



House of Commons
Northern Ireland Affairs
Committee

**The effectiveness of
the institutions of the
Belfast/Good Friday
Agreement**

First Report of Session 2023–24

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 29 November 2023*

HC 45

Published on 4 December 2023
by authority of the House of Commons

Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Northern Ireland Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel).

Current membership

[Sir Robert Buckland KC MP](#) (*Conservative, South Swindon*) (Chair)

[Stephen Farry MP](#) (*Alliance, North Down*)

[Mary Kelly Foy MP](#) (*Labour, City of Durham*)

[Sir Robert Goodwill MP](#) (*Conservative, Scarborough and Whitby*)

[Claire Hanna MP](#) (*Social Democratic & Labour Party, Belfast South*)

[Sir Tony Lloyd MP](#) (*Labour, Rochdale*)

[Carla Lockhart MP](#) (*Democratic Unionist Party, Upper Bann*)

[Jim Shannon MP](#) (*Democratic Unionist Party, Strangford*)

[Bob Stewart MP](#) (*Independent, Beckenham*)

[Mr Robin Walker MP](#) (*Conservative, Worcester*)

The following was also a member of the Committee during this inquiry: Simon Hoare MP (Chair)

Powers

© Parliamentary Copyright House of Commons 2023. This publication may be reproduced under the terms of the Open Parliament Licence, which is published at www.parliament.uk/copyright.

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/niacon and in print by Order of the House.

Committee staff

Sanjana Balakrishnan (Second Clerk), Polina Eaton (Committee Operations Manager), Stephen Habberley (Clerk), Tim West (Media Officer) and Conrad Will (Committee Specialist)

Contacts

All correspondence should be addressed to the Clerk of the Northern Ireland Affairs Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 3672; the Committee's email address is northircom@parliament.uk.

You can follow the Committee on X (formerly Twitter) using [@CommonsNIAC](https://twitter.com/CommonsNIAC).

Contents

| | |
|---|-----------|
| Summary | 3 |
| Introduction | 5 |
| The Agreement's institutions in context | 5 |
| Leadership and bravery | 7 |
| The structure of the Agreement | 8 |
| Legal and democratic basis | 9 |
| Review | 10 |
| This inquiry | 10 |
| 1 Strand One - democratic institutions in Northern Ireland | 13 |
| Strand One as instituted | 13 |
| The Assembly | 13 |
| The Executive | 14 |
| Issues and alterations: the successor agreements | 14 |
| St Andrews Agreement, 2006 | 15 |
| Stormont House Agreement, 2014 | 16 |
| New Decade, New Approach | 16 |
| Current impasse | 17 |
| 2 Strand One - an evaluation | 19 |
| Cross-community representation | 19 |
| Governing in a divided society | 19 |
| The 'Others' | 20 |
| Stability | 22 |
| Effectiveness | 24 |
| The Assembly in context | 24 |
| The governance deficit | 25 |
| Structural weaknesses and political neglect | 28 |
| 3 Strand One - options for reform | 33 |
| Election of the Speaker | 33 |
| Executive formation | 35 |
| Joint First Ministers | 35 |
| Nomination procedure | 37 |
| Voluntary coalitions | 38 |
| Community designation and voting | 40 |

| | |
|---|-----------|
| Behaviours and best practice | 42 |
| Delivering better outcomes | 42 |
| The role of Westminster and Dublin | 44 |
| 4 Strand Two - North/South institutions | 46 |
| The North/South Ministerial Council | 46 |
| Implementation bodies | 47 |
| All-island cooperation | 47 |
| Undelivered potential | 47 |
| New impetus | 50 |
| 5 Strand Three - East/West institutions | 52 |
| British-Irish Council | 52 |
| British-Irish Intergovernmental Conference | 52 |
| The architecture of consensus and the totality of relationships | 52 |
| The challenge of Brexit | 55 |
| A new chapter | 56 |
| 6 Public opinion | 59 |
| Satisfaction with the institutions | 60 |
| Strand One | 60 |
| Strands Two and Three | 62 |
| Appetite for reform | 63 |
| 7 Routes forward | 66 |
| The pace of reform | 66 |
| The Government's position | 67 |
| Legitimacy | 69 |
| A Citizens' Assembly for NI | 70 |
| Conclusions and recommendations | 73 |
| Formal minutes | 81 |
| Witnesses | 93 |
| Published written evidence | 94 |
| List of Reports from the Committee during the current Parliament | 96 |

Summary

In its 25th anniversary year, it is timely and legitimate to take stock of the institutions established by the Belfast/Good Friday Agreement. The Agreement was the culmination of many years of dialogue, with the foundations of institutions across three Strands laid some time before the final negotiations from 1996–1998. With these in place, the leaders of the Northern Ireland parties, supported by the British and Irish governments, determined to end the conflict and establish a system of power-sharing government based on mutual consent and the parity of esteem of the Unionist and Nationalist traditions. Such an outcome was not inevitable, and the leadership and bravery shown by the leaders of the Northern Ireland parties continues to serve as proof that seemingly intractable conflicts can be solved by political means. Yet, as we celebrate the achievement of peace, Northern Ireland's political institutions lie dormant, with the timetable for their return still unclear.

The political institutions in Northern Ireland (Strand One) incorporated a number of cross-community safeguards to ensure the interests of the two traditions were always accounted for in reaching important decisions. These safeguards have prevented parties from either tradition from pursuing unilateral agendas without the consent of the other community, but not without challenging consequences. Despite the continued importance of Unionist/Nationalist representation to the legitimacy of government in Northern Ireland and the wider stability of the region, there is growing consensus that these cross-community safeguards do not take account of the growing section of Northern Ireland society which does not identify as either Unionist or Nationalist.

The safeguards have also contributed to institutions which are unstable and prone to collapse, with a single party effectively given a veto in circumstances such as the election of the Speaker of the Assembly and the formation of an Executive. While the Strand One institutions have produced a significant legislative output, their pervasive instability has led to a number of critical policy issues in Northern Ireland being insufficiently addressed. This can be rectified only by elected representatives in Northern Ireland working within functioning institutions, and not by MPs in Westminster or civil servants.

Over the past 25 years, attempts have been made at strengthening the viability and stability of the Strand One institutions through numerous successor agreements. While some introduced positive reforms, such as New Decade, New Approach and its change to the Petition of Concern, others, such as the St Andrews Agreement, undermined a core principle of the Belfast/Good Friday Agreement by diminishing the relationship between the two posts of First and Deputy First Minister.

The achievement of good government in Northern Ireland is a process rather than an event, and while the Agreement and its successor agreements have not produced a failsafe system of government, the success of the institutions also relies on the political will of the actors who inhabit them. This has often been lacking, with successor agreements sometimes seen merely as means to end periods of stalemate, rather than as opportunities to deliver on the Agreement's potential to deliver government in Northern Ireland that works in the best interests of all its citizens.

The potential of Strands Two and Three to deliver cooperation on the island of Ireland and across the British Isles has not been realised. While there has been pragmatic cooperation between the Northern Ireland Executive and the Irish Government outside of the North South Ministerial Council and its implementation bodies, there has been insufficient commitment to realising the possibilities Strand Two created, with the instability of the Strand One institutions in turn hindering the ability of Strand Two to function as intended. Similarly, the Agreement clearly foresaw the British-Irish Council and the British-Irish Intergovernmental Conference as fora for mutual cooperation on matters of shared interest across the British Isles, but these have often been treated frivolously or as mere support structures for the Strand One institutions. The recently improved relationship between the British and Irish governments provides an ideal opportunity for a broader realisation of Strand Three's scope to address a number of shared policy challenges.

Recent research, including that which we have commissioned, shows widespread public dissatisfaction with the stability and effectiveness of the Strand One institutions, alongside growing dissatisfaction with cross-community safeguards. While there are mixed levels of knowledge of the possible options for reform, there is clear and compelling evidence that the public are open to change whilst still seeing the Agreement as the only legitimate basis for government in Northern Ireland going forward. We contend that extensive and sustained public engagement is vital to determining the future of the institutions and we urge the Government to institute a Citizens' Assembly in Northern Ireland to this effect.

While the Agreement made specific provision for review and remediation, there has been no comprehensive assessment of the Agreement's success across each of its three Strands, and less still a serious contemplation on the part of the UK Government of how the Agreement, having brought peace to Northern Ireland, might also provide the long-term governmental stability that is necessary for its prosperity. As such, we call upon the Government, in partnership with the Government of Ireland and in close consultation with the Northern Ireland parties, to commission a formal, independently led review into the effectiveness of the institutions.

Given the likely timeframe this would entail, we also urge the Government, in close consultation with the Government of Ireland and the Northern Ireland parties, to institute changes to the Strand One institutions that could facilitate their restoration and relative stability for at least the short to medium term. For a comprehensive and systematic review to be effective, some measure of institutional stability is required. Accordingly, with the timetable for the institutions' return still unclear and, mindful of the risk presented by increasing public discontentment, we urge the Government to take measures that will see the Assembly and Executive restored as soon as possible. To this end, we argue that reforms should focus on the nomination processes for the Speaker of the Assembly and the offices of the First and Deputy First Minister.

Introduction

The Agreement's institutions in context

1. On 10 April (Good Friday) 1998, a political settlement was reached which largely concluded the 30-year period of civil strife and sectarian conflict in Northern Ireland known as the Troubles.¹ The Belfast/Good Friday Agreement (the “Agreement”) was the culmination of almost two years of fraught negotiations between the Northern Ireland parties and the British and Irish governments.² The talks were chaired by United States Senator George J. Mitchell, who was supported by former Finnish Prime Minister Harri Holkeri and Canadian General John de Chastelain.

2. This period of negotiation had been preceded by a protracted and complex history of attempts to resolve the conflict, involving multiple parties in Northern Ireland and representatives from the British and Irish governments. In 1973–74, the Sunningdale Agreement had, for a short time, instituted a model of power-sharing government in Northern Ireland with a system of election by means of proportional representation and provided a forum for the development of relations between Northern Ireland and the Republic of Ireland.³ Yet, owing primarily to some Unionist opposition and the continuation of violent conflict, Sunningdale failed—mere months after it had been signed.⁴

3. For the next 15 years, violence continued and little progress was made toward political resolution. The earliest changes in circumstance came towards the late 1980s/early 1990s, with secret talks taking place between the SDLP’s John Hume and Sinn Féin’s Gerry Adams. In 1990, with the declaration by the then Secretary of State, Peter Brooke, that the Government had “no selfish strategic or economic interest”⁵ in Northern Ireland, and would accept unification by consent, Republicans were more assured of a political means to end the conflict.⁶ The subsequent Brooke/Mayhew talks—so named to account for Brooke’s replacement by Sir Patrick Mayhew as Secretary of State—took place with an understanding that any agreement would take account of a “totality of relationships”: those governing Northern Ireland and its devolved settlement within the United Kingdom, those on the island of Ireland, and those between the British and Irish governments.⁷

4. Owing to continued Unionist opposition to the Anglo-Irish Agreement,⁸ including the Anglo-Irish Intergovernmental Conference, a body established under that agreement, the Brooke/Mayhew talks would stagnate and eventually collapse. However, talks between Hume and Adams continued, with secret channels of communication also being established between the British government and the IRA. From these came a remarkable message from the IRA to the Government in early 1993 which read: “The conflict is over

1 Northern Ireland Office, *The Belfast Agreement*, Cm 3883, 10 April 1998

2 *The Belfast/Good Friday Agreement: 25 years on*, Number [CBP9547](#), House of Commons Library, March 2023, p. 10

3 Stefan Wolff, “Context and Content: Sunningdale and Belfast Compared,” in *Aspects of the Belfast Agreement*, ed. Rick Wilford (Oxford, 2001), p. 11

4 Siobhán Fenton, *The Good Friday Agreement* (London, 2018) pp. 39–49

5 “Peter Brooke: Former Northern Ireland secretary dies aged 89,” BBC News, 15 May 2023

6 Stefan Wolff, “Context and Content: Sunningdale and Belfast Compared,” in *Aspects of the Belfast Agreement*, ed. Rick Wilford (Oxford, 2001), p. 15

7 HC Deb, 26 March 1991, [vol. 188](#) [Commons Chamber]

8 Department of Foreign Affairs, [The Anglo-Irish Agreement 1985](#) (November 1985), p. 4

but we need your advice on how to bring it to a close.”⁹ Yet, for any settlement to be acceptable to Unionists, it was clear it would have to be negotiated by the British and Irish Governments and ratified by the respective parliaments. After some negotiation, John Major, then Prime Minister, and Albert Reynolds, then Taoiseach, issued the Downing Street Declaration in December 1993, which reaffirmed the principle of consent which would later underpin the 1998 agreement.¹⁰ In oral evidence, Sir John stated:

From that moment, I was confident that one day a deal definitely could be done. In that declaration, the Unionists were reassured that a united Ireland would only come about with their consent; the nationalists were promised that their interests would be protected, as under Stormont they often weren't; and the paramilitaries were offered a route into political life. These were essential preliminaries to the Good Friday agreement.¹¹

5. In February 1995, the British and Irish governments published the Framework Documents. In *A New Framework for Agreement*, the two governments stated their intention to work with the Northern Ireland parties to achieve a comprehensive settlement, the implementation of which would include interlocking and mutually supportive institutions across the totality of relationships.¹² In *A New Framework for Accountable Government in Northern Ireland*, which had been produced in consultation with the Northern Ireland parties,¹³ the British government set out its “understanding of potentially acceptable elements for improving local accountability in Northern Ireland,” which included proposals for a unicameral Assembly of about 90 Members, complemented by a separate three-member Panel and a system of Assembly committees, to exercise executive and legislative authority in Northern Ireland over a wide range of policy areas.¹⁴

6. As Sir John explained in oral evidence: “they [the Framework Documents] became the basis for the Good Friday agreement.”¹⁵ After setbacks relating to the issue of decommissioning, all-party talks commenced in June 1996 following the election of the Northern Ireland Forum for Political Dialogue earlier that year. Little progress was made in the first year, but the landslide election of a Labour government in May 1997 was seen as a fresh window of opportunity and Sinn Féin’s agreement to the principles of non-violence—established by Senator Mitchell as the basis from which talks should proceed—allowed them to take up their seat at the talks in Stormont; although at the expense of the Democratic Unionist Party and the UK Unionist Party, who refused to take part if Sinn Féin were included. On the impetus provided by the new Labour administration, Sir John remarked:

There were several reasons why they were able to carry it on. First, Labour did not bear the scars of 18 years of dispute with the Provisionals, going back to hunger strikes and all sorts of other things that destroyed the ease

9 [Q39](#)

10 Department of Foreign Affairs, [Joint Declaration 1993 \(Downing Street Declaration\)](#) (December 1993)

11 [Q39](#)

12 CAIN Archive, University of Ulster, [A New Framework Agreement](#) (February 1995)

13 HC Deb, 22 February 1995, [vol. 255](#) [Commons Chamber]

14 CAIN Archive, University of Ulster, [‘The Framework Documents,’](#) accessed 1 November 2023

15 [Q39](#)

of relationships, if I can put it that way. I believed Labour would be able to build on the joint declaration, the framework document and the preparatory work on decommissioning weapons. To their very great credit, they did.¹⁶

7. In the years leading up to the Belfast/Good Friday Agreement, considerable groundwork had been laid through patient negotiation, compromise, and determination to end the Troubles, a period of conflict which had claimed the lives of more than 3,500 people. We commend those who established what would become the pillars of the Agreement and thank them for their contribution to the peace process. The final talks did not exist in isolation, and it is important to recognise that the architecture of peace was achieved through a long and difficult period of dialogue prior to April 1998.

