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THE TROUBLE WITH NORTHERN IRELAND

the belfast agreement
and democratic
governance



The Trouble with Northern Ireland:

*the Belfast agreement and
democratic governance*

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and Robin Wilson



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Executive summary

The political situation in Northern Ireland is a far cry from the euphoria of the aftermath of the Belfast agreement of April 1998. The incidence of paramilitary violence, which had gradually re-emerged after the ceasefires of 1994, continued to increase after the agreement, and only fell back after the suspension of the associated institutions in October 2002. Expectations of reconciliation were also dashed, as inter-communal polarisation and other manifestations of intolerance not only disfigured the society but placed the power-sharing institutions at Stormont under increasing strain until they finally collapsed. Efforts by London and Dublin to revive the institutions established after the agreement, in 2003 and 2004, were unsuccessful.

This paper is an aspect of the work of Democratic Audit Ireland, a joint project between the think tanks TASC in Dublin and Democratic Dialogue in Belfast. They have been utilising the template set by the International Institute for Democracy and Electoral Assistance to assess objectively the state of democracy in Ireland, north and south. That template defines democracy as having two aspects: 'popular control' and 'political equality'.

Using that definition, the Belfast agreement can be subjected to an assessment that is neither 'unionist' nor 'nationalist' but based on universal norms. Indeed, in Northern Ireland's divided society, unionist politicians tend to focus exclusively on democracy as popular control ('majority rule'), nationalists on political equality ('minority rights'). In this regard, the agreement has tended to place these competing constitutional claims side by side, offering unionists the majoritarian 'consent principle' and nationalists the egalitarian 'parity of esteem'. This has allowed the conflict to be pur-

sued—albeit for the most part less violently—if anything with more alacrity than before.

The way ahead is to transcend these counterposed positions by defining a new, *sui generis* constitution for Northern Ireland which would satisfy seamlessly concerns for accountability and equality. This would replace the ‘either/or’ antagonism of unionism and nationalism by a ‘both-and’ alternative. Rather than Northern Ireland being of uncertain constitutional location, it would clearly have a federal relationship with the rest of the UK and a confederal relationship with the rest of Ireland. Within a UK context, a new assembly would accept there would be some powers which would be retained at Westminster, but where it could come to agreement with the Oireachtas through the North/South Ministerial Council it could act in any policy domain. It would also adopt an engaged relationship with the institutions of the European Union.

This proposal goes with the ‘cosmopolitanism’ which informed the recently published policy framework on community relations for Northern Ireland, *A Shared Future*. This philosophy may be more appropriate to 21st century Ireland than civic republicanism, while building upon it. The latter may thus be seen as a politics to be transcended, rather than to be celebrated in military fashion or airbrushed from history.

Part I

The Challenge

INTRODUCTION

How does the Belfast agreement stand up in terms of democratic governance? This paper attempts to answer this question, based on the research led by the authors since 1999—conducted by a team including academics from Queen’s University, the University of Ulster and University College Dublin—on the outworking of devolution in Northern Ireland and its subsequent demise. The research is part of a UK-wide project co-ordinated by the Constitution Unit at University College London, inspired by the constitutional-reform project initiated by the Labour government elected in 1997, but it has unintentionally provided a unique archive of the Northern Ireland ‘peace process’. This is embodied in extensive quarterly (now thrice-yearly) monitoring reports (available at www.ucl.ac.uk/constitution-unit/publications/devolution-monitoring-reports/index.html) and in annual chapters for associated edited volumes (Wilford and Wilson, 2000, 2001, 2003, 2004, 2005).

Most discussion in the public domain in Ireland (as an island) about the agreement has been cast in terms of reconciling ‘nationalist’ and ‘unionist’ interpretations of it. Yet in practice, these labels carry increasingly little emotional traction in Ireland (as a state). Introducing a recent British Council (2005) publication entitled *Britain and Ireland: Lives Entwined*, the taoiseach, Bertie Ahern, wrote: “The essays that follow show just how far we have gone down the road of “normalisation”. The relationship between two neighbours will never be completely free of tension; but it is gratifying to know that

so many people on this island have put behind them a lot of antagonism that has had so negative an influence in the past.'

Similarly, in an opinion piece in the *Irish Times* (April 4th 2005), the minister for foreign affairs, Dermot Ahern, challenged 'the comfortable dichotomies of British versus Irish, unionist versus nationalist', arguing: 'That form of politics, like paramilitarism itself, feeds off and deepens community division and generates fear and suspicion. The present situation demands a move beyond that form of politics.'

These sentiments indicate a desire to transcend the unionist-nationalist antagonism that, to varying degrees, has defined the politics of Northern Ireland since its foundation. And indeed there were many who hoped that the Belfast agreement might do so, given the way the admixture of politics and religion in the north means that unionists are, in reality, little more than 'political Protestants' and nationalists 'political Catholics'. Ideally, a new political fault-line, of cross-sectarian supporters of the agreement versus fundamentalist opponents, would have emerged, as 'yes'/'no' replaced Orange/Green and gave the argument a less threatening—merely competitive or 'agonistic' (Mouffe, 2000)—character.

But it was not to be. Opposed (positive) 'nationalist' and (negative) 'unionist' interpretations of the agreement came to replace a conciliatory common ground. As support drained from liberal Protestants, endorsement of the agreement versus demands for its 'renegotiation' came increasingly to mirror the communal fault-line. Indeed, sectarian polarisation intensified, with growing electoral support for the Democratic Unionist Party, which rejected the agreement as a supposed conveyor-belt of concessions to republicanism, and to a lesser extent Sinn Féin, which supported the accord only on the mirror-image premiss that it was a stepping stone towards the traditional objective of an end to partition (Wilford and Wilson, 2005: 87). This was paralleled on the ground as further and higher 'peace walls' were constructed at sectarian interfaces (Jarman, 2004), amid sustained low-level sectarian violence (Jarman, 2005).

The apparent completion of decommissioning of IRA

weapons in September 2005—more than five years after the deadline set in the agreement—is seen in government in London and Dublin as creating the context in which devolution can be restored, as per the agreement. Yet not only have ‘loyalist’ organisations not acted in tandem but it is also evident that the decommissioning impasse was in many ways only one symptom of a more fundamental underlying problem—the continuing conflict, manifested in chronic sectarian division and, at the margin, violence, over Northern Ireland’s constitutional character and the associated balance of ethnic power.

In as far as IRA arms, while by no means an unimportant issue, are not the main stumbling block to progress in Northern Ireland, their removal from the equation will not break the constitutional deadlock over restored power-sharing. On the contrary, the symptomatic arena of unionist-nationalist antagonism has simply been displaced. For republicans, the issues became paramilitary ‘on the runs’, policing and ‘community restorative justice’ schemes. For the resurgent DUP they became Protestant communal parades, support for ‘innocent’ victims of violence and the future of the Royal Irish Regiment. All these are proxies for which ‘state’ (the UK or the republican movement) enjoys the monopoly of legitimate force in Northern Ireland and which of the ethnic protagonists controls the streets.

These underlying sectarian tensions were brought to the surface in some of the worst rioting for years in Belfast last September, involving working-class Protestants angered by the rerouting of an Orange parade. The DUP made plain it had no intention of becoming involved in talks on the devolution of policing/justice, which for SF was a precondition of any inter-party deal to restore power-sharing, though that party did not indicate any willingness to support the reformed Police Service of Northern Ireland.

The republican movement, like its ‘loyalist’ counterparts, is deeply implicated in a criminal ‘informal economy’ (NIO, 2004), of which the raid on the Northern Bank in December 2004 was only an egregious example. It has also sought to

develop 'community restorative justice' schemes in Catholic working-class neighbourhoods, allowing it to sustain social control there without resort to 'punishment' attacks, while still excluding the police and the formal authority of the state.

This totalitarian political style will continue to render SF an unacceptable power-sharing partner for most Protestants for the foreseeable future, even in a context where paramilitary violence becomes largely a thing of the past—as the IRA move is stimulating 'loyalist' paramilitaries to accept, after years of fragmentation and internecine feuding. But the equal-and-opposite sectarian extremism of the DUP, and unionist parties' lack of consistency *vis-à-vis* paramilitary activity across the sectarian divide, will ensure for the foreseeable future also that most Catholics blame unionists for this deadlock.

Eight years on from the Belfast agreement, then, a pattern has clearly emerged. The incidence of paramilitary violence has subsided. But the sectarian 'force field' that defines conflicts like that in Northern Ireland (Wright, 1987: 286) remains as strong as ever; the agreement has certainly done nothing to stem the polarisation and may even inadvertently have exacerbated it.

It is therefore valuable to assess the agreement as a form of democratic governance for two reasons. First, it may engender a dispassionate answer to the question: why has the agreement not proved to be a force for reconciliation? Secondly and more positively, it may inform reform proposals which could rekindle the sense of common purpose which moved its more idealistic supporters in 1998 and has dissipated in the intervening years.

THE NATURE OF DEMOCRACY

Liberal democracy has acquired global hegemonic status since the end of the cold war, yet it is an inherently conflicted notion. Its evolution over the last two centuries has been marked, Mouffe (2000: 4) argues, by persistent tension between the two only contingently related strands of political

liberalism and the democratic revolution. But it is uncontested, she affirms, 'that it is legitimate to establish limits to popular sovereignty in the name of liberty'.

International IDEA (2002: 13) similarly identifies the two-sided nature of democracy, which it casts in terms of 'popular control' and 'political equality'. The first element captures the idea of the sovereignty of the people, sometimes described as 'majority rule'. The second addresses the way that rule must be tempered, including by what have come to be known as 'minority rights'.

From this description, it rapidly becomes apparent that one reason why it has hitherto proved impossible to establish stable democratic institutions in Northern Ireland—if one accepts that the Unionist regime of 1922-72 did not meet democratic norms—is that these two elements of democracy have not only been in tension in the region but have been directly counterposed, with the line of division coinciding with that demarcating the two main religious 'communities'.

