

# Northern Ireland Affairs Committee – inquiry into the effectiveness of the institutions of the Belfast / Good Friday Agreement

## Written evidence from Pivotal

Pivotal is the independent public policy think tank for Northern Ireland. Pivotal aims to help improve policy in Northern Ireland, through promoting a greater use of evidence in decision-making and by involving a wider range of people in talking about policy issues. Pivotal is independent of political parties and political ideologies, and operates outside of government. We aim to promote and enable discussion about policy issues in Northern Ireland that is evidence-based, inclusive and accessible.

### *Summary*

The Belfast / Good Friday Agreement institutions represent a huge achievement in moving Northern Ireland from a situation of conflict to one of relative peace. Establishing a cross-community power-sharing government in a deeply divided society represented enormous progress from what had gone before. Unfortunately, however, the institutions have not produced government that has been either stable or effective, with the Executive not functioning for more than 40% of the time since 1999. This is perhaps unsurprising given the big differences in the parties' views on many issues.

The stability and effectiveness of the Executive is heavily reliant on strong leadership and relationships of trust between the parties, together with a constructive and business-like commitment to making the institutions work. While the Belfast / Good Friday Agreement relied on such a spirit of partnership and good faith, unfortunately it has often been lacking in practice.

The Executive operates under an almost constant threat of collapse, and such fragility is not conducive to effective government. Moreover, political disagreements dominate debate, to the exclusion of a focus on addressing day-to-day policy challenges. Features of how the Executive works include: a lack of common purpose and shared vision for improving real world outcomes for people; ministers operating separately rather than collectively; a failure to take difficult decisions and an absence of prioritisation; little longer term or strategic policy making; and a lack of focus on delivering improvements to public services. Unfortunately we see the impact of this ineffective government in persistently poor outcomes across many economic, health and social indicators.

Northern Ireland needs institutions that have the resilience to withstand political disagreements without collapse. It needs an Executive that works with common purpose and that has the time, space and commitment to do proper policy development and delivery.

Pivotal's view is that the current institutions could work effectively if there was sufficient political commitment to them, particularly from the two largest parties. A commitment to behaviours that make the institutions work is more important than reforms to the structures and mechanisms.

Practical suggestions for improving the effectiveness of government, which would not involve reform, include: political agreement to a programme for government before parties enter an Executive; proper plans to address long-term policy problems; an enhanced role for the Assembly and Committees; and greater involvement of organisations outside government in policy development.

As co-guarantors of the Belfast / Good Friday Agreement, there is a strong onus on the UK and Irish governments to ensure that the institutions function, including prioritising their restoration. More attention is also needed on providing adequate governance when the institutions are not in place.

## Introduction

Pivotal has published reports reviewing the performance of the Northern Ireland Executive as a government, to give an independent assessment of what has been achieved and what future policy priorities should be. One of Pivotal's first reports ([Good Government in Northern Ireland](#) (2020)) looked at how effective the Executive has been at providing government here. Since then, we have published a series of 'tracker' reports looking at past performance and future policy priorities, for example [Pivotal Tracker](#) (September 2021) and [Post-election policy priorities](#) (March 2022). The analysis in this submission draws on these reports and other more recent research and conversations.

We welcome the Committee's inquiry and the opportunity to provide evidence. Our response is focussed on reviewing the effectiveness of the Strand One institutions in providing stable and effective government, since this is where Pivotal has a track record of published reports. We offer some thoughts about potential reforms, but our comments are mainly about ways to support the existing institutions to work more effectively. We do not provide comment on the Strand Two and Strand Three institutions since we have not done any detailed analysis about them.

The Belfast / Good Friday Agreement institutions represent a huge achievement in moving Northern Ireland from a situation of conflict to one of relative peace. Establishing a cross-community power-sharing government in a deeply divided society was an enormous step forward from what had gone before. Given the history and the opposing positions of the parties who came into government together, this achievement should not be under-estimated.

