

# **The Politics of Northern Ireland**

Joanne McEvoy

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**Joanne McEvoy**

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Joanne McEvoy, 2008

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# Towards Restored Devolution

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### Overview

The chapter explores political developments in Northern Ireland following the suspension of the institutions and return of direct rule in October 2002. It discusses the political stalemate following the 2003 Assembly election and the extent of unionist disaffection with the implementation of the Good Friday/Belfast Agreement. The chapter presents the proposals on the part of the political parties and the British and Irish Governments for restored devolution in relation to the Review of the Agreement in 2004. It then highlights the important amendments to the 1998 Agreement made in the Northern Ireland (St Andrews Agreement) Act 2006. Finally, the chapter charts the political events surrounding the 2007 Assembly election, the agreement between the DUP and Sinn Féin and the restoration of devolved power sharing on 8 May 2007.

### Key issues to be covered in this chapter

- The different forms of devolution in the UK
- Stalemate during the post-suspension period
- Efforts made by the British and Irish Governments to restore devolution
- Significance of the St Andrews Agreement which made several changes to the Good Friday/Belfast Agreement
- Events that led to the restoration of devolved power sharing, including the significance of Sinn Féin's support for the police and the DUP's willingness to form a government with republicans
- Early successes of the power-sharing executive formed on 8 May 2007

## **Devolution in the UK**

Devolution was established in the UK by the Labour Government at the end of the 1990s. This process of constitutional reform radically changed the political landscape of the UK. The previous chapter outlined the institutional framework for devolved government in Northern Ireland under the Good Friday/Belfast Agreement. Before exploring the political developments following suspension of the institutions in October 2002, this section presents the similarities and differences between the devolved structures in Northern Ireland, Scotland and Wales.

### **Northern Ireland**

In Northern Ireland, power was transferred to a Northern Ireland Assembly elected by proportional representation (STV) with 108 MLAs. Devolution in Northern Ireland meant a power-sharing administration, formed on 29 November 1999 between the four main parties: the UUP; the SDLP; the DUP; and Sinn Féin. Importantly, devolution in Northern Ireland was not just about the internal arrangements for power sharing, it was also about a peace agreement and addressing the important north–south and east–west relations via the North–South Ministerial Council and the British–Irish Council, respectively.

The Northern Ireland Act 1998 contains three categories of legislative power: excepted; reserved; and transferred. While excepted matters relate to defence, immigration policy, currency and international relations, reserved matters include policing and criminal law. All other matters are transferred matters which deal with the areas of domestic affairs such as health, education and the environment which were handled by the Northern Ireland departments under direct rule.

### **Scotland**

Devolution in Scotland established the Scottish Parliament with 129 Members of the Scottish Parliament elected by the mixed member proportional representation system and the Scottish Executive. Under the mixed member proportional representation system, seventy-three MSPs represent individual geographical constituencies elected by ‘first past the post’ with an additional fifty-six members returned from eight additional member regions, each electing seven MSPs. The first two

Scottish Parliaments elections – in 1999 and 2003 – led to coalition government between Labour and the Liberal Democrats. The third election, however, in May 2007, resulted in an electoral victory for the Scottish National Party (SNP) with Alex Salmond becoming First Minister. The first time the SNP was in government, Salmond pledged his continued support for the goal of an independent Scotland.

The Scottish Parliament has general competence over all matters not expressly reserved to Westminster. Reserved matters include matters such foreign affairs, defence and national security, but also include company law, competition policy and industrial relations and the welfare state. A notable difference between Scottish devolution and that in Northern Ireland and Wales is that the Scottish Parliament can raise or lower the rate of income tax by up to 3p in the pound.

## **Wales**

In Wales, the arrangements for devolution are weaker than in both Northern Ireland and Scotland. The Government of Wales Act 1998 created the National Assembly with sixty Assembly members elected under the mixed member proportional representation system. Although the Assembly is a legislature, it does not have primary legislative or fiscal powers, as these powers have been reserved by Westminster. The legislative powers of the Assembly are, therefore, fairly limited as it can only make secondary or subordinate legislation in areas within its competence and transferred from ministers, primarily the Secretary of State. Since it was established in 1999 the Assembly has been pressing for additional powers and to have the same devolved powers as Scotland.