Leadership and bravery

8. Even with the foundations of an agreement in place, however, a deal was not inevitable. Tim O'Connor, part of the Irish Government's negotiating team at the time, recounted to us a *Belfast Telegraph* poll in the days leading up to Good Friday in which 90% indicated they did not expect the talks to succeed.¹⁷ As Sir Tony Blair recalled:

Frankly, it did require an almost unrealistic sense of possibility in order to get the thing back together again, even right up to going into the Good Friday Agreement negotiation [...]. Even throughout those days of the negotiation, I would say that it came together and collapsed several times before we eventually reached an agreement.¹⁸

Sir Tony also said: "I'm so grateful that social media wasn't a big factor when I was Prime Minister."¹⁹ Commenting further, Sir John Major said, "so much of the media has now become part of the political process, rather than simply reporting the political process."²⁰

Bertie Ahern, Taoiseach at the time of the Agreement, stressed the presence of a skeleton agreement prior to the talks meant that he went into negotiations with an understanding of "what people wanted rather than what they did not want."²¹ From there, despite the many differences between the parties, he told us: "It was possible to build consensus."²² Reflecting on how the Agreement was reached, Sir John Major was keen to emphasise that:

this settlement was not delivered just by the politicians. There were lots of other people. Do not forget the enormous input of senior civil servants in my Government and in Tony Blair's Government, and in Northern Ireland and in the south, with people like Martin Mansergh; or the input of the Churches; or the input—which was particularly effective at one stage—of the Peace Women; or the involvement of the United States and the European Union. This is a settlement that has many parents. No one can claim full paternity, not even with the most determined DNA. It is important not to forget that.²³

16 [Q39](#)
 17 [Q64](#)
 18 [Q110](#)
 19 [Q110](#)
 20 [Q43](#)
 21 [Q2](#)
 22 [Q2](#)
 23 [Q61](#)

9. Many witnesses were adamant that without the bravery and political leadership shown by those at the talks, the Agreement would not have got over the line. Bertie Ahern emphasised the leadership and vision of John Hume over a period of several decades, as well as the bravery of David Trimble to continue negotiations even as other Unionists decided they could not support the deal as drafted.²⁴ In that regard, Sir Jeffrey Donaldson MP, current leader of the DUP but a member of the UUP negotiating team in 1998, explained to us clearly why he and others were unable to back the final deal: this was, he said, because of concerns about its provisions for decommissioning, policing, early release of terrorists, support for victims of the Troubles, and the institutions.²⁵ From a different perspective, however, Sir Tony Blair explained why he felt that in the end an agreement—the Agreement—was finally reached:

The difference between this peace process and many others around the world is that we had the benefit at that time of leaders who were prepared to lead. [...] If you don't have people prepared to do that, it's never going to work—none of these things will ever work. It is very difficult, because the simplest thing, always, as a leader of any political party, as I say, is to get the round of applause. It is the easiest thing in politics to do, and, in the end, it is what a lot of leaders do. But, if they actually want to make the change, they are going to have to find a way of pulling their people behind them, and that is the difference between leading and following.²⁶

10. **In its 25th anniversary year, we acknowledge the achievement of those who negotiated and agreed the Belfast/Good Friday Agreement, which brought peace to Northern Ireland after three decades of conflict. We recognise the considerable leadership and bravery shown, especially by the leaders of the Northern Ireland parties and peacebuilders, including women's groups, in Northern Ireland, and commend the constructive and determined attitude shown by the leaders of the British and Irish governments. Twenty-five years on, there is a temptation to see the achievement of peace as an inevitable outcome, but while the foundations were laid in the years leading up to 1998, reaching a settlement with broad consensus was far from a foregone conclusion.**

As we look to the future, we remain mindful of the hard work that was necessary in order to achieve agreement, and of the fact that in the modern media environment, such an outcome might not have been possible.

The structure of the Agreement

11. The Belfast/Good Friday Agreement was a pair of agreements: the Multi-Party Agreement between eight political parties or groupings from Northern Ireland²⁷ and the sovereign governments of the United Kingdom and the Republic of Ireland; and the British-Irish Agreement between the two governments. It was based on a number of principles, including the parity of esteem of Unionist and Nationalist communities,

24 [Q2](#)

25 [Q285](#)

26 [Q132](#)

27 The Northern Ireland parties constituting the Multi-Party Agreement, in alphabetical order: Alliance Party, Labour Coalition, Northern Ireland Women's Coalition, Sinn Féin, Social Democratic and Labour Party, Progressive Unionist Party, Ulster Democratic Party, Ulster Unionist Party

the principle of consent underpinning Northern Ireland's constitutional status, and the birthright of the people of Northern Ireland to identify and be accepted as British or Irish, or both, and to hold both British and Irish citizenship.

The Agreement provided for several political institutions across three strands:

- Strand One established the Northern Ireland Assembly and Executive as the basis for a reinstituted system of devolved government in Northern Ireland;
- Strand Two established the North/South Ministerial Council (the “NSMC”) and the North/South Implementation Bodies (the “NSIBs”) covering the relationship between Northern Ireland and the Republic of Ireland (the “North/South” institutions);
- Strand Three established the British-Irish Council (the “BIC”) and the British-Irish Intergovernmental Conference (the “BIIC”), covering the relationship between the British and Irish governments and the totality of relationships across the British Isles (the “East/West” institutions).

The Agreement also set out a series of rights for the people of Northern Ireland, including on identity and citizenship, and made commitments on decommissioning, security, policing, and prisoners.²⁸

Legal and democratic basis

12. The Agreement was given democratic assent by joint referenda held in Northern Ireland and the Republic of Ireland on 22 May 1998.²⁹ In Northern Ireland, the electorate was asked: “Do you support the Agreement reached at the multi-party talks on Northern Ireland and set out in Command Paper 3883?” With a turnout of 81.1% the ‘Yes’ vote polled at 71.1% and the ‘No’ vote at 28.9%. In the Republic of Ireland, the electorate was asked whether it approved of Nineteenth Amendment to the Constitution Bill before the Oireachtas, which would amend Articles 2 and 3 of the Constitution in accordance with the terms of the Multi-Party Agreement, and permit the Irish Government to ratify the British-Irish Agreement.³⁰ With a turnout of 55.6%, the ‘Yes’ vote polled at 94.4% and the ‘No’ vote at 5.6%.

13. Following the successful referenda, the two governments proceeded to give legislative effect to the Agreement. In the United Kingdom, the Northern Ireland Act 1998 implemented in part the terms of the Multi-Party Agreement by making provision for a new, devolved government in Northern Ireland and associated functions related to the North/South and East/West bodies.³¹ Following a period in which the Strand One institutions sat in ‘shadow’ form, on 30 November 1999 the then Secretary of State for Northern Ireland, Peter Mandelson, laid a series of statutory instruments, finalising the transfer of powers to the new institutions at Stormont and repealing the Government of Ireland Act 1920—to take effect on 2 December 1999.³² On that day, the British-Irish

28 *The Belfast/Good Friday Agreement: 25 years on*, Number [CBP9547](#), House of Commons Library, March 2023, p. 5

29 ARK, ‘[The 1998 Referendums](#),’ accessed 1 November 2023

30 *The Belfast/Good Friday Agreement: 25 years on*, Number [CBP9547](#), House of Commons Library, March 2023, p. 30

31 Northern Ireland Act 1998, [Introductory Text](#)

32 *The Belfast/Good Friday Agreement: 25 years on*, Number [CBP9547](#), House of Commons Library, March 2023, p. 34

Agreement also came into force and took effect as an international treaty, affirming the two governments' "solemn commitment to support, and where appropriate implement, the provisions of the Multi-Party Agreement."³³

Review

14. The Multi-Party Agreement contained a number of review clauses. In the first instance, it was expected that "Each institution may, at any time, review any problems that may arise in its operation [...] and take remedial action."³⁴ A later clause specified: "If difficulties arise which require remedial action across the range of institutions, or otherwise require amendment of the British-Irish Agreement or relevant legislation, the process of review will fall to the two Governments in consultation with the parties in the Assembly."³⁵

15. Further provision was made for the two governments, along with the parties in the Assembly, to convene a conference four years after the Agreement's coming into effect "to review and report on its operation."³⁶ Talks to this end took place throughout 2004³⁷ but produced no agreement.³⁸ Further such reviews, and the subsequent changes made to the institutions, will be discussed in Chapter 1.

This inquiry

16. Since their inception 25 years ago, the Strand One institutions have been suspended on six occasions.³⁹ Using powers in the Northern Ireland Act 1998, the Secretary of State for Northern Ireland has suspended the institutions three times—albeit for a period of 24 hours in two of the three cases—while withdrawal of either of the two largest parties in Northern Ireland has resulted in institutional collapse on three occasions, the most recent of which began on 3 February 2022 and at the time of publication is ongoing.⁴⁰ At the outset of this inquiry, Strand One institutions had been non-functioning for some 40% of the time since their inception.⁴¹

17. Twenty-five years on, it is legitimate and timely to take stock of the Agreement's institutions. While the Agreement contained important provisions relating to rights, decommissioning, security, policing, and prisoners—the implementation of which continues to be the subject of fierce debate—those provisions were deliberately not the focus of this inquiry. They require forensic examination in their own right. The focus of this inquiry has deliberately been confined to the *institutions*—that is to say, Strands One, Two and Three of the Agreement—and to determining their effectiveness. We have also explored how the institutions could be reformed and what the process of instituting reform should look like.

33 Northern Ireland Office, *The Belfast Agreement*, Cm [3883](#), 10 April 1998, p. 28

34 See previous reference, p. 26

35 See previous reference

36 See previous reference

37 *Northern Ireland - political developments since November 2003*, Standard Note [SN/PC/2899](#), House of Commons Library, February 2005, pp. 7–11

38 *The Belfast/Good Friday Agreement: 25 years on*, Number [CBP9547](#), House of Commons Library, March 2023, p. 36

39 See previous reference, p. 38

40 *Devolution in Northern Ireland*, Number [CBP8439](#), House of Commons Library, June 2022, pp. 22–41

41 Dr Joanne McEvoy (Senior Lecturer at University of Aberdeen); Professor Allison McCulloch (Professor at Brandon University) ([GFA0019](#))

18. In launching this inquiry, we set terms of reference which would allow the design and operation of the Agreement's institutions to be examined in a fair and objective light. For Strand One, we used three metrics: stability, cross-community representation, and effectiveness. For Strands Two and Three, we asked whether those institutions have facilitated effective cooperation on the island of Ireland and between the British and Irish governments. In all cases, we did not seek to define 'effective' as we recognised that the utility of the institutions might constitute subtly different things to the many people and organisations that have contributed to this inquiry.

19. Over its course, from October 2022 to November 2023, we have taken written and oral evidence from people involved directly with the talks, political leaders in Northern Ireland, think tanks, academics, and civic society leaders. We have also conducted an online Deliberative Town Hall and a roundtable event in Belfast to capture the views of a cross-section of the Northern Ireland population. We thank all those who gave evidence for their contributions to our inquiry.

20. Finally, we note that in responding to our questions on this inquiry, the Secretary of State has consistently said that any change must be the result of clear and legitimate calls for reform from ordinary people in Northern Ireland. He explained in evidence to us in October 2023 that:

if a debate on this were to come up through the grassroots of Northern Ireland, I would be genuinely interested to listen to it, see how its shape formed, and indeed respond to it when it got to the point that that was required. There are different opinions of the political parties around this table. I also meet with civil society a lot, and I am very, very wary, because each element of civil society I have met in Northern Ireland has a nuanced position, a different position, on this particular issue when they raise it with me. That is why it is important that it is Northern Ireland voices that start this debate and elected Northern Ireland voices that nurture it, and that it is done with the full understanding of what that actually means in relation to the Belfast/Good Friday agreement and any evolution of it.⁴²

As such, the Government has not provided us with a view on the various ideas for reform which we discuss in chapters 1 to 5. Nevertheless, in Chapter 6 we set out by reference to recent research—including projects we commissioned ourselves—what we have identified to be the grassroots basis for the consideration of substantive change. In Chapter 7, we explain how sustained grassroots engagement could steer the direction of such reform by the Northern Ireland parties and the British and Irish governments.

21. The Belfast/Good Friday Agreement is the basis of devolved government in Northern Ireland. Several key provisions are codified in both domestic and international law and it has overwhelming democratic legitimacy—from which is derived a near-universal understanding that Northern Ireland should never again be blighted by violent conflict. It also includes clear imperatives upon the parties in Northern Ireland and the British and Irish governments to regularly review its operation and to take remedial action where necessary to address difficulties in accordance with their treaty obligations.

42 Oral evidence taken on 25 October 2023, HC (2022–23) 86, [Q537](#) [Rt Hon Chris Heaton-Harris MP, Secretary of State for Northern Ireland]

22. As we will set out, this inquiry has found that there is scope for reform of the Agreement's institutions—as is reflected in the findings that follow. It has also found that there is notable public interest in options for reform. We are mindful, however, of the specific provision made for review and remediation within the text of the Agreement, and while we believe our findings go some way to identifying changes that need to be made and areas which require focused and sustained attention, we emphasise that only on the basis of calls for substantive change from people in Northern Ireland can the Government, in partnership with the Government of Ireland, and in partnership with the Northern Ireland parties, take this work forward.

23. *As such, we call upon the Government, in partnership with the Government of Ireland and in close consultation with the Northern Ireland parties, to commission a formal, independently led review (hereafter “the Review”) into the operation of the institutions of the Belfast/Good Friday Agreement. The Review should:*

- *examine the institutions’ ability to provide effective and stable government in Northern Ireland, with broad cross-community inclusion;*
- *explore the extent to which the North/South and East/West bodies have supported effective governance in Northern Ireland and facilitated effective cooperation across these islands;*
- *include mechanisms for substantive consultative engagement with Northern Ireland society; and*
- *make recommendations on how the institutions could be reformed with a defined roadmap for the achievement of those reforms.*

1 Strand One - democratic institutions in Northern Ireland

Strand One as instituted

The Assembly

24. The text of the Agreement provided 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.”⁴³ It was to consist of a 108-member chamber—elected by proportional representation—from existing Westminster constituencies. The text also provided for several statutory Committees, undertaking “a scrutiny, policy development and consultation role with respect to the Department with which each is allocated, and [...] in the initiation of legislation.”⁴⁴

25. The Agreement also specified that: “The Assembly—operating where appropriate on a cross-community basis—will be the prime source of authority in respect of all devolved responsibilities.”⁴⁵ A number of safeguards were instituted to ensure cross-community participation and protection, including:

- allocation of Committee Chairs, Ministers and Committee memberships in proportion to party strengths, using the d’Hondt method;⁴⁶
- arrangements to ensure key decisions to be taken on a cross-community basis, through either:
 - parallel consent, requiring a majority of those members present and voting and a majority of the Unionist/Nationalist designations present and voting, or;
 - weighted majority, requiring at least 60% of members present and voting, including at least 40% of each of the Unionist/Nationalist designations present and voting.⁴⁷

Key decisions requiring cross-community support would be designated in advance, including the elections of the Chair of the Assembly, the First Minister and Deputy First Minister, standing orders, and budget allocations. A cross-community vote could also be triggered by a Petition of Concern, brought by a “significant minority” of Assembly members: 30 out of the total of 108.⁴⁸ At its first meeting, members of the Assembly were to register a designation of identity—Nationalist, Unionist, or Other—for the purposes of measuring cross-community support in these circumstances.

