were 'politically motivated' but the scale and manner of the police operation was totally disproportionate (Police Ombudsman for Northern Ireland, 2004).

The power-sharing arrangements in the Assembly intended to build trust between parties appeared to have achieved the opposite. Reflecting on the extent to which devolved institutions throughout the United Kingdom had been consolidated as foci of governance, Bradbury and McGarvey (2003: 219) commented that in Northern Ireland 'the power-sharing basis of devolution... could involve development towards either's (nationalist/unionist) contrary aspirations. At the same time, expectations of reconciliation were so low that consolidation for those simply committed to devolution as a way of sustaining the peace process often focused merely on keeping the show on the road'. Devolution in Northern Ireland therefore, in contrast to other devolved regions, was seen as synonymous with the peace process rather than a focus

of governance. Therein lies the problem - the public's expectations that devolution could deliver a public policy agenda of better, more accountable public services and, at the same time, 'solve' the seemingly intractable political and security problems of Northern Ireland were unrealistic (and unrealised). Public attitude data gathered in 1999/2000 (n= 1,800) show that 48% of those surveyed considered it more important for the Northern Ireland Assembly to spend time on day-to-day issues (improving the health service, economy and employment). Some 40% felt it should concentrate on both political (decommissioning, continuing violence) and day-to-day issues (Northern Ireland Life and Times Surveys 1999, 2000). As Shirlow (2001: 744) observed 'within the Northern Irish context it is evident that devolution cannot, in the short term, resolve, political antagonisms which are rooted in the perpetuation of partition, armed paramilitary groups and territorialization of cultural and economic claims'.

The Secretary of State vowed to re-establish devolved institutions as quickly as possible, hastened by a review of the Agreement, but argued devolved government could only flourish on the basis of trust between the parties. The intention was to bring to an 'unambiguous and definitive conclusion' the transition from violence to exclusively peaceful and democratic means which had dogged devolution (Joint Declaration, 2003:7). In short, the test is whether or not the IRA completes decommissioning and begins to disband. At the time of the fourth suspension, Secretary of State Reid claimed the real losers in the whole process were 'the ordinary people of Northern Ireland, those who appreciate and deserve local decisions which affect local people being made by local politicians, not least because the devolved administration has achieved so much on their behalf, and in their interest' (Reid, 2002). Whether this glowing assessment of the impact of devolution is deserved or was simply intended to put pressure on politicians for its return is in question. As Wilford and Wilson argued:

The lack of a concerted 'loyal' opposition within the Assembly and the existence of fissiparous forces within the Executive trammelled the operation of the institutions - as did, of course, the persistence of the more intractable issues, chiefly decommissioning. Over the period, the institutions managed to function, albeit increasingly imperfectly. It would be miserly to suggest that the greatest achievement of devolution until the time of writing was its survival: though the accomplishments were modest, they were real (Wilson and Wilford, 2001: 95).

## **Post Suspension**

The period since the fourth suspension was intended to restore confidence between the political parties, hold elections to the Northern Ireland Assembly and reinstate power-sharing as soon as possible. The British and Irish Governments through a Joint Declaration (April 2003) committed, *inter alia*, to the protection of Northern Ireland institutions against arbitrary interruption and interference, a timetable for security normalisation, early ideas on the devolution of policing and justice, and further commitments on human rights and equality. The governments, in turn, demanded an 'immediate, full and permanent cessation of all paramilitary activity' (Joint Declaration by the British and Irish Governments, 2003:13). The Prime Minister called for radical 'acts of completion' by the IRA to rescue the political process, reassure unionists and provide the basis for restored devolution. He posed 3 questions: does the IRA intend to - end all activities including targeting; to put all its arms beyond use; and does the IRA's position mean a final closure of the conflict? Clearly the time for 'creative ambiguity' had passed and clarity became the order of the day. The response, according to the Secretary of State, was not a clear and unambiguous statement (Murphy: 2003). Sinn Féin, in turn, called for 'completion' by the British Government on establishing an accountable policing service, demilitarisation, and progressing the human rights and equality legislation. A third act of IRA decommissioning (October 2003) aimed at kick-starting the political process foundered when the UUP leader pulled out of a (now hackneyed) 'historic' deal with Sinn Féin at the last minute which failed to meet unionist demands for a clear and transparent report - full disclosure on arms. The IICD could not commit to these transparency demands at the IRA's insistence of confidentiality. Unionists needed very public reassurances that major acts of decommissioning had taken place to significantly impact on public opinion. Recriminations and counter accusations of bad faith followed.