Proposals for executive devolution were put forward in the Government of Wales Act 2006 which would allow the Assembly to acquire enhanced legislative powers for matters approved by Parliament, with full legislative powers if approved in a referendum in the future. At the May 2007 Welsh Assembly election, Labour failed to win a majority. After two months of negotiations the Welsh nationalist party Plaid Cymru entered government for the first time in a coalition with Labour. Part of the agreement between the two parties committed the new coalition to work towards a positive referendum vote on full legislative powers within four years.

**Table 8.1 Different forms of devolution in the UK**

Type of devolution	Scotland: Parliament	Wales: National Assembly	Northern Ireland: Assembly
<i>Administrative devolution</i> – Manage services (e.g. education, health) – Allocate funds	Yes	Yes	Yes
<i>Legislative devolution</i> – Power to make, repeal, amend laws	Yes	No (can make secondary legislation in areas transferred from the Secretary of State)	Yes
<i>Fiscal autonomy</i> – Power to raise taxes or vary taxation independently	Yes	No	No

## Suspension and stalemate

As the previous chapter outlined, the Northern Ireland Assembly, which operated from the devolution of power on 2 December 1999, was subject to a number of suspensions, principally over the issue of IRA decommissioning. In October 2002 the institutions were suspended by the British Government for the fourth and final time. The circumstances of this suspension came as a result of an alleged republican spy-ring at Parliament Buildings, Stormont. The crisis led Secretary of State John Reid to trigger suspension and the reintroduction of direct rule from Westminster.

In the aftermath of suspension the British and Irish Governments continued in their efforts to reinstate inter-party negotiations and restore devolution. In April 2003 the two governments published a Joint Declaration which called on the parties to meet their obligations under the Good Friday Agreement. The document stated that for trust to be established among the parties 'it must be clear that the transition from violence to exclusively peaceful and democratic means is being brought to an unambiguous and definitive conclusion'. All parties were called upon to demonstrate their 'commitment to the operation of political institutions that are characterised by durability, effectiveness and inclusiveness'.<sup>1</sup>

In October 2003 a number of steps were taken in an effort to reach agreement between the Ulster Unionists and Sinn Féin. On 21 October the IICD published a statement that verified the IRA's third act of decommissioning. While General John de Chastelain stated that the amount of weapons was larger than the previous amount, the IRA requirement for confidentiality prevented him from providing a list of the weapons and ammunition put beyond use. The absence of specific detail on the decommissioning disappointed the Ulster Unionists and ultimately prevented the realisation of agreement between the two parties and restoration of the institutions. Failure of this attempt to secure agreement led to a lengthy suspension, particularly in the wake of the 2003 Assembly election.

### **Assembly election November 2003**

With the Assembly suspended since October 2002, an election had been planned for May 2003. The election was postponed, however, as it was felt unlikely that a new Assembly would get up and running thereafter. Following a delay of several months, polling day was finally called for 26 November 2003. The 2003 Assembly election is significant as the results changed the potential for restored devolution. The DUP and Sinn Féin firmly cemented their position as the largest parties of their respective blocs.

The DUP made the most gains as the party increased its Assembly seat share from twenty to thirty seats and won just over 25 per cent of the first preference votes. Sinn Féin also made gains by increasing its seat share by six seats from eighteen to twenty-four. Although the UUP lost just one seat, three members (Jeffrey Donaldson, Arlene Foster and

Norah Beare) later left the party to join the DUP. It was an extremely disappointing election for the SDLP as the party's seat share was reduced from twenty-four to eighteen. The Alliance Party managed to hold its six seats despite winning only 3.7 per cent of the vote. The NIWC was severely disappointed by the loss of both of their seats.

The election results meant that the formation of any new power-sharing executive would have to be agreed by the DUP and Sinn Féin as the two largest parties. Under the Good Friday/Belfast Agreement the post of First Minister would likely go to the DUP while Sinn Féin would take the position of Deputy First Minister. As per the text of the Agreement, the formation of a new executive would require nominations and a cross-community vote on the joint premiers. As the DUP was not prepared to vote for a republican as Deputy First Minister, the election results meant that it was potentially even more difficult to restore the Assembly.