43 Northern Ireland Office, *The Belfast Agreement*, Cm [3883](#), 10 April 1998, p. 5

44 See previous reference, p. 6

45 See previous reference, p. 5

46 Northern Ireland Assembly, ‘[Allocation of seats in the Assembly Executive and Chairs and Deputy Chairs of Committees](#),’ accessed 1 November 2023

47 Northern Ireland Office, *The Belfast Agreement*, Cm [3883](#), 10 April 1998, p. 5

48 See previous reference, pp. 5–6

The Executive

26. Executive authority, on behalf of the Assembly, was to be discharged by a First Minister and Deputy First Minister, with up to ten Ministers with departmental responsibilities. The Ministers would constitute an Executive Committee, or “the Executive,” presided over by the First and Deputy First Ministers. The Executive would “provide a forum for the discussion of, and agreement on, issues which cut across the responsibilities of two or more ministers.”⁴⁹ The Executive was also tasked to agree each year, and review as necessary, a budget linked to policies and programmes—subject to approval from the Assembly and prior scrutiny in Assembly Committees, on a cross-community basis.

27. The First Minister and Deputy First Minister would be jointly elected into office by the Assembly voting on a cross-community basis. In effect, this arrangement “ensured that a unionist and a nationalist shared the top two posts.”⁵⁰ As such, the arrangement “critically depended on the personal co-operation of the two holders of these posts.”⁵¹ The Northern Ireland Act 1998 further reinforced their interdependence by requiring that “[i]f either the First Minister or the deputy First Minister ceases to hold office at any time, whether by resignation or otherwise, the other shall also cease to hold office at that time.”⁵²

28. Following the election of the First Minister and Deputy First Minister, Ministerial posts would then be allocated to respective parties in the Assembly by means of the d’Hondt method. As such, any party with a sufficient share of seats in the Assembly would be entitled to nominate Ministers in accordance with their electoral strength and to choose—in order of their strength—which ministries to nominate to.”⁵³

In 2001, political scientist Brendan O’Leary made this characterisation of the Strand One institutions:

The special skill of the designers and negotiators of the Agreement was to create strong incentives for executive power-sharing and power-division, but without requiring parties to have any prior formal coalition agreement—other than the institutional Agreement—and without requiring any party to renounce its long-run aspirations. The dual premiership was designed to tie moderate representatives of each bloc together, and to give some drive towards overall policy-coherence. The d’Hondt mechanism not only ensured inclusivity but also saved on the transaction costs of bargaining over portfolios. Distinctive coalitions could form around different issues within the Executive, permitting flexibility, but inhibiting chaos given the requirement that the budget be agreed by cross-Community consent.⁵⁴

Issues and alterations: the successor agreements

29. On 3 February 2000, only two months after devolution had taken effect in Northern Ireland, the then Secretary of State, Peter Mandelson, announced to the House of Commons

49 See previous reference, p. 7

50 Brendan O’Leary, “The Character of the 1998 Agreement: Results and Prospects,” in *Aspects of the Belfast Agreement*, ed. Rick Wilford (Oxford, 2001), p. 52

51 See previous reference

52 Northern Ireland Act 1998, [Section 16](#)

53 Brendan O’Leary, “The Character of the 1998 Agreement: Results and Prospects,” in *Aspects of the Belfast Agreement*, ed. Rick Wilford (Oxford, 2001), p. 53

54 See previous reference p. 55

his intention to suspend the Assembly and the Executive owing to a failure to achieve decommissioning under the terms of the Agreement.⁵⁵ The institutions were suspended a further three times between August 2000 and October 2002, owing to disagreements over decommissioning and allegations of IRA spying.⁵⁶ Following the latter suspension, the institutions would remain dormant for nearly five years.

St Andrews Agreement, 2006

30. In May 2006, under the terms of the Northern Ireland Act 2006,⁵⁷ the then Secretary of State for Northern Ireland, Peter Hain, directed that a committee comprising senior members of the Northern Ireland parties be convened to “examine each element of the Institutions arising from the Belfast Agreement.”⁵⁸ The committee carried several recommendations into negotiations between the Northern Ireland parties and the British and Irish governments at St Andrews, Scotland, in October 2006.⁵⁹

31. The subsequent St Andrews Agreement made alterations to the institutions set up under the 1998 Agreement, including:

- provision for the Assembly to refer ministerial decisions for Executive review if 30 or more MLAs petitioned to do so;
- the adoption of a statutory Ministerial Code which included the obligations of individual Ministers on the referral of matters to the Executive;
- measures for nominations for the First and Deputy First Minister to take place without a cross-community vote. Instead “The Nominating Officer of the largest party in the largest designation in the Assembly shall make a nomination to the Assembly Presiding Officer for the post of First Minister. The Nominating Officer of the largest party in the second largest designation in the Assembly shall similarly nominate for the post of Deputy First Minister;”
- a restriction on the ability of MLAs to change their community designation during an Assembly term;
- commitments to amend the Northern Ireland Act 1998 to establish a statutory committee for the Office of First Minister and Deputy First Minister and to establish a new standing committee to review the functioning of the Assembly and Executive: the Assembly and Executive Review Committee.⁶⁰

The Hillsborough Castle Agreement in 2010 completed the devolution of policing and justice powers to the Northern Ireland Assembly and, with it, provision for the Justice Minister to be appointed by the Assembly by means of a cross-community vote, instead of d’Hondt applying.⁶¹

55 HC Deb, 3 February 2000, [Col 1312](#) [Commons Chamber]

56 *The Belfast/Good Friday Agreement: 25 years on*, Number [CBP9547](#), House of Commons Library, March 2023, p. 38

57 Northern Ireland Act 2006, [Section 1](#)

58 *The Belfast/Good Friday Agreement: 25 years on*, Number [CBP9547](#), House of Commons Library, March 2023, p. 39

59 Northern Ireland Assembly, [Report on Institutional Issues](#) (September 2006), pp. 5–6

60 Northern Ireland Office, [St Andrews Agreement](#), October 2006

61 Northern Ireland Office, [Hillsborough Castle Agreement](#), February 2010

Stormont House Agreement, 2014

32. Following a 2012 consultation on how the operation of the Assembly could be improved, the Northern Ireland (Miscellaneous Provisions) Act 2014 made several alterations to the institutions, including:

- the abolition of dual mandates, which meant that MPs or members of the Dáil could not also serve as MLAs;
- a transition to five-year fixed term mandates for the Assembly;
- provision for the Assembly to reduce its size from 108 to 90 MLAs with the consent of the Secretary of State for Northern Ireland and the UK Parliament.⁶²

Later that year, the Stormont House Agreement confirmed that the number of MLAs would be reduced from 108 to 90 by 2021, while also providing for:

- the creation of an “official opposition” in the Assembly, consisting of any party eligible to take up ministerial positions but choosing not to do so;
- the reduction of Northern Ireland Departments from 12 to 9 before the 2016 Assembly elections;
- the extension of the period for agreeing a Programme for Government following the first post-election meeting of the Assembly from 7 to 14 days.⁶³

33. In the autumn of 2015, the five largest parties in the Assembly entered talks with the British and Irish governments to secure the implementation of the Stormont House Agreement. The so-called Fresh Start Agreement included a draft Northern Ireland Assembly Bill to reduce the number of MLAs for each constituency from six to five, and thus reducing the overall number to 90.⁶⁴ The Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016 gave legislative effect to commitments in the Fresh Start Agreement, including changes to the ministerial Pledge of Office and a longer period between the Assembly meeting after an election and the creation of an Executive in order to facilitate greater discussion of a Programme of Government.⁶⁵ Following Assembly elections in 2016, both the SDLP and UUP chose not to join the power-sharing Executive and instead formed the official opposition.

New Decade, New Approach

34. In the wake of controversy surrounding the Renewable Heat Incentive (“RHI”) subsidy scheme, the then Deputy First Minister Martin McGuinness resigned from office on 9 January 2017.⁶⁶ As Sinn Féin did not nominate an acting Deputy First Minister, the DUP’s Arlene Foster also ceased to hold office as First Minister. Some three months elapsed before the then Secretary of State, the late James Brokenshire, was obliged to call

62 Northern Ireland (Miscellaneous Provisions) Bill, Research Paper [13/38](#), House of Commons Library, June 2013

63 Northern Ireland Office, [The Stormont House Agreement](#), December 2014

64 Assembly Members (Reduction of Numbers) Act (Northern Ireland) 2016, [Section 1](#)

65 Northern Ireland (Stormont House Agreement and Implementation Plan) Act 2016, [Introductory Text](#)

66 *Devolution in Northern Ireland*, Number [CBP8439](#), House of Commons Library, June 2022, p. 33

an extraordinary Assembly election, which took place on 2 March 2017. The DUP and Sinn Féin were again returned as the largest parties; so, with no substantive change in circumstances, there came no real expectation of a return to power sharing.

35. The statutory deadline for forming an Executive following the election was missed and the Secretary of State therefore introduced legislation to replace the 14-day period with a period of 108 days, beginning from the date of the election.⁶⁷ This was interrupted by a UK general election on 8 June 2017, after which further rounds of talks took place. To break the deadlock, Parliament passed the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018. This made provision to:

- suspend the duty of the Secretary of State to call another Assembly election until 26 March 2019, with further provision to extend for another five months by regulations;
- enable civil servants in the absence of Northern Ireland ministers to take certain decisions in accordance with guidance published by the Secretary of State;
- permit UK ministers to make some public appointments in the absence of a fully functioning Assembly and Executive.⁶⁸

36. Following further extensions of the statutory period for formation of the Executive,⁶⁹ January 2020 saw the publication of *New Decade, New Approach* by the then Secretary of State for Northern Ireland, Julian Smith MP, and the then Tánaiste, Simon Coveney, with the resurrection of the institutions taking place shortly after.⁷⁰ While this deal sought to address issues around investment in public services as well as rights, language and identity, it also sought to place the devolved institutions on a more sustainable footing by reducing the use of the Petition of Concern procedure and enhancing the Ministerial Code in the wake of issues emerging from the RHI scandal. Some of these measures were given legislative effect by the Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022. This aimed to bolster the stability of the institutions by:

- replacing the duty of the Secretary of State for Northern Ireland to propose a date for an Assembly election if Executive ministers had not been appointed within 14 days of an Assembly election, or if the posts of First and/or Deputy First Minister were vacated and remained unfilled after seven days, with new limits of up to four six-week periods in each circumstance;
- allowing Ministers to remain in office in a “caretaker” capacity following an election for up to 24 weeks, and for up to 48 weeks if the First and/or deputy First Minister ceased to hold office.⁷¹

Current impasse

37. Owing to DUP opposition to the Northern Ireland Protocol—part of the Brexit Withdrawal Agreement between the United Kingdom and the European Union—the

67 Northern Ireland (Ministerial Appointments and Regional Rates) Act 2017, [Section 1](#)

68 Northern Ireland (Executive Formation and Exercise of Functions) Act 2018, [Introductory Text](#)

69 Northern Ireland (Executive Formation etc) Act 2019, [Section 1](#) and [Section 2](#)

70 Northern Ireland Office, [New Decade, New Approach](#), January 2020

71 Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022, [Introductory Text](#)

then First Minister, Paul Givan MLA, resigned on 3 February 2022.⁷² Under the terms of the 1998 Act, the Deputy First Minister, Michelle O'Neill MLA, also ceased to hold office. An Assembly election took place on 5 May 2022, as was scheduled prior to the Executive's collapse. Sinn Féin emerged as the largest party and the DUP as the second largest, meaning Sinn Féin was entitled to nominate a First Minister and the DUP a Deputy First Minister under the system instituted at St Andrews in 2006. However, the leader of the DUP, Sir Jeffrey Donaldson MP, refused to nominate a Deputy First Minister until issues surrounding the Northern Ireland Protocol had been satisfactorily addressed. Thus, a new Executive could not be formed.

38. Since that election, the Assembly has been recalled five times in an attempt to elect a Speaker, which is required before any further Assembly business—including the nomination of an Executive—can take place. With the DUP's refusal to nominate a Speaker, the Assembly—and by extension the Executive—has remained dormant. Under the provisions of the Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022, the Secretary of State was not obliged to set a date for fresh Assembly elections until 28 October 2022. This deadline was missed, and so the Northern Ireland (Executive Formation etc) Act 2022,⁷³ which received royal assent on 6 December, gave the Secretary of State the power to extend the period until 19 January 2023 by means of statutory instrument, which he subsequently did.⁷⁴

39. With still no prospect of an Executive being formed, the Northern Ireland (Executive Formation and Organ and Tissue Donation) Act 2023, which received royal assent on 28 February, retrospectively extended the Executive formation period by 52 weeks to 18 January 2024 and includes a power for the Secretary of State to set a date for an Assembly election before the end of this new Executive formation period.⁷⁵ Under the 2023 Act, if an Executive is not formed by 18 January 2024, the earliest date on which an election can take place is 29 February 2024. The latest date is 11 April 2024.

40. **In the 25 years since their inception, numerous attempts have been made at strengthening the viability and stability of the Strand One institutions in complex and challenging political circumstances. The successor agreements—and subsequent legislative alterations to the institutions—serve to illustrate the delicate context in which the institutions operate and the near-constant effort required from the Northern Ireland parties and the British and Irish governments to facilitate their continued existence. We recognise that they have not had all-party consensus or involvement and remain the subject of continued criticism. It is also apparent that it is difficult for the institutions to reform themselves without the input of the British and Irish governments. Nonetheless, the very existence of successor agreements and the changes they have instituted illustrates that reform of the Agreement's institutions is possible, even if such reform is piecemeal and sometimes lacking in implementation.**

72 [“DUP: NI First Minister Paul Givan announces resignation,”](#) BBC News, 3 February 2022

73 Northern Ireland (Executive Formation etc) Act 2022, [Whole Act](#)

74 The Northern Ireland (Extension of Period for Making Ministerial Appointments) Regulations 2022, [Regulation 2](#)

75 Northern Ireland (Executive Formation and Organ and Tissue Donation) Act 2023, [Section 1](#)

2 Strand One - an evaluation

Cross-community representation

Governing in a divided society

41. As we noted in the previous chapter, the Agreement provided for the Strand One institutions to operate, where appropriate, on a cross-community basis. Alan Whysall, former senior Northern Ireland Office official and co-founder of think tank, Pivotal, told us that by 1998 it was widely accepted that:

an administration in Northern Ireland had to include representatives of both unionist and nationalist traditions in order to be viable [...]. This was a matter of practical reality, as well as political equity: without such support, an administration would lack popular legitimacy, and would be likely to fail. The arrangements chosen in 1998 recognised the political necessity of the moment.⁷⁶

Lord Bew, academic and former adviser to David Trimble, recalled a conversation with then NIO Permanent Secretary, Sir John Chilcott, about the complexities of cross-community government proposed in the Framework Documents, in which Sir John said: “The point is to bring peace.”⁷⁷ As Pivotal stressed in written evidence, “it is an enormous achievement to have established an acceptable form of cross-community power-sharing in Northern Ireland. The cross-community nature of the Assembly and Executive was and remains essential for any kind of sustainable government.”⁷⁸ We remain mindful of this throughout our report.