Wilson argued that the republican movement has repeatedly evaded responsibility for delivering decommissioning in three ways: denying any links between Sinn Féin and the IRA; claiming that decommissioning could only be voluntary, and therefore dependent on others demonstrating to republicans that 'politics works'; and asserting (in the contradiction to the text) that the Agreement renders decommissioning a

'collective responsibility', rather than for the paramilitary-linked parties to address (Wilson, 2001: 2.3). Republicans, on the other hand, have faced internal arguments and indecision over the arms issue - hanging on to them is their means of bargaining, putting them 'beyond use' is an irretrievable step. Obfuscation by the British Government on arms merely compounds their own indecision. Typically, Secretary of State Reid argued that 'decommissioning remains an indispensable part of the Agreement' but at the same time pointed out that 'it is a voluntary act' (Reid, 2001b & 2001c).

The political parties went into the Assembly elections in November 2003 (postponed twice in the hope of political movement) against the background of a deadlocked process where there was the prospect of no Executive after an election - an Assembly but no government, described as an election to a ghost Assembly. The election results saw Sinn Féin eclipse the SDLP to become the largest nationalist party in the Assembly. The Democratic Unionist Party (DUP) topped the polls and displaced the UUP<sup>15</sup>. The displacement of mainstream political parties (SDLP and UUP) has, ironically, been a feature of the devolved era (Hayes and McAlister, 1999; Mitchell, 2001). Sinn Féin and the DUP further consolidated their electoral positions in the more recent European elections (June 2004)<sup>16</sup>. The prospects of a power-sharing Executive with a DUP and Sinn Féin First and Deputy First Minister respectively seem remote. On the unionist side the outcome highlighted the fact that the clear majority of Protestants is disillusioned with the Agreement<sup>17</sup> and, *ipso facto*, prefer direct rule over devolution. As an advisor to Mr. Trimble put it, albeit privately and somewhat rhetorically 'what's the difference between direct rule and devolution? Direct rule is popular!' (Wilford and Wilson, 2003: 43) - particularly among unionists. Equally, republicans claim to be committed to the political process. As one observer put it, 'why should the fastest-growing party (Sinn Féin) in Ireland resort to violence -

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<sup>15</sup> In the November 2003 Northern Ireland Assembly Elections the DUP won 30 seats; UUP 27 seats; Sinn Féin 24 seats; SDLP 18 seats; Alliance 6 seats Independent 1 seat; PUP 1 seat; and UKUP 1 seat.

<sup>16</sup> The DUP topped the poll in the June 2004 European elections with an increased share of the vote (+3.6%) since 1999. Sinn Féin took the previously held SDLP seat in Europe with a large increase in its vote (+8.98%) and the Ulster Unionist candidate was elected at the 3<sup>rd</sup> stage with the held of a large number of transfers from the DUP.

<sup>17</sup> A survey carried out by Millward Brown Ulster for the Belfast Telegraph in November 2003 found that 61% of Protestants felt the Agreement should be renegotiated by political parties compared to 29% of Catholics expressing the same view.

who needs armalites when the ballot box has delivered so spectacularly'? (McKittrick, 2003a: 12).

With the DUP now the largest political party, further enhanced by 3 defections from the UUP,<sup>18</sup> devolution is under serious threat as Ian Paisley opposes the presence of Sinn Féin in a power sharing Executive and refuses to negotiate with them directly. The DUP has challenged why Northern Ireland should be denied the benefits of devolved government because the IRA disqualifies Sinn Féin by failing to maintain a complete and unequivocal ceasefire. In short, they question why the IRA should have a veto over all political development in Northern Ireland. The DUP produced proposals (*Devolution Now*) for the restoration of devolution (before the IRA disarms) where power would be vested in the 108-member Assembly which would run government departments by agreement through votes with a weighted majority of unionists and nationalists. This power could be transferred to a voluntary coalition of ministers if the SDLP agreed to go into government with unionists, but without Sinn Féin. A mandatory coalition government, including Sinn Féin, would be formed only if the IRA engaged in acts of completion, including disarmament. Nationalists, republicans and the UUP were underwhelmed by the proposals and rejected them as the basis for any potential settlement.