It is important to ask why the electorate voted for the two 'extreme' parties rather than the more 'moderate' UUP and SDLP who were the dominant parties in 1998. Were the election results something to do with the Agreement itself? Did the results signify that the electorate had become increasingly polarised in the period since the signing of the Agreement? Indeed, was this apparent increased polarisation the makings of the Agreement? One reading of the election results would suggest that Northern Ireland had become increasingly divided as the electorate opted to support two highly antagonistic parties. There is an argument, however, that the electoral competition between the two communities and the electoral outcomes were more to do with the party system that had existed for many years and not as a result of the implementation of the 1998 Agreement. As Tonge writes, 'Ethnic-bloc party competition owed more to pre-existing intra-bloc electoral rivalries than the particular nature of the devolved settlement in Northern Ireland'.<sup>2</sup>

### **Unionist disaffection with the Agreement**

It is arguable that an important reason for the 2003 election results, in particular the DUP gains, lie with unionist disaffection with politics and the workings of the 1998 Agreement. Indeed, it appears that there was a growing perception on the part of the unionist community that the 'peace process' had been about granting concessions to

nationalists/republicans. Tonge notes that 'The failure of the GFA to persuade a sufficiently large majority of unionists of its merits led to the demise of the Assembly'.<sup>3</sup> As noted in Chapter 6, an exit poll of the 1998 referendum on the Agreement recorded that 55 per cent of unionists voted in favour of the Agreement. It is also arguable that the ongoing debacle over decommissioning, paramilitary and criminal activity on the part of the IRA and the alleged republican spy-ring contributed to the sense of unionist disaffection.

The view of unionist disenchantment with political developments is borne out by the Northern Ireland Life and Times survey on political attitudes.<sup>4</sup> For instance, an interesting survey question asked respondents whether they believed nationalists or unionists had benefited more from the Good Friday Agreement. In 2003, 70 per cent of Protestant respondents believed that nationalists benefited more than unionists. Conversely, 0 per cent of Protestants believed that unionists benefited more than nationalists. In response to the question how would you vote if the Good Friday Agreement referendum was held again, only 28 per cent of Protestants said they would vote 'yes' compared with 74 per cent of Catholic respondents.

## Review of the Agreement

In the absence of inter-party agreement, the parties were called to Stormont at the beginning of 2004 to undertake a Review of the institutional arrangements as provided for in the Agreement. Indeed, the 1998 Agreement stipulated that 'the two governments and the parties in the Assembly will convene a conference four years after the Agreement comes into effect, to review and report on its operation'.<sup>5</sup>

Several political parties put forward detailed proposals for reform of the institutions under the Agreement. The Alliance Party's submission, 'Agenda for Democracy', was notable in that its recommendations departed considerably from the provisions of the 1998 Agreement. For instance, Alliance claimed that the Agreement had institutionalised sectarianism in Northern Ireland. In particular, the party was critical of the communal designation system for MLAs whereby members were obliged to designate as 'unionist', 'nationalist' or 'other'. Alliance also proposed that government formation should take place as a result of inter-party negotiation rather than

under the d'Hondt procedure (see glossary in Chapter 7). The party's rationale was that a more 'voluntary' type of arrangement would promote more cooperation between the parties; they would have to negotiate with one another and would not simply be guaranteed ministerial seats based on their strength in the Assembly.

The DUP's submission to the Review, 'Devolution Now', was also interesting in that the party also very clearly preferred a power-sharing government formed by whatever parties could agree and guarantee a key vote majority in the Assembly. In agreement with Alliance, executive formation would not happen by way of d'Hondt. The DUP stressed that for any future executive including republicans to take office, the IRA would have to complete decommissioning and end all paramilitary and criminal activity. The party also wanted ministers to be more accountable to the Assembly and not have the capacity to do 'solo runs' as claimed in relation to the previous administration 1999–2002.

The other parties' submissions were arguably not as significant in terms of proposed changes to the workings of the institutions. Sinn Féin called for the full implementation of the Agreement, the stability of the institutions, equality and human rights and the expansion of north–south cooperation. The Ulster Unionist Party did not advance proposals to the Review in relation to institutional reform; for David Trimble, decommissioning was the principal issue to be resolved and there was no justification for talking about institutional reform in the absence of complete decommissioning by the IRA. Unsurprisingly, given its commitment to the Agreement, the SDLP was opposed to what might be perceived as 'renegotiation' and remained committed to fully inclusive power sharing.

Following the Review of the Agreement the British and Irish Governments produced their own proposals, the 'Comprehensive Agreement', in December 2004. The two governments had attempted to secure agreement between the DUP and Sinn Féin and the document included potential statements from those two parties in the event of an agreement. The negotiations broke down, however, over the issue of IRA decommissioning. While the DUP wanted photographs of decommissioning and full transparency of the weapons and ammunition destroyed, such requirements were unacceptable to the IRA. Interestingly, the Comprehensive Agreement proposals included a

number of amendments to the 1998 Agreement in respect of ministerial accountability. It was a particular objective of the DUP for any new administration to operate via new rules so that ministers would not have the capacity to pursue policies without the support of the wider Executive as arguably took place under the previous administration. As we will see later in this chapter, the issue of ministerial accountability was revisited in the St Andrews Agreement with a number of significant reforms.