In considering how the institutions have functioned, some words from the Declaration of Support at the start of the [Belfast / Good Friday Agreement](#) are relevant:

*"We acknowledge the substantial differences between our continuing, and equally legitimate, political aspirations. However, we will endeavour to strive in every practical way towards reconciliation and rapprochement within the framework of democratic and agreed arrangements. We pledge that we will, in good faith, work to ensure the success of each and every one of the arrangements to be established under this agreement."*

It has often been said that the institutions were negotiated to bring an end to conflict, with perhaps a naïve assumption that stable and effective government would follow. Unfortunately that has not been the case, with parties struggling to operate together in coalition. The institutions have frequently collapsed and/or been under threat of collapse. Moreover, disagreements about constitutional or identity issues have dominated the political discourse to the exclusion of discussion about day-to-day policy challenges. None of this is conducive to providing stable and effective government.

The difficulties in operating a mandatory coalition are hardly a surprise given the huge differences in the parties' views on the constitutional status, identity, the past, and many economic and social issues. Mandatory coalition is a very challenging form of government to make work, especially given the history and context in Northern Ireland. While it might be easy to blame politicians for failing to provide stable and effective government, it should be acknowledged that they are operating in an extremely challenging context.

The rest of our evidence is structured as follows:

1. Cross-community government
2. Stability of government
3. Effectiveness of government
4. How the Strand One institutions could be strengthened within the existing structures
5. Headline comments on possible reforms to the institutions

## **1. Cross-community government**

Whatever is said about the success of the institutions in providing stable and effective government, it is an enormous achievement to have established an acceptable form of cross-community power-sharing in Northern Ireland. The cross-community nature of the Assembly and Executive was and remains essential for any kind of sustainable government in Northern Ireland.

Electing MLAs using a Single Transferable Vote system with multi-member constituencies ensures a broad representation of voters' views in the Assembly. The nomination of ministers to the Executive via the d'Hondt process provides a coalition of representatives from most parties in the Assembly, if they choose to participate. Whether it functions effectively as a coalition however is discussed further below.

When considering the cross-community nature of the institutions, it is important to note recent changes in voting patterns which have resulted in significant growth in the number of MLAs from the 'Other' designation. When the institutions were first established, 'Other' was anticipated to be a far smaller proportion of MLAs. The growth of this group raises questions about the lesser status of these MLAs in cross-community votes and their position in the nomination process for First and deputy First Minister roles.

## **2. Stability of government**

Sustaining mandatory power-sharing between parties with such different political views will always be very challenging. The stability and effectiveness of the institutions is therefore heavily reliant on strong leadership and relationships of trust between the parties, together with a constructive and business-like commitment to making the institutions work. Unfortunately these have often been lacking.

Since devolution in December 1999, the institutions have not functioned for more than 40% of the time (see [Factcheck NI](#)). This includes almost four of the last six years since the start of 2017. A mandatory coalition system that was set up to ensure power-sharing has in fact recently been used by the two largest parties to prevent the Executive operating at all.

The main periods when the institutions have not functioned are set out below (see [Institute for Government, Governing without Ministers](#) (2019) for more details):

- February to May 2000 – 4 months
- July to November 2001 – 5 months
- October 2002 to May 2007 – 4 years and 7 months
- June to November 2008 – 5 months

- January 2017 to January 2020 – 3 years
- February 2022 to current – 10 months (ongoing)

In the early years of the institutions, the suspension of devolution was caused by the UUP's withdrawal from the Executive over a lack of progress in decommissioning and reports of paramilitary activity. After the March 2007 Assembly elections, there was a four year period of relative stability until the elections in May 2011, with a break of five months in 2008 due to disagreements about the devolution of policing and justice powers. The period from May 2011 until May 2016 was the first (and only) time that the institutions survived through a whole Assembly term, but there were growing tensions throughout these five years over issues including the displaying of flags and welfare reform.

After the elections in May 2016, relations between DUP and Sinn Féin were increasingly fraught because of Brexit, identity issues and the Renewal Heat Incentive (RHI) scheme, leading to the Sinn Féin deputy First Minister's resignation in January 2017. The subsequent period without government lasted three years, with restoration coming via the New Decade, New Approach Agreement in January 2020. The new Executive was then in place for just over two years (a period dominated by Covid-19), when the DUP First Minister resigned in February 2022 in opposition to the Northern Ireland Protocol. The DUP have refused to participate in the institutions since then until the Protocol issues are resolved.

Such instability has a severe impact on government in Northern Ireland. In the early periods without the institutions, direct rule was re-imposed meaning that Northern Ireland Office ministers took decisions in the absence of the Executive. More recently, the Northern Ireland Civil Service has been left in charge during periods without an Executive, with occasional interventions from the Secretary of State.