The Prime Minister has argued that paramilitarism is the only remaining obstacle to the reinstatement of the institutions of the Agreement. He drew on the first report of the Independent Monitoring Commission which concluded that in order to promote the transition to a peaceful society and stable and inclusive devolved government in Northern Ireland:

Paramilitary groups must decommission all illegally held weapons; they must cease all forms of criminal activity; and all political parties with people elected to public positions, or aspiring to election, must play a full and constructive part in the operation of all criminal justice institutions (Independent Monitoring Commission, 2004: 8.7).

In the absence of political progress, the fear is of a slow but inexorable unravelling of the peace process and an upsurge in accompanying low level communal violence.

From the start the Agreement was viewed differently by the two communities. Nationalists and republicans saw it as progress and an opportunity - described as 'asymmetry in attitudes' - Catholics more positive and Protestants more ambivalent (Wilford *et al*, 2003: 46). For some unionists it represented concessions (power-sharing) as well as the prospect of peace. Over time, unionist support for the Agreement has ebbed away, accelerated by the IRA's intransigence on decommissioning, whereas nationalists still support its full implementation. A key aim of the Agreement was to encourage republicans (and loyalists) into the democratic process and wean them away from violence. The only sanction available to the British Government when they default however is to collapse the institutions upon which the Agreement is premised, hence 'expelling' them from the democratic process. This is self-defeating. Observers however caution against viewing devolution as a short-term fix - 'in Northern Ireland, more than any other part of the United Kingdom, devolution remains a process' (Bradbury and Mitchell, 2002: 311). The prospect of reviving devolution in the short term, however, looks unlikely at the time of writing. Moreover, public attitudes to devolution have become entangled with their opinions on the wider political process. For example, some 83% of respondents in an attitudinal survey in 2003 (n = 1,800) agreed/strongly agreed that any Northern Ireland Government should have to ensure that Protestants and Catholics share power. Similarly, 77% of respondents did not want parties, linked to paramilitary groups still involved in violence, as part of any future Northern Ireland Executive (Northern Ireland Life and Times Survey, 2003). As Wilford and Wilson (2003: 116) argue 'it is not the idea of devolution *per se* that was the casualty of the shift in popular opinion. Rather, lack of trust in the republican movement subverted Protestant support'. But they go on to highlight the lack of public affinity with devolution:

Part of the difficulty was the only limited evidence, as in Scotland and Wales, that the citizens of Northern Ireland had developed an instrumental commitment to devolution. Particularly among Protestants, there was merely lukewarm affirmation of the devolved ministers' mantra-like claim to 'making a difference'. Indeed, substantively, the record from December 1999 - however rationalised by suspensions - was limited (Wilford and Wilson, 2003:84)

It is to the performance and effectiveness of devolution that we now turn.

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<sup>18</sup> Jeffrey Donaldson, Arlene Foster and Norah Beare defected to the DUP in January 2004 giving the DUP 33 seats in the Assembly leaving the Ulster Unionists with 24 seats, equal to Sinn Féin.

## The effectiveness of devolution?

Because devolution has been a product of the Agreement, its outworkings, in particular the performance of the Northern Ireland Assembly, has become inextricably linked to the 'high' politics of Northern Ireland. Hence, it is difficult to judge the effectiveness of the Assembly and devolution in isolation from the wider political agenda. An empirical analysis provides evidence that people's attitudes to the devolution are bound up with wider perceptions of the success of the Agreement and the peace process. The data used are from the Northern Ireland Life and Times 2003 probability survey involving 1,800 face-to-face interviews with adults (18 years+) conducted during the period October 2003 to February 2004<sup>19</sup>.

At a descriptive level the data show a mixed picture on how people viewed the performance of the last Northern Ireland Assembly and Executive (December 1999 - October 2002 with intermittent suspensions). Survey respondents were questioned about how good a job they felt the Assembly and Executive had done in the day-to-day business of running Northern Ireland - the results are shown in table 1.