42. In this sense—that is to say, achieving a form of power-sharing government between the two community traditions—the majority of witnesses when addressing this question agreed that the 1998 settlement incorporates strong cross-community credentials. Dr Sean Haughey, of the University of Liverpool’s Institute of Irish Studies, explained that the election of MLAs to large multi-member constituencies using Proportional Representation by the Single Transferable Vote system, with a low threshold to achieve election, can create politically diverse Assembly constituencies. In North Antrim, for example, the five seats are currently held by five different political parties representing all three blocs: Unionist, Nationalist and ‘Other.’ Meanwhile in the Executive, a government cannot form without the participation of two blocs in the Executive: a party in one bloc nominates the First Minister and a party in another bloc nominates the deputy First Minister, while the remaining portfolios—with the exception of the Department of Justice—are shared among political parties on a proportional basis using the d’Hondt formula.⁷⁹ On d’Hondt itself, Dr Joanne McEvoy of the University of Aberdeen and Professor Allison McCulloch of Brandon University, Canada, offered this analysis:

This procedure has worked well since 1999, facilitating the formation of successive cross-community executives inclusive of the two main communities and roughly proportional to parties’ electoral strength. The

76 Alan Whysall (Honorary Senior Research Associate at Constitution Unit, University College London) ([GFA0035](#))

77 [Q66](#)

78 Pivotal ([GFA0033](#))

79 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

procedure has incentivised the four main parties to enter into government with multiple rounds of d'Hondt having been enacted since the GFA. It is also important that although cross-community power-sharing is mandatory (in that the executive must be cross-community), parties can opt out of their 'turn' to take ministerial positions and form an Opposition, as provided for in the Stormont House Agreement 2014. Moreover, should a party's electoral strength be insufficient for ministerial position under d'Hondt, it can adopt an official Opposition role (as per the SDLP's intention following the 2022 Assembly election).⁸⁰

In oral evidence, Dr Haughey concurred, citing the simplicity of d'Hondt and the speed with which it enables the formation of a government following an election.⁸¹

The 'Others'

43. In our terms of reference for this inquiry, we invited submissions on the extent to which Strand One institutions had enabled "cross-community" government in Northern Ireland, as a distinct metric of the institutions' success. We also asked "whether the Strand One institutions have enabled those who identify as neither Unionist nor Nationalist to be effectively represented." Most submissions took "cross community" to mean the equitable inclusion of, and power distribution between, not just the Unionist and Nationalist blocs—as is facilitated in the 1998 settlement—but those designating as "Other."

44. As outlined by McEvoy and McCulloch, the system of "cross-community" safeguards instituted in 1998:

has become increasingly questionable given the increase in electoral support for parties who choose to designate as 'other' and the increase in the population who reject nationalist/unionist binary categorisations. At the 2022 Assembly elections, the Alliance Party became the third largest party with 13.5% of the vote and 9.1% of Assembly seats, ahead of the UUP and SDLP, formerly the leading unionist and nationalist parties at the time of the GFA. Moreover, the Northern Ireland 2021 census results revealed that 17.4% of the population describe themselves as neither Protestant nor Catholic and 9.3% report having grown up with no religious background.⁸²

This developing trend was widely addressed across written submissions and in oral evidence. The most notable area of concern lay in the cross-community voting procedures in the Assembly, whereby key votes must be passed on the basis of either parallel consent or weighted majority, as outlined in Chapter 1. Such an issue also carries through to the Executive, where cross-community voting procedures apply, too. As Dr Haughey put it:

It is undisputable that the votes of Other MLAs count for less than the votes of nationalist and unionist MLAs when 'key' matters are decided [...]. In

80 Dr Joanne McEvoy (Senior Lecturer at University of Aberdeen); Professor Allison McCulloch (Professor at Brandon University) ([GFA0019](#))

81 [Q91](#)

82 Dr Joanne McEvoy (Senior Lecturer at University of Aberdeen); Professor Allison McCulloch (Professor at Brandon University) ([GFA0019](#))

that regard, citizens who identify as neither nationalist nor unionist could justifiably argue that their preferences are not fairly represented in key decisions.⁸³

The Alliance Party, which as the largest grouping of MLAs designating as ‘Other’ is most conspicuously disadvantaged by the present procedure, argued that it represents a “flawed and clumsy” attempt to ensure cross-community support.⁸⁴ Some characterised the issue as effectively giving the largest party in each of the Unionist/Nationalist blocs a veto in key votes—the most obvious recent example being the DUP’s decision not to nominate a Speaker following the May 2022 elections, which has prevented the 2022 Assembly mandate from carrying out any business. As Alliance put it to us: “It is fundamentally perverse that a ‘cross-community vote’ explicitly excludes the cross-community Alliance Party.”⁸⁵

45. Furthermore, we heard that the cross-community credentials within the institutions entrench divisions and only perpetuate a divided society. In oral evidence, former Speaker of the Assembly and leader of Alliance, Lord Alderdice, recalled:

I was never happy about the idea of what we in Northern Ireland terms characterised as ‘super-Prod’ and ‘super-Taig,’ where you would have the two main designations and the rest would be other. It seemed to me that that would push us to deeper polarisation.⁸⁶

Alliance put it in their submission: “It serves only to institutionalise division and deter voters from supporting those who do not align with either of the two designations, as they can be perceived to have less influence or power.”⁸⁷ A group of doctoral students at Queen’s University Belfast also pointed out that “[m]embers of the LGBTQ+ community, women’s healthcare rights activists, and environmental groups also create various issue-based minority groups whose political priorities exist outside of the ‘green and orange’ divide.”⁸⁸ Writer and campaigner Emma DeSouza characterised the current system as:

a wholly undemocratic process that isolates and excludes a significant proportion of the elected representatives that the people of Northern Ireland voted for. It is clear that Northern Ireland is no longer two communities and that mechanisms designed in 1998 under the framework of a two-community basis are no longer fit for purpose.⁸⁹

46. This being said, Dr Haughey highlighted how, in terms of descriptive representation in both the Assembly and the Executive, the ‘Others’ can actually enjoy some advantages. The Proportional Representation (Single Transferable Vote) electoral system makes no distinction with regard to community designation and the Alliance Party has in fact benefitted from deviations in proportionality. In 2022, for example, the Alliance Party

83 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

84 Alliance Party of Northern Ireland ([GFA0023](#))

85 See previous reference

86 [Q241](#)

87 Alliance Party of Northern Ireland ([GFA0023](#))

88 Mr Niall Robb (PhD Researcher at Queen’s University Belfast); Benjamin Rosher (PhD Researcher at Queen’s University Belfast); Frances Neilson (PhD Researcher at Queen’s University Belfast); Mylie Brennan (PhD Researcher at Queen’s University Belfast) ([GFA0028](#))

89 Emma DeSouza ([GFA0029](#))

captured 13.5% of the popular vote but won 18.8% of Assembly seats.⁹⁰ In the Executive, the procedure used for appointing the Justice Minister has meant that the Others have at times been over-represented. During the 2011–2016 Assembly, for example, the Other designation accounted for 8% of Assembly seats but accounted for 15% of ministers in the Executive; the UUP and SDLP had won more seats than Alliance in the Assembly but were allocated fewer portfolios in the Executive.⁹¹

47. Nonetheless, as Dr Lisa Whitten, writing for the Institute for Government, has recently argued: “If recent trends continue [...] Northern Ireland could quickly be in a situation whereby the operation of government is contingent on choices made by a split minority (unionist + nationalist) despite and against the desire of the lesser-represented majority (neither).”⁹² Dr Haughey elaborated on a similar scenario:

A situation could arise in which the Alliance Party is not entitled to nominate the dFM despite emerging as the second largest party in the Assembly. All else being equal, had Alliance taken five more seats from the DUP at the last election - leaving Alliance on 22 seats and the DUP on 20 - Alliance would not have been entitled to nominate the dFM. The DUP would have fewer seats than Alliance in this scenario, however it would still be in the larger bloc/designation and, as such, be entitled to nominate the dFM. Citizens in Northern Ireland, particularly those who identify as Other, would likely question the democratic credentials of the system if such a scenario were to arise.⁹³

48. **Cross-community safeguards were a fundamental aspect of the Strand One institutions’ design. They recognised and accommodated the politics of a deeply divided, post-conflict society and were undoubtedly fundamental to securing agreement between Unionist and Nationalist parties in 1998. With an understanding drawn from that time, the institutions have facilitated successfully cross-community government and we recognise the continued importance of Unionist/Nationalist representation to the legitimacy of government in Northern Ireland and the wider stability of the region. However, there is an emerging sense that “cross-community” should take account of the growing section of Northern Ireland society which does not identify as either Unionist or Nationalist. In this sense, it is difficult to maintain that the institutions truly deliver cross-community governance when a significant—and growing—number of elected representatives do not enjoy the same powers within the institutions as their Unionist/Nationalist-designating colleagues.**

Stability

49. Our second metric for determining the success of the institutions was stability. As already outlined, the institutions have been dormant for some 40% of the time they have been in existence and have been characterised by a “start-stop” dynamic.⁹⁴ As Dr Haughey set out:

90 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

91 See previous reference

92 Institute for Government, *Constitutional Change in Northern Ireland* (August 2023), p. 26

93 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

94 Dr Joanne McEvoy (Senior Lecturer at University of Aberdeen); Professor Allison McCulloch (Professor at Brandon University) ([GFA0019](#))

In light of the fact that Northern Ireland has had functioning institutions for only two of the past six years, it would be difficult to make the case that the strand one institutions have delivered stable government. The system as it is currently constituted effectively provides one political party (Sinn Féin in 2017, for example, or the DUP in 2022) with a veto over government formation.⁹⁵

Dr McEvoy and Professor McCulloch argued that such a veto—whereby either of the largest parties from the Unionist/Nationalist blocs refuses to nominate a First or Deputy First Minister—has the effect of “paralyzing the whole process for everyone else” and has become a “major source of government ineffectiveness,” while thwarting cross-community cooperation.⁹⁶ Furthermore, as the Centre for Cross Border Studies said to us:

Such instability not only prevents the proper functioning of the Strand One institutions that leaves people without a local government, and departments and civic society organisations without budgetary certainties; it also prevents the North South Ministerial Council operating and means Northern Ireland has no Executive presence at the British Irish Council.⁹⁷

These latter points will be explored further in chapters 4 and 5.

50. Even periods of relative stability, such as between 2007 and 2017, saw serious crises that threatened the viability and limited the effectiveness of the institutions: in 2008, Sinn Féin refused to attend meetings of the Executive for five months and the DUP operated a system of “rolling resignations” in 2015.⁹⁸ Alan Whysall also pointed to stand-offs stemming from disputes over flags in 2012 and welfare provision in 2014.⁹⁹ Indeed, in light of the current crisis, Professor Colin Murray of Newcastle University and Anurag Deb of Queen’s University Belfast argued:

At the core of the problem is that the most important parties do not currently regard an election forced on them by Westminster legislation as a particular threat. The DUP’s refusal to re-enter power-sharing until it is satisfied that the Northern Ireland Protocol has been scrapped, or radically overhauled, has secured its core vote, but it has also galvanised support for Sinn Féin and the Alliance Party in their opposition to the DUP.¹⁰⁰

As Pivotal put it to us:

Even when the institutions are in place, they are frequently under threat of collapse. Disputes dominate the political discourse leaving little room for addressing day-to-day policy issues. Often the atmosphere is more one of contest than coalition. There is little resilience in the system to withstand or resolve major disagreements between the two largest parties.¹⁰¹

95 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

96 Dr Joanne McEvoy (Senior Lecturer at University of Aberdeen); Professor Allison McCulloch (Professor at Brandon University) ([GFA0019](#))

97 Centre for Cross Border Studies ([GFA0012](#))

98 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

99 Alan Whysall (Honorary Senior Research Associate at Constitution Unit, University College London) ([GFA0035](#))

100 Professor Colin Murray; Anurag Deb ([GFA0052](#))

101 Pivotal ([GFA0033](#))

51. There is broad consensus that the Strand One institutions are unstable and prone to collapse. The current system of nomination to the positions of First Minister and Deputy First Minister gives, in effect, a single party a veto over Executive formation and thus the continued functioning of democratic government in Northern Ireland. It also prevents the proper functioning of the institutions under Strands Two and Three of the Agreement. There is also consensus that even when functioning, the threat of collapse looms large over the institutions, with a pervasive culture of dispute rather than business-like cooperation. It is also apparent that there is insufficient incentive for parties to avoid exercising their power of veto. The result is a highly temperamental system of government.

Effectiveness

The Assembly in context

52. For our third metric of the success of the institutions, we asked how “effective” government has been in Northern Ireland under the terms of the Agreement. We chose not to define ‘effective’ so as not to prejudice written submissions and witnesses’ understanding of what constitutes such government. Some submissions did address the definitional issue directly, however, and this serves as useful context for this section. McEvoy and McCulloch submitted: “Effective government can be understood in relation to the provision of public goods and the delivery of services; in short, a government’s ability to ‘get things done.’” They advanced that while there are many different ways to measure government effectiveness, a useful place to start would be to assess the Assembly’s legislative record as this “tells us something about the success of that system in treating public problems.” They suggested three different measures, the:

- number of acts passed, and the range of issues legislated on;
- frequency of the use of the Petition of Concern and the range of issues vetoed through its use;
- number and range of pressing social issues not introduced into the legislative record.¹⁰²

53. Using these metrics, evidence suggests a more mixed record of performance than perhaps expected from institutions which have such stringent cross-community safeguards and have shown themselves to be so unstable. McEvoy and McCulloch found that not only were a wide range of issues legislatively addressed, but that the volume of legislation was both consistent over time and comparable with the respective outputs from the devolved institutions in Scotland and Wales—neither of which employ cross-community safeguards.

