

## **NORTHERN IRELAND POLITICS: DO WE HAVE A FRESH START?**

*Revised 21 March 2016 1400*

*This is an extended and revised text of a lecture given at Ulster University in Belfast on 15 February 2016, under the auspices of the Transitional Justice Institute and its director Prof Rory O'Connell. Prof Monica McWilliams of the Institute invited me to give the lecture, and chaired the session.*

I'd like to thank Monica and Rory for giving me the opportunity to speak.

I want to talk about making Northern Ireland politics work better, taking as a starting point the Fresh Start agreement reached last November.

I should say that, though I was for a good many years a civil servant until I retired last year, this is in no sense a Government view. These are my ideas, many developed since I left work, and I haven't checked back.

These are tentative and evolving views. So thoughts are welcome. I've attempted to cover a wider field of interacting considerations than is usually done, and so the treatment at times may seem superficial. There are ideas here that I want to pursue, some of them with the involvement of colleagues from the UCL Constitution Unit, and from the Centre for Democracy and Peace Building, and perhaps others.

I've attempted to order these thoughts into five key themes, and a number of propositions under each of them.

### **Summary**

To start with, I suggest it's a **profoundly good thing that the Northern Ireland political institutions are still functioning, following the Fresh Start agreement, because there's no better alternative to making the present institutions work, and if they collapsed much else would fall apart.** Imperfect though they are, we need them. The move to constitutional politics has been accompanied by, and to a large degree helped bring about, significant advances. We have much less terrorist violence; we have, remarkably, policing by consent; we have less street disorder; we have made real economic progress; we are seen internationally as a reconciliation success story; we have a woman first Minister. Government has worked reasonably effectively at times, even if the institutions were not designed with administrative efficacy in mind.

But this is all precarious. If the institutional bonds that draw people together were to be broken, there is sufficient mistrust and division about in Northern Ireland society that negativity might prevail for a long time and devolved government would be very difficult to restore. That is in no sense good news. It should not be imagined that direct rule can lead us on to a brighter future: it might be competent, it would probably not be inspired, and it would face significant problems. And proposals for a radical reform of the political institutions are unrealistic at present – welcome though it would be at some not far distant date in the future to have a system that did not revolve around a sectarian split in politics.

Secondly, though, there are still a number of **serious weaknesses in Northern Ireland government and wider public life, not remedied by the Fresh Start deal, and hence the institutions are still in danger.** The political underpinnings have been threatened: both main parties (and some others) have shown at times a lack of commitment to working together in government, preferring to look towards sectional interests. That, along with public perceptions of impropriety, have contributed to a very low overall public regard for the institutions. And much of Northern Ireland society feels excluded from politics-especially key groups like the loyalists, but also many in the centre, and many young people. Which may contribute to a dearth of civic society voices in public life. There is also a marked failure much of the time to think governmentally-among politicians in office indeed, but also more widely. We focus on the old debates, and often shun the difficult decisions we need to take for our future well-being. This especially shows in the way we handle public finances. Finally there's a lack of capacity for developing public policy appropriate to our needs: the public sector does not do this well. Meanwhile we face really serious substantive problems – of continuing division and the past; but also crucially of the economy, and public services.

Thirdly, it is worth reflecting that the position may not be static; **the sands in Northern Ireland politics are potentially shifting, creating both threats and opportunities for the current players.** Brexit, and change in Scotland, may both affect us profoundly-though we woke up late to Brexit, and have barely focused on the Scottish independence question at all. Attitudes to the border, and to identity, are meanwhile becoming more complex and uncertain with the generations. Unionism is perhaps over-complacent on the border issue. But more generally, the changes underway have implications for a political setup based on binary divide. This may be an environment that favours new forces in public life.

Fourth, and this is really the core of the lecture, I believe the **best prospects for moving Northern Ireland forward come from our finding leadership among people here, beyond as well as within the current political sphere to develop a clearer, indeed explicit, understanding about what can be achieved by the Executive (and the costs), irrespective of final constitutional destiny, and change the climate in politics to help achieve it.** No one else is going to do it. Politics in Northern Ireland is even more than elsewhere a bubble activity, and we would benefit from a wider involvement in public life, if not in politics, to develop a greater sense of where we are going, and a greater commitment within the political classes to achieve it. In short a change in the climate of public life, and its personnel. This is not to dismiss Northern Ireland politicians out of hand: they include competent and farsighted people, who might welcome a change in the climate in which they have to operate. I suggest that as part of the change in climate, we need to develop a shared vision for what this place might become, irrespective of its eventual constitutional destiny: in a way that engages, and indeed enthuses people. And that vision should include becoming a world leader in reconciliation, not an unattainable goal. But a vision needs to be honest and hard edged: it needs to confront the serious issues that we face, and make clear the painful choices. We also need to develop more capacity for thinking on public policy, independently of government. I think there is some sign of such changes as these happening, and some prospect of bringing about more of them. If that doesn't happen, then I think it's harder to be optimistic about the future. The institutions could quickly be back in danger, if we get into rough water again, with very damaging consequences for Northern Ireland society. And without an external contribution of this kind, it is hard to be confident that politics will become more positive, even if they survive.

Finally, I suggest **we need to move now.** There are dangers if we don't. And we shouldn't be fatalistic about the prospects. Our problems are not really unique, or uniquely difficult, though they take distinctive forms, and we may have a richer mixture of them than other jurisdictions. We have successfully tackled many of them in the past. And we have a three year election holiday after 5 May, which, depending on the results then, and whatever the Brexit referendum throws up, is potentially a propitious time for moving forward. But the leadership needs to come from here. The other governments have an important, though changed, role, but our salvation lies in our own hands.

## **The lecture**

My first theme is that

## **1. Functioning devolution is essential to our future, and the Fresh Start agreement is therefore to be welcomed**

I've taken as a starting point the Fresh Start agreement reached between some of the political parties, and the governments, last November.

The First and deputy First Ministers, in announcing the agreement on 17 November, certainly did not understate their ambitions. They said in their introduction that it had the potential to nudge history forward by transforming how we support each other in overcoming our deepest divisions; they spoke of their common commitment to a better way of doing business together; of creating a truly reconciled and regenerated community; of their shared belief that the civic values of respect, mutuality, fairness and justice must take precedence over those narrow values that too often manifest in division; and of their resolve to engender the sea change so longed for by our community – a new beginning, an opportunity to move forward with a real sense of hope and purpose.