### **General election May 2005**

The failure to secure a deal between the DUP and Sinn Féin in December 2004 led to a period of political stalemate. The mistrust between the two parties was reinforced by events in early 2005, namely allegations of IRA involvement in the Northern Bank robbery and the murder of Belfast man Robert McCartney. All the parties then moved into an election campaign with the UK general election set for May 2005. The parties' election manifestos set out their respective positions in relation to the potential for power sharing. For instance, the DUP manifesto stated that power sharing with Sinn Féin under the d'Hondt procedure or any similar mechanism was out of the question. The party campaigned against fully inclusive power sharing with republicans. Thus, the DUP needed agreement from the SDLP to form a coalition. The SDLP, however, was not prepared to enter a power-sharing government without Sinn Féin.

The results of the 2005 Westminster election were significant as the DUP increased the party's number of MPs from five to nine, while the UUP's seat share fell from six to one (Lady Sylvia Hermon, North Down). It was, therefore, an excellent election for the DUP who now held half of the eighteen Westminster seats and just over a third of the vote. The loss of David Trimble's seat was a particular loss for the UUP. Sinn Féin increased its seat share by one, while the SDLP managed to hold on to its three seats (it kept South Down and Foyle, lost Newry and Armagh but gained South Belfast).

In the aftermath of the general election, efforts continued to resolve the decommissioning issue. In July 2005 the IRA announced an end to their campaign of violence and ordered all units to dump their weapons. Following the fourth act of IRA decommissioning on 26 September the IICD announced that complete IRA decommissioning

**Table 8.2 2001 and 2005 Westminster elections**

Party	2001 seats	Votes	Share	2005 seats	Votes	Share
DUP	5	181,999	22.5%	9	241,856	33.7%
Sinn Féin	4	175,392	21.7%	5	174,530	24.3%
UUP	6	216,839	26.8%	1	127,314	17.7%
SDLP	3	169,865	21.0%	3	125,626	17.5%

had taken place. The IICD stated, 'we believe that the arms decommissioned represent the totality of the IRA's arsenal'.<sup>6</sup> A Protestant clergyman (the Reverend Harold Good) and a Catholic priest (Father Alec Reid) also witnessed the final act of IRA decommissioning.

### **St Andrews Agreement 2006**

Political stalemate continued throughout 2005 and into 2006. The political climate was reinvigorated, however, with the onset of a fresh round of inter-party talks. An incentive for the parties to agree on devolved power sharing was provided with the British and Irish Governments' threat to use their 'Plan B'. They claimed that if the parties were unable to agree on devolved power sharing, they would draw up alternative arrangements involving greater cooperation between London and Dublin. To provide a more 'neutral' environment, inter-party talks were convened at a hotel in St Andrews, Scotland in October 2006. The discussions failed, however, to secure an agreement among the parties. While all the main parties were in attendance, the focus was on securing agreement between the DUP and Sinn Féin. Despite the lack of agreement among the parties, the British and Irish Governments published their own document, the St Andrews Agreement, with a requirement that the parties should come back in November with an indication as to whether or not they were prepared to proceed on the basis of its provisions.<sup>7</sup>

The St Andrews Agreement set out a timetable for the restoration of devolved power sharing by 26 March 2007. It focused on what Secretary of State for Northern Ireland Peter Hain referred to as the 'twin pillars' of policing and power sharing. In the document the two governments stated that 'support for policing and the rule of law should be extended to every part of the community'. Support for law and order would include 'endorsing fully the Police Service of Northern Ireland and the criminal justice system, actively encouraging everyone of the community to co-operate fully with the PSNI in tackling crime in all areas and actively supporting all the policing and criminal justice institutions, including the Policing Board'.<sup>8</sup> Thus, it was made very clear that political progress would require a commitment from republicans to policing and the rule of law.

It is also of note that the St Andrews Agreement made a number of significant amendments to the 1998 Agreement in relation to the operation of the Strand One institutions, particularly with regard to the issue of ministerial accountability. For instance, an amendment to the Northern Ireland Act 1998 was to be made to introduce a statutory Ministerial Code. Where a decision is not achieved by consensus and a vote is required, any three ministers could trigger a cross-community vote. An amendment to the 1998 Act would provide for thirty MLAs to refer a ministerial decision back to the Executive to consider it within seven days. The main provisions of the St Andrews Agreement, made in the Northern Ireland (St Andrews Agreement) Act 2006 are set out in the table below.