102 Dr Joanne McEvoy (Senior Lecturer at University of Aberdeen); Professor Allison McCulloch (Professor at Brandon University) ([GFA0019](#))

Table 1: Acts of the Northern Ireland Assembly, 1999–2022

| 1999–2002 | 2007–2011 | 2012–2016 | 2020–2022 |
|-----------|-----------|-----------|-----------|
| 36 | 70 | 67 | 45 |

Source: Dr Joanne McEvoy (Senior Lecturer at University of Aberdeen); Professor Allison McCulloch (Professor at Brandon University) ([GFA0019](#))

Dr Haughey also made use of these figures, pointing out that from 2011 to 2016, the Assembly passed a total of 67 bills, in contrast to the National Assembly for Wales—now the Senedd—which passed 28 bills and the Scottish Parliament, which passed 79.¹⁰³ Indeed, during the 2007–2011 mandate, the Assembly was the most legislatively active devolved legislature in the UK.

54. From McEvoy and McCulloch’s analysis, we can see an active legislature in areas such as:

- public service provision, including health, housing, and pensions;
- economic development, including business improvement districts, construction contracts, and tourism;
- transport and infrastructure initiatives, including roadworks and rail safety.¹⁰⁴

This was corroborated by Pivotal, who praised the institutions for overseeing the growth of IT, pharmaceutical and agri-food sectors, promoting tourism and supporting the development of the film and TV industries.¹⁰⁵ Dr Haughey cited the number of Private Members’ Bills (“PMBs”) increasing with each mandate as further evidence for the Assembly “becoming a more confident, policy-active legislature,” with the most recent Assembly—2019–2022—witnessing the most PMBs passed since the institutions were established. He further cited cooperation between Executive departments and statutory committees in the scrutiny and amendment of government bills as evidence of the Assembly’s effectiveness in the last mandate.¹⁰⁶

55. In spite of their instability—owed in part to stringent cross-community safeguards—the institutions have shown that they can be effective in terms of legislative output. During periods of relative stability, by that metric the Assembly arguably outperforms its counterparts in Scotland and Wales. Evidence also shows that the institutions have presided over the development of key industries in Northern Ireland. We commend this achievement and recognise that the institutions can constitute an active legislature and that their work has led to good policy outcomes in certain areas.

The governance deficit

56. Despite these successes, much evidence laid bare the areas in which the institutions have had considerably less impact. Issues specific to Northern Ireland’s conflict legacy, as well as those relating to education, culture and sport, appear minimally on the legislative record. As Pivotal put it:

103 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

104 Dr Joanne McEvoy (Senior Lecturer at University of Aberdeen); Professor Allison McCulloch (Professor at Brandon University) ([GFA0019](#))

105 Pivotal ([GFA0033](#))

106 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

Outcomes across many areas of public services are poor [...] the longest health waiting times in the UK, persistent inequalities in education, low productivity, over-stretched infrastructure, a failure to adequately address climate change and an absence of reconciliation between communities.¹⁰⁷

They cited their 2020 report, *Good Government in Northern Ireland*, which identified a number of weaknesses in how the Executive operates:

- there is a lack of common purpose in the Executive;
- Ministers and Departments tend to operate individually rather than collectively;
- longer term decision-making is largely absent;
- tough choices are avoided if they are political contentious and/or will be unpopular with voters;
- there is little focus on performance in public services and whether improved outcomes are being delivered in the real world;
- continuous coalition means little accountability to voters about day-to-day policy issues.¹⁰⁸

57. Pivotal further cited how, despite clear recommendations in several independent reports, poor decision-making is evident through a continued failure to reconfigure how health services are delivered. Further examples included a lack of focus on climate change, little attention given to long-term investment in Northern Ireland's infrastructure and a failure of policy delivery in education, with the attainment gap persisting despite repeated reports and initiatives to help improve the situation.¹⁰⁹ This was a view shared by multiple submissions and witnesses. Evidence from sector-specific organisations provided illustrations of how institutional failures had left to significant deficits in policy development and outcomes in key areas.¹¹⁰ As former interim head of the Northern Ireland civil service, Sir David Sterling, remarked in oral evidence: "What we have seen in the last 25 years has been positive in many ways, but [...] it has not delivered us the good Government that we really need to tackle the many issues that we face."¹¹¹

58. The scale of the governance deficit is not lost on Northern Ireland's present political leadership. Characterising the consequences of the current impasse, leader of the SDLP, Colum Eastwood MP, commented:

A quarter of the population is on a hospital waiting list—and the lists are getting longer. It is scandalous: the health service has basically collapsed in Northern Ireland. It would embarrass a third world country. I have people in my constituency going to the credit union to borrow money so that they can get private healthcare, because there is no other way to get it [...] in the middle of all our identity politics and tribalism, we are forgetting the fact

107 Pivotal ([GFA0033](#))

108 See previous reference

109 See previous reference

110 Retail NI ([GFA0013](#)); Police Federation for Northern Ireland ([GFA0004](#)); Children in Northern Ireland (CiNI) ([GFA0025](#))

111 [Q211](#)

that we are actually elected. Sometimes in Northern Ireland, I think, we send messages rather than Ministers to Stormont, and that just does not serve us and has not served us very well.¹¹²

Leader of the UUP, Doug Beattie MLA, was unequivocal as he declared: “Society is crumbling [...]. Northern Ireland is really damaged,”¹¹³ while Sir Jeffrey Donaldson MP, Leader of the DUP, said that the biggest challenges for any incoming Executive would be reform of public services and addressing major budgetary pressures.¹¹⁴ Alliance leader, Naomi Long MLA, stressed the cumulative nature of the crisis: “As time goes on, the implications of the continued failure to restore the Executive become more and more serious [...]. By November this year [2023] we will be in a crisis that is, certainly in this year and possibly in the next three, irrecoverable. It gets worse with every passing month.”¹¹⁵

59. There is widespread agreement that the Northern Ireland civil service cannot fill the governance gap using the powers it was given under the Northern Ireland (Executive Formation etc) Act 2022. Guidance issued by the Secretary of State makes clear that “major decisions, including new policies, programmes or spending commitments, should normally be left for ministers, not civil servants.”¹¹⁶ As Dr Whitten comments, “empowering senior civil servants in Northern Ireland with regulation—making capabilities that are normally only available to ministers—represents [...] a challenge to established constitutional principles in the domestic setting and a challenge to democratic norms more universally.”¹¹⁷ In July 2023, head of the Northern Ireland civil service, Jayne Brady, wrote to the Secretary of State to make clear that her officials had reached the limits of their capacity when it came to making decisions in the absence of ministers.¹¹⁸

60. Public opinion on the current impasse and the strength of the institutions to deliver for Northern Ireland will be discussed in detail in Chapter 6, but it is worth emphasising at this stage the significant frustration expressed by some witnesses. Former Deputy First Minister, Mark Durkan, said: “The fact is that if people are electing an Assembly and, in turn, an Executive is serving in that Assembly, it must live up to its own responsibilities a lot more.”¹¹⁹ Asked what his former party leader and one of the principal architects of the Agreement, John Hume, would have made of the present situation, Colum Eastwood MP replied:

John would be frustrated, I think, because the principles that underpin the Good Friday agreement were about us all working in partnership and on common ground every day, and not walking away when things get difficult [...]. The whole point was to compromise, work the common ground, and do that every day. When you did not get what you wanted, you were not supposed to just walk away and pull the whole edifice of government down. The idea that almost the first response is to pull the very structures of government down would appal him.¹²⁰

112 [Q368](#)

113 [Q363](#)

114 [Q297](#)

115 [Q336](#)

116 Pivotal, *Governing without government: the consequences* (September 2023), p. 3

117 Institute for Government, *Constitutional Change in Northern Ireland* (August 2023), p. 21

118 “Stormont budget: Top civil servant says departments have reached cuts limit,” BBC News, 11 July 2023

119 [Q244](#)

120 [Q367](#)

61. **The Strand One institutions have failed to address a number of critical policy issues in Northern Ireland. There is broad consensus that a deficit of governance has—and continues to have—a detrimental impact on policy development and outcomes. Such a deficit can be rectified only by elected representatives in Northern Ireland, and not by their counterparts in Westminster or civil servants.**

Structural weaknesses and political neglect

62. In addressing the root causes of the Strand One institutions' failings, Alan Whysall argued:

Very little attention was given in the Agreement negotiations to providing for effective government. They were focused on resolving the political conundrum of accommodating unionists and nationalists within the political system. There was no doubt too ready an assumption that if, with that resolved, devolved government could be established, effective performance would follow. This has not proved to be the case.¹²¹

Accordingly, submissions and witnesses identified a number of structural aspects of the institutions that have led to poor efficacy, compounded by the political turmoil that pervades policymaking in Northern Ireland.

Veto

63. In addition to the effective veto over government formation and that provided by cross-community voting procedures, the Agreement also intended that a Petition of Concern ("PoC") could be raised by 30 MLAs to refer an Executive decision to a Special Procedure Committee to examine whether the decision was in line with the European Convention on Human Rights, or—as was then envisioned—a forthcoming Northern Ireland Bill of Rights.¹²² If successful, a PoC could then require the measure to be approved by the Assembly on a cross-community basis. However, as Emma DeSouza explained in her submission:

The Petition of Concern was never implemented as required by the Belfast/Good Friday Agreement and Northern Ireland Act, largely due to the way the Act and Standing Orders of the Assembly were drafted and applied. The Special Procedure Committee has never been established following a Petition of Concern. Instead of being a mechanism linked to equality and human rights compliance the Petition instead became a vehicle that was deployed to block equality and rights initiatives and for party political purposes.¹²³

121 Alan Whysall (Honorary Senior Research Associate at Constitution Unit, University College London) ([GFA0035](#))

122 Institute for Government, [Constitutional Change in Northern Ireland](#) (August 2023), p. 17

123 Emma DeSouza ([GFA0029](#))

Table 2: Uses of the Petition of Concern, 1999–2022

| 1999–2002 | 2007–2011 | 2012–2016 | 2016–2017 | 2020–2022 |
|-----------|-----------|-----------|-----------|-----------|
| 7 | 33 | 118 | 1 | 0 |

Source: Dr Joanne McEvoy (Senior Lecturer at University of Aberdeen); Professor Allison McCulloch (Professor at Brandon University) ([GFA0019](#))

Witnesses pointed to the prevalent misuse of the PoC procedure. As Table 2 shows, the 2012–2016 session saw 118 PoC uses on 42 separate pieces of legislation, 70% of these relating to identity and legacy issues, but a new tendency to block equality issues beyond the ethnic divide emerged—specifically on marriage equality, abortion, and welfare reform.¹²⁴

64. As outlined in Chapter 1, this problem was addressed through the New Decade, New Approach (“NDNA”) agreement, with legislative effect partially progressed through the Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022. Under the Act, PoCs now require support from two or more parties, with misconduct sanctions against Ministers and MLAs no longer within scope and a requirement for reasons to be given when tabling a PoC.¹²⁵ As such, use of the mechanism has declined rapidly. However, as the Committee for the Administration of Justice (“CAJ”) argued, parties have found alternate means of vetoing decisions:

The ‘St Andrews Veto’ continued to be used regularly since NDNA. This veto relates to the changes made to the structures under the B/GFA further to the 2006 St Andrews Agreement. This augmented the role of the NI Executive to require most ministerial decisions to additionally obtain the support of the full Executive if they were ‘controversial’ or ‘significant’ and outside of the Programme for Government. Further changes under the St Andrews Agreement meant that three ministers could require an Executive vote to be taken on a ‘cross community’ basis (in which ‘Other’ Ministers have no vote).¹²⁶

As Dr Haughey explained, in 2020, even against the backdrop of a public health emergency, Ministers disagreed openly about the necessity of public health restrictions and—on at least two occasions—attempts by the Health Minister to introduce public health restrictions were blocked following a cross-community vote in the Executive.¹²⁷ According to the CAJ, the veto has been used on four other occasions since NDNA, including in three votes in April 2020 which blocked provision for access to abortion services in the early stages of the pandemic.¹²⁸ Alan Whysall was unambiguous on this point: “Good government issues, even ones like health that attract great public attention, have always been secondary

124 Dr Joanne McEvoy (Senior Lecturer at University of Aberdeen); Professor Allison McCulloch (Professor at Brandon University) ([GFA0019](#))

125 Committee on the Administration of Justice (CAJ) ([GFA0045](#))

126 See previous reference

127 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

128 Committee on the Administration of Justice (CAJ) ([GFA0045](#))

in the Northern Ireland political culture to the traditional battlegrounds.”¹²⁹ As McEvoy and McCulloch explained, there is undoubtedly “a heightened risk of government ineffectiveness when policy issues take on a communal hue.”¹³⁰

‘Mandatory coalition’

65. As outlined in Chapter 1, having met the d’Hondt threshold, parties automatically enter the Executive in a so-called ‘mandatory coalition,’ rather than having first negotiated their membership with other parties, as in other systems of government. Former First Minister, Baroness Foster of Aghadrumsee, told us:

We did not have the best, effective Government in Northern Ireland, because we had a mandatory coalition and different people were looking for different things out of government, and therefore there were all of those battles.¹³¹

Baroness Foster was referring to what Dr Haughey described to us as “a trade-off between inclusivity and effectiveness” within the Executive. Some, including Sir David Sterling, took issue with this term, pointing to the fact that parties can choose to waive their entitlement to join the Executive and instead form an opposition.¹³² However, as Dr Haughey and others argued, there are strong incentives for parties to take up their d’Hondt allocation and as such the Executive often sees usually large coalitions comprising four to five parties.¹³³

66. Some witnesses cited the unsatisfactory development of a Programme for Government (“PfG”) in recent years as symptomatic of this trend. As Retail NI observed:

Most multi-party coalition governments across Europe agree their Programme for Government first and then agree which ministries each party gets. In Northern Ireland we do it the other way around. This has led to a departmental silo mentality, little or no collective responsibility and a lack of joined up Government in the Northern Ireland Executive.¹³⁴

There has been no PfG in place since 2016, which, according to Emma DeSouza, has left the Executive without an agreed set of specific goals, a shared vision, or work programme.¹³⁵

67. Witnesses further explained that the structure of the Strand One institutions is not conducive to good policy outcomes. As Sir David Sterling and fellow former senior NI civil servants, Sir Malcolm McKibbin and Dr Andrew McCormick, recalled of their time working within the institutions:

The checks and balances built into the design of the institutions made it difficult to take forward policy initiatives that would be routine in other jurisdictions, meaning that too often the process defaulted to the status quo

129 Alan Whysall (Honorary Senior Research Associate at Constitution Unit, University College London) ([GFA0035](#))

130 Dr Joanne McEvoy (Senior Lecturer at University of Aberdeen); Professor Allison McCulloch (Professor at Brandon University) ([GFA0019](#))

131 [Q248](#)

132 [Q214](#)

133 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

134 Retail NI ([GFA0013](#))

135 Emma DeSouza ([GFA0029](#))

or the lowest common denominator, unless the two largest parties agreed on an issue or policy and voted it through at the Executive. The rules on cross-community consent made it possible for one side or the other to block proposals for change, or to stifle change as many ideas had no prospect of being agreed. Too often important changes were simply “parked” because the parties would neither agree nor reject them.¹³⁶

Relationships and political will

68. Despite this significant body of opinion, there was also the view that, irrespective of the institutions’ design, their proper functioning depends on the representatives working within them. Lord Alderdice told us:

You can have a pretty ropey structure that works because people establish working relationships; you can have a marvellous structure that does not work, because people do not have working relationships. To me, that is absolutely the key thing, and at the moment, my perspective would be that the relationships are not in a good place at all—at all.¹³⁷

This was echoed by the Centre for Cross Border Studies, which stressed even “the most intricate and well-designed institutions will not function if those who inhabit them are not fully and actively supportive of all of their constitutive elements and functions and of the Agreement that established them.”¹³⁸ Ann Watt, Director of Pivotal, added:

The Good Friday Agreement was all about good faith, partnership and everybody stretching themselves and working together [...]. We have lost that attitude of partnership, of trust and of trying to take a constructive and businesslike approach to making the institutions work.¹³⁹

69. Some witnesses were keen to emphasise the fundamentality of relationships and working practices over structural inadequacies. McKibbin, Sterling and McCormick reflected that “the stable and effective operation of the institutions depends fundamentally on leadership,”¹⁴⁰ while the Centre for Cross Border Studies argued that instability and poor outcomes “is not due to the design of the Strand One institutions but rather to a lack of political will and leadership.”¹⁴¹ The issue of institutional versus behavioural reform will be explored in detail in the next chapter.