Even when the institutions are in place, they are frequently under threat of collapse. Disputes dominate the political discourse leaving little room for addressing day-to-day policy issues. Often the atmosphere is more one of contest than coalition. There is little resilience in the system to withstand or resolve major disagreements between the two largest parties.

In 2020, a number of measures in the [New Decade, New Approach](#) agreement attempted to bring about greater stability through limiting the circumstances under which an Executive would break down. One of these was the extended periods of 'caretaker ministers' who were in place between February and October 2022. While this provided helpful continuity in ministerial leadership during the recent periods without an Executive, the extended period unfortunately did not enable the restoration of the institutions.

### **3. Effectiveness of government**

It is obviously very difficult for a government that is so unstable to be effective. The Executive operates under an almost constant threat of collapse, and such fragility is not conducive to good policy making. Moreover, political disagreements dominate debate, to the exclusion of a focus on addressing day-to-day policy challenges. Although the Executive is formally a coalition, ministers tend to operate separately and there is little common purpose.

Pivotal's report [Good Government in Northern Ireland](#) set out some areas where the Executive has seen some successes over the years. The end of (most) violence and falls in support for paramilitarism are fundamental to the relative peace now enjoyed. Cross-community support for policing was achieved, allowing the devolution of further powers to the Executive. In economic policy, the Executive has enabled the growth of IT, pharmaceutical and agri-food sectors, promoted tourism and supported the development of the film and TV industries. Northern Ireland consistently scores highly on life satisfaction measures.

However, outcomes across many areas of public services are poor, for example the longest health waiting times in the UK, persistent inequalities in education, low productivity, over-stretched infrastructure, a failure to adequately address climate change and an absence of reconciliation between communities. Northern Ireland faces many long-standing challenges, and Pivotal would argue that poor policy-making by the Executive has contributed to the failure to properly address these. In turn, this poor decision-making can be traced back to ineffectiveness in how the Executive operates as a government.

Pivotal's [Good Government in Northern Ireland](#) report set out some headline weaknesses in how the Executive operates:

- There is a lack of common purpose in the Executive. There is an absence of an agreed joint set of policy goals for improving outcomes for people across Northern Ireland.
- Despite it being a coalition, ministers and departments tend to operate individually rather than collectively. Power is 'carved up' rather than shared, with ministers often using their position to protect their party's interests rather than pursuing those of the Executive as a whole.
- Longer term decision making is largely absent, as inherent instability means politicians' focus rarely gets beyond issues that are immediately pressing. There is an emphasis on short-term survival rather than longer term strategy.
- Tough choices are avoided if they are political contentious and/or will be unpopular with voters. This lack of difficult decision-making feeds into an absence of prioritisation because choices are not made.
- There is little focus on performance in public services and whether improved outcomes are being delivered in the real world.
- Continuous coalition means little accountability to voters about day-to-day policy issues, reinforcing the political focus on issues relating to the constitutional status only.

The most obvious current example of how poor decision-making works out in practice is the failure to reconfigure how health services are delivered because of the unpopular decisions required, despite clear recommendations in several independent reports. A lack of focus on longer term issues has meant an absence of attention to climate change until recently. Similarly, long-term investment

in Northern Ireland's infrastructure has been neglected. A failure to focus on policy delivery sees the educational attainment gap persist despite repeated reports and interventions over the years.

The public in Northern Ireland has a very poor view of the effectiveness of the Executive. While most people support the Belfast / Good Friday Agreement as the [preferred form of government](#) in principle, polling in March 2022 showed that [people are hugely dissatisfied with the Executive's performance](#). Nevertheless there is a surprising tolerance of long periods without proper government and of poor outcomes in public services (e.g. health waiting lists). This has changed somewhat recently, with considerable current public challenge to the lack of an Executive, particularly in the midst of current crises in the health service and with the escalating cost of living.

#### **4. How the Strand One institutions could be strengthened within the existing structures**

In this section we look at what could be done within the existing structures to help them work more effectively. Some brief comments about possible reforms are provided in the final section.

Northern Ireland needs institutions that have the resilience to withstand political disagreements without collapse. It needs an Executive that works with common purpose and that has the time, space and commitment to do proper policy development and delivery. Having this clear shared vision would contribute to stability through providing a common set of real-world policy goals that the Executive was seeking to achieve, and so reduce the threat of collapse in times of political disagreement.