This breadth of ambition is in keeping with the extent of the problems. The political system has clearly been in grave difficulty.

The intentions expressed are admirable, if stuck to – and so far the signs are fairly good, though there has not been any really difficult test. Indeed if the intentions are stuck to, they are a good deal more important than the substantive elements of the agreement, which really don't live up to this grand billing.

Fresh Start was in form like many previous Northern Ireland political agreements. There was a lot of detail, 67 pages of it, with commitments to new bodies, task forces and plans, and an emergency Bill at Westminster (and a second, accelerated, one). It laid down principles about the need to end paramilitarism, and set up a number of bodies with that purpose; it embodied a deal on welfare, though it left it to Westminster to carry through the reforms, even though this is a devolved area; it led to a balanced budget; it committed to a reduced rate of corporation tax by 2018; it laid down some limited steps for moving forward on commitments made in the Stormont House Agreement the previous year on Flags, Parades and institutions; though it failed to reach an agreement for taking forward those on the past.

So it dealt with the immediate crisis. Hence

### **1A. We should be glad of Fresh Start because it keeps devolution on the road and preserves the significant political gains of the last few years**

... if only for a while. Stability is restored, the budget is in balance, the big parties are leading with the message of working together.

This is good because the devolved institutions could have fallen over. There was great self-interest on the part of individuals and parties in keeping them going, and indeed some obvious bluffing about their possible collapse, but politics could have run away with itself.

To judge by much comment last year, a large part of the population would not have regarded that as calamitous. The institutions are clearly not widely loved, and it seems quite a proportion of people thought direct rule would be better. Possibly, as many people in the Western world now seem to do, some of them thought it didn't much matter who was in charge of the government.

I think we need these institutions.

Northern Ireland has achieved a great deal since it first moved to devolved government under the Good Friday Agreement. Things have fundamentally changed for the better in two decades.

The move to constitutional politics, for all its flaws, has been accompanied by, and to a large degree brought about, fundamental improvements in life in Northern Ireland. Violence for political purposes is massively reduced – though it remains a significant threat, and one which, besides the human misery it may bring, could disrupt a political system in which the parties are at loggerheads. We have, through one of the more remarkable transformations in recent decades, policing with the consent of all parts of the community. Though the Northern Ireland private sector economy is seriously weak, it attracts significant overseas investment. We no longer have the street conflict involving hundreds of soldiers at Drumcree. The world thinks well of us for the strides we have made. And I might add that we have a woman head of the Executive, something unimaginable a few years ago.

And Northern Ireland government has worked in fairly effective partnership at times, notably between 2010 and 2012.

These gains are at risk if the frail institutional bonds that bind the Northern Ireland parties together are broken. There is sufficient mistrust and division that if partnership government fell, recrimination would for a long time be likely to replace reconciliation. Politicians wanting to find a way to resume power-sharing government would face serious challenge within their own communities. Those small numbers of people who still

believe in the effectiveness of political violence would be likely to take new heart, further raising tensions-political vacuums have traditionally favoured violence.

We need devolved government to avoid these consequences.

**1B. There's no plausible alternative to making the present institutions work. In particular direct rule or joint rule aren't an alternative.**

We heard numbers of people calling for direct rule last year, including an Irish News editorial. Some people spoke lightly of a "direct rule holiday", where a Secretary of State would take all the necessary difficult decisions, then return power to local politicians.

No doubt at first, having no real need to be popular in Northern Ireland, a British government could make painful decisions that brought further order to the Executive's business.

But if direct rule might be at the basic level competent, there is no reason to suppose that it would be inspired. The British and Irish governments, with their other preoccupations, will not find it easy to give Northern Ireland proper sustained attention.

And the provisions of the Good Friday Agreement giving the Irish government a role in direct rule would be highly contentious. That would risk stirring up still further the divisions that I suggested would result from the end of devolved government.

And ultimately direct rule is unstable politically, so long as the public go on voting for approximately the same party line-up. Those parties will generally be attacking each other (and the government), not working together. Finally, of course direct rule lacks any democratic legitimacy as a long term answer.

**1C. Major institutional change is not an alternative at the moment either**

The institutions are much criticised, for the principles they are structured on as well as their performance. Some people favour radical change.

It's patently true that the "ugly scaffolding" of the Good Friday agreement has given us structures that are not best suited for streamlined efficient government. The system was built to accommodate a political conflict, not for administrative efficacy. It is more focused on preventing action where there may be an objection from a sizeable part of the community, than on encouraging the parties to form a genuine common purpose, or to respond promptly to pressing or difficult problems.

Moving from the mandatory coalition arrangement we have at the moment, where the right to participate in government goes to anyone with sufficient party strength in the Assembly, to a voluntary coalition system with a minimum support threshold to ensure cross-community support, is suggested by some as a way of breaking out of sectarian politics.

Whatever the abstract merits, this crudely isn't practicable at present, simply because nationalism is too fearful that any such proposal would be about a return to majority rule or something close to it. And the structures are there for a reason, and while we have politics that is divided on the present lines, it is hard to see how we can practically we can move away from them. They reflect the realities of the moment, and it is not clear that anything else works.

UK governments have taken the position that any substantive change in the Good Friday Agreement structures – which were after all approved by majorities of each part of the community in the negotiations, as well as the two Governments, and then agreed in a referendum – would require “broad support”. That is not defined, but it clearly means, at minimum, something like cross community support in the Assembly.

So it's unreal to see institutional changes in the short term bringing about any fundamental transformation. Having said that, incremental change in the institutions is worth pursuing. We have small changes of this sort in Fresh Start. Opposition may give us something, for better or worse. I'll come back to this.

It would be profoundly welcome to move on from a system of politics reflecting community division. But that will occur only when people start voting for different parties, or for parties that have become different in nature. That is, when more major changes become possible, it will be because the underlying politics has changed. What will most effectively get the institutions performing better is a change in the culture. Or, to use a very inexact analogy, we need an upgrade in software more than hardware.

There are fundamental failings in the “software” that need to be addressed. This is my second theme.

## ***2. There remain serious weaknesses in our political system***

Fresh Start doesn't really address many of the fundamentals of what is wrong, good though the professed aims are.