70. The absence of political will to make the institutions work is also evident in what Lisa Whitten has described as Northern Ireland’s “implementation gap.” Citing the numerous successor agreements since 1998—the status of which sits ambiguously between a domestic memorandums of understanding and bilateral UK–Ireland treaties—she holds that their successful implementation “generally depends on political will, on the part of the two guarantor governments, and on political consensus between governing parties in the Northern Ireland.”¹⁴² Such agreements, such as St Andrews in 2006, addressed

136 Sir David Sterling; Sir Malcolm McKibbin; Dr Andrew McCormick ([GFA0022](#))

137 [Q249](#)

138 Centre for Cross Border Studies ([GFA0012](#))

139 [Q154](#)

140 Sir David Sterling; Sir Malcolm McKibbin; Dr Andrew McCormick ([GFA0022](#))

141 Centre for Cross Border Studies ([GFA0012](#))

142 Institute for Government, [Constitutional Change in Northern Ireland](#) (August 2023), p. 17

contemporaneous political disputes and structural deficiencies within the institutions, but, argues Dr Whitten, generally did not contain “robust enforcement mechanisms or established means for monitoring implementation.”¹⁴³ She elucidates further:

What this has meant is that, once the Northern Ireland institutions are back up and running on the foot of a successor agreement, there is limited pressure on, or scrutiny of, authorities as regards the delivery of commitments made therein. As a result, substantial policy issues that have been at the centre of political disputes and institutional collapses since 1998 have been ‘addressed’ in successor agreements, yet delivery of the related policies is, at least in some instances, still pending or has not been implemented in line with the terms of the relevant agreement.¹⁴⁴

The same could indeed be said for the 1998 Agreement itself, which, as above, foresaw the creation of a Northern Ireland Bill of Rights, but with little progress made in that regard 25 years on. Commenting in oral evidence, Doug Beattie MLA remarked:

There were many things that did not happen with the Belfast/Good Friday agreement. That nirvana was not there. One of the biggest problems from 1998 onwards is that the UK Government, the Irish Government and others took the foot off the accelerator. They thought in 1998, “Here we have a deal. That is it. We have skinned this rabbit. We have fixed it”. Actually, no, it was a process that needed to be nurtured with all its frailties.¹⁴⁵

Mr Beattie further characterised the successor agreements as “sticking plasters,” while Alan Whysall made use of the adage: “Belfast once launched ships, now we launch strategies.”¹⁴⁶ Commenting on the oversell success of the Agreement, Lord Alderdice said: “There were two processes that overlap. One was a peace process and the other was a political process [...]. That is over. For me, one of the failings was people continuing to talk about a peace process when, actually, we were talking about a political process, which is a different kind of thing altogether.”¹⁴⁷

71. While the design of the institutions—primarily through the use of vetoes and a system of mandatory coalition—stymies the effectiveness of government in Northern Ireland, we also recognise that the success of the institutions in turn depends on the political will of the actors who inhabit them and the working relationships between those actors. Structural weaknesses do not make the institutions inherently ineffective, but when compounded with political realities in Northern Ireland, a poor and highly unsatisfactory record is likely. The achievement of good government in Northern Ireland is a process rather than an event, and too often successor agreements have been seen merely as a means to end impasses and not as binding obligations to deliver on promised outcomes.

143 See previous reference

144 See previous reference

145 [Q340](#)

146 Alan Whysall (Honorary Senior Research Associate at Constitution Unit, University College London) ([GFA0035](#))

147 [Q245](#)

3 Strand One - options for reform

72. This inquiry was launched in October 2022 at a time when the institutions had not been functioning for almost nine months. At its launch, we asked what reforms might be made to the institutions such that they might be able to better address the challenges that face Northern Ireland today. At the time of publication—some thirteen months later and during a period presenting immense policy challenges for all administrations within the UK—it is still unclear when they will return. What follows is a discussion of the various reforms that could be made to the institutions, but at the outset **we wish to reemphasise that substantial reform of the institutions can take place only with sufficient agreement among the main parties in Northern Ireland, supported by the British and Irish governments.** There is also a role for the wider public in this process—discussion of which can be found in the final chapter. This being said, we believe that owing to the necessarily time-consuming and potentially protracted nature of initiatives to reform substantially the institutions, there are steps which could be taken by the UK Government in the short to medium term which, with the support of the Irish Government and the consent of the Northern Ireland parties, could improve the operability of the institutions and build momentum towards both their restoration and long-term stability.

Election of the Speaker

73. During our inquiry we heard the argument that cross-community voting within the Institutions could be removed in favour of a supermajority vote in certain cases, despite differing opinion on the scope and application of reforms to community designation as a whole. Currently, the Speaker of the Assembly is elected on a cross-community basis, requiring support from a majority of Nationalist and Unionist members. We heard calls for reform to this system to “ensure the survival of the Assembly during periods of Executive instability.”¹⁴⁸ The SDLP argued that elements of the institutions, including the Assembly Commission, clerks, Deputy Speakers, Business Committee, Procedures Committee and Assembly Executive Review Committee, incorporate cross-community safeguards and “have a role in conditioning and informing the role of the Speaker in both the Assembly’s corporate regard and Chamber proceedings.” Further, the Speaker does not have a role in overseeing government or have any policy making, budgetary or legislative powers and, as such, “experience, convention and ancillary workings of Assembly business mean that the operationally non-partisan Speaker’s post no longer needs to be subject exclusively to cross-community support as outlined in the original Agreement.”¹⁴⁹

74. New Decade, New Approach allowed caretaker ministers to remain in office for several months after the collapse of the Executive Office. Such ministers remained in power and answerable to the Assembly between February 2022, when the Executive collapsed, and May of that year. From May until October 2022, however, ministers were in power but largely unaccountable as the committee system dissolved with the rest of the Assembly for the May election. The failure to elect a Speaker to the subsequent Assembly meant that a new committee system could not be established. Dr Haughey suggested that action should be taken to ensure the continued survival of the Assembly in the event of Executive collapse, for at least as long as caretaker ministers are in power—or in fact longer, as Colum Eastwood MP proposed:

148 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

149 Social Democratic and Labour Party ([GFA0053](#))

We could have an Assembly tomorrow morning. We could have Committees. We would not have Ministers, but if we could see the institutions of the Good Friday agreement almost all working apart from having executive power utilised by an Executive, it would be very difficult for the DUP to stay out at that point, and at least you would have some semblance of democracy operating.¹⁵⁰

75. Following the Assembly elections in May 2022, the nomination for Patsy McGlone MLA as Speaker was supported by 71% of MLAs and had the backing of the Ulster Unionist Party, Sinn Féin, the SDLP, the Alliance Party, People Before Profit, and an independent unionist MLA.¹⁵¹ Despite his strong and cross-community support base, Mr McGlone was not elected because of the DUP's opposition, which amounted to a veto in this instance. Naomi Long MLA characterised this as "a classic example of why the current structures are fundamentally flawed."¹⁵² Doug Beattie MLA exercised caution against what might be seen as an easy fix, however:

If we arbitrarily changed the rules for the election of Speaker so we could do business—it is an attractive thing to do and I get that, because I want Government up and running now—we leave ourselves open for people to then not take part in any of that stuff. Our committees would become lesser due to people being against this arbitrary change purely because the DUP are stopping that Speaker. We did not look at this as an outcome when Sinn Féin collapsed Stormont for three years. We did not look at how we could progress it then and it would be a little unfair to try to change it now.¹⁵³

76. The SDLP argued, nonetheless, that precedent for a supermajority threshold already exists within the 1998 Agreement and the endorsement of two thirds of the Assembly was accepted in the 1998 Act as sufficient threshold for collectively mandating the calling of an Assembly election: "If parties in the Northern Ireland Assembly have, in effect, accepted that a threshold of two thirds of all members [is] sufficient consensus the same measure should be sufficient consensus to avoid Assembly stagnation or to avoid an unnecessary election."¹⁵⁴

77. We understand the cautionary arguments against short-term reform to the process for the election of the Speaker. In previous instances of institutional boycott, the possibility of reforming the thresholds for electing key institutional roles such as Speaker of the Assembly was not seriously considered. This, coupled to the passing of time, is insufficient reason to preclude limited, purposeful intervention to make the institutions more operable in times of crisis for Northern Ireland, when stable and effective government is perhaps needed more than ever. The ability of the Assembly to elect a Speaker is fundamental to this and we see it as a priority that the Assembly has a Speaker in place as soon as possible.

150 [Q383](#)

151 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

152 [Q320](#)

153 [Q359](#)

154 Social Democratic and Labour Party ([GFA0053](#))

78. *We recommend that the Government, in close consultation with the Government of Ireland and the Northern Ireland parties, legislates to amend the Northern Ireland Act 1998 such that the Speaker of the Northern Ireland Assembly is elected by MLAs on a supermajority basis of two-thirds. This change should take effect as soon as practicable.*

Executive formation

Joint First Ministers

79. Another proposal, which garnered significant support, was to rename the First and Deputy First Ministers as ‘Joint First Ministers.’ As Alan Whysall argued both in written evidence and for UCL’s Constitution Unit: “Objectively, the change has merit: the offices have precisely equal and joint powers (and salaries) and there is no obvious reason why one of the holders should be styled ‘deputy.’”¹⁵⁵ An alternative proposal for a single First Minister, drawn from the largest Assembly party, was proposed by political scientist Professor Jon Tonge as a means to “ease political tensions and certainly diminish grandstanding and collapsibility.” However, accepting that this was an unlikely outcome, Professor Tonge concurred with Whysall, that a jointly-held title would “accurately reflect their power and status.”¹⁵⁶

80. Michael Palmer, a Unionist resident of Newtownards, pointed out to us in written evidence that the public perception that the First Minister is more powerful manifested significantly at Assembly elections, which he said affects voting intention.¹⁵⁷ Such a change was widely advocated across written and oral evidence, including Alliance and the SDLP, with Doug Beattie MLA also implying the UUP’s support in oral evidence: “It makes no sense whatsoever having a First and Deputy First Minister. They are joint roles,” he told us.¹⁵⁸

81. The position of the two largest parties on this possible change, to whom it would most directly apply at least in the short term, is somewhat less clear. Under the leadership of Martin McGuinness in Northern Ireland, Sinn Féin were prepared to rename the titles in 2011—even when it appeared that they might become the largest party in that year’s elections—and again in 2015.¹⁵⁹ While it is unclear what the position on this issue is of their Vice-President and current leader in Northern Ireland, Michelle O’Neill MLA, she regularly used the term ‘Joint Head of Government’ to refer to herself when she was Deputy First Minister alongside Baroness Foster, who told us that “One cannot act without the other. That is key to how things have developed over the past 25 years.”¹⁶⁰ We regret that Ms O’Neill declined our invitation to give evidence to this inquiry and was not able to provide clarity on Sinn Féin’s position. While the DUP rejected outright any change to the titles in January 2022,¹⁶¹ following the most recent election such a change might, argued Alan Whysall, “help the DUP or UUP win acceptability among unionists for taking office despite not becoming the largest party and so gaining the First Minister post.”¹⁶²

155 The Constitution Unit, University College London, [Northern Ireland’s Political Future](#) (May 2022), p. 68

156 Professor Jonathan Tonge (Professor of British and Irish Politics at University of Liverpool) ([GFA0002](#))

157 Mr Michael Palmer ([GFA0003](#))

158 [Q358](#)

159 The Constitution Unit, University College London, [Northern Ireland’s Political Future](#) (May 2022), p. 68

160 [Q257](#)

161 “DUP rejects Joint First Ministers proposal for Stormont,” Irish News, 22 January 2022

162 The Constitution Unit, University College London, [Northern Ireland’s Political Future](#) (May 2022), p. 68

82. Mark Durkan also told us that the symbolism of a joint office has particular importance in times of crisis, such as during the Covid pandemic:

Arlene [Foster] and Michelle O'Neill were able to jointly handle a lot of the controversies during covid, hold press conferences and stand together in the Assembly when some very difficult choices were being made. That worked very well. I don't think it would have worked as well—we would have navigated our way through those issues, but we would have got bogged down in a lot more controversy—if we didn't have that level of joint working.¹⁶³

He further suggested that the jointness of the office contributes to attracting overseas investment in Northern Ireland: “We increasingly want to be promoting Northern Ireland as a special place, rather than always lobbying for it as a special case.”¹⁶⁴ Baroness Foster concurred, concluding in regard to the positions:

The reality is that it is a joint ministry. To give confidence at a particular point in the process, it was important for Unionists to identify with the First Minister [...]. However, the reality has always been—I have always been very open about this—that the office is a joint one. People may now feel that joint First Ministers is a good move. For what it is worth, I absolutely agree with Mark that the symbolism of two people from two different backgrounds going out to sell Northern Ireland as a place to invest in, to visit and to be educated in is very powerful.¹⁶⁵

83. **Despite what political realities may have dictated in 1998, there is no justifiable reason why the titles of First Minister and Deputy First Minister should not be formally known as ‘Joint First Ministers.’ There is little dispute over the equal powers of the offices and there is consensus that the separate titles can infer a senior and a junior, with potentially distortionary electoral consequences. There is also agreement that the when the Executive Office functions well, the First Minister and Deputy First Minister are seen to be acting jointly in the best interests of Northern Ireland. The misleading titles ascribed to these roles run the risk of positive power-sharing outcomes being diluted. Furthermore, an accurate representation of the jointness of the offices would, 25 years on, reinforce the Agreement’s principle of parity of esteem between the two main communities and send a signal that the Executive Office acts in the interests of them both. This could begin to restore faith in the institutions at a time of crisis.**

84. *We recommend that the titles of First Minister and Deputy First Minister be renamed ‘Joint First Minister’. Accordingly, the Government, in close consultation with the Government of Ireland and the Northern Ireland parties, should legislate to amend the Northern Ireland Act 1998 to that effect, with the change coming into force at the beginning of the next Assembly mandate.*