That is to say, 'political Protestants' have tended to demand that institutions at Stormont maximise the degree of popular control, with an unaddressed elision between 'the public', rhetorically invoked, and the Protestant community. This has given unionism its frequently populist character, accommodating flagrantly sectarian manifestations of popular Protestantism, such as Orangeism.

By contrast, 'political Catholics' have focused heavily on demanding political equality, even—for example, under the Anglo-Irish Agreement instituted in 1985—where this has been entirely unaccountable to the citizens of the polity concerned. This has shaded at the margin into support for or ambivalence towards organisations pursuing equality by undemocratic or even violent means.

Like Mouffe, Bobbio (1996a: 78-79) recognises that the values of liberty and equality that underpin democracy have a contingent relationship. He thus derives a simple matrix of positions on the political spectrum which parties may adopt, depending on where they stand on each axis—freedom v authoritarianism, equality v inequality:

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	Equality	Inequality
Freedom	Liberal left	Moderate right
Authoritarianism	'Jacobin' left	Far right

In Northern Ireland, this typology has obvious referents. Without too much violence to their positions, one can cast the main parties as indicated below. This accords with their affiliations in the European Parliament: the SDLP and Ulster Unionist Party are aligned respectively with the two main centre-left and centre-right groups, respectively the social democrats and the Christian democrats, while Sinn Féin is in the same group as the former eastern bloc Stalinist parties; the DUP is independent, outwith the conservative and liberal groups (it is obviously not on the left), but is of a character similar to (say) the xenophobic Flemish Interest party in Belgium.

	Equality	Inequality
Freedom	SDLP	Ulster Unionist Party
Authoritarianism	Sinn Féin	Democratic Unionist Party

This indicates that the electoral polarisation of recent years, particularly since the agreement, can be captured in terms of a move towards more authoritarian political options *within* each 'community'—that is to say, towards those parties marked by less tolerant dispositions towards the 'other side', described by Hayes and McAllister (1999: 35) as 'strong pro-state' and 'strong counter-state'. The table on the next page, reproduced from Wilford and Wilson (2005: 87), shows the trend from pre-agreement elections to the most recent Westminster and local-government elections of May 2005.

For all the tensions which characterise 'normal' liberal democracies—arguably in themselves necessary if dissent in capitalist societies is to be expressed—they do not routinely dissolve into open antagonism between stereotyped identities. Rather, citizens are treated as individuals, and 'floating voters' are addressed by competing political parties. Despite the resid-

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ually 'civil war' basis of the parties in the Republic of Ireland, in reality political affiliations have not had this 'tribal' character for a generation or more in most of the country. The coming election may be the first explicitly fought between putative centre-left (Fine Gael / Labour / Green) and centre-right (Fianna Fáil / Progressive Democrat) coalitions, albeit with SF playing a wild-card 'jacobin' role.

Votes (N) and vote shares (%) 1997-2005

Election	DUP		UUP		SDLP		SF	
	N	%	N	%	N	%	N	%
1997 Westminster	107348	13.6	258349	32.7	190814	24.1	126921	16.1
1997 council	99651	15.8	175036	27.9	130387	22.6	106934	16.9
1998 assembly	145917	18.0	172225	21.3	177963	21.9	142858	17.6
2001 Westminster	181999	22.5	216839	26.8	169865	20.9	175392	21.7
2001 council	169477	21.4	181336	22.9	153424	19.4	163269	20.6
2003 assembly	177944	25.7	156931	22.7	117547	16.9	162758	23.5
2005 Westminster	241856	33.7	127314	17.7	125626	17.5	174530	24.3
2005 council	208278	29.6	126317	18.0	121991	17.4	163205	23.2

Moving Northern Ireland beyond sectarian antagonism implies a similar 'normalisation' over time. This would entail the decoupling of the two dimensions of liberal democracy from their sectarian associations. That is to say, 'popular control' would come to be seen in terms of aggregations of individuals into changing political majorities without sectarian restriction. And 'political equality' would be cast as the human rights all individuals should enjoy.

Northern Ireland validates in this regard Bobbio's (1996b: 90) affirmation of the 'individualistic concept of society'. He points out that 'there is not a single democratic constitution ... which does not presuppose the existence of single individuals who have rights precisely because that is what they are'.

So are there features of the agreement which have militated against, rather than favouring, such a political normalisa-

tion of Northern Ireland? And can these principles of democratic governance offer a roadmap to a more conciliatory future?

THE NATURE OF THE AGREEMENT

The first important thing to realise about the Belfast agreement is that it has often been described, particularly by officials in London and Dublin, as if it were the only possible agreement that could have been concluded. This reflects, however, a failure to recognise that there has been a lively international debate in recent years in the literature on addressing ethnically divided societies between two clear alternative models of power-sharing (Horowitz, 2002a; Lijphart, 2002). These have been described as consociational and integrative (Sisk, 1996: 34-45).

The four-element, standard consociational 'tool-kit', as developed by Arend Lijphart (1977), is now well known. It responds to the fear of minority ethnic 'lock-in' (Horowitz, 2001: 299-305) by constraining majority rule in the following ways: first, government is by a 'grand coalition' of parties representing the different 'segments' of the divided society; secondly, these parties stand in a relationship of 'mutual veto'; thirdly, the 'autonomy' of the 'segments' is preserved in the wider society; and, fourthly, there is a proportionate distribution of public employment.

As O'Leary's (2001: 49) account of the agreement indicates, the consociational power-sharing model is inextricably linked to a communalist, rather than individualist, concept of society: 'A consociation is an association of communities, in this case British unionist, Irish nationalist, and others, that is the outcome of formal or informal bargains or pacts between the political leaders of ethnic or religious groups.' The underlying presumption, therefore, is that such intercommunal conflicts are best dealt with by the institutionalisation of communalism.

The integrative model is more recent and less well developed, but follows from the panoramic survey of ethnic con-

flict by Horowitz (1985). It embraces institutional arrangements which soften communal divisions, such as devolved autonomy which responds to ethnically-articulated senses of disempowerment but in such a way as not to harden out an ethnic enclave, and by power-sharing institutions which incentivise (such as through electoral systems) the formation of interethnic coalitions.

The integrative approach starts from the opposite premiss to that of the consociational. Here the presumption is that communalism is neither natural nor inevitable and that ethnic conflicts are best addressed by focusing on interethnic conciliation.

There are arguments for both of these approaches. But the drift has been towards the integrative model, because recent work in social anthropology (Cowan *et al*, 2001), social psychology (Chrysochoou, 2004) and political philosophy (Benhabib, 2002) has eroded the philosophical foundation of consociationalism. A notion of 'identity' as singular, pre-given and unchanging has given way to a recognition that it is complex, relational and plastic.

As a result, the idea that the term can be grossed up from what defines individuals uniquely to ascribe a character to whole social groups, treated as homogeneous, has lost ground to a more sophisticated understanding that ethnic 'communities' are only constituted in and through relationships between their members and, perhaps more importantly, non-members. A key, and often destructive, role is played here by those political leaders who act as 'ethno-political entrepreneurs', fostering rather than tempering communal antagonism.

Because of the lack of appreciation of this international debate among the Anglo-Irish framers of the Belfast agreement, the institutions it established unsurprisingly represent a contradictory combination of the two approaches (Oberschall and Palmer, 2005). Integrative elements include this assertion, reflecting the influence of the Alliance Party and the Northern Ireland Women's Coalition (NIO/DFA, 1998: 18): 'An essential aspect of the reconciliation process is the promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education and mixed hous-

ing.' But the agreement overall is a combination in which the consociational model is clearly dominant, reflecting the much greater influence of the communalist parties over the drafters.

The integrative elements have thus themselves been bedevilled by communal division. Thus it was only after direct rule was introduced in October 2002 that action to promote a 'culture of tolerance' was finally taken (OFMDFM, 2003, 2005). Similarly, communal bickering has prevented the draft Bill of Rights prepared by the integrative Northern Ireland Human Rights Commission (2001, 2004) getting off the drawing board.

Let us now turn in more detail to the critical constitutional architecture of the agreement. In particular, what were the weaknesses in this architecture that made it collapse?

Constitutional design matters: the fact that some or all of the contending parties endorse a draft accord is a necessary, but not sufficient, condition of success. A lowest-common-denominator agreement is never the only show in town and 'some political institutions are more likely than others to successfully facilitate conflict management in divided societies' (Belmont *et al.*, 2002: 3). Enduring conflicts, as in Northern Ireland or Cyprus, tend to be marked by a path dependence which preserves notions of doubtful merit, just because no one has pushed them off the negotiating table, while potentially valuable alternatives are not given due consideration (Horowitz, 2002b). This may lead policy-makers to treat accords like tablets of stone, when an infinite number of alternatives could have been written and there is no guarantee that the one they chose is optimal—a realisation which has very clearly dawned since the 10-year anniversary of the Dayton accords in Bosnia, which left a still dysfunctional state in their wake.

Moreover, not only may flaws in the design of the agreement have played a role in the suspensions, eventually indefinite, of its institutions. It may also be the case that the absence of a robust normative core to the agreement may have engendered the atmosphere of moral hazard in which the maintenance as a bargaining chip of paramilitary weapons—the prolonged symptom of deadlock—may have appeared entirely rational. And it is worth bearing in mind throughout what fol-

lows the warning by the author of the classic text on 'constitutional engineering', Giovanni Sartori (1997: 72): 'If you reward divisions and divisiveness ... you increase and eventually heighten divisions and divisiveness.'

'CONSTITUTIONAL ISSUES'

Remarkably, apart from annexes only one page of the agreement (NIO/DFA, 1998: 3) is devoted to 'constitutional issues', the pith and substance of the violent conflict of the preceding three decades. Even more remarkably, given the many subsequent political claims that the agreement represents a model for 'conflict resolution' worldwide—on which no one has, as yet, acted—the content of this page is both very familiar and very much rooted in the Anglo-Irish context.

The agreement restates the 'consent principle', which it presents thus: '[I]t would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people.' This principle has been accepted by London and Dublin ever since the Sunningdale agreement of 1973 (Bew and Gillespie, 1999: 72-75), and was arguably accepted in the provision in the Anglo-Irish Treaty of 1921 for the parliament established under the Government of Ireland Act of 1920 to opt out of the new Free State.