The parties were given until 10 November 2006 to respond to the British and Irish Governments' St Andrews Agreement. By that date the DUP's reaction was neither acceptance nor opposition. Sinn Féin's initial response in early November was qualified support without yet calling a special *ard fheis* on policing. By late November 2006 there was still some discussion over the DUP's preparedness to share power with republicans. Ian Paisley stressed that his party would not enter a power-sharing executive until the conditions were right. As time progressed, it was clear that the DUP and Sinn Féin were prepared to proceed subject to a number of conditions. The DUP wanted a commitment and 'delivery' from Sinn Féin in relation to the party's support for policing and the rule of law. Sinn Féin wanted a clear commitment from the DUP that

**Table 8.3 Main provisions of the St Andrews Agreement 2006**

Statutory Ministerial Code	Places a duty upon Ministers (not withstanding their executive authority) to act in accordance with the provisions on ministerial accountability of the Code Where a decision of the Executive could not be achieved by consensus and a vote is required, any three Ministers could require it to be taken on a cross-community basis
Assembly referrals for Executive review	Thirty MLAs could refer a ministerial decision back to the Executive within seven days of a ministerial decision Presiding Officer to certify that it concerns an issue of public importance Executive to consider the issue within seven days; second referral could not be made by the Assembly on the same issue
Amendments to the Pledge of Office	Ministers required to participate fully in the Executive and NSMC/BIC and observe the joint nature of the Office of First Minister and Deputy First Minister
Appointment of Ministers in the Executive	Nominations of First Minister and Deputy First Minister without a cross-community vote
Community designation	Assembly members would not be able to change designation for the whole of an Assembly term other than if changing political party
Executive role in preparation for NSMC and BIC meetings	Draft NSMC and BIC papers to be circulated to all Ministers in advance of a NSMC or BIC meeting
Transfer of policing and justice powers	Assembly to report to Secretary of State by 27 March 2008 on preparations for the devolution of policing and justice

the party was committed to forming an inclusive power sharing-government.

In an effort to encourage progress on the part of the DUP and Sinn Féin, Secretary of State for Northern Ireland Peter Hain continued to argue that it was a matter of 'devolution or dissolution'. According to the Northern Ireland Office, the alternative to restored devolution would mean that the Assembly would be dissolved, MLA salaries would stop, and the two governments would progress north-south cooperation under their 'Plan B' with an enhanced role for the Dublin government.

Importantly, the Northern Ireland (St Andrews Agreement) Act 2006 provided for a Transitional Assembly which operated from 22 November 2006 until the restoration of the devolved institutions in May 2007. The Transitional Assembly debated a range of issues including water charges, rate reform, road safety and affordable housing. As the Transitional Assembly was to prepare for the restoration of devolution, a Programme for Government Committee was established to agree priorities for a new Executive. A number of sub-groups of the Committee discussed topics such as economic issues, schools admission, policing and justice and the Review of Public Administration.

### **Northern Ireland Assembly election March 2007**

Following indications from the parties that they were prepared to proceed on the basis of the St Andrews provisions, the two governments announced their decision to hold an Assembly election rather than a referendum on the St Andrews Agreement. With the election set for March 2007, Sinn Féin was required to demonstrate its commitment to the process by supporting the policing structures. After some delay Sinn Féin held its special *ard fheis* on policing in January 2007 where the party's successful motion to change its policy on policing and declare support for the PSNI and the criminal justice system received support from more than 90 per cent of delegates. Following this historic change of direction by republicans the British and Irish Governments hoped that Sinn Féin's move would secure a return to devolution by the deadline of 26 March 2007.

An interesting aspect of the 2007 Northern Ireland Assembly election campaign was the increased focus on more normal 'bread and butter' issues rather than the unionist/nationalist positions regarding Northern Ireland's constitutional status. Throughout the campaign the parties focused on policy issues such as water rates, corporation tax, health, education and the housing market. Interestingly, this focus on social and economic policy led the media to describe the election campaign as somewhat 'lacklustre'. It could be argued, however, that this focus on policy issues illustrated Northern Ireland's incremental move out of conflict towards stable democracy. In contrast to the circumstances of 1998 and 2003, none of the main parties was opposed to the overall direction of the political process. Electoral competition was somewhat different as all of the main parties broadly supported the process as set out in the St Andrews Agreement.