Pivotal's view is that the current institutions could work effectively if there was sufficient political commitment to them, particularly from the two largest parties. So far, unfortunately the prevailing culture and behaviours have combined to cause the institutions to repeatedly fail. Our view is that a commitment to behaviours that make the institutions work is more important than reforms to the structures and mechanisms.

There have been some periods since 1999 when the institutions have worked more effectively. Features of these periods were strong leadership, good working relationships, trust and a 'business-like' partnership between the two largest parties. In our view, these behaviours were and are the key to stable and effective government.

Below are some further practical suggestions which might assist in making government more stable and effective, which do not require any reform of the institutions:

- Agreement of a programme for government by politicians before taking on ministerial roles, which sets out an agreed set of specific goals for the period ahead. This would provide a shared vision and work programme, with the political commitment to common goals making it less likely that future disagreements will push the Executive off-course.
- This programme for government should include headline policy goals in big cross-cutting areas of common concern e.g. climate change, early years education, health inequalities.
- Three year budgets should underpin the programme for government, giving sufficient time for proper planning of investment and reform.

- Adopting a commitment to policy making for the longer term, perhaps through new legislation like the [Wellbeing of Future Generations Act](#) in Wales.
- Strengthening the roles of the Assembly and its Committees in scrutinising the work of ministers and developing legislation, including more use of outside expertise.
- Greater transparency and openness to external involvement in policy making, such as academics, think tanks, business and third sector organisations. For example, the new independent [Fiscal Council](#) and [Fiscal Commission](#) have made very useful contributions to the understanding and scrutiny of the public finances.
- Consideration of the Scottish model of a single Accounting Officer (AO) for Northern Ireland (rather than an individual AO for each department) to encourage more cross-government working.
- Focus on improving outcomes for people in the real world through sustained monitoring and evaluation of what public services are delivering.

As co-guarantors of the Belfast / Good Friday Agreement, the UK and Irish Governments should take on a much greater role than in recent years in working towards the restoration of the institutions when they have failed, and ensuring the continuity of the institutions when they are in place. The involvement of the two governments has been very important in the past in providing support for the institutions and urging the parties to make the structures work. This involvement has been lacking in recent years and Northern Ireland has suffered as a result.

The two governments should consider developing a clearer plan for what happens when the institutions collapse. In recent years, these periods have involved the Northern Ireland Civil Service continuing to operate in line with previous policies, with occasional legislative interventions from the Secretary of State on major issues. This model provides inadequate and unclear governance, described as resulting in “stagnation and decay” in public services by the then Head of the Northern Ireland Civil Service in 2019. It also suffers from a lack of democratic accountability, transparency and scrutiny. Moreover, there is little direct consequence for a party that chooses to collapse the institutions, while collectively everyone bears the effects of it.

## **5. Headline comments on possible reform of the institutions**

Current calls for reform of the institutions are largely based on two developments. First, there are frustrations with the Executive being absent for almost four of the last six years and a desire to remove the ability of one of the two largest parties to veto its existence. Second, larger number of voters are supporting parties designating as ‘Other’, calling into question the current lesser status of these MLAs in cross-community votes, as well as the inability of a party from this designation to nominate for the deputy First Minister role even if it is the second largest party.

Pivotal has not considered the options for reform of the institutions in detail, so at this stage we offer just the following headline comments:

- the Belfast / Good Friday Agreement institutions are the only arrangement to have a democratic mandate from the people of Northern Ireland. The consent provided to the arrangements in the Agreement in the 1998 referendum is fundamental.
- Having said this, there was always an expectation that the institutions would develop and evolve over time. This has already happened in the changes made, for example, at St Andrews and in New Decade, New Approach.
- Any reforms should be very carefully explored and considered, including a broad public conversation. Independent expertise is needed to advise fully on the possible out-workings of different options.
- To be sustainable any reforms would need widespread support from both unionist and nationalist communities.
- In practical terms, it seems unlikely that either of two largest parties would accept proposals for reform that significantly reduce their influence from the current position, so some of the options for reform being discussed at present may not get the widespread support needed to be sustainable.
- As set out above, the current institutions could work if there was sufficient political will to make them work. There is a risk that time and energy could be invested in reforming the institutions, only to find they are still unstable and ineffective if there is not a commitment from all parties to behaviours that demonstrated a willingness to govern together.

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