It is, of course, important, that in 1999 the territorial claim contained in articles 2 and 3 of the 1937 constitution of that state was reduced to an aspiration to unity, but the notion that the consent principle was new is fallacious. The provision in the agreement (NIO/DFA, 1998: 3) for a border poll, potentially every seven years, to test support for a united Ireland, was a throwback to the constitutional referendum of March 1973, widely boycotted by Catholics, preceding the establishment of the power-sharing executive. At the time it was envisaged that the exercise would be repeated every ten years, yet the then Northern Ireland secretary, James Prior, decided against such a sectarian headcount in 1983 and the idea appears to have been forgotten in 1993 (Flackes and Elliott, 1999: 186).

Even more importantly, the distinct 'constitutional issues' section of the agreement is thus actually a brief excursus on the procedure for constitutional *change*. This is not what one would expect an agreement ending a conflict between two antagonists previously unwilling to coexist in the same political space to do, which would—in its entirety—be to *define* a new constitution for the contested polity. This would ideally have a ringing preamble, embody a clear value system, and be expressed in a range of institutions and procedures. The absence of this creates a moral vacuum at the heart of the agreement, in terms of a democratic ethos to inspire public support and cement the new dispensation. Hence the fragility of the institutions engendered by it, which have in most cases collapsed.

Democracy does intrude in this section, but in the bifurcated manner described earlier. The focus on constitutional change reflects very much the 'popular control' aspect of democracy, and it is obvious to all concerned that the 'majority' referred to is, currently, overwhelmingly Protestant, and therefore able to resist such change, unless and until long-term and uncertain demographic shifts would suggest otherwise. It was, of course, the Ulster Unionist Party which pressed hardest for expression of the 'consent principle'.

And while it is often suggested on its behalf that SF has signed up to it, in fact the party president, Gerry Adams, made its position clear in an *Irish Times* op ed piece (March 12th 1999): 'Before the Good Friday Agreement, the six-county state was an undemocratic, illegitimate and failed political entity and after it, it remains so'. Indeed, his party has recently returned to its demand that the government in Dublin publish a 'green paper on Irish unity', as if it were in the latter's gift to legislate away the existence of Northern Ireland.

This achievement for unionists is, however, offset on the same page of the agreement by the provision that, whatever the 'sovereign government with jurisdiction' over Northern Ireland, it will provide guarantees 'of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities'. This is evidently meant to reassure nationalists that communal equality is protected, regardless of

whether London or Dublin has ultimate sway.

But there are clear difficulties with this approach. The first is that the idea of London or Dublin being the 'sovereign government' guaranteeing 'parity of esteem' removes from the equation the Executive Committee in Northern Ireland (see next section). This thereby avoids the issue of interethnic conciliation within the region and the role the executive could play in this regard. Moreover, it risks entrenching the dependent, oppositional style of Northern Ireland politics (Wilford and Wilson, 2004: 199), if anything more evident since the agreement, reflected in the endless bilateral meetings with government of one or other of the region's parties, in Merrion Street or Downing Street—rather than engaging with each other.

The second is that the separation between the 'popular control' and 'political equality' aspects of democracy, as reflected in this treatment of 'constitutional issues', established a pattern for sustained, post-agreement inter-party antagonism. This focused on clashing interpretations of a range of neuralgic issues which could be seen as proxies for the still unresolved 'sovereignty' question.

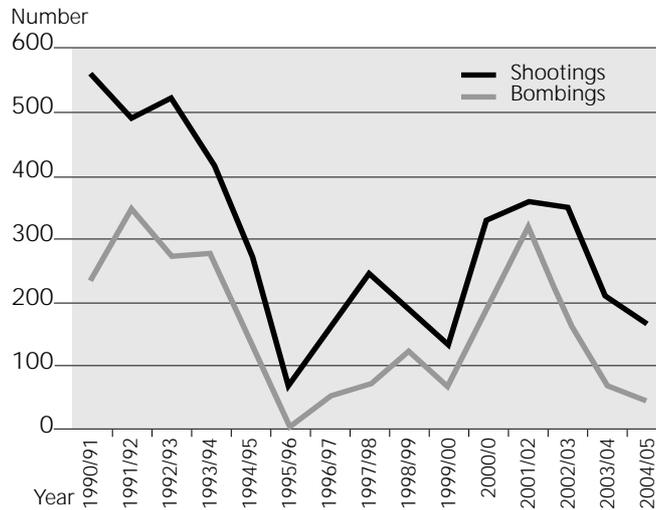
This included the urgency or otherwise of the decommissioning of the weapons of the IRA—the only paramilitary group with an aspiration to 'army' status. Similarly, on policing, the UUP first minister designate, David Trimble, reacted furiously to the Patten report of September 1999, arguing that, in proposing a neutral name and cap badge for the new service, it had failed to reflect the constitutional position of Northern Ireland as part of the UK. Similarly, following the Flags Order of 2000, which sought to bring an end to the argument over which flag, if any, should fly over devolved departments, SF ministers refused to allow the Union flag to be flown over their departments on the designated days, on the ground that this violated the principle of 'parity of esteem'.

Finally, the way that equality was thus defined in communal, rather than individual, terms gave the Northern Ireland Human Rights Commission an arguably impossible brief in advising on a Bill of Rights, and at least ensured that whatever it drafted would be unacceptable to one or other group of

‘community’ representatives—in the end, both. Not only do the main human-rights conventions, like the international bill of rights and the European Convention on Human Rights, have the individual as their subject, but so also do the conventions on the rights of ‘persons belonging to’ (note the phraseology) national minorities—notably the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the Council of Europe Framework Convention for the Protection of National Minorities.

This is, of course, to ensure that individuals have the ‘right of voice’ within and ‘right of exit’ from a minority if they do not wish to endorse informal collective norms which may be imposed against dissenters by traditional or self-appointed leaders. It is impossible to imagine, indeed, were Northern Ireland to have a bill of rights along the lines suggested in the agreement, how one would determine who should enjoy *locus standi* to represent in court one or other of the ‘communities’ who are supposed to be its subject.

PSNI statistics: shootings and bombings by year



Because the Belfast agreement did not grasp the constitutional nettle and identify a settlement of the wellspring of the conflict itself, what has changed is merely the form in which that conflict is now fought out. As Wolff (2002b: 205) analysed the position four years on from the agreement, 'the fundamental conflict between the proponents of two competing visions of national belonging is far from over; (some of) the conflict parties have merely agreed on a new framework in which they want to pursue these distinct visions'.

Of course it is, mercifully, a much less violent conflict than once it was. But this is not because of the agreement: the incidence of politically-motivated violence actually rose in the years following, and it is only since the suspension of the institutions established by the agreement in 2002 that the graph has turned downwards.

The governance arrangements set in train by the agreement have embedded a 'prisoners' dilemma' scenario recognizable to anyone familiar with game theory. That is to say, rationally, the citizens of Northern Ireland would collectively vote for what a large, cross-communal majority repeatedly tell the annual Northern Ireland Life and Times Survey they want: a power-sharing system which would guarantee accountability and equality. In practice, however, the segregation of the region into two mutually mistrustful 'communities', a social distance which the agreement has entrenched, means the protagonists can maintain sectarian clienteles willing to endorse their communalist politics—albeit in ever-decreasing numbers as voter participation falls (Electoral Commission, 2004: 92-93).

THE ASSEMBLY

In the run-up to devolution in Scotland, there was spirited debate about the role a new Scottish Parliament would play. The parliament was at the heart of the deliberations of the Scottish Constitutional Convention and a Consultative Steering Group went to some length to tease out the values which should suffuse the operation of the parliament. It was

widely supposed among civic-minded devolutionists that there was an opportunity to break the Westminster mould of executive domination. The CSG chair, and later first minister, Henry McLeish, wrote of 'a new sort of democracy in Scotland' (CSG, 1998: v).

While these civic expectations appear inflated with hindsight, given the disillusion with the parliament evident in opinion polls conducted in subsequent years (Curtice, 2004), the Northern Ireland Assembly was the subject of no such debate. Thus, when the assembly established a committee on standing orders, it did not start with a *tabula rasa* but from the standing orders for the ill-fated 1973-74 assembly (Wilford and Wilson, 2000: 87). Indeed, the Civic Forum envisaged by the agreement (and the last of its institutions to be established) was the subject of much more public discussion, particularly in the voluntary sector, than the assembly.

In Scotland, for example, this meant there was much discussion about the best arrangements for ensuring strong representation of women in the parliament. 'Twinning' of candidates in Labour strongholds was seen within that party as a way to ensure a degree of gender balance among constituency members of the Scottish Parliament, while the electoral system adopted for the parliament (as for the Welsh National Assembly), the additional member system, allowed party elites to ensure some balance too in the allocation of positions on lists from which regional MSPs were drawn.

The drive for AMS was mainly to get away from the highly disproportional first-past-the-post Westminster system. And Northern Ireland already had experience with the single transferable vote as another form of PR. But not only was there no debate in the run-up to the agreement about the carry-over of STV from the 1973-74 power-sharing arrangements, themselves representing a return to the provisions of the Government of Ireland Act 1920. There was no engagement at all with the wider argument about the appropriate electoral system for divided societies.

In fact, the principal protagonists in that argument, Lijphart and Horowitz as indicated earlier, adopt contrasting

positions on this issue—and neither favours STV. Lijphart (2002: 53), concerned simply to secure proportionate projection of communal leaders into grand-coalition governments, supports (closed) list PR. Horowitz (2002a: 24), seeking to incentivise inter-ethnic vote-pooling, backs the alternative vote (perhaps with some proportionality top-up), as this may favour tactical pitches for cross-communal moderate support to secure a majority in heterogeneous constituencies.