163 [Q259](#)

164 [Q259](#)

165 [Q261](#)

Nomination procedure

85. While a change to the title of the two offices might be largely symbolic, albeit important, several proposals were also made to us for reforming the nomination procedure for the two First Ministers. As a baseline, there was agreement from the SDLP, Alliance and others¹⁶⁶ that the changes brought in by the St Andrews Agreement in 2006 were detrimental to the future success of the institutions. As Mark Durkan put it to us:

St Andrews did big damage. It reduced the true jointness of the office. It also relegated the Assembly's corporate standing under the Good Friday agreement text. The Assembly is meant to be the prime source of authority over all devolved responsibilities [...] After St Andrews the Assembly got increasingly relegated.¹⁶⁷

As such, some favoured a reversion to the arrangement by which the First and Deputy First Ministers were elected by the Assembly on a joint slate, with cross-community support, as was the case until 2007. Proponents of this approach argued that it would embody the principle of collaboration in government; “whereas the post-2007 arrangements posit opposing camps within politics and society,” as Mr Whysall put it.¹⁶⁸

86. Some submissions went further, however, advocating for a system of ‘boycott-proof’ nomination to the roles. Alliance made the case as follows: in a situation whereby the party eligible to nominate a First Minister declines to do so, the 1998 Act could be amended to permit the entitlement to be passed to the next largest party. Should a party wish to refuse its entitlement, it could do so without exercising an effective veto on Executive formation. Such a system would be consistent with how the d’Hondt system is currently used to fill ministerial positions other than First Ministers in the Executive. Dr Haughey thought this would be an improvement; but he noted that:

it would not fully protect against paralysis or obstructionism. There would be nothing to stop a party, for example, from nominating an FM or dFM only to resign and then reappoint said minister repeatedly (similar to what the DUP did with its portfolio ministers in 2015). Alternatively, a party's nominee could take up their post as FM or dFM and then refuse to participate in Executive meetings (as Sinn Féin did in 2008).¹⁶⁹

Indeed, as Mr Whysall pointed out, such an approach would be likely to lead to “either a Unionist or a Nationalist not being at the top table, which in present circumstances means the Executive would struggle for acceptability.”¹⁷⁰

87. An alternate option, advocated by the SDLP, was to revert to the election of First Ministers on a joint slate, but with a supermajority of two-thirds required in the Assembly instead of a cross-community vote under the parallel consent or weighted majority procedure. They argued that these latter thresholds have proven too problematic a barrier to Executive formation than should be acceptable and as such it would “be constructive to broaden the options for measuring support for joint election of First Ministers,

166 See, for example: Centre for Cross Border Studies ([GFA0012](#)); NI Conservative & Unionist Party ([GFA0032](#))

167 [Q258](#)

168 The Constitution Unit, University College London, [Northern Ireland's Political Future](#) (May 2022), p. 68

169 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

170 Alan Whysall (Honorary Senior Research Associate at Constitution Unit, University College London) ([GFA0035](#))

speakers and other symbolic votes, beyond parallel consent [...] and could help to limit the excessive emphasis on constitutional identity.”¹⁷¹ While no explicit cross-community safeguard would form part of the procedure, a supermajority of say two thirds would, as Dr Haughey argued, “be tantamount to demonstrating a form of cross-community support.”¹⁷² Colum Eastwood MP put it to us in oral evidence that such a “direction of travel” could begin to lead the institutions “away from designation,” but it “has to be done properly and carefully.”¹⁷³

88. The change in nomination procedure for the offices of First and Deputy First Ministers resulting from the St Andrews Agreement in 2006 undermined the core principles of the Agreement. The offices are held jointly and their powers are equal. The nomination procedure instituted in 1998 was designed to reflect this and the Assembly’s position as the prime source of authority in Northern Ireland. It is also clear that the present system of nomination enables either of the two largest Assembly parties to prevent the formation of an Executive by refusing to nominate for the position to which they are entitled, with no means of overcoming the instability this creates. We also recognise that to revert to the pre-2007 arrangement of a cross-community vote to elect the First and Deputy First Ministers would also likely result in an effective veto for either of the two largest parties. However, there is precedent within the Agreement for key votes in the Assembly to be taken on a supermajority basis, rather than through either parallel consent or weighted majority, to demonstrate a form of cross-community support for nominees.

89. Therefore, we recommend that the Government, in close consultation with the Government of Ireland and the Northern Ireland parties, legislates to amend the Northern Ireland Act 1998 such that the two holders of the office of Joint First Minister are elected by the Assembly on a supermajority basis of two-thirds, with nominations open to any two MLAs of any two parties who run on a joint slate. This change would take effect from the beginning of the next Assembly mandate.

Voluntary coalitions

90. Proposals for reforming the system of nominating First Ministers led us to consider the broader system of Executive formation, which, as noted in the previous chapter, has presented a number of barriers to achieving effective coalitions that produce good policy outcomes. Accordingly, as Professor Tonge explained, if a system were adopted whereby the two largest parties in terms of Assembly seats filled the two First Minister posts, with electoral percentage share determining the outcome in the event of a tie in seat numbers, and the third largest Assembly party was permitted to nominate for a post should either of the two largest parties decline to nominate or resign from post, the nature of coalition would be altered from mandatory coalition to a form of “qualified voluntary coalition.”¹⁷⁴ Such an arrangement would inherently broaden the definition of cross-community to include those designating as ‘Other’—a potentially desirable outcome—and disincentivise boycotts. As Tonge argued, it would remain impossible to have a single community Executive, and cross-community stipulations would be fulfilled in the novel sense of

171 Social Democratic and Labour Party ([GFA0053](#))

172 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

173 [Q381](#)

174 Professor Jonathan Tonge (Professor of British and Irish Politics at University of Liverpool) ([GFA0002](#))

guaranteed representation of two groups from the tripartite Unionist/Nationalist/Other designation system, represented at either First Ministerial level, or in remaining portfolios through the currently instituted d'Hondt system.

91. An alternative solution, which Dr Haughey outlined, would be to use designation quotas in the Executive:

The system could be designed so as to ensure that an equal number of nationalist, unionist, and Other ministers are present in the Executive (for example, three ministers per designation). It would be up to the parties themselves to negotiate membership of the coalition after an election. Any coalition arrangement which could command a majority in the Assembly could take office, provided there is 'tripartite community representation' in the Executive (nationalist, unionist, Other). This would maintain a system of power-sharing but would also give parties some latitude to negotiate the composition of a coalition.¹⁷⁵

Dr Haughey argued a quota system would have certain advantages over the status quo:

- coalitions would likely be smaller (probably comprising three parties) and therefore would not be as unwieldy as the five-party coalitions we tend to get at present;
- the formation of a substantial parliamentary opposition would also be more likely, since some relatively large parties would not be guaranteed a place in the coalition (as they tend to be with d'Hondt) and would therefore sit in opposition;
- the emphasis on tripartite representation in the Executive would also place Others on an equal footing with Nationalists and Unionists.¹⁷⁶

It is likely that there would be drawbacks, however, such as lengthy post-election negotiations and a scenario whereby representatives in the Executive might not necessarily be proportional to seats held in the Assembly, as is currently afforded by the proportional d'Hondt system.¹⁷⁷

92. One proposed solution was to strip back 'qualifications,' such as Executive quotas and requirements for bipartite or tripartite representation at First Ministerial level, and move to an entirely 'voluntary' coalition model. As with a qualified voluntary coalition, this would allow parties latitude to negotiate Executive formation following an election—only without any constraints imposed by community designation. Any prospective coalition could be subject to a vote of confidence by a supermajority of MLAs in the Assembly, as has been discussed earlier with the proposal for First Ministerial nominations. However, as McEvoy and McCulloch warned: "Though this method might be in line with coalition formation procedures elsewhere, in a divided society such as Northern Ireland it could be very difficult to achieve, potentially very time-consuming and politically contentious should the outcome leave out a leading nationalist or unionist party."¹⁷⁸

175 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

176 See previous reference

177 See previous reference

178 Dr Joanne McEvoy (Senior Lecturer at University of Aberdeen); Professor Allison McCulloch (Professor at Brandon University) ([GFA0019](#))

93. We note with interest various proposals for reforming the broader system of Executive formation. We believe that there is scope for a system which will allow for greater cohesiveness within a coalition but are acutely aware of the potential drawbacks of departing from ‘mandatory’ coalition as we currently see under d’Hondt. While mandatory coalitions can be unwieldy and impede the development and implementation of an Executive’s agenda, we consider it more important to Northern Ireland’s political stability in the short term to at least have an Executive in place in the first instance—hence our previous recommendation to broaden the criteria through which First Ministers can be appointed, without whom no further ministerial portfolios can be allocated. *As such, we recommend that the Government incorporates into the Review a full evaluation of how the present system of Executive formation might be reformed to increase coalition cohesiveness while maintaining cross-community representation.*

Community designation and voting

94. There was much discussion across submissions, and to an extent in oral evidence, about the utility and appropriateness of the community designation system within the institutions. As Professor Tonge set out for us, much of the difficulty associated with the proposals in the preceding section could be addressed by the removal of communal designations for MLAs, by which they are obliged to designate as Unionist, Nationalist or Other at the first sitting of the Assembly following an election. He argued:

The vast bulk of Assembly votes (81%) have been taken via simple majority since 1999, compared to 17% via cross-community mechanisms (40% of unionists and 40% of nationalists needing to support) and 2% via parallel consent (majority support required from unionists and nationalists). If majoritarianism applies for more than four-fifths of the time, why have communalism for 100%, it might be asked?¹⁷⁹

95. Professor Tonge broadly categorised two models of change. The first would remove community designation entirely for all votes within the Assembly and Executive. Akin to proposals for Executive formation above, he suggests a form of qualified majority voting, with a threshold of 65%, to ensure that legislation would attract substantial support from across the Assembly and not just from the elected representatives of one community.¹⁸⁰ The removal of designations was advocated by Alliance:

The requirement that new members of the Assembly designate upon signing in is unnecessary, imbeds division and creates instability within the institutions. The Good Friday Agreement provided a stepping stone for peace and prosperity in Northern Ireland, but it must be modified in line with the principles and values it was intended to foster: partnership, equality and mutual respect [...] there is no justification for the designation system continuing in the next mandate. This should, therefore, be the last mandate where designations are required.¹⁸¹

Such an approach had been proposed in the past, for example in the 1995 Framework Documents, but Alan Whysall emphasised that its implications could be highly contentious:

179 Professor Jonathan Tonge (Professor of British and Irish Politics at University of Liverpool) (GFA0002)

180 See previous reference

181 Alliance Party of Northern Ireland (GFA0023)

Some parties would fear plots to exclude them—perhaps particularly Sinn Féin. They would therefore press for high voting thresholds, high enough in all circumstances to avoid their exclusion, if they were prepared to entertain the idea at all. That would risk the possibility of creating even more obstruction to decisive government action, and perhaps making it more difficult to secure sufficient votes for First Ministers, or for an Executive.¹⁸²

Undeniably, as the Grand Orange Lodge of Ireland stressed in written evidence, dispensing with community designation “would be a fundamental departure from the architecture of the Belfast Agreement and would have profound political and legal repercussions for the political environment in Northern Ireland.”¹⁸³

96. Professor Tonge’s second model would remove communal designations for all votes, except those where it is requested by at least, say, 40% of MLAs. In the event of this threshold being met, MLAs would designate as Unionist, Nationalist, or neither Unionist nor Nationalist, with a vote then taking place on a cross-community basis in that particular instance, with the number of such requests being rationed for an Assembly term.¹⁸⁴ As Whysall points out, however, it is not inconceivable that any system that retains some form of community designation could fail to function owing to evolving voting habits. Indeed, “sufficient muscularity by the centre ground parties in the tactical use of designation could bring the issue to a head.”¹⁸⁵ He stresses, however, that the implications of particular thresholds, and particular variations on the designation system, need to be more thoroughly thought through.

97. Sir Jeffrey Donaldson MP did not dismiss the idea of reform outright. He said:

We should look at the voting mechanisms in terms of how the Assembly operates. We have suggested in the past that you could look at some kind of weighted majority vote system that is not necessarily based on designation but on Members in the Assembly, which would still have a cross-community element to it, because of the nature of the weight of the vote required.¹⁸⁶

The SDLP offered us the following analysis on removing community designations:

With greater numbers of MLAs who do not express a view on the constitution, such conversations are inevitable. Our proposals to make greater use of the threshold of two thirds of MLAs in both elections for Speaker and First Ministers reflects an acknowledgment that the mechanisms of double majority voting have reinforced mutual veto and dysfunction and there needs to be reform. Nevertheless, [...] we also know that Northern Ireland remains a society of divergent constitutional aspirations and identities—which is why we have a consociationalist system of Government in the first place. We are open to discussing proposals on reform, but will remain mindful of the need for our structures to properly reflect the identities and aspirations of all in this society.¹⁸⁷

182 The Constitution Unit, University College London, [Northern Ireland’s Political Future](#) (May 2022), p. 70

183 Grand Orange Lodge of Ireland ([GFA0021](#))

184 Professor Jonathan Tonge (Professor of British and Irish Politics at University of Liverpool) ([GFA0002](#))

185 The Constitution Unit, University College London, [Northern Ireland’s Political Future](#) (May 2022), p. 70

186 [Q300](#)

187 Social Democratic and Labour Party ([GFA0053](#))

98. We note with interest the lively discussion both within and without this inquiry regarding the future of community designation and its application to voting procedures in the Northern Ireland Assembly and Executive. As already acknowledged, Northern Ireland has changed since 1998 and the understanding employed by the Agreement of what should constitute cross-community government is in need of an update. There is merit in removing designations and, with safeguards, introducing, for example, qualified majority voting to ensure support throughout the Assembly. However, Northern Ireland remains a society with sectarian divisions and we believe that it would not be appropriate for us to pass judgment on the future of the overall role that community designation plays in the institutions. *While we believe reforms can—and should—soon be made which could improve the stability of the institutions in the short to medium term, we recommend that the Government incorporates into the Review a full evaluation of the effect of community designation in facilitating effective, stable and—in the broadest sense—cross-community governance in Northern Ireland.*

Behaviours and best practice

99. As we noted in the previous chapter, some witnesses stressed the need to address the cultures within Stormont—at least in the first instance—in the face of an ever-growing momentum towards institutional change. Mark Durkan said to us:

You can try to fix the physics, and then you discover the problem is the chemistry between people and parties. Or the chemistry is right, but then the physics of the rules is what gets in the way, trips people up or allows other parties to trip each other up. We really need to fix the lot, if we are honest about the sort of appraisals that have taken place in the context of the 25th anniversary.¹⁸⁸

Dr Anthony Soares, director of the Centre for Cross Border Studies, remarked on whether structural reform alone would be sufficient to address the problems with the Strand One institutions.

We can tinker around with things and make modifications, but unless the politicians who occupy this place actually make that declaration of support and have it as the first thing in their mind, things will not function.¹⁸⁹

Many submissions thus addressed the need to address the behaviours and practices within Stormont.