In the run up to the election the DUP stressed that power sharing would not be possible without Sinn Féin 'delivery', which meant support for the PSNI, the criminal justice system and a complete end to paramilitary and criminal activity. For the DUP then, it was up to republicans whether devolution would be restored. The party's policy was a step too far for some party members who were opposed to sharing power with republicans, evidenced by the resignation of Jim Allister MEP and party councillors from Ballymena and Banbridge. Sinn Féin remained committed to power sharing and pledged to expand all-Ireland cooperation. The electoral competition between the DUP and Sinn Féin focused on their respective potential share of ministerial seats in a new Executive; Ian Paisley warned the electorate that votes for parties other than the DUP would risk allowing Martin McGuinness to become First Minister.

The 2007 Assembly election is also interesting in that a number of 'dissidents' contested the election in opposition to the positions of the DUP and Sinn Féin, respectively. The UKUP's Robert McCartney put his name forward in six constituencies and pledged he would represent more than one constituency if elected. McCartney claimed he was offering voters an 'anti-agreement choice' and the potential to prevent the formation of an Executive including Sinn Féin. There were also 'dissidents' in opposition to Sinn Féin's policy on policing evidenced by a number of independents and Republican Sinn Féin candidates on an abstentionist platform. As outlined below, the poten-

tial threat posed in electoral terms by republican 'dissidents' did not transpire.

### **Election results**

In terms of the election results, the DUP and Sinn Féin made further gains with a further squeeze on the more 'moderate' parties of the UUP and SDLP. The DUP and Sinn Féin cemented their position as the leading parties of their respective communities with thirty-six and twenty-eight Assembly seats, respectively. The DUP increased its share of the vote and number of Assembly seats, guaranteeing the post of First Minister and four ministries. Sinn Féin also increased its share of the vote and number of seats, thereby confirming the party's right to the post of Deputy First Minister and three ministries. The two 'moderate' parties fared badly: the UUP's share of Assembly seats plummeted from twenty-four to eighteen (eighteen seats behind the DUP) and the SDLP won just sixteen seats, qualifying for only one executive seat.

It was a good election for the Alliance Party who won an extra seat to seven Assembly seats and an increased share of the vote from 3.7 per cent in 2003 to 5.2 per cent. The party also celebrated the notable success of Anna Lo in South Belfast, the first Chinese person to be elected to a European legislature. Both unionist and republican dissidents failed to make much impact. The election was a resounding defeat for Robert McCartney who polled badly in the six constituencies he contested and even lost his own Assembly seat in North Down. In the wake of these poor results, McCartney announced that he would be leaving Northern Ireland politics. Republican dissidents also fared badly; it appears that Sinn Féin's public and private consultations on the direction of politics largely settled unease over the party's support for the police service.

Of additional note is that the DUP and Sinn Féin were also extremely competent in vote management and balancing the number of candidates to achieve the greatest share of seats in the respective constituencies. For instance, Sinn Féin contested five candidates in the West Belfast constituency and all five were elected, and in Mid-Ulster the party's three candidates were elected on the first count. The DUP displayed excellent vote management in Strangford with the election of four candidates and three candidates elected in East Belfast. The

overall turnout was 62.87 per cent and, as at previous elections, there was a higher turnout in nationalist constituencies in the west than unionist constituencies in the east. The 108 elected candidates included thirty MLAs who were new to the Assembly and only eighteen women. Although the new Assembly included some high profile women such as Iris Robinson and Arlene Foster (DUP), Caitriona Ruane and Michelle Gildernew (Sinn Féin), Margaret Ritchie (SDLP) and Naomi Long (Alliance), Northern Ireland politics continued to deliver a lack of women coming through from candidature to winning seats.

Overall, the election created the conditions for a new political landscape in Northern Ireland, leading to the formation of a four-party power-sharing Executive. The election results meant that a new Executive would have a unionist majority: 7:5 unionist:nationalist including First Minister and Deputy First Minister. The new Assembly would have a combined DUP/UUP unionist total of fifty-four seats compared with a combined Sinn Féin/SDLP total of forty-four seats.

## **Return to power sharing**

In the immediate aftermath of the election, it was still not clear whether the DUP would agree to share power with Sinn Féin. Time was running out as the parties had just two weeks to agree whether they would share power from 26 March 2007. For Secretary of State Peter Hain, the choice for the parties was 'devolution or dissolution' and the British Government would not seek to extend the deadline. By the end of the month, however, in circumstances where a deal seemed increasingly possible, the Secretary of State changed his threat to dissolution if parties failed to agree on a way forward, notably not a requirement for a functioning government. The parties set about securing a sufficiently substantial financial package in meetings with Tony Blair and the Chancellor Gordon Brown.