**TABLE 1**

*How good a job do you think the Assembly and Executive did in the ordinary day-to-day running of Northern Ireland?*<sup>20</sup>

|                                  | Frequency <sup>21</sup> | Percent |
|----------------------------------|-------------------------|---------|
| A good job                       | 430                     | 26.0    |
| Neither a good job nor a bad job | 874                     | 52.8    |
| A bad job                        | 351                     | 21.2    |
| Total                            | 1655                    | 100.0   |

Crudely, around one quarter of respondents considered it had performed either a good or bad job and the remainder were ambivalent. This, however, belies significant differences in the opinions of Catholics and Protestants on the performance of the Assembly and Executive (see table 2 and figure 1). Catholics are significantly more likely to consider the Assembly and Executive did 'a good job' in the day-to-day running of Northern Ireland than Protestants who were more ambivalent about its

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<sup>19</sup> The authors wish to acknowledge ARK - the Northern Ireland Social and Political Archive (University of Ulster and Queen's University, Belfast) for the production of the primary data and access to it for the purposes of analyses.

<sup>20</sup> Question 12, Section 4: 'Political Attitudes' in Northern Ireland Life and Times Survey 2003.

performance or considered they did 'a bad job'. That said, almost half the Catholic respondents were neutral (neither a good or bad job) in their attitude to the Assembly's performance.

**TABLE 2**

**Day-to-day running of Northern Ireland Assembly by Religion**

| Performance of Assembly   | Religion     |                |                 |
|---------------------------|--------------|----------------|-----------------|
|                           | Catholic (%) | Protestant (%) | No religion (%) |
| A good job                | 38.9         | 16.8           | 31.7            |
| Neither a good or bad job | 48.4         | 56.7           | 45.0            |
| A bad job                 | 12.7         | 26.5           | 23.3            |
|                           | 100%         | 100%           | 100%            |
| Total N = 1,637           | 604          | 913            | 120             |

Pearson Chi-Square:  $\chi^2 = 109.19$

Significance:  $p < .001$

Cramer's V = 0.18

To put this in the context of devolution in the United Kingdom however, these findings are in line with public attitudes towards the Welsh Assembly and the Scottish Parliament. For example, only one quarter of Scots felt the Scottish Parliament had made 'a real positive difference to life in Scotland and been a success so far'. In Wales, when asked about changes since 1997 in areas such as education, the national health service and general standard of living, only a minority (between 24 - 31%) thought things had improved (ESRC Devolution and Constitution Change Programme: 2004). Hence, the Scottish Parliament and Welsh Assembly have so far made only a limited impact, despite evidence of support for devolution in both regions.

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<sup>21</sup> Data presented here excludes 'don't know' category.

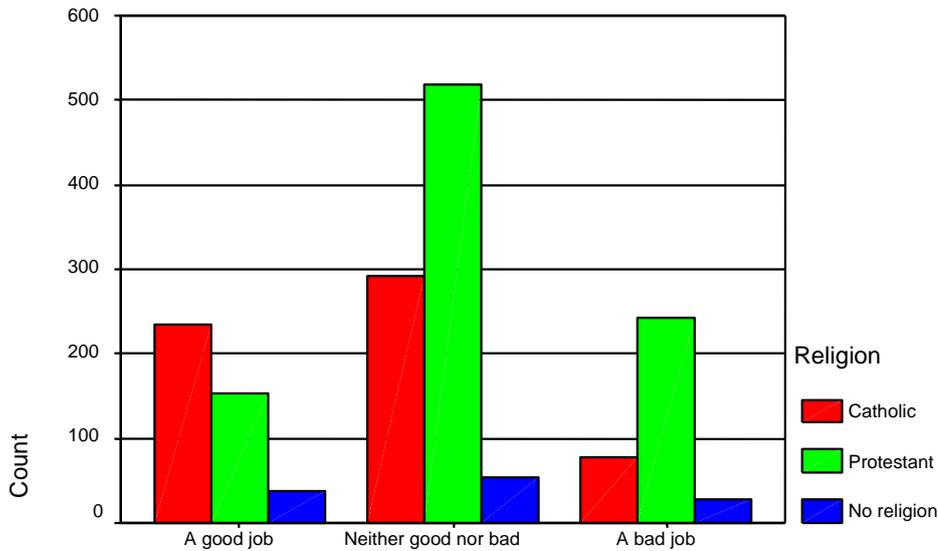


Figure 1: Day to day running of the Assembly/Executive

Survey respondents in Northern Ireland were asked to express their future preference for devolution - its retention or a return to direct rule from Westminster (see table 3). Whilst just under 40% of respondents would be sorry to see the abolition of the Northern Ireland Assembly and the return to direct rule, most people were ambivalent.

