

# Government and Politics of Northern Ireland

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**Third Edition**

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**Colourpoint  
Educational**

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# Chapter 3

## The Government of Northern Ireland

The main institutions of government in Northern Ireland are the Assembly and the Executive. In this chapter you will learn about their main roles and how they function. By the end of the chapter you should be able to:

- outline the main roles and functions of the NI Assembly and Executive;
- explain and apply key political concepts in the context of Northern Ireland, such as democracy, power, authority, democratic deficit and power-sharing

**G**OVERNMENT IN NORTHERN IRELAND takes place through a democratically elected legislative chamber – the Assembly, from which the government, known as the Executive, is formed. It is a unicameral system as there is only one legislative chamber, unlike bicameral models which have two houses of parliament such as Westminster (House of Commons and House of Lords); Republic of Ireland (Dáil and Seanad) or the USA (House of Representatives and Senate). Northern Ireland is not unique in having only one chamber – the other devolved administrations in the UK are also unicameral. In Scotland the legislative chamber is the Scottish Parliament and in Wales it is known as the National Assembly. There are however several features that make the Northern Ireland Assembly and Executive distinct from the other devolved administrations in the UK, not least, the context and circumstances relating to its establishment (emerging after almost thirty years of armed conflict), its history of suspension during its short existence and the electoral mechanisms used to form the Executive and appoint Heads of Committees (the D’Hondt system). These features are considered in this chapter. In the previous chapter the events and circumstances leading to the Good Friday Agreement in 1998 and the establishment of the NI Assembly in

1999 were outlined. It showed how although the GFA continued to provide the basis for government in NI, amendments to it were necessary to enable the Assembly and Executive to operate once more. In this chapter the arrangements for government in Northern Ireland are explored, based on the GFA and the amendments to it in the St Andrews Agreement (2006).

## The Northern Ireland Assembly

This agreement provides for a democratically elected Assembly in Northern Ireland which is inclusive in its membership, capable of exercising executive and legislative authority, and subject to safeguards to protect the rights and interests of all sides of the community. *Strand 1, Article 1, The Good Friday Agreement, 1998*

The Northern Ireland Assembly meets in the legislative chamber of Parliament Buildings, Stormont. It was here that the old parliament of NI met until its proroguing in 1972. When it was set up in 1999, the new Assembly was to be qualitatively different from its predecessors. The consociationalist principles enshrined in the GFA were designed to ensure that the composition and voting procedures would make the new Assembly more inclusive and balanced than the parliaments of earlier generations.

### **Consociationalism**

A form of government which accommodates the diverse interests of divided and plural societies through powersharing in a coalition, made up of parties representing the dominant groups in that society.

The Assembly is made up of 108 members who are elected from the existing 18 Westminster constituencies in Northern Ireland. Six representatives are elected from each constituency. Elected representatives are known as Members of the Legislative Assembly (MLA). The first elections to the new Assembly took place on 25 June 1998 and since then there have been two further Assembly elections (2003 and 2007).

The electoral system used for Assembly elections is Single Transferable Vote (STV), which is a form of proportional representation (PR). This type of electoral system aims to combine constituency representation with proportionality. Northern Ireland's electoral system is explored in Chapter 4.

Under this electoral system the parties with the largest number of votes and consequently seats in the Assembly claim the positions of First Minister and Deputy First Minister respectively. Seats on the NI Executive are allocated on the basis of a party's share of the vote, using a system of electoral allocation known as **D'Hondt**. The positions of Chair and Deputy Chair of the Assembly Committees are also allocated using this system.

### ***The D'Hondt system***

This is a system for electoral selection which was devised by a Belgian lawyer, Victor D'Hondt in the nineteenth century. The D'Hondt System (also known as 'highest average method') is based on the principle that seats are won singly and successively on the basis of the highest average. The method requires that the number of seats each party gained in the Assembly be divided initially by one and thereafter by its number of Executive Committee seats plus one (see Appendix 1 for a detailed explanation of the D'Hondt system).

It is through the electoral system that democratic principles are embedded in politics in NI. One of the key principles of democracy is "government of the people, by the people, for the people." In Northern Ireland this is achieved through the Assembly, in which elected representatives are directly elected by voters and from whom the government, or the Executive, is formed. In the NI context, though, it could be argued it is a contested form of democracy.