Its substantive provisions are limited and quite largely short term; many of them reiterate the Stormont House Agreement of 2014.

They don't address all the serious flaws that have threatened stability in recent years.

They don't address the serious issues that we now face, such as those of the economy, the continued problems of community division, or lagging public service provision.

And unsurprisingly they don't address some issues that may come up and change quite significantly the political landscape we see at present.

## **2A. There have been serious weaknesses in the political underpinnings of the institutions**

Last year there was real concern about paramilitary associations among the Executive parties.

But that was only one instance of growing doubt among different parts of the political spectrum about the commitment of others to the settlement.

The parties have been seen by many in the last few years to have shown a lack of commitment to their responsibilities in government, whether preferring to satisfy their own constituency over flags, or engage in political positioning in Dublin. Nationalists feared that Unionists were in hock to narrow sectional interests that threaten the settlement. Unionists increasingly doubted whether nationalists were committed to the success of Northern Ireland at all.

There seemed to be increasing unwillingness to make sacrifices to keep the Executive together and government going. The rhetoric was often negative and hostile.

And the wider political underpinnings may have changed too. The British Government, which is avowedly pro-Union (its Labour predecessor observed neutrality), was perceived by some nationalists as partisan. Politics in Dublin may have made the Irish Government look to some like less of a disinterested broker too.

All in all, there has been fragmenting political consensus, and increasing mistrust. This is all rather forgotten in the last few months since Fresh Start, but that does not mean that the underlying position has changed fundamentally for the better.

Added to that is the fact that the politicians stand low in public esteem, probably lower than in many other parts of the Western world. This may no doubt be unfair at times. But the recurrent stasis, and the sterility of the debates, all harm their reputation. As do

the widespread perceptions of clientelism – doling money out to your allies – and expenses abuse, not to mention suspicions, unproven, of full-on corruption.

On the other hand, some people say we're kidding ourselves that the institutions can really be made to work at all: they say the politicians can't ever work effectively together, since their eventual constitutional objectives are so far apart.

That is too deterministic a view. Experience shows they can be made to work together – out of electoral self interest at its lowest, which is not to suggest that for many there is not a higher motive. There's otherwise not a near-term project for either main party to be involved in, and they are judged by the electorate on the here and now.

The key is to ensure that that judgment is effective. If we subject them to better informed and more persuasive challenge, then it will be more difficult for them to avoid giving precedence to the common good.

## **2B. There are serious problems of exclusion from political life**

There's widespread turn off from politics-as is widely the case in Western politics today. But some groups in particular feel politics doesn't serve them.

One most often commented on is **loyalism**, and that is real – the flags issue has shown the disruptive potential.

This isn't the place for a detailed discussion of this issue. But addressing exclusion of loyalism, and perhaps that of dissident republicanism, remains of real importance. There used to be a focus on bringing in people from the extremes, and trying to persuade them the politics work. We lack some of that now.

It can be argued we shouldn't have to take special steps of this kind: the political system is open to everyone, and we shouldn't reward groups specially for being involved. And even more in the cases where some individuals are engaged in criminality under political cover. And it can be persuasively asserted that the traditional financial packages don't work in this context, and pervert the political system. And certainly that it's harmful when constitutional politicians are seen to ally themselves with extra-constitutional forces.

This is all true. But it remains the case that loyalist exclusion in particular is a fault line in Northern Ireland politics. It may well be the person we miss most in Northern Ireland politics today is David Ervine. The loyalist communities need to feel better recognised and represented by political system if it is to be successful.

And then we should also notice the phenomenon, again known elsewhere, but perhaps of particular significance in our case, of the exclusion of larger but less distinctive groups.

Critically one of those excluded groups appears to be **young people**. Research by Peter Shirlow and colleagues last year showed that among people under 29 there were very markedly different attitudes as compared to older groups. As to social issues like abortion and gay marriage; but also as to identity, where there was a less accentuated unionist/nationalist division. And also as to the border.

The under 29s, though, were also much less likely to vote: about two thirds of them had not, in the general election last year.

Voting behaviour may of course change with age, toward greater participation. So may attitudes, but it seems unlikely they will all develop to emulate those currently found in middle age.

Then we also have a phenomenon of **exclusion from politics of the centre**-the long-discussed garden centre unionists, and perhaps some nationalist counterparts.

Northern Ireland politics has at times seemed a cold house for progressives. Many have, in consequence, simply focused on other things.

Or they have left Northern Ireland, especially the younger and more mobile ones. Of course it's inevitable some will do this, but a wholesale drain of depressed talented young people is something not to be contemplated with equanimity.

How real and large this lost centre group is of course hard to know. The East Belfast election result has been argued by some, persuasively, to suggest that it is there, and can be mobilised.

These excluded, or self-excluding, groups have a particular importance, going beyond the larger scale disenchantment with politics seen here and elsewhere.

## **2C: There has been a dearth of what might be called 'civil society' voices in Northern Ireland public life: we are missing an important corrective contribution**

This phenomenon is associated, perhaps, with the exclusion I've talked about. There's no way of measuring it.

There are of course established and sometimes vocal NGOs and quangos, rather a lot of them. There are established interests, including vested interests.

As well as interventions by individuals, including some from the churches, many valuable and courageous.

But there seems to have been at least a narrower range of voices heard in public debate than elsewhere in the UK. Business has seemed rather quieter. Academics sometimes seem keen on avoiding controversy too. And even some third sector bodies.

There are increasing signs of people stirring, such as the Make It Work campaign that had a real impact in late 2014, and more recently in the Brexit debate. There are also very welcome signs recently of people coming into active politics from outside, including some with experience well beyond Northern Ireland. But arguably the contribution from outside politics still lacks the range and influence seen in other political systems.

Whereas given the problems that we have within government, and the economic and social problems that are the inheritance of the past, we probably need them all the more.

Why is there this absence of activity? It is hard to be sure.

Among the possible causes are, first, a reluctance to become involved in public life at all, associated with the head down mentality politics in the desperate days of several decades ago understandably engendered in many.

Or people may simply feel comfortable and unmotivated to become involved: things are much better than they were. And the Treasury Block Grant means that we don't feel the financial consequences of all our problems.