**Table 3**

*If, in the future, the Northern Ireland Assembly were to be abolished and Northern Ireland were to be governed as it was before devolution, would you be...*<sup>22</sup>

|                            | Frequency <sup>23</sup> | Percent |
|----------------------------|-------------------------|---------|
| Pleased                    | 127                     | 7.5     |
| Sorry                      | 652                     | 38.7    |
| Don't mind much either way | 908                     | 53.8    |
| Total                      | 1687                    | 100.0   |

Again this disguises significant differences between Catholic and Protestant respondents (see table 4 and figure 2). Catholics are significantly more likely to 'be sorry' if 'in the future the Northern Ireland Assembly were to be abolished and Northern Ireland were to be governed as it was before devolution'. Conversely, Protestants are significantly more likely to 'be pleased' or 'not to mind either way' about the reinstatement of direct rule.

<sup>22</sup> Question 14, Section 4: 'Political Attitudes' in Northern Ireland Life and Times Survey 2003.

<sup>23</sup> Data presented here excludes 'don't know' category.

**TABLE 4****Abolition of Northern Ireland Assembly by Religion**

| Abolition of Assembly      | Religion     |                |                 |
|----------------------------|--------------|----------------|-----------------|
|                            | Catholic (%) | Protestant (%) | No religion (%) |
| Pleased                    | 1.7          | 11.4           | 7.0             |
| Sorry                      | 55.0         | 27.9           | 40.3            |
| Don't mind much either way | 43.3         | 60.7           | 52.7            |
|                            | 100%         | 100%           | 100%            |
| Total N = 1,667            | 606          | 932            | 129             |