In 1973, the Northern Ireland secretary, William (later Lord) Whitelaw, hoped that the move to STV would weaken the two communal blocs in favour of the young parties, especially Alliance. But the pattern of the next three decades was to prove otherwise, as the more militant parties within the blocs came to the fore. Analysis by Elliott (2004) of terminal transfers in the 1998 and 2003 assembly elections—those transfers whose source and destiny is known—showed that while there were ‘some signs’ of transfers between the more moderate communal parties, this was a ‘poor reflection’ of the hopes of 1973. And he concludes: ‘The question could be asked whether an electoral system which maximises communal choice and ensures so little dependence on the other community for success fits the current needs in Northern Ireland.’

One change from 1973 was the expansion of the number of seats per STV constituency from five to six. This was at the behest of the smaller parties to the negotiations, which doubted if they could secure a quota otherwise. In fact, this still only led to two seats for the UVF-linked Progressive Unionist Party (and none at all for the UDA-connected Ulster Democratic Party), reduced to one in 2003, and two for the Women’s Coalition, neither of whom was re-elected. This maximises the distance from the incentives offered by AV (which is, in effect, STV with one-seat constituencies) and makes it easiest to pursue election by appealing only to a core, intra-communal electorate: the quota for six-seaters is just 14 per cent.

Reflecting on the 2003 assembly election, Jeffery (2004: 314) concluded: ‘Devolution has not, as many had hoped, created a new space for thinking about government and public services for Northern Ireland which is uncoupled from consti-

tutional and security issues. If anything a community-focused mindset has hardened in recent years.' The normalisation scenario would have implied that the debate between those who would enlarge the public sphere in pursuit of the common good, as against those defending the private sphere of individual freedom from government encroachment, would over time crowd out 'traditional' Northern Ireland political antagonism.

But a significant factor militating against such a trend—indeed setting the antagonism in aspic—was the system in the assembly for the communal 'designation' of members of the legislative assembly. MLAs upon election were required to declare themselves to be 'unionist' or 'nationalist', with a residual category of 'others' for those who rejected being so pigeon-holed. The correspondence between 'unionist' and 'political Protestant' was very close: there was only one Catholic MLA in the 1998 'unionist' intake and none in 2003; the correspondence between 'nationalist' and 'political Catholic' was total.

The rationale for this arrangement, which did not apply in 1973-74, was that it was a guarantee against ethnic lock-in. Unionists could not simply vote down the line on ethnically sensitive issues (such as flags) but there would be a *de facto* nationalist veto. Votes declared 'key decisions' required 'parallel consent'—concurrent majorities of unionists and nationalists as well as an overall majority—or a 'weighted majority' where at least 40 per cent of each bloc, and 60 per cent overall, would have to vote in favour for the motion to pass (NIO/DFA, 1998: 5).

Some decisions, such as the Programme for Government and the budget, were automatically deemed 'key'. But any issue could be made a key issue if 30 MLAs or more petitioned to that effect. And the election of the first and deputy first ministers could only be by the 'parallel consent' method. The perverse outcome of this procedure, advocated by the SDLP, was to enshrine an *ultra-unionist* veto, particularly evident in the recurrent instability of the first minister and deputy first minister dyarchy.

Part I: *The Challenge*

After the June 1998 election, the unionist bloc in the assembly was on a 30-28 pro- versus anti-agreement knife-edge. The haemorrhaging of support in the Protestant community, reflected in defections in the UUP from the 'yes' camp, meant that, after the election of David Trimble as FM and Séamus Mallon as DFM when the assembly first met the next month, there was never again to be a 'parallel consent' majority for such an act. Thus, when Mr Mallon as DFM resigned in the summer of 1999, in frustration with Mr Trimble's refusal to countenance a transfer of power, the following December when power was transferred it had to be deemed that he had not so resigned, so that another election could be avoided. Similarly, after Mr Trimble resigned in 2001, frustrated by the IRA's failure to decommission its arms, he was only reinstated with a new partner, Mark Durkan, the following November, after temporary 'redesignations' by three Alliance members and one Northern Ireland Women's Coalition representative as 'unionists' to enhance his support.

The international minority-rights expert Yash Ghai (2002: 169) argues: 'It is worthwhile to caution against reifying temporary or fluid identities, which are so much a mark of contemporary times. There is a danger of enforcing spurious claims of primordialism and promoting competition for resources along ethnic lines, thereby aggravating ethnic tensions.' Ghai (2002: 170) contends: 'Constitutional recognition of cultures tends to sharpen differences between cultures ... [W]e need more inter-cultural than multicultural enterprises.'

In his analysis for the Office of the First Minister and Deputy First Minister of the intercommunal violence in north Belfast of recent years, Neil Jarman (2002: 17) points out that whereas in the past sectarian division 'may have been seen as something to be worked against, confronted and challenged', latterly 'it is increasingly seen as the inevitable basis for the political future of Northern Ireland, with the "two tribes" thesis copper fastened within the terms of the Agreement and within systems and structures of the Assembly'.

The process leading to the Belfast agreement was always described as 'inclusive'. This was not empirically true: the

(self-)exclusion of SF from the 'talks process' of the early 90s was replaced by the (self-)exclusion of the DUP from the 'peace process' in which SF captured such a central role. But the positive connotations of the adjective may have acted to displace a focus on the need—axiomatic for any accommodation between conflicting parties—to strengthen the political centre. This necessarily implies the progressive loosening, rather than ossification, of ethnic identities.

Gilliatt (2002: 24) expresses this truism thus: 'In conditions where the identities are themselves constituted through conflict it is difficult to see what can guarantee a permanently successful outcome to the peaceful engagement with others unless participants are prepared to reconsider and perhaps sacrifice elements of what they have previously considered to be part of their identity ... Knowledge that over-commitment to an identity can obstruct the management of conflict does not only require moderation in the expression of those commitments and the willingness to be open to the views of others but ultimately some willingness to detach from the value of identity in order to guarantee peace.'

It is perhaps unsurprising that the most successful feature of the assembly was thus its embryonic committee system (Wilford and Wilson, 2004: 104), where members could, pragmatically, engage with one another on the issue in hand rather than being prone to rehearse symbolic identities. Relationships within the committees were indeed more businesslike than in some of the charged plenary set-pieces, notably including a softening of the DUP's refusal of dialogue with SF in the 'committee of the centre' (see below), which it chaired. Some committees held joint evidence-taking sessions, while an informal liaison committee of committee chairs provided a forum to discuss matters of common concern.

THE EXECUTIVE

From a very early stage after the transfer of power to Stormont in December 1999, concern began to be expressed

about the method by which the Executive Committee had been formed, as two unintended effects became apparent. The first was the creation of what one former permanent secretary called 'chopped-up government'. The second was the restoration, despite devolution with its democratic temper, of a Westminster-like style of governance marked by executive domination.

The arrangements for executive formation under the agreement are by application of the d'Hondt rule. This allocates positions in sequence, beginning with the largest party, such that when all positions are exhausted there is a rough proportionality to the seats secured by each party in the prior election. These arrangements are unique in the world. They arose, in the final days of the talks leading up to the agreement, from the spatch-cocking together of UUP proposals for a form of devolution without an executive but with committee chairs in the assembly distributed by d'Hondt (as in the European Parliament) and SDLP calls for executive power-sharing.

They are unique because they reduced the executive effectively to what the European coalition expert Michael Laver (2000) described as a 'holding company' for a series of largely autonomous ministerial 'fiefdoms', a dispensation which he anticipated might 'well lead to deadlock'. He warned that 'using the d'Hondt procedure to replace free-form negotiations between politicians with a rigid constitutional formula for determining the composition of the Executive Committee ... means that there are no pressures in the direction of policy compromise'.

Collective responsibility was as a result for the most part absent—as instanced by the refusal of DUP ministers even to attend executive meetings, and the unilateral announcement on the eve of suspension in October 2002 by the education minister, Martin McGuinness (SF), of a prospective end to the (undoubtedly inequitable) '11+' transfer test. The executive thus failed to supply the cement between the otherwise mistrustful political factions. Indeed, post-agreement negotiations centring entirely on securing two ministerial seats for SF required the number of departments to be increased from six

to 10 (this for a population of 1.7 million), with serious consequences for the ability of departments even to spend their financial allocations (Heald, 2003).

This lack of cohesion became very evident in crucial fields. In January 1999, during the hiatus between the agreement and the devolution of power, a private official document prepared for a 'brainstorming session' on the Programme for Government predicted (Wilford and Wilson, 2000: 108): 'The Executive itself will be an involuntary coalition with internal political tensions that could degenerate into continual attrition between and within unionist and nationalist blocs.'

This made it very difficult for officials in the OFMDFM to engage ministers on the preparation of the programme, on which they had unanimously to agree. Nor did this improve over time. An exasperated senior official confided that when he submitted the draft of the second programme in the summer of 2001, the level of engagement was indicated by a complaint from SF ministers that there were too many references in the document to 'Northern Ireland', and an insistence by a UUP minister that every reference to 'equality' (a key concern for Catholic ministers) should be followed (as many political Protestants would argue) by the meritocratic qualification 'of opportunity'.

Another issue which required unanimous agreement was the budget. When the then finance minister, Mark Durkan (SDLP), secured his colleagues' acceptance of an 8 per cent rate increase in the draft budget linked to the first programme, he was forced somewhat to row back when the other parties, to his intense displeasure, proceeded to attack the increase in the assembly (Wilford and Wilson, 2001: 97).

But the most egregious failure of the Executive Committee was its incapacity, to the growing frustration of Northern Ireland Office ministers, to stem the tide of communal polarisation evident in the horrifying attacks by Protestants on Catholic children attending Holy Cross school in north Belfast in the autumn of 2001 and nightly sectarian clashes at an east Belfast interface in the summer of 2002 (Wilford and Wilson, 2003: 88-89).

The first two programmes, agreed by the assembly in 2001 and 2002, included no substantive proposals on improving community relations. An official who subsequently joined the drafting process wryly reflected that the chapter in both headed 'Growing as a Community' should be changed to 'Withering as a Community'. But a commitment in the first programme, *faute de mieux*, to review existing policy on community relations was diligently conducted by a retiring, liberal-minded civil servant, Jeremy Harbison, who concluded his work in January 2002.