### **The DUP/Sinn Féin deal**

On 24 March the DUP Executive endorsed the leadership's motion to enter a power-sharing government. Yet deadline day, 26 March 2007, passed without the restoration of the devolved institutions.

**Table 8.4 'Indicative' allocation of portfolios under d'Hondt April 2007**

Round	Party	Portfolio	Minister
1.	DUP	Finance and Personnel	Peter Robinson
2.	Sinn Féin	Education	Caitriona Ruane
3.	DUP	Enterprise, Trade and Investment	Nigel Dodds
4.	UUP	Health, Social Services and Public Safety	Michael McGimpsey
5.	SDLP	Social Development	Margaret Ritchie
6.	Sinn Féin	Regional Development	Conor Murphy
7.	DUP	Environment	Arlene Foster
8.	Sinn Féin	Agriculture and Rural Development	Michelle Gildernew
9.	DUP	Culture, Arts and Leisure	Edwin Poots
10.	UUP	Employment and Learning	Reg Empey

What transpired, however, was an extraordinary agreement between the DUP and Sinn Féin that devolution would be postponed for six weeks until 8 May. The quite remarkable image of Ian Paisley and Gerry Adams sitting side by side in Parliament Buildings, Stormont was broadcast around the world as a milestone in Northern Ireland's peace process. At the press conference both DUP leader Ian Paisley and Sinn Féin President Gerry Adams signalled their commitment to a return to devolution.

A remarkable series of events followed the agreement between the DUP and Sinn Féin. For instance, on 2 April, the four parties who would have ministerial positions in the new government ran an 'indicative' d'Hondt. On the basis of the parties' respective electoral strength, the DUP would have four seats, Sinn Féin three, the UUP

two and the SDLP one. The parties chose their preferred portfolios and in the following days and weeks assigned ministers to those departments. Following the operation of d'Hondt the parties then set about meeting their departmental officials and conducted some preparatory work in advance of the transfer of power.

As per coalition formation in 29 November 1999, the new executive which took office on 8 May 2007 corresponds to a consociational 'grand coalition' in which society's main segments are represented in government.<sup>9</sup> One of the main critiques of consociationalism is that a grand coalition leaves an inadequate opposition in the legislature. Following the 2007 Northern Ireland Assembly election, nine-eight MLAs were members of governing parties with just ten MLAs from non-governing parties. Thus, the question arises as to what extent just ten MLAs would be able to provide an effective opposition to the four-party coalition. As per devolution in 1999–2002, however, the Assembly Committees have the potential to develop an effective opposition role.

### **A new Executive**

Following the election and deal between the DUP and Sinn Féin there was some discussion as to what kind of power sharing might take place with these two parties occupying the top two posts of First Minister and Deputy First Minister, respectively. It is worth remembering that in 1998 the UUP and SDLP talked of 'accommodation' and 'reconciliation' between the two communities. As Chapter 7 illustrated, however, the operation of the Executive was nevertheless blighted by a lack of inter-party trust. Thus, the potential for a DUP/Sinn Féin-led coalition raised the question whether the new government would be prone to deadlock and stalemate. There was some speculation whether the administration would, as termed by Sinn Féin's Gerry Adams, be 'a battle a day'.

So, to what extent do the parties in the new Executive work together? How successful is the new Assembly? Is the administration more successful than that which operated 1999 to 2002? Of particular note is that a remarkable series of events took place before and after the opening of Stormont on 8 May 2007. In early April DUP leader Ian Paisley made a visit to Dublin, shook hands with Taoiseach Bertie Ahern for the first time and spoke of 'the prospect of mutual

and respectful co-operation'. On 11 May Paisley and Ahern met at the site of the Battle of the Boyne in County Meath where, in 1690, Protestant Prince William of Orange defeated Catholic James II – a victory celebrated by unionists every year on 12 July.

The first public encounter between the First Minister (Designate) and Deputy First Minister (Designate) was held at Stormont on 1 May at a visit from European Commission President Jose Barroso who pledged the formation of a taskforce to explore Northern Ireland's economic prospects. The DUP and Sinn Féin also joined forces to lobby the UK Chancellor Gordon Brown regarding a financial package for Northern Ireland. Brown pledged a £51 billion package for the new Executive, an amount which disappointed the parties as they claimed most of it had already been allocated to Northern Ireland. An all-party consensus also called on the British Government to delay the introduction of planned water charges which was arguably the main issue for the electorate in the run up to the election.