<p>The Assembly will exercise <b>full legislative and executive</b> authority in respect of those matters currently within the responsibility of the six NI Government departments...</p>	<p><i>Strand 1, Article 3, GFA</i></p>
<p>The Assembly operating where appropriate on a cross-community basis will be the <b>prime source of authority</b> in respect of all devolved responsibilities.</p>	<p><i>Strand 1, Article 4, GFA</i></p>

### ***Powers of the Assembly***

The Good Friday Agreement placed sole responsibility for governing NI with the Northern Ireland Assembly. It is from this Assembly, made up of MLAs from NI's political parties that the government of NI, the Executive Committee, is formed. The Assembly is therefore directly involved in government by nominating Ministers to the government. The Assembly's second crucial role is that of a legislative body: initiating and scrutinising legislation and holding the executive to account in its implementation of this legislation. The NI Assembly is a 'working Assembly' with members actively engaged in the institutions of devolved government.

The Assembly fulfils its legislative role in two ways. Firstly, it meets in full session to debate a motion, vote on legislation or present questions to a minister. The Assembly meets in full, or **plenary** format, on Mondays and Tuesdays. For the remainder of the week MLAs are engaged in a range of activities related to their work in the Assembly, such as participating in committees or in their constituency.

The second way in which the Assembly fulfils its legislative function is through the committee system. It is here, often away from the eyes of media, that the real work of the Assembly takes place.

## ***Business of the Assembly***

The Assembly meets on Mondays from 12.00–6.00 pm and Tuesdays from 10.30 am– 6.00 pm. When deciding on the arrangements for the new NI Assembly, it was hoped that the Assembly would keep ‘family friendly’ hours, unlike Westminster, where parliamentary sessions often run on into the late evening. Debates in the Assembly occasionally overrun the 6.00 pm deadline and can if necessary continue the following day. Emergency sessions of the Assembly can also be called by the Speaker.

To meet in plenary session, there must be at least ten MLAs present (a **quorum**), including the Speaker. If there is not a quorum present, the session is postponed.

The main areas of business conducted by the Assembly are:

- Assembly Business
- Executive Committee Business
- Committee Business
- Questions (Monday 2.30 pm–4.00 pm)
- Private Members' Business
- Private Business
- Adjournment Debates (Tuesday 3.00 pm–6.00 pm)
- Party Business

*Source: Standing Order 10, NI Standing Orders of the NI Assembly*

### ***Adjournment Debates***

These are scheduled occasions after the main business of the Assembly has been completed, when individual MLAs may raise any matter, having notified the Speaker of this at least eight days previously.

*Standing Order 21, NI Standing Orders of the NI Assembly*

## ***The passage of legislation***

One of the main functions of the Assembly is to scrutinise and approve legislation. There are various stages in the passage of a Bill. Once a Bill has received legislative approval and is given Royal Assent it becomes an Act. The table opposite shows the different stages.

### ***Voting procedures***

The GFA was structured around the need to provide mechanisms for reconciling opposing political interests and so making genuine power-sharing possible. Consequently the GFA addressed the issue of voting procedures in the Assembly in detail.



# Chapter 5

## The Northern Ireland Electoral Systems

Several different electoral systems are used in Northern Ireland for electing political representatives. For elections to the NI Assembly, STV (Single Transferable Vote) is used. A PR system is used for local council elections. Members of the European Parliament are elected using STV. A majoritarian (first past the post) system is used for elections to the House of Commons at Westminster. The D'Hondt system is used for allocating party seats in Executive and Committee positions.

In this chapter you will learn about the:

- Northern Ireland Electoral Systems, and be able to
- assess the political impact of the different electoral systems in use in Northern Ireland

**I**N THE NEW STATE of Northern Ireland, established by the Government of Ireland Act 1920, MPs to the NI parliament were elected using Proportional Representation.

By 1929 this had been replaced by a majoritarian system – first past the post. This facilitated one party dominance, and with limited engagement by NI's nationalists in the NI parliament, the Ulster Unionist Party was effectively the party of government until the imposition of direct rule in 1972.