But there may also be factors of more recent origin. Among certain groups, there are signs of a fear of the consequences of taking on the politicians. There is, anecdotally, a real chilling effect associated with the perceived risk of speaking out publicly in a way that upsets the political classes, who after all have a good deal of patronage to dole out. You hear this especially among business people; but potentially it is true of all groups that are the actual or prospective recipients of Executive money, which is a large category in Northern Ireland.

Finally, and crucially, we don't have the structures or frameworks for drawing together a critical mass of people to be an effective force.

It's bad for politics we don't have this wider involvement: it makes politics all the more a bubble activity distant from the concerns of the wider population, and it deprives the system of government of an important source of ideas and scrutiny.

## **2D: There's also at times a marked failure to think governmentally and take issues of government sufficiently seriously**

This is true of parts of the political classes, but also more widely – quite often of the media, for example.

We focus on the old debates, rather than the critical, if sometimes mundane and difficult, issues of day to day government on which public wellbeing depends. Debate is often all about politics not policies. Key issues are not addressed, and hard decisions are avoided.

Northern Ireland is not unique in this: whatever gnarled old civil servants say, politicians will do politics, in Belfast, as in London, as in Washington, as in Dublin. But the balance here seems to be well out of kilter.

Welfare is an instance. I'm not stating a view on the merits of the welfare reforms of the last UK government.

But what is instructive in all the discussion about it leading to Fresh Start, that is there was never really much discussion whether the additional Northern Ireland welfare package led to a coherent welfare system. The debate was all about resisting cuts versus accepting 'realities'. Before Prof Evason's report, the substance was not widely addressed.

Then the Northern Ireland system handed over responsibility for making the change to London: essentially it couldn't take the political strain of making unpopular but in practical terms necessary decisions. They were all enacted through emergency legislation at Westminster. We were used to this in the past, but it is something that a mature system of government should have moved beyond.

This is in a way paradoxical. With all the main parties in government, if they really operated effectively together, the difficult but unpopular decisions should be less difficult than elsewhere.

But there is no overall understanding, still less any statement, of the context of government activity that would point up the necessities. The political agenda really ought to be mainly about future challenges. But we lack any serious vision, bought into

by any part of the electorate, about tackling the problems that face us and about what, with ambition, could be made of this place. There is really a great poverty of ambition. The Programme for Government, which is supposed to be the Executive's broad agenda, has not won hearts and minds, indeed does not always seem to have been taken very seriously by the parties.

## **2E: A critical instance of our failure to do government properly is the way public finances have been handled, which may again cause us grief in the future**

Our public finances have been messy, at least until the reordering that followed Fresh Start. Finance has emerged as an issue that can shake the political structures severely in the short term.

This is perhaps one of the areas where the need to think governmentally is greatest. Where ardent opponents of austerity in Scotland and Wales were nevertheless clear that they needed to live with what Westminster gave them, albeit criticising it freely, we seemed to reach that conclusion with difficulty.

Fresh Start sorts the financial issues for now, but not necessarily for the future. Further austerity may be coming, and that could pose further challenges for the institutions in the years ahead.

We can keep going back to Westminster with the implicit threat of chaos in Northern Ireland, which would demand much governmental attention in London and Dublin, a prospect no doubt regarded there with horror. But we get diminishing returns from this, and also reducing goodwill in London and beyond. It is certainly not a path to prosperity. Our economic frailties are not going to be dealt with by pouring ever more money into the public sector in Northern Ireland.

And we should remember that much of our favourable economic treatment is really dictated because we share the Barnett formula with Scotland. Its main political rationale is keeping Scotland sweet. As the Scottish position moves on, either by their moving towards independence in the future, or to further fiscal autonomy as is happening now, then the underpinnings of Barnett have changed. We may find ourselves confronted with the need to take more responsibility for our own fiscal receipts, which means the well-being of our domestic economy. That would be healthy in the abstract, but would create further challenges for our institutions.

Meanwhile there is a real question whether welfare, which may still have the potential to be the trigger for political instability, should continue to be a devolved matter at all. Responsibility lies with Stormont essentially for historical reasons. But the core decisions

are inevitably going to be made, as our present financial and logistical systems stand, in London. And so there is a good case, here as elsewhere, for moving to something like the new model proposed for Scotland, which is more in line with the realities: the core system is the responsibility of London, but complimentary responsibilities are devolved.

**2F: One other key aspect of the failure to do government effectively is the lack of capacity for public policy innovation and challenge**

There is a shortage of this capacity within government; and there's certainly an absence of outside institutions: think tanks and the like.

On the whole, the political arrangements we have at present mean that the public sector cannot be as effective in developing new public policy appropriate to our circumstances in Northern Ireland as we need. Why is this?

To a large degree it probably comes down to a lack of demand. The failure to think governmentally in some parts of politics and the media and others that I talked about before, and the particular difficulty we have in making hard choices, mean there is a limited political market for outside work on challenging existing policy.

And institutional reasons also play a large part. The system is evidently not, because of the way it is structured, a joined up one, which is something we have to live with for the time being. The requirement on officials at times to work to multiple sets of political masters makes for a poor environment for challenging received ideas.

There may be a broader cultural issue about the approach to administration. On the whole Northern Ireland politicians are rather conservative, with a small C, in their approach to aspects of government – even though some of them would regard themselves as radicals if not revolutionaries. The same may be true of the permanent public service – though I would be the first to say that we owe it a great deal: without the foundation provided by its competence and integrity the stability and political advance we have seen in recent years would not have been possible.

All this means that we don't change very much. And when we do, we don't look very far for models. We're too often in a state of political dependency, in thrall intellectually to London, with the odd glance at Dublin: we consider whether to follow them or not, we less often look at what more or what different we can do.

Increasingly, in the rest of the world, longer term public policy in particular is inspired by thinking outside government, by a diverse range of organisations that can loosely be labelled think tanks.

We don't have here the think tanks of which London now has large numbers, and which you also find in Edinburgh, Cardiff, Dublin, and around the world. We once had one, Democratic Dialogue, led by Robin Wilson and others, but alas it did not survive. Other groupings, like Programme for Change, have come along, but, failing to reach critical mass, have disappeared again.

It's instructive to look at the case where we did develop a policy of our own, that of devolving and reducing the rate of corporation tax. This was the result of work inside and outside government for a number of years. But the campaign for it to happen this time was in significant part driven from outside, through a group called Grow NI. The way the idea caught on was almost too easy. There are strong arguments for this sort of change. But given the cost to the public sector in Northern Ireland, it did seem to have been endorsed by the politicians with at times less than full regard to the realities.