Yet Dr Harbison found it very difficult to engage the first minister, Mr Trimble, with his report and the Executive Committee failed to discuss it at any meeting before its suspension the following October—despite the conflagration a few miles down the Newtownards Road (Wilford and Wilson, 2004: 105). Within three months, the direct-rule administration had published a paper for consultation, *A Shared Future*, which was to lay the basis for the policy framework of that name finally published in March 2005 (OFMDFM, 2005).

The second flaw in executive formation stemmed from a mistake common in handling ethnic conflicts. This is a failure to distinguish the need to include all parties in the 'political community'—as reflected, for instance, in their capacity to secure representation in the assembly on an equitable footing with others—from the issue of their inclusion in government.

This leads to the very ambitious 'grand coalition' ideal of consociationalism, of which the Swiss *Sonderfall* (special case) provides the only working example—ironically, since it is a bottom-up antithesis of the elite domination consociationalism presupposes. Securing a more limited coalition of the 'moderate middle'—which recognises that the very conflict that divided the parties cannot be simply magicked away but will continue to be pursued by more militant forces—sets the bar realistically lower, and is closer to the norm of coalition politics in societies generally (or, indeed, in the *de facto* running of the European Parliament).

It was on the basis that the admittedly still very difficult task in Northern Ireland of assembling a moderate-middle

coalition failed that government in Dublin and London eventually came—arguably perversely—to embrace the thesis that only a grand coalition would do (Horowitz, 2002c: 193-194). This contravenes more sensible advice from Sartori (1997: 71): ‘Grand coalitions obscure responsibility to the utmost and are, as a rule, more heterogeneous and therefore more easily grid-locked than minimum-winning coalitions.’

One unwitting effect of these arrangements was to leave the assembly bereft of any effective opposition to challenge executive dominance. All but 16 of the MLAs elected in 1998 belonged to the four executive parties. As one party adviser put it, ‘ministers are basically accountable to no one’. So, for example, when the two draft Programmes for Government were successively debated, the six Alliance members persistently complained of their failure to address the challenge of sectarianism—but they were lone and impotent voices.

The committees of the assembly were the prime *locus* for bringing the executive to account. And, as indicated above, they did tend to abjure the sectarian confrontations which the communalist alignments fostered in the assembly in plenary. But the all-in nature of the executive meant their members tended to behave as party animals rather than committee creatures (Wilford and Wilson, 2004: 101).

This was not helped by cumulative mandates: 60 of the 108 members in the suspended assembly, including two ministers, were simultaneously district councillors, stimulating what one former committee chair called a ‘very intense localism’. In practical terms, this would on occasion mean a committee was left inquorate as members departed for evening council engagements. The Women’s Coalition unsuccessfully sought to introduce a single mandate for assembly members, though if and when the assembly is restored MLAs will not be permitted simultaneously to be members of the seven new ‘super-councils’ envisaged from 2009 following the Review of Public Administration.

These two problems—the absence of collective responsibility and executive domination—interacted to create a further difficulty. When the agreement was promulgated, no

thought was given to the co-ordination dilemma posed by the system of individual ministerial fiefdoms. And so the OFMDFM was to grow like Topsy to fill this gap. Remarkably, while there were just 18 officials in the Office of the First Minister in Scotland, where the parliament had similar powers, the OFMDFM was to mushroom to a tally of 424 civil servants—more than in the Department of the Taoiseach and 10 Downing Street put together (Wilford and Wilson, 2003: 102).

This contributed to a widespread sense, particularly in the Protestant community, that devolution had conferred an expensive bureaucracy of ministers, officials and assembly members—overlying the pre-existing system of quangos and weak local government—which offered dubious value for money. The DUP mined this seam of unrest assiduously as it chipped away at Protestant support for the agreement.

Moreover, the assembly struggled to bring this apparatus to account. In a February 1999 report to the assembly, the then first and deputy first ministers designate announced that they now envisaged that the OFMDFM, to which they had allocated 11 functions in negotiations just two months previously, should have 26 competences attached. And, in December that year, a week after the assembly had endorsed a proposal for two committees to monitor respectively the equality / human rights / community relations and the European functions of the OFMDFM, a motion submitted by the FM and DFM, and backed by their parties, replaced this by a single 'committee of the centre'—with the North/South Ministerial Council and the British-Irish Council left theoretically accountable to the assembly as a whole.

The Scottish Parliament, again, had established a committee dedicated to European affairs only, in the sure knowledge that even keeping abreast of the mountain of paperwork from Brussels was a huge task in itself. And the solution adopted created another obvious co-ordination dilemma. How would 108 members manage to hold the executive to account on the north-south and 'east-west' axes? In reality, because everyone was responsible, no one was responsible. Thus rendering to account the actions of the much busier NSMC became

reduced after the fact to a statement by the FM or DFM, or one of their two junior ministers, to the assembly in plenary (Wilford and Wilson, 2004: 102).

This, too, was gnawed at by the DUP in its repeated attacks on 'north-southery'. Frustratingly for the advocates of accommodation, as with devolution it was the nature of the architecture that had been constructed, rather than the principles of regional democracy or north-south collaboration, which left the governance arrangements associated with the agreement vulnerable to sectarian attack.

CONCLUSION

This assessment of the Belfast agreement against the norms of democratic governance casts a novel light on the otherwise sterile, and increasingly polarised, debate around the agreement. It has indicated that the collapse in 2002 of the institutions established by the agreement does not imply that any attempt at political accommodation in Northern Ireland is doomed to fail. On the contrary, it has shown that there are specific features of the agreement, arising from its unreflectively consociational thrust and weak democratic moorings, which have had unintended polarising effects and which have been readily exploited by those with a determined sectarian and/or paramilitary agenda.

In turn, this implies that some re-engineering of the constitutional arrangements for Northern Ireland could set the region back on to a path of stability and of reconciliation with the rest of the island. Part II of this paper suggests how this might be done.

Part II:

The Way Ahead

A *SUI GENERIS* CONSTITUTIONAL STATUS

Power-sharing devolution can comply with the democratic norms of popular control *and* political equality if the focus is on how best to advance the common good through dialogue. But this means abjuring communal domination in favour of genuine partnership and renouncing violence or its threat. Politicians are human like everyone else and the task of constitutional engineering is not to convert sinners into saints but to craft institutions which reward altruistic rather than egoistic behaviour. In particular, conciliation rather than confrontation needs to be incentivised by the political structures in play.

Unionism and nationalism may be antagonistic but as individual affiliations 'Britishness' and 'Irishness', still less Protestant and Catholic, need not be. All societies these days are multicultural and it is reasonable to expect all citizens to give civic allegiance to a public sphere of democratic institutions in Northern Ireland, even while they retain particular 'ethnic' identities (defined by religion, language or skin colour) themselves. This does however mean that such institutions are neutral in character, so that all can feel equally at ease with them.

The assembly and the Police Service of Northern Ireland, like a host of other public organisations, perforce recognised this with the development of neutral symbolism. Such an official emblem for Northern Ireland (albeit possibly displayed in the company of both the Union flag and the Tricolour, and/or the European flag) is a prerequisite of avoiding the otherwise

endless arguments over symbols which the outgoing assembly was unable, in its *ad hoc* committee on the subject, to solve.

A neutral, democratic polity in Northern Ireland must also be able to face equally in Irish and British, as well as European, directions. Devolution must not mean *involution* and the region needs to participate fully in larger, up to and including global, networks if it is to keep pace with the wider world. In the education arena, integrated schools and the particular arrangements for the student movement in the region show how in the right context Protestants and Catholics—and those who would not be, or define themselves as, either—can come together, even at a volatile and impressionable age, without incident or confrontation. The integrated sector seeks to cherish both the conventional political affiliations, while by affiliating to the Union of Students in Ireland and the National Union of Students the student movement in Northern Ireland, despite severe tensions on individual campuses, has remained united throughout the ‘troubles’ and since.

To achieve this status, devolved institutions in Northern Ireland need to be able to exercise genuine popular control. The assembly had authority only in those competences ‘transferred’ to it under the Northern Ireland Act of 1998. It was envisaged, as under the Government of Ireland Act of 1920 when this three-way division was conceived, that ‘reserved’ matters might be transferred, whereas ‘excepted’ matters would not (this breakdown of competences is detailed in schedules to the act). Only with the consent of the Northern Ireland secretary was the assembly empowered to legislate in the reserved domain and, if this was an ‘ancillary’ aspect of the bill, in the excepted arena. This led to the discrepancy identified in the Northern Ireland Life and Times Survey between the institution which was believed to have the most say in Northern Ireland, the UK government, and the institution a majority believed *should* have the most say, the Northern Ireland Assembly.

The threefold categorisation arises (there are only devolved and non-devolved matters in Scotland) mainly because there were powers devolved to the old Stormont

Parliament which were assumed by the Northern Ireland Office in 1972 but which could—in a very different light, given current safeguards—be devolved once more were the new arrangements to prove stable and effective. Policing and justice are central and the post-agreement commissions on these matters both envisaged that they would be transferred, as indeed did the governments in London and Dublin in their joint declaration of May 2003. There are some others, such as in financial services, which if they were to be devolved would give the assembly more power and facilitate co-ordination on a north-south basis if and when so wished (Hadden, 2001). Safeguards in the Northern Ireland Act against assembly legislation, in this or any other sphere, being discriminatory or in contravention of the European Convention on Human Rights or European Community law should of course be retained.

The aim should be to move policing and justice immediately and other reserved powers over time into the devolved domain. This would not require the assembly to assume responsibility in all cases and at all times in these more onerous arenas. Indeed, sometimes the simplest and most progressive thing to do, even in already transferred areas, would be to copy Westminster legislation, rather than ignoring policy innovations developed in Britain's clearer left-right political culture. The Scottish Parliament, while very jealous of its autonomy, has been perfectly happy to use the 'Sewel motion' procedure on many occasions to achieve this effect with minimum fuss.

From the standpoint of devolved policy innovation, there was remarkably little policy co-ordination between the Stormont assembly and the Holyrood parliament during the former's life, despite both having primary-legislative powers and many similar problems (such as social exclusion and sectarianism). This is a weakness that should be rectified as and when devolution is restored.