In subsequent attempts to bring about an end to the conflict in Northern Ireland and to restore self-government through a locally elected parliament, proportional voting systems were introduced to ensure both communities in NI would be equitably and fairly represented. While forms of PR are used for elections to the NI Assembly for elections to the European Parliament and for local elections, a majoritarian system – first past the post (FPTP) – is used for elections to the House of Commons at Westminster.

*Electoral Systems in NI*

		Proportional Representation	Majoritarian FPTP	Most recent elections
Local	Council	✓		2005
Regional (Devolved)	Assembly	✓		2007
Centre	Westminster*		✓	2005
Supranational	EU Parliament	✓		2004

\* Elections can be called at any time during the life of the parliament.

**Voting in Northern Ireland**

At the time of writing, the population of NI is 1,685,267 and there are currently 1,127,258 voters registered on the electoral register (Electoral Office, 2008:11). The eligibility criteria for electoral registration are age, citizenship and residency:

**Age:** aged 18 or over.

**Citizenship:** a British, Irish, Commonwealth citizen or a citizen of a member state of the European Union.

**Residency:** resident in Northern Ireland during the whole of the previous three-month period. Members of the armed forces and other public servants who are stationed overseas can register at their home address. British citizens resident abroad are eligible to register in the constituency where they last registered before they left the UK, provided this was not more than 15 years ago (Electoral Commission, 2006:2).

A number of measures have been taken to minimise the opportunity for electoral fraud. *The Electoral Fraud (Northern Ireland) Act 2002* brought about significant change to electoral law and practice in Northern Ireland, replacing the model of registration by household with a system of individual registration annually. The Act also required a specified form of photographic identification at polling stations before voters were issued with a ballot paper. These measures were designed to address the problems associated with electoral fraud and impersonation that had often accompanied elections in NI, captured with some underlying humour in a local catch phrase, 'vote early, vote often'. *The Northern Ireland (Miscellaneous Provisions) Act* became law on 25 July 2006, covering a broad range of areas including electoral administration and new provisions in respect of donations to political parties. The Act also introduced a donations control regime in Northern Ireland. From November 2007 political parties in Northern Ireland are required to provide the Electoral Commission with details of any donations they receive (Electoral Commission, 2008).

Parliamentary elections to House of Commons (Westminster) and the NI Assembly are based on the 18 Westminster constituencies.





# Chapter 6

## Devolution in Practice

This chapter looks at how devolution has been implemented in NI. As well as evaluating how it has worked from 1999–2002 and from restoration in 2007, the chapter also looks at the other institutions that were set up as part of the GFA, and their role in underpinning the ‘new democracy’ in Northern Ireland.

By the end of the chapter you will be able to:

- provide an overview of devolved government in Northern Ireland
- explain the purpose and role of the North South Ministerial Council and the British Irish Council
- discuss the contribution of independent bodies such as the Civic Forum and the Human Rights Commission in supporting democracy and democratic institutions in NI.

ONE OF THE MOST encouraging developments in Northern Ireland’s recent history has been that *when devolution works, it works well*. Unfortunately, in the ten years since the Good Friday Agreement was signed, the periods of time when Northern Ireland has been governed by direct rule have been longer than the periods of devolved government. The first Northern Ireland Assembly and Executive were overshadowed from the outset by the issue of decommissioning, and related to this, ongoing paramilitary activity, which fuelled mistrust. In spite of this, much was achieved during the tenure of the first NI Assembly and Executive, including 36 legislative Acts relating directly to Northern Ireland affairs (HMSO online, 2008). There was a very strong sense that the people of Northern Ireland were making decisions for themselves, reducing the democratic deficit that had existed for so many years.

However, some of the decisions taken, especially by Ministers, such as the decision by the Minister of Education (Martin McGuinness) to abolish the Eleven Plus selection examination for schools, divided rather than united popular opinion. In the St Andrews Agreement (2006), which ultimately made the restoration of devolved government

possible, changes were made to the Ministerial Code to prevent so called ‘solo runs’ by Ministers, ie using their executive authority to take unilateral decisions, without reference to either the Assembly or the Executive Committee (Wilford & Wilson, January 2008:74).