Despite the promising signs of a positive working relationship between Paisley and McGuinness and between all the governing parties more generally, the administration has not yet been tested. Indeed, a number of considerable challenges await the new Executive including post-primary education transfer arrangements, Irish language legislation and the Review of Public Administration. Of note is that the St Andrews Agreement stated that the British Government would introduce an Irish Language Act and 'work with the incoming Executive to enhance and protect the development of the Irish language'. At the time of writing, Executive decision making was not yet required on these issues. Significantly, the DUP chose the Department of Culture, Arts and Leisure under d'Hondt and stressed that it would veto any Irish language legislation. As these matters are particularly controversial, they are likely to test the amendments made by the St Andrews Agreement and the Northern Ireland (St Andrews Agreement) Act 2006.

Other early developments have included an attempt on the part of the Executive to present a collective inter-departmental response to the flooding crisis in June 2007. Activity has also taken place in relation to north-south cooperation under Strand Two and east-west relations under Strand Three with meetings of the North-South Ministerial Council and the British-Irish Council in July 2007. The

NSMC meeting was held in Armagh and attended by ministers from the Northern Ireland Executive and the newly-formed coalition in the Irish Republic. The meeting was significant due to the participation of the DUP who boycotted the institution during the previous administration. Ministers from both jurisdictions agreed to spend £400 million on cross-border road projects including investment from Dublin. The BIC meeting was held at Stormont with representatives from across the UK and the Isle of Man, Guernsey and Jersey including new British Prime Minister Gordon Brown and Scottish First Minister Alex Salmond.



### What you should have learnt from reading this chapter

- In the post-suspension period efforts were made by the British and Irish Governments to restore devolution leading to the convening of inter-party talks and the publication of the St Andrews Agreement in October 2006.
- The political climate changed following DUP and Sinn Féin successes at the 2003 Assembly election, further cemented at the 2005 general election.
- The St Andrews Agreement made a number of important changes to the Good Friday/Belfast Agreement.
- The key issues leading up to the restoration of power sharing involved Sinn Féin's support for policing and the DUP's willingness to enter a new executive with republicans.
- The restoration of devolution followed an agreement between the DUP and Sinn Féin .



### Likely examination question

Discuss the significance of the St Andrews Agreement leading to the restoration of devolution in Northern Ireland in May 2007.



### Helpful websites

Northern Ireland Assembly: <http://www.niassembly.gov.uk>

Northern Ireland Executive: <http://www.northernireland.gov.uk>

ARK Elections: <http://www.ark.ac.uk/elections>

Northern Ireland Life and Times Survey: <http://www.ark.ac.uk/nilt>



## Suggestions for further reading

Arthur Aughey, *The Politics of Northern Ireland: Beyond the Belfast Agreement*, London: Routledge, 2005.

Jonathan Tonge, *The New Northern Irish Politics?*, Basingstoke: Palgrave Macmillan, 2005.

15. Independent Commission on Policing in Northern Ireland, *A New Beginning: Policing in Northern Ireland – The Report of the Independent Commission on Policing in Northern Ireland*, Belfast, 9 September 1999, available at: <http://cain.ulst.ac.uk/issues/police/police.htm>.

## Chapter 8

1. Joint Declaration by the British and Irish Governments, April 2003, available at: <http://cain.ulst.ac.uk>.
2. Jonathan Tonge, *The New Northern Irish Politics?*, Basingstoke: Palgrave Macmillan, 2005, p. 147.
3. Jonathan Tonge, *The New Northern Irish Politics?*, p. 148.
4. [http://www.ark.ac.uk/nilt/2003/Political\\_Attitudes/index.html](http://www.ark.ac.uk/nilt/2003/Political_Attitudes/index.html).
5. The Agreement: Agreement reached in the multi-party negotiations, 10 April 1998, available at: <http://www.nio.gov.uk/the-agreement>.
6. For IICD statements see <http://cain.ulst.ac.uk>.
7. British and Irish Governments' Agreement at St Andrews is available at: [www.nio.gov.uk](http://www.nio.gov.uk).
8. [www.nio.gov.uk](http://www.nio.gov.uk).
9. Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration*, New Haven: Yale University Press, 1977, p. 25.

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- Political developments following the St Andrews Agreement of 2006 and restoration of devolution in 2007.

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