Pearson Chi-Square:  $\chi^2 = 136.44$

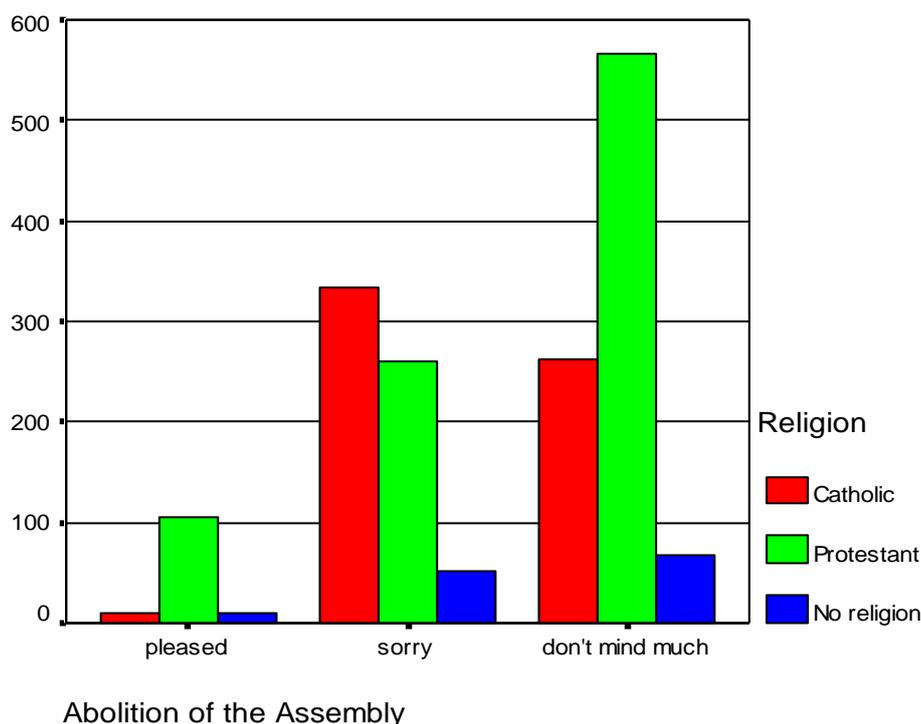
Significance:  $p < .001$

Cramer's V = 0.20

These views, however, can be contrasted with opinions expressed on the future constitutional options for Northern Ireland. When asked to state a preference from a range which included independence, devolution, direct rule from Westminster or a united Ireland, respondents opted for Northern Ireland remaining part of the United Kingdom with its own elected parliament which had law-making and taxation powers (a Scottish type parliament), followed by its own elected Assembly (the existing Stormont model) with limited law-making powers (29.3% and 22.3% respectively)<sup>24</sup>. In the wider UK context of devolution there is stronger support for devolution as a constitutional preference over other forms of governance. The majority of Scots (52%) support the Scottish Parliament and there is a growing preference amongst the Welsh for a more powerful Scottish-style parliament over the current National Assembly in Wales, (37.8% and 27.1% respectively). This illustrates the asymmetry of devolution or what Jeffery has described as 'a collection of separate initiatives which lacks an overarching sense of purpose' (ESRC Devolution and Constitution Change Programme: 2004).

<sup>24</sup> Question 37, Section 4: 'Political Attitudes' in Northern Ireland Life and Times Survey 2003.

**Figure 2**



Moving beyond the level of description, our *a priori* assertion is that people's assessment of the success or effectiveness of devolution in Northern Ireland is associated with the wider political agenda rather than the performance of the Assembly and Executive *per se*. To test this, a five-variable frequency analysis was performed to develop a hierarchical log-linear model of factors associated with the performance of the Assembly and Executive in the day-to-day running of Northern Ireland. Hence, we tested the associations between people's attitudes on the following five variables:

- assessment of the performance of the Assembly and Executive in the ordinary day-to-day running of Northern Ireland (variable name: *ASSEM*<sup>25</sup>);
- who benefited most from the Agreement - unionists, nationalists or both equally (variable name: *GFAGREE*<sup>26</sup>);
- whether there is trust in the Assembly to work in Northern Ireland's best interests (variable name: *TRUST*<sup>27</sup>);

<sup>25</sup> Survey question: How good a job do you think the Assembly and Executive did in the ordinary day-to-day running of Northern Ireland?

A good job; neither a good nor a bad job; or, a bad job (recoded for analysis).

<sup>26</sup> Survey question: Thinking back to the Good Friday Agreement now, would you say that it has benefited unionists more than nationalists, nationalists more than unionists, or that unionists and nationalists have benefited equally?

Unionists benefited a little/a lot more than nationalists. Nationalists benefited a little/a lot more than unionists. Unionists and nationalists benefited equally (recoded for analysis).

- if progress has been made in the search for peace in Northern Ireland (variable name: *PEACE*<sup>28</sup>); and
- the stated religion of the respondent (variable name: *RELIG*<sup>29</sup>).

Some 1,360 respondents provided usable data for this analysis. The analysis began with all three-way interactions and associations between the five variables above and then eliminated those which could be excluded, whilst retaining a reasonable fit between expected cell frequencies generated by the model and the obtained frequencies. The final model included four three-way interactions and one two-way association as follows:

ASSEM\*GFAGREE\*RELIG  
 ASSEM\*GFAGREE\*PEACE  
 GFAGREE\*TRUST\*RELIG  
 TRUST\*PEACE\*RELIG  
 ASSEM\*TRUST

This model had a likelihood ratio  $\chi^2(136) = 116.7$ ,  $p = .88$ , indicating a good degree of fit between observed frequencies and expected frequencies generated by the model. Considering the specific interactions and association in the final model in the order above:

1. Assessment of the performance of the Assembly and Executive in the running of Northern Ireland and those seen to have benefited more from the Agreement are significantly associated and this pattern of association is different depending on the religion of the respondent. The data show that those who felt nationalists benefited more from the Agreement were significantly more likely to see the Assembly and Executive as having done 'a bad job' in the day-to-day running of Northern Ireland. In addition, Catholics who felt that nationalists had benefited more than unionists as a result of the Agreement were significantly more likely to think that the Assembly did 'a good job' than Protestants in the same category. Conversely, Protestants who felt nationalists had benefited more from the Agreement were significantly more likely to think the Assembly 'did a bad job'.