Excepted matters include areas in international relations. But these already exclude matters coming under the purview of the North/South Ministerial Council. Thus in as far as the assembly and Dáil Eireann chose to act in a collaborative fash-

ion, for example in a European context, they could do so as things stand. Where the assembly is constrained by the existing schedule is in terms of tax-varying powers and the currency arrangements. On the first, it is unlikely the assembly would ever want to redesign the tax and national insurance system root and branch, but the same applies to social security, which is currently devolved. Yet acquiring the capacity to vary rates at the margin, as long as this did not incur unfunded commitments, would introduce a significant element of democratic accountability into the debate about public finance in Northern Ireland, show a willingness to address the hitherto poor 'fiscal effort' (Heald, 2003) which the region has made and allow (if so wished) a modest element of redistribution. There is public support, as the Northern Ireland Life and Times Survey again indicates, for the assembly to acquire tax-varying powers.

The second constraint, *vis-à-vis* 'legal tender', would prevent the assembly officially endorsing what is in border areas and large enterprises an informal reality, which is the operation of a dual-currency, sterling-euro zone. Its advocates would claim this would allow business, more supportive of euro membership in Northern Ireland than in Great Britain, to maximising the potential of cross-border trade and supply chains. The competence of the assembly should be extended in these two areas also—again, not requiring any consequent policy changes but enabling them if so wished.

A solution would be to accept that, on the one hand, looked at from the standpoint of Northern Ireland as a region of the United Kingdom, there will always be areas that are non-devolved, as with Scotland and Wales; on the other, from the standpoint of sponsoring reconciliation on the island of Ireland, there could be a recognition by all concerned (and it would be hard to see either London or Dublin disagreeing) that the assembly and the institutions of the Oireachtas could collaborate on *any* matter—including those in a UK context which are excepted—as long as there was agreement between them on how to do so.

The Belfast agreement restricts north-south collaboration to 12 specified policy domains in an annex, though the main

body of the text speaks of 'at least' six implementation bodies and six areas of policy co-operation. The choice has not only been somewhat arbitrary but seems artificial in the light of the more relaxed civic interchange that takes place daily in the business community, the trade union movement, the churches, NGOs and among ordinary individuals, for many of whom the border is of no more ideological significance than a line on the map, and a highly permeable one at that. This would realise the aspiration of the agreement, well expressed by Laffan and Payne (2001: 11), 'that the institutions and processes that it has set in train may lead to the normalisation of the border'.

Such a change would be likely to require a further amendment to the republic's constitution, as the section on international relations, where north-south co-operation falls, currently refers to the agreement done on April 10th 1998. But such a referendum would be important for its legitimating effect. (It is argued later that the whole package of changes here should be subject to a referendum in Northern Ireland.)

This expanded domain of north-south co-operation would also, however, highlight the inadequate accountability in this arena to the assembly (and the Dáil). The uneven performance of the north-south bodies to date has not been subject to adequate scrutiny and a dedicated assembly committee (see below) is required to pursue this.

On a wider canvas, this broad approach would allow Northern Ireland to punch its weight more effectively on the European stage and, again if democratically so wished, to take a more positive stance on the 'European social model', like its devolved counterparts in Scotland and Wales, than that of the two states on these islands. A reinvigorated Civic Forum, organised more coherently than previously on social-partnership lines, would assist civic engagement and policy co-ordination in that regard.

These constitutional arrangements, which recognise the *sui generis* character of Northern Ireland, should act to ease over time the antagonism between unionism and nationalism, in favour of political debate over the nature of the common good. They would do nothing to diminish the equality of UK

citizenship enjoyed by Northern Ireland residents—such as the benefits of the rough-and-ready Barnett financial equalisation formula and access to the more ‘normal’ left-right axis of politics in Britain. But they would simultaneously remove all the barriers presented by partition to the residents of the island of Ireland coming together collectively and achieving the goal of reconciliation.

This overall approach would, in effect, replace the conventional ‘either/or’, zero-sum approach to Northern Ireland’s constitutional status with a ‘both-and’ alternative, arguably more attuned to an era of globalisation and interdependence than the competing slogans of ‘self-determination’ coined in the wake of World War I. Rather like the line drawing of the rabbit that from another angle is a bird (and *vice versa*), this would allow the secular ideals associated with a United Kingdom and a United Ireland to be achieved at one and the same time, and no longer to be counterposed. This is therefore a proposal for a durable *settlement*—not simply another agreement.

Paradoxically, what would distinguish this approach from *both* conventional ‘unionism’ and ‘nationalism’ would be a genuinely outward-looking engagement with the rest of these islands, rather than an introverted sectarian antagonism. There would, of course, remain tensions—there would be arguments over which context any particular issue, say social exclusion, should be addressed within. But at least these would be discrete, case-by-case decisions where objective evidence could be brought to bear. And even here, ‘both-and’ might operate: the regional strategy on social inclusion agreed by the Civic Forum (2002) wove seamlessly together elements from the Scottish Social Inclusion Strategy, the National Anti-Poverty Strategy in the republic and developments at EU level.

EXECUTIVE FORMATION

To make these ‘external’ arrangements work, however, the ‘internal’ governance of Northern Ireland must place a premi-

um on dialogue and deliberation across conventional sectarian boundaries. This can best be done through a requirement to reach cross-communal majorities on executive formation and dissolution. This would cement collective responsibility in government and hold out a model of intercommunal co-operation to the public at large. Provisions to prevent ethnic domination should not inadvertently entrench communalist politics (for example, by equating Protestant with 'unionist' and Catholic with 'nationalist', as through the 'designation' system for assembly members), at the expense of new political alignments or at the risk (as currently) that government cannot be formed at all.

The simplest answer is to require that, after an assembly election, a new executive be formed that is capable of commanding the support of (say) 65 per cent of MLAs present and voting. This would not give any party an automatic right to be in government and so all parties would be incentivised to be conciliatory. Because a government could not be formed entirely out of Protestant or Catholic communalist parties, aspirants to government would be required in particular to be conciliatory to that party or parties *from the other 'community'* with whom they would be partnered.

(In Switzerland, the limit consociational case, while the federal government is formed by a 'magic formula' of seat allocations between the parties, the actual ministers have to secure parliamentary support. This means, for example, that the social democrats must put forward figures they know the Christian democrats will accept and *vice versa*. Having said that, the rigidity and inclusiveness of the formula has still left the system vulnerable to the rise of the far-right Swiss People's Party, to which the other parties have had to concede an extra government seat.)

By the same token, if one party from one 'community' was not willing to make the necessary accommodation, another could scoop the pool as its bargaining position would then be enhanced: without its involvement, government could not be formed and it could therefore obviously demand disproportionate representation in the executive. Indeed, these

incentives might work backwards to the extent that parties would engage in pre-election pacts, which would offer the electorate a much clearer perspective of the governmental choice(s) they faced.

This combination of carrot and stick should foster conciliation all round. Ironically, it would thus be the likeliest route to 'inclusive' government—and this time perhaps including a non-communal party or parties. Equally, a party or parties could take a principled decision in favour of becoming the 'official' opposition for the assembly term, or to abstain on the vote to ratify government formation. Were, however, sufficient parties to combine (presumably *via* unholy alliance across the sectarian divide) to prevent a government being formed, and another election to be forced, the parties responsible could not be certain that they would be rewarded by the electorate for their intransigence—or for their acquisition of such strange new bedfellows.

Were it to be impossible to secure a 65 per cent weighted majority for executive formation, a fall-back arrangement which could work to the same end should be pursued. This would be for the executive to be formally required to contain equal numbers of Catholics and Protestants—in the sense that these terms are used as 'objective' indicators of 'community background' for fair-employment monitoring, rather than assuming 'unionist' or 'nationalist' ideological baggage. This would be a simple device to block ethnic domination and the government thus formed could operate on a lower threshold requirement of 50 per cent, as a 'minimum winning coalition'. Any attempt to construct a purely communal majority in the assembly in favour of a particular piece of legislation would of course be met by the break-up of the government, with a clear 'loss' in the international blame game for the party which had gone for the ethnic break-out from partnership in the first place.

It is worth reiterating that it was not felt in 1974 that there was any need for safeguards against majoritarianism in the assembly because it was assumed the parties to the executive would vote together. But it would be possible to buttress this arrangement with provisions in the bill of rights, as the

Northern Ireland Human Rights Commission (2001, 2004) has recommended, to enshrine within it the Council of Europe Framework Convention on the Rights of National Minorities. The convention is particularly germane on the issue of 'fair participation' and the bill could specify that legislation which was passed by communal majority in a polarised assembly (which might in any event contravene some aspect of the European Convention on Human Rights) would automatically be declared *ultra vires* in this regard. Indeed, keeping such internationally agreed standards to the fore would help resolve the currently fraught and unproductive debate about what the bill of rights should contain.

While it would be easier to construct a minimum-winning cross-sectarian coalition than one capable of commanding super-majority support, the downside of this approach would be that it would reinforce the communalist character of elections to the assembly. Thus, with fixed representation for each 'community' in government guaranteed, the danger would be that parties would only compete for these seats on an intra-communal basis, which would not be a good foundation for subsequent co-operation in government (Belgium has such a 50:50 division of the federal government between Flemings and Walloons and it is certainly not a model of intercommunal reconciliation).

The assembly should have fixed four-year terms, as envisaged under the agreement, with the cycle preferably synchronised with devolved elections in Scotland and Wales as also envisaged. But if the withdrawal of a party from government during that period meant it was impossible to sustain either of the above criteria for executive formation, then the remaining parties should stay in office until the term is up. The bill of rights would then come into play as a guarantor against ethnic majoritarianism and even if the government was unable to get legislation through the assembly this would be a scenario preferable to another debilitating suspension of devolution and renewed direct rule. Indeed, these arrangements would provide strong disincentives against any party unilaterally seeking to provoke such a governmental collapse.