That example itself may point up the way that ideas can take off because of the paucity of new thinking. But it does also show what can be done by action outside government.

We do need to do new public policy thinking ourselves. We have particular policy problems, of the sort London and Dublin politicians are not focused on solving. They will as I have said not step in and solve those problems on our behalf. We have problems similar to those the rest of the world faces but with particular Northern Ireland characteristics, and we need answers attuned to our needs.

And we need to look at the wider world.

In all of this, we have to remember we are small. We can't innovate a lot. But we can at least look around and be better informed about who else's ideas to steal.

So, to sum up this part of my talk: there are real flaws in our political machinery: weaknesses in the political underpinnings of the institutions; exclusion from public life of particular groups; the absence of civil society voices; and a failure in politics often to get to grips with real issues of government.

## **2G: Meanwhile the problems that confront government are great and need to be urgently addressed**

It is important to recognise how serious those real-world issues are in our case. This is not the subject of this lecture so I won't go into them in depth. But a number of these issues are critical.

One is community division: everyone subscribes to the need for a shared future, reconciliation and an end to sectarianism, but there's a serious lack of clarity about what it really means. And sometimes, though it's important to recognise progress has been made, there's a reluctance to make the difficult choices.

There are also issues connected with the past. I won't deal with these save to say that we need to do the best that we can, but always conscious that we are not going to achieve a perfect result. This is one of the areas where we most need clarity and honesty. Especially as to the role of the criminal justice system. No party, nor government, favours an "amnesty". But in the absence of a line being drawn, we have a very substantial commitment of criminal justice system effort to the past, where in the large majority of cases it is probably not going to bring about any resolution, and we are doing no favours to victims and survivors if we suggest it is.

And then there's the economy. Northern Ireland's overall economic position, for example, is still lamentable: we have a very small productive sector. We have some very good firms, but they're small, and there aren't enough of them. We do well in attracting foreign direct investment, but the picture is still not radically changing. The hope now is that the reduction in Corporation Tax will help swing the balance.

But it is a very serious position: reflected in the fact that we are dependent on £9 billion or so annually from the Treasury in excess of what we contribute. Meanwhile we face serious challenges on public service provision.

So we have a range of really challenging problems that politics has to tackle.

### ***3. There may be unexpected factors around the corner that could shake the political system***

We have tended to think of some things being constant in Northern Ireland politics: the binary split in identity, the border argument, the inevitability for the foreseeable future of the DUP and Sinn Féin as the largest parties.

But political conditions that appear immutable often do topple, slowly or abruptly: consider the position of the Labour and the SNP in Scotland compared to ten years ago, the sudden preference of 26% of voting Italians in 2013 for a clown, Jeremy Corbyn's or Donald Trump's or Bernie Sanders' sudden rise.

There are potential factors that could provoke sudden change Northern Ireland. There is nothing that can be said with certainty. But this is potentially a time of significant threat, and opportunity, for the Northern Ireland political establishment.

What are these factors?

### **3A. Potentially there's major constitutional change in prospect and we haven't fully focused**

**Brexit** is one instance. If the United Kingdom left the EU, that would open up a great range of issues for the whole UK, but ones that in many cases would be felt much the most acutely in Northern Ireland.

It might pose serious economic challenges first of all, given the economic relationships we have across the border, though crucially depending on the terms of the exit.

Potentially, also depending on the terms of the exit, the re-establishment of a hard border would create all sorts of tensions-not least in the criminal justice field, as those of us old enough to remember extraditions in the 1980s (which are now handled under the mechanisms of the European Arrest Warrant) will readily realise.

But at another, more fundamental and political, level, it would dissolve a bond that unites the two parts of the island of Ireland.

And that would have an inevitable impact on the border debate-especially if Northern Ireland voted to remain in the EU, when the UK majority voted to leave.

And that debate could well also be reignited by **changes in the Scottish context**. Brexit may provoke change in Scotland, or it may come later. But so long as SNP is in a dominant position the prospect of further change seems quite likely to come back onto the agenda there, and the polls suggest the ground is shifting.

There is no time to go into the substance of these issues now either, but potentially they are big ones: if Scotland becomes independent, the map of the UK leaves Northern Ireland looking very isolated. Change of this sort would be likely to provoke much heartsearching, and perhaps dangerous tensions, here.

But the striking thing about both of these issues, Brexit and Scotland, is that though they have profound implications for Northern Ireland they have been discussed so little and the politicians seemed little engaged with them. A few heroic academics tried to trigger a debate, I recall, on Scottish independence and its implications for us, but few people really bit.

And we have seemed until recently to be going largely the same way over the European referendum. The academics share the heroism in trying to raise the profile of the issue this time with the admirable new EUDebate NI organisation. The Brexit debate has fired up in recent weeks, but later than elsewhere.

On that question, we need a clear analysis of all the possible consequences in all the possible fields in Northern Ireland. The Executive has now commissioned some analysis, and the Westminster Northern Ireland Affairs Committee has mounted a welcome investigation.

But this all comes rather late in the day, and minds seem widely made up in advance of it.

Looking to the position after the referendum, if the UK did get into a leaving negotiation, it would be crucial that Northern Ireland's circumstances and interests were fully respected, because of the difficulties that would impinge as much more directly than other regions. For that to happen, it would require an Executive united in what needed to be done to respond.

But it is not clear, given the divisions among the parties over Europe, that this challenge could be met.

Nor should we assume for a moment that the British Government would have the focus or the resources to fill the gap, at a time when much else was going on.

This may be an area where there is an important continuing role for civic society-though there is also need for much expert analysis.

The way that the Scottish and Brexit debates have been avoided is all part of the phenomenon I've referred to, that we don't "own" government – the politicians, the media and the rest of us. Rather than face the challenges of the present and the future, public discourse in Northern Ireland seems happier with the old and increasingly less relevant arguments of the past. This has to change.

Meanwhile these issues are big imponderables over our political future.

### **3B. The border and identity debates are moving on well beyond the framework of reference of our political system**

I suggested that Brexit and Scottish developments might reignite the border debate. Where does that debate stand? This is a very complex issue, and I've only time for a few comments.

We have a very 19th century approach to nationality and statehood written into our constitutional arrangements. It's increasingly out of sync with the way the world is. And as younger people seem to see it, as is borne out by polling on identity. We are again liable to see here a change in the established order.

