



The Centre for Cross Border Studies

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Submission to the Northern Ireland Affairs Committee Inquiry:

Devolution and Democracy in Northern Ireland: dealing with the deficit

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This document has been prepared by the Centre for Cross Border Studies as a contribution to the House of Commons Northern Ireland Affairs Committee's inquiry on Devolution and Democracy in Northern Ireland: dealing with the deficit.

About The Centre for Cross Border Studies

The Centre for Cross Border Studies, based in Armagh, Northern Ireland, has a strong reputation as an authoritative advocate for cross-border cooperation and as a valued source of research, information and support for collaboration across borders on the island of Ireland, Europe and beyond.

The Centre empowers citizens and builds capacity and capability for cooperation across sectors and jurisdictional boundaries on the island of Ireland and further afield. This mission is achieved through research, expertise, partnership and experience in a wide range of cross-border practices and concerns.¹

The response that follows, therefore, is closely informed by the Centre's concerns, organisational aims and experience, and in particular its experience of engaging with the devolved institutions in Northern Ireland.

If an Executive cannot be restored, what options exist for restoring accountability and democracy in Northern Ireland?

1. An option for restoring accountability and democracy in Northern Ireland has existed since 1998. This was and continues to be the Belfast/Good Friday Agreement. Bearing in mind that local government in Northern Ireland continues to function at the present time, and that citizens can hold elected councillors to account for the decisions they make (in the areas within their competence), no options to restore accountability and democracy in Northern Ireland at the regional level which are contrary to the letter and spirit of the 1998 Belfast/Good Friday Agreement (and subsequent implementing agreements) should be considered.

¹ For further information, please visit www.crossborder.ie

2. It is also the view of the Centre for Cross Border Studies that to copper fasten the Belfast/Good Friday Agreement as the fundamental framework for restoring democracy and accountability at the regional devolved government level, its principles must be incorporated and protected in the EU (Withdrawal) Bill which is currently being debated in Parliament. This is particularly important since the GFA enshrines both internal devolution arrangements (Strand One) and the north-south and east-west cross-border relationships (Strands Two and Three) on these islands.

The impact on services, business and communities of the lack of an Executive; and The impact on budgeting and legislative timetables, particularly the budget for the next financial year?

3. While specific figures and arguments have been put forward by sectoral bodies in the devolved region in order to demonstrate the harmful social, political and financial effects of the current lack of an Executive, CCBS stresses that the main factor for such negative impact is the uncertainty among all sectors of society, business and politics. Such uncertainty results in inability to plan for the future at all of these levels. Most harmfully, however, since crucial decisions are being left in the hands of civil servants who cannot be held to account by citizens, the current lack of an Executive results in a democratic deficit.

Potential measures for making institutions in NI more able to tolerate similar collapses of devolved government

4. We emphasise that the recurrent collapses of devolved government in Northern Ireland are not necessarily a result of shortcomings in the political institutions, or of their inherent inability to tolerate political deadlock, but of the fractious nature of political and social relationships in the region. The solution to such recurrent collapses is not a matter of institutional strengthening or of legal reform but of finding a point of political compromise and agreement. Any measures taken in this regard should not undermine the interdependency of the power-sharing institutions.

The gap left in EU negotiations and alternatives for NI's voice in talks

5. In response to this question CCBS highlights again our concern with democratic accountability, mentioned in para 3 above. A quick glance at the proposed EU (Withdrawal) Bill suggests a lack of voice for Northern Ireland not only in Brexit negotiations but in deciding upon the future of UK devolution arrangements.

6. Northern Ireland political arrangements include a long list of failed attempts to establish a meaningful forum for the inclusion of civic voices from outside the toxic bi-polar model of political relationships. Despite the fact that consecutive political agreements have provided for such fora (where civic views could be considered in relation to key social, cultural and economic issues), problems have been encountered with each of those: The 1998 Belfast/Good Friday Agreement provided for a Civic Forum as part of the institutions established under Strand One. The Forum comprised 60 representatives from the business, trade union, and voluntary sectors and was to act as a consultative mechanism on social, economic and cultural issues. The Forum was then suspended

with the collapse of devolution in 2002. Subsequently, the Stormont House Agreement of 2014 and the Fresh Start Agreement of 2015 each envisaged the creation of a smaller 6-member civic advisory panel to advise the NI Executive. It has been argued, however, that such a body, particularly since its chair was appointed by an Executive which no longer exists, is inadequate in terms of effectiveness and democratic accountability. Furthermore, the 1998 GFA and the St. Andrews Agreement each provided for a North/South Consultative Forum that was never put in place. This long list of failed or inadequate proposals and arrangements for the inclusion of civic voices in the political process both reveals a core problem with politics (rather than with political institutions) and suggests a possible alternative for a Northern Ireland voice in UK – EU negotiations.

It should also be noted that, in the absence of an agreed civic forum in Northern Ireland that is more substantive than the civic advisory panel or of an all-island forum, the work of the All-Island Civic Dialogue on Brexit initiated by the Irish Government has been a unique opportunity for dialogue between business and civic society from both jurisdictions on the island of Ireland and the Irish Government. In the absence of alternative structures as a means by which issues, including but going beyond Brexit, can be addressed, the work of such an initiative must be supported.

7. Whatever the alternative, we also strongly suggest that tampering with the Belfast/Good Friday Agreement in order to achieve a solution which is ultimately political, should be avoided at all costs.