When the Assembly was restored in 2007 procedures and structures were in place to enable it to get down to business quickly. This was due to the arrangements for a Transitional Assembly that had been put in place by the St Andrews Agreement. The purpose of the Transitional Assembly was to make it ready for the restoration of devolved powers and government. A speaker for the Transitional Assembly was appointed – Eileen Bell from the Alliance Party. The Transitional Assembly existed from 22 November 2006 until 30 January 2007 (NI Assembly, 2008), when, in line with the St Andrews Agreement it was dissolved, in advance of the elections that would precede the restoration of devolved powers.

However, despite the existence of mechanisms to facilitate a smooth transition from direct rule to devolved power – from the NIO to the NI Assembly – the capacity for the Assembly to influence policy and political life in Northern Ireland in the months after the restoration of devolved power was limited. This was due in part to the need to await a legislative programme encompassed in a Programme for Government that was not finally agreed until January 2008. In the interim, plenary sessions of the Assembly tended to focus on private members’ business (Wilford and Wilson, January 2008:26).

When the proposed legislative programme was finally published (consisting of 18 bills, three of which were already under consideration), it was seen as ‘unimaginative’, reflecting the ‘parity principle’ of applying legislation agreed at Westminster to Northern Ireland rather than forging ahead with a new legislative programme directly linked to political and socio-economic needs of Northern Ireland (Wilson and Wilford, January 2008:10).

The fragile nature of the restored Assembly and the even more fragile Executive Committee, described by some as an ‘involuntary coalition’, meant that both the Assembly and the Executive Committee were unlikely to make any radical moves in the early days of re-devolution, at the risk of destabilising the status quo. This meant however that the actions of the Assembly and the Executive soon came to be seen as rather superficial and to some extent ineffectual. This was captured by the Chair of the Committee for the OFMDFM when he observed that the Assembly ‘remains at the level of a school debating society, dealing with private members motions rather than real business’ (Wilford and Wilson, January 2008: 26). While the outward face projected by the First Minister and Deputy First Minister was one of good humoured *bon amie*, below the surface cracks were already emerging. This became most apparent in emerging tensions between Assembly Committees and Executive Ministers and a cloud of political sleaze that began to drift across NI politics in early 2008.

The most public dissension between a Minister and an Assembly Committee occurred between the Minister for Education, Catriona Ruane (SF) and the Assembly’s

Education Committee, chaired by Sammy Wilson, (DUP). The Minister had attended a meeting of the Assembly's Education Committee in January 2008 to discuss proposed changes to the eleven plus examination. Already a hot political potato, the Minister did little to either alleviate tensions nor appease the Committee's concerns, by an approach that appeared high-handed, disregarding the Committee's primary function, in scrutinising proposed legislation emanating from Executive departments.

This was far removed from the first meeting of the Committee in May 2007, attended by the Minister, when the Committee Chair outlined the function of the Committee stating:

"The Committee will have a scrutiny, policy development and consultation role, which will be vital in advising the Minister on the policy and plans of the Department" (NI Assembly: 2007).

The tense relationship between the Minister and the Assembly Committee highlighted the challenges facing NI's politicians as they struggle to reconcile party political interests with representative and ministerial responsibilities. In the heated exchange between the Minister of Education and the Chair of the Education Committee, this was articulated by the Minister saying to the Chair "I am unsure when you are representing the committee and when you are speaking for yourself." (bbc.co.uk, 2008).

In many respects it is in the Committees that the real business of the Assembly takes place, with Committees initiating or scrutinising legislation and co-operating on a cross party basis. While some meetings of Assembly Committees are open to the public and can be televised, often it is only when controversy occurs that they attract media and popular attention. Out of the public eye they engage in the tasks assigned to them by the GFA, with commentators noting:

"If there are nests of consensus within the Assembly they are to be found largely within the committee rooms" (Wilford and Wilson, January 2008:30).

During the period of the first Assembly, established after the Good Friday Agreement, the work of the Committees became increasingly demanding and burdensome for MLAs, leading to calls for reform of the Committee System. Following the restoration of devolved government in May 2007, a Standing Committee on Procedures was established. One of its first tasks was to undertake an inquiry into Committee systems and Structures which would:

- examine the membership of committees with particular reference to the number of members sitting on committees and the number of members serving on multiple committees;
- assess the use of substitutes in committees;
- examine the arrangements for quorums in committees;
- consider the possibility of the use of rapporteurs in committees;
- give consideration to the days and times on which committees should meet, the frequency of meetings and facilities for meetings;