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<sup>27</sup> Survey question: How much do you trust a Northern Ireland Assembly to work in Northern Ireland's best interests?

Just about always; most of the time; only some of the time; almost never (recoded for analysis).

<sup>28</sup> Survey question: Thinking about the last few years and the search for peace in Northern Ireland. How do you personally feel about what has happened in the last few years?

I feel happy that we have made progress - yes or no?

<sup>29</sup> Survey question: religion of the respondent: Catholic, Protestant, or no religion.

2. Assessment of the performance of the Assembly and Executive in the running of Northern Ireland and those seen to have benefited more from the Agreement are significantly associated and this pattern of association is different depending on perceived progress in the peace process. The data show, for example, that those who felt that nationalists had benefited more from the Agreement and who were 'unhappy about progress towards peace' were significantly more likely to feel the Assembly and Executive 'did a bad job' in the day-to-day running of Northern Ireland.
3. Who benefited more from the Agreement and trust in the Assembly to work in Northern Ireland's best interests are significantly (positively) associated and this pattern of association is different depending on the religion of the respondent.
4. There is a significant positive association between attitudes to trusting the Assembly to work in the best interests of Northern Ireland and whether progress has been made in the search for peace, mediated by the religion of the respondent.
5. Unsurprisingly, there is a significant association between those who trusted the Assembly to work in the best interests of Northern Ireland and whether they felt it had performed well on the day-to-day running of the Province. Those who 'just about always' or 'most of the time' trusted the Assembly to work in the best interests of Northern Ireland were significantly more likely to see it as doing 'a good job'.

What these results show therefore is that people's assessment of devolution, expressed in their views on the performance of the Assembly and Executive in running Northern Ireland, is inextricably bound to their support for the Agreement, attitudes to the peace process, and the extent to which they trust the institutions to work in the best interests of the Province. These attitudes, in turn, are mediated by community background. Catholics offer a more positive assessment of the performance of the Executive and Assembly than Protestants and would be significantly more unhappy with the abolition of devolved institutions and the return of direct rule in the future.

## Conclusions

Commenting on the implementation of devolution in the United Kingdom, one observer concluded 'devolution has bedded in remarkably smoothly' (Jeffery, 2004). Whether this applies to Northern Ireland is in question. There is a qualitative difference in the devolution experience in Northern Ireland where its focus was (and continues to be) securing accommodation between unionism and nationalism rather than a new form of governance with local decision-making, accountability and responsiveness to regional needs. Despite the ongoing political problems, Bew (2002: 1087) argues that 'the principle of devolution is not in crisis, the problems are more of an inter-communal, political nature and these are very serious'. Hence, devolution in Northern Ireland has languished by its association with the Agreement which was aimed at resolving long-standing constitutional, security and human rights/equality issues. Each crisis in the implementation of the Agreement became a crisis for devolution. This despite the fact, as Lord Holme (2002: 1209) pointed out, 'devolution is one plank in a rather complicated edifice represented by the Agreement'.

That the Agreement and devolution have become synonymous means that the fate of the former will dictate the destiny of the latter. Moreover, this blurring of boundaries between trying to achieve a political settlement and, at the same time, introduce constitutional change under devolution has served to merge these issues in the minds of the public. Hence, from the empirical evidence presented here, devolution is less about the role played by the Assembly and Executive in the day-to-day business of running Northern Ireland and more to do with issues of 'high' politics. The stance of the main political parties has compounded the merger and devolution is no longer seen as a circumscribed policy of constitutional change. For example, the DUP is avowedly anti-Agreement, as are sections of the UUP. Nationalists and republicans, on the other hand, are enthusiastically pro-Agreement. The Assembly, an artefact of devolution, is however supported by all the political parties (including the DUP) for both political and personal interests. As McKittrick (2003b: 20) puts it 'one of the major faultlines is whether parties and individuals are for or against the 1998 Good Friday Agreement, yet membership of the Assembly transcends that fissure'. Republicans, in particular, despite reservations about joining a power-sharing Executive government in a Province whose legitimacy they do not recognise are keen

to restore devolved government. Yet the evidence (table 4 and figure 2 above) amongst Protestants is indifference to, or support for, the abolition of the Assembly and the restoration of direct rule from Westminster (60.7% and 11.4% respectively). This compares starkly with Catholics, the majority of whom (55%) would be sorry to see the Assembly go. The level of ambivalence towards the Assembly is more a response to its on/off functioning than a commentary on the principle of devolution which has become mired in constitutional politics. If this continues devolution, by association, will be seriously weakened. Since the reimposition of direct rule in October 2002 the public has seen little difference in their daily lives - the status quo *ex ante*. Public services are delivered much as before through civil service departments and agencies well-practised operating with a democratic deficit, an imperfect peace exists, and resentment grows at the costs of an Assembly which cannot function.