What really does need to change in terms of representation in the assembly is not so much the proportions of Protestants and Catholics as the gross imbalance—a ratio of five to one—between men and women among MLAs. This could readily be changed by parties choosing all-women short-lists, a tactic now permitted under UK legislation which led to Wales becoming the first parliament in the world to achieve 50:50 representation by gender at the 2003 assembly election, with in Scotland nearly 40 per cent of elected MSPs being female. The legislation has in effect passed the responsibility to address the gender imbalance from the electorate (who, despite being strongly supportive, can do little about it) to the party ‘selectorate’ (who can).

SMARTER GOVERNMENT

Not only has the Belfast agreement, regrettably, failed to assuage sectarian division but it has also left a governance legacy widely seen as cumbersome, inefficient and opaque. The citizens of the region deserve transparent government that is innovative, effective and accountable. For a population of 1.7 million it thus makes little sense to have an assembly of 108 members (Scotland has 129 yet three times the population), 10 departments plus the sprawling OFMDFM, 26 district councils, five education and four health boards, as well as numerous commissions, agencies and non-departmental public bodies.

The Review of Public Administration will lead to a rationalisation, with the number of councils to be reduced from 26 to seven. In the context of more powerful local government, the assembly should also be reduced in size. This could be done by cutting the number of seats per STV constituency, but this would discriminate in favour of the currently larger parties. A better approach would be to use the opportunity to introduce an electoral system more appropriate to a divided society without destroying proportionality. Currently, there are, effectively, two separate, intracommunal electoral contests (Ruohomaki, 2001), which provides a poor platform for

successful power-sharing afterwards.

Application instead of a majoritarian system like the alternative vote would require candidates to secure, after transfers, the support of over 50 per cent of electors in their constituency. This would stimulate candidates of all parties to make conciliatory and civic-minded appeals, as long as constituencies are heterogeneous. Accepting there is a trade-off between the goals of interethnic conciliation and proportional representation would suggest a top-up of seats allocated to parties to introduce a degree of proportionality. This 'AV+' system was recommended for Westminster by the review of 'first past the post' conducted by the late Lord Jenkins.

Alternatively, if it was felt to be illegitimate to consider any such trade-off, the additional member system would offer another approach which, like AV+, would sustain the idea of linking some representatives to a constituency base (unlike a list electoral system). The moderating effects of AMS in heterogeneous constituency contests—where it would encourage tactical voting for moderates across the communal divide—would however be entirely offset by the proportionality associated with the second, party vote, as long as parties ensured their supporters stuck with them on the latter vote, even at the expense of 'ticket-splitting'. AMS has been advocated by electoral reformers in the republic, notably with the endorsement of Noel Dempsey, to foster a less clientelistic political culture than that encouraged by STV. North and south, this encourages localistic competition, through the interaction between constituency representatives—including from the same party—rather than a focus on policy matters and the broader public good.

These issues associated with the electoral system should all be addressed by an independent commission, operating transparently, to ensure public legitimisation of any change. Reducing the number of government departments, however, would not even require legislative affirmation (the Northern Ireland Act currently specifies a maximum of 10). Around six (seven to include policing and justice) would be desirable to foster 'joined-up' government and to ensure assembly scrutiny

committees could be reduced in parallel. This would not restrict the number of ministers to the same number, as of course there could be juniors.

Taking these proposals in tandem with the RPA, local government itself needs to operate in a more joined-up way, and Belfast needs to be able to act as a modern municipal authority. This implies not just the small additional powers which are to be conferred on the new, enlarged councils, but a power of general competence for them, though they would mostly play a brokering role in a context of 'contestability' rather than actually delivering additional public services themselves. Each authority should move to an executive (rather than committee-based) form of governance, with in-built power-sharing. This is critical, given that the proposed seven-council model is vulnerable to nationalist domination of the three councils west of the Bann and unionist domination of the three to the east, with Belfast unstably hung.

A 'Balkanisation' scenario thus looms, and could be the default mode of governance in the absence of power-sharing devolution. This would not be avoided by application of the d'Hondt rule to local executive formation, which would lead only to a qualified majority rule, at the expense of political equality. As recommended to the RPA by the Community Relations Council, it is therefore imperative that local power-sharing arrangements should ensure over-representation of figures from the local minority—whichever that be—without unwittingly excluding from local governance arrangements members of ethnic minorities.

There is also a more obvious risk with the plan for 'super-councils', which is that ostensibly local government becomes more *remote*. To practise subsidiarity, there is a good case for the eventual addition of a lower tier of parish councils, which would bring Northern Ireland much closer to the European pattern.

The three new councils abutting the border should, however, be more able to dovetail with the competences of their partners on the other side, adding value to the three networks of cross-border local-authority associations. As indicated

above, the North/South Ministerial Council should have no restrictions placed on its agenda or the 'implementation bodies' it might establish under its stewardship, subject to the requirement that decisions are taken on a basis of consensus between north and south and that lines of accountability are clear and entrenched in both the Dáil and the assembly. The envisaged reduced number of northern departments should establish north-south units to liaise with those already established in their southern counterparts. The British-Irish Council and the Joint Ministerial Committee on Devolution, bringing together representatives of the various jurisdictions in these islands and the devolved administrations more specifically, should be put on a more formal and transparent footing, with a view to ensuring a structured exchange of good practice in a context of growing policy divergence.

To render 'external' affairs accountable, the assembly should establish a committee to cover this arena. Currently, not only does the NSMC escape the scrutiny of the committee of the centre but also European affairs are inadequately addressed. The Joint Oireachtas Committee on European Affairs and its Foreign Affairs counterpart could usefully consider whether a new, north-south committee should be established, perhaps including members with an interest from both, or whether one or other of them should assume responsibility for rendering the NSMC more effectively accountable.

The assembly, when in session, was also the only parliament in these islands which lacked a human rights committee. Establishing a committee on 'external' affairs and one on equality and human rights would rectify these failings, ensure the assembly took an outward-looking perspective and minimise the risk of non-compliance with EU directives and international human-rights requirements.

The biggest challenge in Northern Ireland remains to heal the deep divisions in this society, social as well as communal. Government needs to operate on the principle that the default option for service delivery is integrated, rather than segregated—not only to improve community relations but also to provide efficient, high-quality services accessible to all. The first

minister in the executive (his or her deputy should have a specific portfolio) should be responsible particularly for giving civic leadership in this regard, as well as representing Northern Ireland externally in a public-spirited and impartial manner.

CONCLUSION

This paper has set out an agenda for reform which would not throw out the baby of the Belfast agreement with the sectarian and paramilitary bathwater with which it has come to be associated. It would preserve the key principles of power-sharing devolution, civic participation, co-operation across jurisdictions, and equality and human rights. But it would reform the constitutional context so as to be more conducive to their realisation. In particular, it holds out the prospect of Northern Ireland becoming a normal society at ease with the various environments—Irish, British and European—in which it finds itself and making the most of that unique positioning.

The measures proposed here should be widely acceptable, as they are impartial between the competing philosophies of unionism and nationalism: indeed, the aim is to transcend both in the name of the common good and so assuage the antagonism between them. In many cases they would require real accommodations which would be very demanding of political leadership, but this is unavoidable if one is genuinely seeking to heal a divided society.

The reforms should be legitimised through a referendum in Northern Ireland, given the modifications to the agreement they would represent. In addition to the specific referendum required in the republic mentioned above, a fair wind from the government and opposition parties there, given the implications of the proposals for north-south relations, would be highly desirable. And in concrete terms, a number of amendments would have to be made to the Northern Ireland Act 1998 passed at Westminster to implement the agreement.

All of this should be combined with a broad public debate.

One weakness of the Belfast agreement was that within days of a secret draft appearing the final version had been agreed, without any public scrutiny. Decisions taken then for short-term reasons which have turned out to bring long-term difficulties might have been avoided by a more transparent and considered process.

In sum, what is envisaged here is a settlement premised on the twin democratic principles of liberty and equality. Within Northern Ireland, this means a power-sharing arrangement which ensures Catholics can never again be subordinated by their minority demographic position but also gives citizens the freedom to choose identities outside communalist straitjackets. Beyond Northern Ireland, it entails a federal relationship with the rest of the UK and a confederal relationship with the rest of Ireland, and a keen engagement with the rest of Europe, allowing everyone resident in Northern Ireland an equal opportunity to explode wider political networks, freely chosen.

This chimes with the aim set out in *A Shared Future* (OFMDFM, 2005: 8): 'The establishment over time of a normal, civic society, in which all individuals are considered as equals, where differences are resolved through dialogue in the public sphere, and where all people are treated impartially.' That aim was designed to embody the political philosophy of 'cosmopolitanism' articulated by David Held (2003: 168-169). Cosmopolitanism is based on the three following premises:

- *egalitarian individualism*, which treats individuals, not states or 'communities', as the unit of moral concern and recognises that each individual is equally worthy of respect and consideration;
- *reciprocal recognition*, which involves acknowledgment by everyone of this state of equal worth; and
- *impartial treatment*, which requires public authorities to treat the claims advanced by individuals and associations on principles on which all could act.

Cosmopolitanism offers a philosophy not only appropriate to

the challenges of Northern Ireland but to democratic societies in the 21st century. An older republicanism, in this context, may be coming to the end of its time. Republicanism, with its origins in the American and French revolutions, certainly upholds the principles of freedom and equality. It is this particularly pure form of political expression which has given republicanism the long shelf life it has enjoyed. In an Irish context, and internationally, it has given republicanism the moral high ground over unionism, which has rarely had a civic character (Porter, 1996) and which has more often represented a conservative nationalism well epitomised by the former South Down MP Enoch Powell (Miller, 1995: 124).

Yet the contemporary US (and in this the republic and the UK are close behind) is one of the most unequal states in the developed world, and one in which vast swathes of its largely black and Hispanic poor do not even exercise the basic right to vote (in some states, due for example to laws disenfranchising felons, they lack even that). France, meanwhile, finds itself unable to resolve the challenge of its ghettoised *banlieues* within a republican discourse which can not even admit of the existence of ethnic minorities. And Ireland, in the north as well as in the south, has had to come to terms within only the last decade or so with the substantial inward, as well as outward, migration associated with a globalising environment.