The opinion polling would first sight suggest that the border is where it is for a generation to come at least.

But there is clearly no absolute inevitability about it. Some unionists have shown a degree of complacency at recent polling. It is not necessarily well-founded.

Increasingly, the union is likely to depend not as it has in the past on a mere numerical majority of Protestants, but on the goodwill of an element of the Catholic population.

If ever we were to get into a serious debate on the border, there is the interesting question who would plausibly make the case for the union in that direction. There is no obvious entity likely to be trusted across the community. The Unionist parties given their present political profile are hardly going to carry conviction among those most open to arguments for unification. British governments, if they indeed take a position (as the present one clearly would), are unlikely to win lots of votes there either.

And if ever we got to a border poll, no doubt, as in other referendums, the result would be closer than the opinion polling suggests-especially if we had by then left the EU, and the border had become a much more tangible thing than it has been in recent years.

Not that there is much likelihood, other things being equal, that a Secretary of State would call a poll at any time in the near future. But the issue could become a very much more live one for the reasons I've outlined.

Sensibly the Unionist parties would get ahead of the game here, and seek to engage with the tentative feelings of many in what traditionally would have been the nationalist population that life is bearable here the constitutional position notwithstanding. There is limited sign of them doing so.

The other developing change is that we seem to be moving away from a binary model of identity, according to the polls.

The traditional identity issue is still a critical one. The Good Friday Agreement had provisions on parity of esteem for the British and Irish identities, and they were a core part of the political equation underpinning the Agreement. Because this commitment has no institutional manifestation, it is a part of the settlement that it is too easy to forget. Some political parties have forgotten it; it may even be that the British government loses sight of it at times. That has serious risks.

But the polling suggests that matters are more complex these days. Many people are happy to be called "Northern Irish", for example. We now have in Northern Ireland a range of people seeing themselves some as British, some Irish, some in various ways hybrid and of course some seeing things differently, or not really caring much about their 'identities' at all.

Barring some great shock it is unlikely we will have a majority for unification in the foreseeable future. But in any event, we really ought to be focusing on issues of the present and immediate future in this part of this island, in the context of all the linkages it needs for well-being and prosperity. And which indeed will continue to be essential issues whatever the constitutional future.

Our fate is inevitably bound up very closely with other parts of this island and all the parts of the neighbouring one. We need to respect all of that, but get on with making this place a better and happier one, where they can all flourish.

The key challenge of the border today is surely not to keep it or remove it, but as far as possible to eliminate the inconvenience and irritation it causes anyone; and to accommodate the changing pattern of identity so that no one feels any lack of a sense of belonging, whichever side of the border they are on.

To conclude, the border and identity issues are in flux. The maintenance of the border will cease solely to be a matter of turning out one part of the community to vote for it; meanwhile identity is becoming much more complex. Both developments are significant departures from the binary model our political system is founded on. This has to have implications for it at some point; and to pose both threats and challenges to parties.

### **3C. It follows that there is potential for new forces to make major inroads on the existing parties' ground**

Changing attitudes among young people, an unenthused centre ground and the various ways in which the border and identity debates may develop ought to give the parties something to think about.

Which leads to the question whether there is a prospect of new rivals moving in. Such groups haven't had great success in Northern Ireland before. But NI21, before it so spectacularly shot itself in so many appendages a few days in advance of polling, seemed to be heading for a respectable score. The Irish marriage referendum appeared to tap into strands of opinion that established political forces didn't. As we've also seen with new parties and individuals elsewhere.

There's no real sign yet, over Northern Ireland as a whole, but the ground may be more fertile for new movements to come along – whether political parties or something more in the nature of single issue groups .

Or existing parties may realise the need for Northern Ireland politics to move on, in their own interests. That is, of course, in the nature of parties, often hard for them to do. There are real threats and opportunities here. Some parties elsewhere have left it too late, and suffered.

So where do we now stand?

We have rather a lot of challenges. Looking at the issues that Fresh Start deals with, it doesn't necessarily resolve any of them definitively, welcome though the sentiments in the preface are. And we could find ourselves facing serious challenges to the stability of the institutions because of these failings in the years to come.

If the institutions go on underperforming, they are precarious: and however much the actors may for their own reasons want to go on operating them, there is a risk that at some stage the politics will get out of hand: they will find themselves boxed into corners and unable to compromise their way out. If there were a sense that the institutions were doing valuable work, building something worthwhile for the future, the sorts of issues that trip them up would loom less large.

We are probably safe until the Assembly Elections. We could of course face immediate instability after that, if Sinn Féin happened become the largest party, and therefore the nominators of the First Minister. We shouldn't, in a mature system: the first Minister and deputy first Minister have exactly the same, shared, powers, and sensibly we wouldn't have different titles.

On paramilitarism, lessons may have been learned, we are probably moving slowly nearer to where we ought to be, and the new measures may help a little. But until we get there we are at the mercy of events, and political opportunism.

But even if we survive that, it's hard to be confident that some of our past problems will not recur.

We must make the system work better. That leads to my next theme.

#### ***4. Northern Ireland needs to generate its own salvation. The leadership has to come from here, within and beyond the current political sphere***

My starting point is that we need to look for solutions at home.

##### **4A. No one else is going to sort out the problems**

There are no longer the circumstances that in the past meant that others would come in and do the thinking, and the work, for us. There are occasional appeals for the British, or British and Irish Governments, to sort of it out. They will not. They lack the focus or the resources to give it proper, inspired attention – unless things get much worse. Direct rule as I've said would be a profoundly negative and backward step, undertaken in response to crisis.

The precondition of moving forward is keeping devolution afloat.

I'll suggest the governments have a useful role, perhaps rather more active than they've sometimes played. But that's going to be a supporting role.

But the present range of political players don't give confidence that, in the present political context, they're going to get on the right track either. So

##### **4B. What is required is to change the political climate, with more citizen involvement in public life**

That is, the leadership to make the system work better and overcome the disconnect between politicians and people, to take politics out of the bubble, needs to be found in Northern Ireland.

We have at the moment a political climate in which the voices that preponderate in debate too are often the extreme or negative ones, and people of progressive outlook keep quiet.