Direct rule ministers do not see their roles as a holding operation and have embarked on a series of radical reforms (some started by the Assembly). A new domestic rating system will take effect in 2007 and the Water Service 'Next Steps' Agency is to become a government owned company from April 2006. The reforms have been criticised by local political parties as a stealth tax and a stop-gap measure towards privatising water, respectively. Controversial unilateral proposals (announced by Sinn Féin Minister Martin McGuinness as a final act of the devolved administration in October 2002) to abolish the education selection system (the so-called '11-plus') have been embraced by London ministers. There is increasing criticism that locally elected MLAs are playing no part in these day-to-day reforms while at the same time locked in political negotiations/impasse. In short, public policy issues are going by default and the public's perception of devolution is jaundiced as a consequence.

The British Prime Minister and Irish Taoiseach set a new deadline (September 2004) for intensive talks (Leeds Castle) aimed at restoring devolution. Prime Minister Blair voiced a discernible note of frustration - 'we have come a long way in this process but there cannot be endless more negotiations, so we are going to have to decide whether we can reach agreement and find a way through or not' (Northern Ireland Office: 2004). The Taoiseach echoed these frustrations 'we can't keep having discussions that don't lead to any ultimate conclusions'. In the event, the Leeds Castle talks remain

‘unfinalised’ with agreement reached, according to the two governments, on resolving the issues of ending paramilitary activity and putting weapons beyond use. Discussions continue however on changing the Agreement at the DUP’s insistence so that the Executive has more cabinet responsibility and the power of individual ministers is restricted. Nationalists and republicans see the changes as an attempt to seize control by unionism in a return to majority rule. The British and Irish Governments’ stance is that if agreement cannot be reached ‘we will find a different way to move this process forward’ (Northern Ireland Office Joint Statement, 18<sup>th</sup> September 2004).

In the absence of progress, a review of public administration continues, initiated in June 2002, 'to review the existing arrangements for accountability, administration and delivery of public services in Northern Ireland, and to bring forward options for reform...within an appropriate framework of political and financial accountability' could provide an alternative (Northern Ireland Executive, 2002). Therein the Northern Ireland Office Minister (Ian Pearson) sees the role of local government enhanced and a significant reduction in the number of public bodies. All of this is with a view to improving the quality of public services and enhancing collaboration between providers. If the wider political issues continue to prove intractable, a form of administrative devolution with councils, many of whom exercise power-sharing arrangements, as the principal stakeholders could become attractive. This might offer devolution without the associated constitutional baggage. Minister Pearson has already announced his preference for 5-8 councils or ‘strong local government’. If the proposed councils were to assume the status of unitary councils in the rest of the United Kingdom, this could call into question the *raison d’être* of the 10/11 government departments reorganised to accommodate devolved power sharing arrangements and themselves excluded from the review of public administration. The model envisaged by the review team is one in which the Northern Ireland Executive and Assembly have a policy development and oversight role, with sub-regional councils and other public bodies responsible largely for service delivery. With key powers vested in the hands of a much reduced number of (salaried) local councillors (a form of administrative devolution) the remit of direct rule ministers would reduce significantly. Executive devolution to the Northern Ireland Assembly would follow only after a successful conclusion to current negotiations. Whilst radical and probably

a second best option ('rolling devolution' for slow learners), it could circumvent the conjunction of devolution and the implementation of the Agreement where the former is wholly dependent on the vagaries of the latter. Although quite what one would do with 108 MLAs is yet another matter. A shift in focus from top-down executive devolution to bottom-up administrative devolution may well require less creative ambiguity on the part of the British Government and, importantly, more directly impact on public opinion should improvements in public services follow.

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