In so far as it treats all citizens in a manner abstracted from their individual diversity, as Political Man, the discourse of republicanism has been stretched to the limit as that diversity has expanded. All will assimilate, republicanism assumes, into 'one nation under God'; all will come to respect the 'values of the republic'. And this can readily acquire an authoritarian ring. As Holohan (2000: 166) explains the republican view, 'The primacy of the public means that duties come before rights.' And as Garvin (1996: 14) argues, 'a certain exclusiveness has always run through traditional republican political thought'.

The irony is that republicanism not only has an uncertain relationship with democracy but can even come to justify an elitism of the politically engaged. And it can fail to see how a

genuine equality of citizens is only compatible with a perspective of integration, not assimilation, in which dialogue resolves the challenge of diversity and the state arbitrates impartially between competing claims.

Indeed, at worst, as reflected in the suffusion of the administration of George W Bush by evangelical Protestantism or, in the Republic of Ireland, the scale of the recent revelations of past clerical child abuse in public institutions, republicanism can blindly collude with an ethnic (including religious) coloration of the state. Cosmopolitanism, by contrast, is a knowing politics which builds on the enlightenment rationalism of republicanism, particular its bedrock of equal citizenship, while recognising the authoritarian, even violent, regression of which it is capable. It is committed to integration as a two-way street, in which 'majorities' as well as 'minorities' are transformed, and to ensuring that public authorities have a neutral, lay character.

Replying in November 2005 in the Dáil to Ruairi Quinn on his government's attitude to *A Shared Future*, the minister for foreign affairs, Dermot Ahern, saw the document as implying action only by Northern Ireland departments. Yet there is a tension here—a tension, for example, between the restoration of the military parade along O'Connell Street on Easter Monday, in time for the 90th anniversary of 1916, and the contemporary aspiration to restore power-sharing in Northern Ireland.

A more reflective consideration of 1916 would see in it both the nobility of the republican ideal and the bloodshed it could spawn. And it might consider that, like a sepia image of the event, it should be allowed to fade into history, rather than being airbrushed from it or being allowed to constrain the emergence of novel political arrangements, north and south—arrangements more attuned to the world in which we live today and what we know about it.

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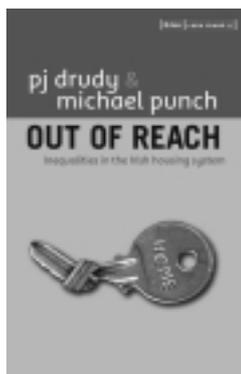
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Note

- 1 A crucial ironic question-mark was removed by the editor from the title of this chapter!

PREVIOUS PUBLICATIONS

December 2005



Out of Reach

Inequalities in the Irish Housing System

by PJ Drudy and Michael Punch

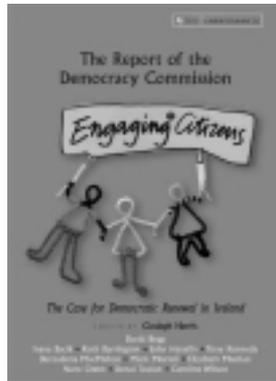
How is it possible that Ireland, now one of the richest countries in the European Union, has a serious housing crisis?

Why have house prices risen beyond the reach of so many? Why are standards of accommodation and insecurity in the private rented sector a persistent problem for tenants? Why has the provision of social housing fallen so far short of requirements at a time of massive housing need and a growing homeless population? Why do we continue to sell off Local Authority housing to tenants and public land to private developers? Is the current enthusiasm for public private partnerships justified?

And what has government done to deal with the housing crisis?

P.J. Drudy and Michael Punch set out to answer these questions. Is it acceptable that housing should be treated as yet another commodity to be traded on the 'market' like race horses, motor cars or stocks and shares? Or should housing be treated as a shelter and a home – a not-for-profit necessity and a right to be achieved by all, irrespective of ability to pay?

The authors propose a number of central principles and policy innovations for a more progressive and equitable housing system.



October 2005

The Report of the Democracy Commission

Engaging Citizens

The Case for Democratic Renewal in Ireland

Edited by Clodagh Harris

David Begg,

*Ivana Bacik, Ruth Barrington, John Hanafin, Bernadette MacMahon,
Elizabeth Meehan, Nora Owen, Donal Toolan, Tony Kennedy, Mark
Mortell, Caroline Wilson*

‘We think we have come as close as is possible to getting a clear picture of the health of democracy in both parts of Ireland. We hope that our conclusions will, in the course of time, strengthen democracy on the island of Ireland and support those who make it work.’
David Begg.

Establishing the Commission was the initiative of two think tanks, TASC in Dublin and Democratic Dialogue in Belfast. Launched in 2003 the Commission was asked to enquire into the causes of disconnection for large groups of people from even the most basic forms of democratic participation in decision-making. The members of the independent commission, acting in a voluntary capacity, made public engagement the cornerstone of their work.

The report of the Commission has been described as a really excellent and thought provoking document on all the fronts it addresses. It draws on - and directs readers to - recent research in all areas, and yet is really accessible’





June 2005

Post Washington

Why America can't rule the world

by Tony Kinsella and
Fintan O'Toole

Has the American Dream been replaced by the American myth?

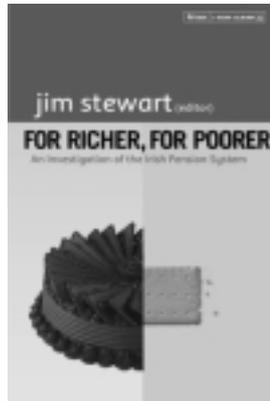
The United States is the largest military, economic and cultural power in history. The aspirational focus of billions, the US leads the world into a brighter tomorrow, a tomorrow modelled exclusively on its own achievements. Our future lies in a US Imperium.

But, just as the sun sets on a *Pax Britannica*, has it yet to even rise on a *Pax Americana*? Here writer and commentator Tony Kinsella and Irish Times' journalist and author Fintan O'Toole, argue that the United States of America is not only incapable of maintaining its dominant position in the world, but that this dominance is, at the very least, exaggerated and over-estimated.

Post Washington argues that the US system cannot continue. An extraordinary fragile economy straddles an agricultural sector on the verge of disaster, while the level of public and private debt threatens to topple a social and political structure crying out for reform.

At the dawn of the 21st century, the greatest threat to America comes from within. 'The world cannot wait for the US to wake from its slumber', say the authors. 'We must move on, building our post-Washington world- with the US where possible, but without it where necessary.'





May 2005

For Richer, For Poorer
An investigation into the Irish
Pension System

edited by Jim Stewart

With current pension policy widening income inequality in Irish society, a large proportion of our pensioners, particularly women, will be without adequate income in their old age.

For Richer, For Poorer sets out a radical and revised criteria for our pension system, outlining key proposals on what should constitute a pension strategy for Ireland.

Provocative and timely, *For Richer, For Poorer* argues that our current system is skewed towards the better off. Exposing a system that has evolved to serve the interests of the pension industry, the book offers both a critical evaluation of this system and makes clear policy recommendations.

With Peter Connell on demographics; Gerard Hughes on the cost of tax expenditures; Tony McCashin on the State Social security system; Jim Stewart on sources of income to the retired population. Sue Ward on the UK pension system, *For Richer, For Poorer* explores the problems with the current system, and recommends that while the UK has been our guide, it should not be our model.





November 2004

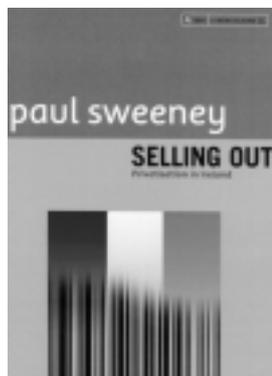
An Outburst of Frankness
Community arts in Ireland –
a Reader

edited by Sandy Fitzgerald

An Outburst of Frankness is the first serious attempt to gather together a wide range of views dealing with the history, theory and practice of community arts in Ireland. Not an academic book, the style, over twelve commissioned essays and the edited transcripts of two unique fora, is accessible and open, ranging from a general art-history perspective to the particular experiences of artists working in and with communities.

Besides the politics, the rhetoric and the debates, there are values around this activity called community arts which are as relevant today as they were forty or four hundred years ago. At the core of these values is the question of power and the right of people to contribute to and participate fully in culture; the right to have a voice and the right to give voice. From this point of view, arts and culture should be at the centre of all political, social, educational, individual and communal activity, particularly in this time of unprecedented and sometimes dangerous change, for Ireland and the world.





October 2004

Selling Out?
Privatisation in Ireland

by Paul Sweeney

This is the story of privatisation in Ireland – who made money, who lost money and whether the taxpayer gained. It sets the limits on privatisation – what should not be sold for money – and it shows that privatisation is about not only ownership but also public influence and control. It proves that this government has already sold out key assets, that consumers now pay higher prices and competitiveness has been lost. Examining the story of the Eircom privatisation, Sweeney shows how this triumph for ‘popular capitalism’ was, in fact, a hard lesson in why some state assets should never be privatised.

Sweeney quantifies the billions in gains made by the state on its investments in the state companies and how much the remaining companies are worth, and he proposes reforms to dynamise the remaining state companies to the advantage of the taxpayer, the consumer, society and the economy.





October 2003

After the Ball

by Fintan O'Toole

Is it the death of communal values? Or the triumph of profit? In a series of sharply observed essays, Fintan O'Toole the award-winning *Irish Times* commentator, looks at Ireland's growing notoriety as one of the most globalised yet unequal economies on earth. Why were the boom years haunted by the spectre of a failing health service? Why do a substantial proportion of our children continue to be marginalised through lack of funding in education? What is the place of people with disabilities, travellers, women immigrants and asylum-seekers in our brave new land?

Passionate and provocative, *After the Ball* is a wake-up call for a nation in transition. Irish people like to see Ireland as a exceptional place. In this starting polemic, Fintan O'Toole shatters the illusion once and for all.





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'the limited development of think tanks is a striking feature [of Ireland] for such bodies could do much to focus new thinking about the country's future democratic and political development'

(REPORT TO THE
JOSEPH ROWNTREE CHARITABLE TRUST, 2002)

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