As they can do, because ultimately feeding themselves does not depend on Northern Ireland finding its own salvation. As I've suggested the financial dispensation may be

increasingly less comfortable in the future. We may need to take more responsibility for fiscal receipts and hence the wellbeing of our economy.

What I suggest is that we need to create a more positive political climate within Northern Ireland, changing the political atmosphere in which the politicians operate. And that needs to be generated from within.

First of all to address the past-facing issues that have beset us in a more positive and imaginative way. But also to construct for the future: to set a course for Northern Ireland that responds to people's wishes, captures imaginations and renews hope that there is something better ahead. If we have that forward perspective and hope, then the problems of the past may fall rather more into perspective and more of them might find some resolution.

We need to work on how. That's what I, with colleagues, want to spend time looking at. But the following seem to me to be the essentials.

**4C. One aspect of this is that we need something closer to an agreed vision for what this place can become, a political agenda that addresses the serious issues and that people can buy into, and be inspired by**

It hasn't always been clear what devolved government was really supposed to be aiming at. We need its objectives to be better defined.

It can't be left to politicians alone to generate this vision – though ultimately it has to be one they buy into: the main parties all have to feel the need to vote for it.

When the term 'vision' has been taken up by some parties, it is not always very clear what they mean.

I'm not talking about a birds singing in the trees vision. It has to be something substantial that people would take seriously, building on our established strengths, and that would engage and capture imaginations, potentially be thoughtful and radical.

But it also has to be hard headed, recognising our problems and our constraints, and that ultimately there are hard choices to be made ... such as that to achieve good health provision, to enable business to thrive, there are sacrifices to be made.

As I suggested earlier, so far as such ideas are set out anywhere, for example in the Executive's Programme for Government, it is safe to say they have not really penetrated the public's imagination, nor perhaps that of politicians.

The Executive that is formed after the elections in May will need a Programme for Government for its five years. It appears that work has been going on on this behind-the-scenes, and that we shall have something based on a new methodology, focusing on outcomes.

That may be a start. But there should surely be an attempt – perhaps looking at a longer timescale than a single Assembly term, which does not give scope for a great deal of radical change – to tie the Executive's objectives into what people really want.

How do you get to such a widely shared vision? There's no obvious model.

Essentially I suspect it's for outsiders to provide the imagination, the machine to provide the framework, the constraints.

But there ought to be an element of crowdsourcing, of tapping into as broad a range of ideas from the wider public as possible. That is something that we should look at. It might be something that the Executive does; it might be something done through people power, which they would feel obliged to respond to. It certainly needs to be a product of creativity from sources outside government: governments ultimately do not do the creative thinking. There are opportunities here for conventional and new media to help move us forward.

As to what should be in the vision, I don't have a comprehensive outline. One obvious element has got to be that we develop a sounder economic future: I discussed earlier the challenges that face us if we don't. Much work has been done on this: but it's hard to say that the political system has really brought into everything that needs to be done to encourage business, beyond occasional inward investment missions, still less does it engage the hearts and minds of people outside politics. But we have great strengths to build on (unfortunately beyond the scope of this lecture).

#### **4D. One area where we need to aim high is reconciliation: a vision needs to feature being recognised across the world as the leader in reconciliation and tolerance**

A vision would have to cover the working up of the shared future agenda. Everyone subscribes to the objective of a shared future, but there is scant attention to what it really means.

The Executive's paper on this, *Together: Building a United Community*, only goes a limited way, and does not expose all the difficult issues that need to be addressed.

But we ought to make a start, and at least establish general principles.

I suggest we should set ourselves really challenging and imaginative goals. The working out of course may be painful and protracted.

But if we could relight the beacon here it would do us a great deal of good.

First, internationally, where Northern Ireland is, perhaps to the surprise of many here, still well placed to claim the title of being a world capital of reconciliation, tolerance and brotherly love. We are seen as 'the peace process that worked' – but the image is being tarnished by continuing displays of sectarianism and instability. Being seen to advance could translate into investment, tourism, and opportunities for our people. There is a massive fund of goodwill out there, but if we do not advance, it will go away.

But more importantly it could do great good internally. If we set out at least the core principles along those lines, we might succeed in getting through to numbers of people who at the moment despair of politics, despair of any idea that we can from within improve the state of this part of the world.

And as in other contexts, if we don't consciously set the goal of advancing we may retreat. Even occasional riots, however unrepresentative of life here, are ideal filler for news bulletins around the world and our history means that displays of intolerance over gays, flags, or whatever are well reported and cause heart searching among many of our friends elsewhere who try to help.

But developing a vision is only one side of the change we need.

#### **4E. We need more people day to day making their voices heard in public discourse, if not in raw politics**

We need to encourage people we don't hear from: all the excluded groups – including the centre, business, academia, the young. Extending the debate, and holding politicians to account.

We have found that with organisations like Make It Work that there are people who are sufficiently concerned that they want to provide input. I believe that Make It Work did have an effect, leading the politicians to conclude that they had to reach an agreement in late 2014. But the impact seems to have dissipated, once the objective of getting a political deal was done.

And there are remarkable people doing excellent work at community level, but lacking a platform to influence things more widely.

We need to find ways in which the wider community can make a sustained impact.

This is not to be naïve, to imagine there's a vast pool of people out there with all the right ideas just waiting to be given the nod. But there are people with ideas; they probably are less involved than elsewhere; the state of our politics probably means we need them more than elsewhere; they do increasingly seem to have the will; and so we need to engage them.

Some might eventually move into full-blown political life. Most may not.

We should find ways of emboldening them when they fear to speak. We need structures to funnel their ideas. Experience probably suggests we shouldn't set great store by the 'compact civic advisory panel' that is to be established under the recent agreements. So what are the structures? That is a real question, and we should try to find answers.

I have one further point here about people becoming involved in public life.

Many of the people who seem to have the most ideas and willingness to press for change at the moment seem to be ones who have been on programmes in the US where they've broadened their horizons and learned about getting things done. There's a good case we could do more of this capacity building – and often perhaps nearer to home, valuable though the US experience appears to be.

In saying we need a wider range of people in public life I am not, emphatically, on an anti-politician diatribe. I'm not making any sort of argument here that our politicians are uniquely bad and must all go. I roll my eyes as often as anyone at the utterances of elected representatives, but I do it sometimes in London as well as Belfast.

We need to work with what we have. And in fact we do have some rather competent politicians. And many have experience, which can be an underrated virtue. Seeing these people alongside their Westminster counterparts, sometimes they shine.

But politicians respond to the political climate they exist in. We need a climate that rewards a different set of virtues in politics.

#### **4F: We need more capacity for public policy development and challenge**

I've suggested we need more new ideas. But a no less critical need is for a way of translating new ideas into workable policy. This is where the current government machinery, for the reasons I've discussed, often breaks down, and there's no compensating outside contribution. The policy-making process in other countries often does now involve, to a significant degree, ideas coming from think tanks and the like.

There are initiatives in Northern Ireland where academics are seeking to have an impact on the policy-making process, and that is a welcome development. But the scale of our problems suggest that we need something more, and more capable of seizing the agenda. That means potentially putting forward challenging ideas: we are not going to resolve a lot of our problems without causing ructions, which is why the Executive finds it hard.

A large number of people to whom I've said we must have think tanks have agreed, and claimed to have had the idea themselves some years ago. The difficulty is in getting it done, because it would need, to be sure of commanding credibility in our circumstances, to be done really well, with guarantees in particular of independence, and of technical competence.

We are possibly in search of a philanthropist; we are certainly in search of people from Northern Ireland, very great and good, but also very young and thoughtful, to direct it. Perhaps also we could use some technical expertise at least at first from other parts of the world where it has been done.

How we move in this direction is one of the issues I think that we ought to pursue quite urgently, and I'm hoping with the Centre for Democracy and Peace Building and the Constitution Unit at UCL and others who wish to join us to take that work forward.

#### **4G: We need to keep more of a critical eye on how the institutions operate**

I've said I don't think we can make radical change in the structure of the institutions. That doesn't mean we can't make the ones we have perform better.

We don't really focus much on the detail of how they perform. Sometimes it's not well. It's hard to justify, say, the way petition of concern or co-option have worked recently.

This is another part of a wider problem of not doing government as seriously as we should.

Fresh Start recognises the benefit of some minor changes. When you come to the detail, they can hardly be criticised as over ambitious. They may, though, be useful.

Some people see the development of arrangements for an **Opposition** as transformative.

Constructive challenge to and scrutiny of the Executive would certainly be welcome. But the essence of an effective Opposition in other systems is that it offers an alternative government. If we got that-smaller parties from different sides of the community coming together to offer an alternative programme-that would be a significant development in our politics indeed, but at the moment it is quite hard to see.

The risk is that the new arrangements for an opposition could help smaller parties play better the role they have sometimes taken on while in the Executive of making it more difficult for the larger parties to compromise.

But that happens to a degree anyway. If it is done properly, establishing better arrangements for opposition could (if anyone made the sacrifice and took them up) probably amount to incremental improvement.

I do strongly suggest that John McCallister deserves praise for directing attention to this issue with his Private Member's Bill. There is a great deal in that bill that is worth debating, and there's now been some sort of debate.

The interest and expertise on institutions seems to lie mainly within the institutions and parties themselves. The public seem uninterested, which I suppose is understandable. But informed outside commentary has not so far made much of an impact. There are academics who have looked diligently at these subjects, but they have not had a wide audience. It would be a great benefit to find a way of developing and channelling effectively constructive outside views. That could lead to incremental improvement in the short term.

These institutions could be with us a long time. We need to make them work better. And if the politics moves on to the point at which we can reform our institutions more radically, then a clear understanding of how the present institutions operate gives us a sounder foundation for doing so.

We really need a serious programme for examining the performance across the board of our institutions. That again is something I hope with others to look at.

#### **4H: We need the British, Irish and US governments in their different ways to take a critical interest**

As I said, we should not put our faith in other governments, direct rulers, joint rulers or otherwise.

But I do suggest we want the British government, and the Irish government, and the US administration, to take an active interest in what we do.

The British and Irish governments are always most effective when they work together: and when they are seen as scrupulously nonpartisan. That is something they need to go on striving for.

A stable Northern Ireland is quite close to the vital interests of the UK, certainly to those of the Republic, and their governments can't abdicate their responsibilities. I don't believe they want to, but what they can best do to entrench peace and build for the future is changing.

I don't think we want them to take on the old role, which has as a matter of necessity resumed at times more recently, of coming directly into Northern Ireland politics and banging heads together. We have elected leaders, and the responsibility lies with them.

And we should not suppose that the British government any longer has the focus or the resources that it devoted to Northern Ireland in earlier days.

The same may be true of the Irish government.

I do suggest that they all have a useful role as a critical friend, injecting ideas and realism, privately and publicly. It would be better that these ideas came from people within Northern Ireland, but that process could helpfully be kickstarted. They are still among the gatekeepers of public debate, and can focus on the key issues that we need to address; they have an important role in encouraging other voices in the community to come forward. And indeed, as the US government has been doing, they may have a role in developing leadership within the community.

#### **5. *The time to move on this is now, and it can be done***

There are absolutely no grounds for the fatalism that says all is bad and nothing can be changed.

You still quite often hear people say that nothing will change here. And that they can't influence politicians. And so, rather pitifully, we at times hear in the media, and on both sides of the community, a plea for resumed direct rule.

And people fail to act. They don't see a sufficient prospect of worthwhile results to take the pain involved.

It is certainly not true that things do not change. They have changed immeasurably for the better in the last 20 years.

But in 1998 there was greater optimism; there was a willingness to put aside old animosities in the belief that there might be a better future. That has gone. If we are to move forward, there's a need to find that spirit of seeking a better future again.

We can. The problems we have are, as I have suggested, generally not different from those experienced in many other places – though we may have a richer mixture.

We have made serious progress.

We have, if we handle it well, enormous international goodwill.

But our salvation comes from here, nowhere else.

Having a worthwhile future requires new ways of doing things.

The time for moving on is now. We've a three year election holiday after May, subject to what the EU referendum does to our politics, which means politicians may be able to show more flexibility.

They know they have to do something to restore their reputations. And they know the political sands may be shifting. They need new ideas, whether they realise it or not. They may not at first welcome them: there's sometimes a pattern of them first greeting new ideas with suspicions then quietly following.

Northern Ireland is moving. The important thing is to ensure the right pace and direction of travel. We can have a Fresh Start. But last November's agreement doesn't of itself guarantee anything. Much depends on people here generating the political conditions for progress to happen.