Delivering better outcomes

100. Pivotal made a number of practical suggestions “which might assist in making government more stable and effective, which do not require any reform of the institutions.”¹⁹⁰ They included:

- agreement of a Programme for Government (“PfG”) by MLAs before taking on ministerial roles;

188 [Q278](#)

189 [Q156](#)

190 Pivotal ([GFA0033](#))

- adopting a commitment to policy making for the longer term;
- strengthening the roles of the Assembly and its Committees in scrutinising the work of ministers and developing legislation, including more use of outside expertise;
- giving greater transparency and openness to external involvement in policy making.

101. Future Politics: Delivering Effective Government is a partnership between political consultancy Stratagem and the John and Pat Hume Foundation. In written evidence, it offered several recommendations, “regardless and including in the event of any changes” to the institutions:

- an audit of policy and political frameworks to inform a whole-systems approach as part, or in advance, of a review of the institutions as created under the Belfast/Good Friday Agreement and amended under subsequent agreements;
- new ways to support elected politicians in NI, including leadership and capacity building and cross-party networks;
- following the policy audit, an exploration of the interaction and interface of the Northern Ireland Assembly and Executive with the NI civil service - which is critical in the delivery of public policy, and, ultimately, outcomes for citizens. An outcomes-based PfG and approach to public policy and service delivery is not best served by siloed departments but can be unlocked by solutions such as introducing a Statutory Duty to Cooperate and multi-annual, outcome-based budgets.¹⁹¹

102. There was broad agreement in the evidence we took that, once the institutions are restored, things cannot carry on as they are. Sir David Sterling remarked:

There needs to be more attention, and it needs to be sustained attention. As several of us have said, you get the institutions up and running. That is not the time to relax and say, “We have done our job.”¹⁹²

As Doug Beattie MLA put it:

We always come back after a bit of a hiatus, and we always come back with goodwill, and it does not take long for us to fall into the old ways. The way to prevent us falling into the old ways is to make sure that we document and put down in standing orders exactly how we should be working in the Executive or in the Assembly, or whether we need to amend fully the ministerial code. It needs to be done.¹⁹³

Sir Malcolm McKibbin concurred: “It is not just a question of when the Executive is down. It is how you are going to make it work more effectively when it returns. If behaviours remain the same, it is hard to believe that you will not get the same result.”¹⁹⁴

191 Stratagem, John and Pat Hume Foundation ([GFA0026](#))

192 [Q235](#)

193 [Q360](#)

194 [Q226](#)

103. We are aware of work already underway to strengthen the behaviours and working practices within the Strand One institutions. We concur with the argument that institutions can only be made effective by those who inhabit them and in this regard we endorse efforts to improve behaviours and best practice among MLAs in both the Assembly and Executive, as well as practical suggestions to improve the smooth and effective functioning of government in Northern Ireland. *We recognise that improvements can only come with sustained attention over time, and so we recommend that the Government incorporates into the Review a module on how the behaviours and working practices of the Strand One institutions could be improved, with a view to developing a programme dedicated to upholding the Agreement's core principles of good faith, trust and mutual respect and delivering good government in the best interests of all in Northern Ireland.*

The role of Westminster and Dublin

104. While a more detailed discussion of East/West relations under the Strand Three institutions follows in Chapter 5, many witnesses and submissions stressed the primacy of continued input from the British and Irish governments to strengthening the cultures and practices of the institutions, irrespective of whether the structure of the institutions is reformed. As Alan Whysall made clear:

It is of the first importance that the British and Irish governments work effectively together to promote constructive politics in Northern Ireland. They have generally been the motor of constructive political change in Northern Ireland. The Northern Ireland political system, though it has evolved in various ways, still appears unable by itself to manage without their contribution. But this contribution has often been lacking in the last few years, with London and Dublin at odds over Brexit and its consequences.¹⁹⁵

There was some optimism among witnesses that the British-Irish relationship has much improved in recent times, but McKibbin, Sterling and McCormick noted:

There is a prime responsibility on the UK and Irish governments [as co-guarantors of the Agreement] to identify the issues that could undermine the institutions, and then, through joint leadership, to do all they can to prevent breakdown. The two governments will need to nurture the institutions on an ongoing basis and apply the type of constructive problem-solving which was such a significant feature in 1996–98, 2006–07, 2010 and 2019. They will need to try and anticipate any future breakdown and have contingency plans prepared for such an eventuality.¹⁹⁶

105. Pivotal agreed that the two governments should consider developing a clearer plan for what happens when the institutions collapse. While recent legislative provisions have enabled caretaker ministries and an increased role for the Northern Ireland civil service, with occasional legislative interventions from the Secretary of State on major issues, Pivotal contend that such a model “provides inadequate and unclear governance” and

195 Alan Whysall (Honorary Senior Research Associate at Constitution Unit, University College London) ([GFA0035](#))

196 Sir David Sterling; Sir Malcolm McKibbin; Dr Andrew McCormick ([GFA0022](#))

a “lack of democratic accountability, transparency and scrutiny.”¹⁹⁷ Naomi Long MLA, while being a vocal proponent of institutional reform, agreed on the need for increased input from Westminster and Dublin to create a stable environment:

We need more support from both Governments collectively, not to interfere with the decisions we make, but to ensure that we see the early warning signs of challenge and conflict, and try to de-escalate that and find solutions to that. That is a really important part of creating the stability that our reforms would aim to deliver. It has to be a bit of both.¹⁹⁸

McEvoy and McCulloch emphasised that whilst institutional reform is an important part of the process of power-sharing, political institutions in societies such as Northern Ireland might well be subject to periodic instability and stalemate and so there is need for a renewed effort on the part of the British and Irish governments in assisting a divided society to move beyond conflict and find new ways of working.¹⁹⁹

106. The Northern Ireland parties have a fundamental role in shaping the future of the institutions to which they are elected by the people of Northern Ireland. As co-guarantors of the Agreement, however, the British and Irish Governments have an immutable obligation to nurture and support what is still a young and developing system of government, mired by structural complexities and operating in the context of sectarian division. Over the past 25 years, this is not an obligation that has always been met. *Therefore, in light of the current impasse and the body of evidence presented in this report, we urge the Government to renew its commitment to the Belfast/Good Friday Agreement in Northern Ireland by commissioning the independently led Review of its institutions, as set out in our earlier recommendation, and to act swiftly upon further recommendations made in this report.*

¹⁹⁷ Pivotal ([GFA0033](#))

¹⁹⁸ [Q338](#)

¹⁹⁹ Dr Joanne McEvoy (Senior Lecturer at University of Aberdeen); Professor Allison McCulloch (Professor at Brandon University) ([GFA0019](#))

4 Strand Two - North/South institutions

107. Given the centrality of the Strand One institutions to the power-sharing settlement reached in 1998, and the sustained scrutiny they have attracted over the past 25 years, it is perhaps no surprise that they became the focus of the majority of written submissions and our oral evidence sessions. However, a number of submissions and witnesses offered valuable insights into the operation of the less well-known institutions under Strands Two and Three of the Agreement and their broader significance to the settlement. On Strand Two, many drew attention to the Agreement's assertion that the "North/South Ministerial Council and the Northern Ireland Assembly are mutually inter-dependent, and that one cannot successfully function without the other."²⁰⁰

The North/South Ministerial Council

108. The text of the Agreement instituted:

A North/South Ministerial Council [...] to bring together those with executive responsibilities in Northern Ireland and the Irish Government, to develop consultation, co-operation and action within the island of Ireland—including through implementation on an all-island and cross-border basis—on matters of mutual interest within the competence of the Administrations, North and South.²⁰¹

The Northern Ireland Executive was to be represented by the First Minister, Deputy First Minister and other relevant Ministers; the Irish Government by the Taoiseach and relevant Ministers. The Agreement specified that participation in the Council was to be "one of the essential responsibilities attaching to relevant posts in the two Administrations."²⁰² The NSMC would fulfil the following functions:

- exchange information, discuss and consult with a view to co-operating on matters of mutual interest within the competence of both Administrations, North and South;
- use best endeavours to reach agreement on the adoption of common policies, in areas where there is a mutual cross-border and all-island benefit, and which are within the competence of both Administrations, making determined efforts to overcome any disagreements;
- take decisions by agreement on policies for implementation separately in each jurisdiction, in relevant meaningful areas within the competence of both Administrations;
- take decisions by agreement on policies and action at an all-island and cross-border level.

The NSMC could meet in different formats:

²⁰⁰ Northern Ireland Office, *The Belfast Agreement*, Cm [3883](#), 10 April 1998, p. 12

²⁰¹ See previous reference, p. 11

²⁰² See previous reference

- in plenary twice a year, with Northern Ireland representation led by the First Minister and Deputy First Minister and the Irish Government led by the Taoiseach;
- in specific sectoral formats on a regular and frequent basis with each side represented by the appropriate Minister;
- in an appropriate format to consider institutional or cross-sectoral matters (including in relation to the EU) and to resolve disagreement.

Implementation bodies

109. Soon after the Agreement, the North-South Ministerial Council agreed six formal areas of cooperation—Agriculture, Education, Environment, Health, Tourism and Transport—for which common policies and approaches would be agreed but implemented separately in each jurisdiction. Thereafter, six ‘implementation bodies’ were agreed by the NSMC, where strategies were to be implemented directly:

- Waterways Ireland, responsible for the management and development of inland waterways for recreational purposes;
- Food Safety Promotion Board, conducting research into food safety standards and coordinates scientific cooperation and specialised testing.
- InterTradeIreland, promoting trade and businesses on an all-Island basis;
- Special European Union Programmes Body, managing and overseeing EU funding programmes including PEACE III funding;
- The Language Body, consisting of agencies Foras na Gaelige and Tha Boord o Ulster-Scotch to promote the Irish Language and Ulster-Scots respectively;
- Foyle, Carlingford and Irish Lights Commission; consisting of the Lough Agency, promoting commercial and recreational fishing in Loughs, and the Lights agency, which was intended to take on the functions of the Lighthouse Authority.²⁰³

All-island cooperation

Undelivered potential

110. The interdependence of the Assembly and the North/South Ministerial Council was vital to reaching consensus in 1998: in the case of the Assembly outlasting the NSMC, Unionists may have had cause to undermine the latter; conversely, if the NSMC outlasted the Assembly, then Nationalists may have had incentive to seek the latter’s dissolution. For Nationalists, the NSMC provided a meaningful all-island decision-making forum, but it remained ultimately accountable to its constituent legislatures and so assuaged some Unionist concerns over the Republic’s influence in Northern Ireland.²⁰⁴

203 Institute for Government, ‘[North/South cooperation on the island of Ireland](#),’ accessed 24 October 2023

204 Brendan O’Leary, ‘The Character of the 1998 Agreement: Results and Prospects,’ in *Aspects of the Belfast Agreement*, ed. Rick Wilford (Oxford, 2001), p. 63

111. In the submissions that addressed Strand Two, however, there was broad consensus that the NSMC has long been the subject of neglect and that its interdependence with Strand One has been undermined. As McKibbin, Sterling and McCormick explained, consideration was given at the time of the Agreement to potential indifference and abstention from Unionist parties and the effect this might have on their operation. This gave rise to a separate international treaty between the British and Irish governments in March 1999, setting out in greater detail the functions of the six implementation bodies so as to lessen any possibility that their roles could be watered down by Unionists in the Assembly. They explained:

In practice, that did not secure their proper functioning, and they could not operate during the period of the collapse of the Assembly from 2002–7, the hiatus of 2017–20, and since the most recent collapse which began in 2021 [...]. As in relation to Strand One, the institutions depend on the existence of sufficient actual agreement and commitment for any kind of success, and in our view, there is no legal formula that could make any difference to that fundamental point.²⁰⁵

112. This view was largely shared by other contributors. The SDLP told us that there has been a failure to develop meaningfully North/South cooperation on matters of mutual interest “due to a combination of NI Executive instability and collapse, profligate DUP veto and failure by governments to fully engage,”²⁰⁶ while the Centre for Cross Border studies noted that cooperation had been “repeatedly hindered by political instability under Strand One.” As they set out in written evidence:

A fully functioning North South Ministerial Council would normally meet 27 times a year across its sectoral, plenary and institutional formats. In the last six years there have been 31 meetings in total [...]. While these figures do not diminish the value of the North-South cooperation that was able to take place [...] they nevertheless represent a failure to maximise the potential of cross-border cooperation. That failure is further evidenced by the fact that no additional areas for cooperation have been added to the remit of the NSMC since the Belfast/Good Friday Agreement.²⁰⁷

113. McKibbin, Sterling and McCormick also pointed to there being “no drive or impetus for any widening or deepening of the scope of the Strand Two institutions since 1998,” and suggested from their experience an apparent reluctance from Sinn Féin to attach as much importance to the Strand Two institutions as might have been expected, “perhaps because their existence underscores the reality of partition.”²⁰⁸ Colum Eastwood MP identified both structural weaknesses and a lack of political will to make the NSMC work. He told us:

I think some political parties did not want to work the north-south institutions, and the structural problem in that is that we allow that to happen. The NSMC, for example, cannot meet if there is no Executive,

205 Sir David Sterling; Sir Malcolm McKibbin; Dr Andrew McCormick ([GFA0022](#))

206 Social Democratic and Labour Party ([GFA0053](#))

207 Centre for Cross Border Studies ([GFA0012](#))

208 Sir David Sterling; Sir Malcolm McKibbin; Dr Andrew McCormick ([GFA0022](#))

obviously; but there cannot be a meeting of the NSMC even when there is an Executive if there is not a Unionist and a nationalist minister. I think that is just a veto too far, and it is unnecessary.²⁰⁹

Naomi Long MLA concurred:

The north-south institutions have tended to be the canary in the mine for the institutions as a whole. When things are going badly in the Assembly and Executive, the north-south institutions tend to be the first casualty, with, for example, unionist Ministers refusing to accompany nationalist Ministers to meetings or refusing to attend meetings. People attend in pairs, which is a rather bizarre arrangement but nevertheless is the arrangement we have.²¹⁰

114. In spite of this, McKibbin, Sterling and McCormick drew attention to important aspects of North/South cooperation that had “developed outside the direct operation of [the] NSMC,” such as the Single Electricity Market, health service coordination through the provision of radiotherapy at Altnagelvin Hospital for patients in Donegal, and heart surgery in Dublin for children in Northern Ireland. They argued:

This shows that the operation of devolved government has led to more co-operation with some evidence to show that unionists are more likely to co-operate when there is an obvious benefit which does not have to be secured through the operation of the Strand Two institutions. Unionist cooperation on a North South basis also seems more freely obtained in the absence of imposition by the two governments.²¹¹

Sir Jeffrey Donaldson MP appeared to concur with this, stating, “[w]e are broadly content with the way in which the North/South Ministerial Council operates,”²¹² and advocating the development of East/West relations over any pressing need to improve North/South bodies. This was a view reflected by Baroness Foster, who from her time in office recalled:

One of the things that I was tangentially involved in was the paediatric coronary care between Dublin and Belfast, which worked so well. That is mutually beneficial for our citizens and for the citizens of the Republic of Ireland. That is north and south working together in a very good way for the people of both Northern Ireland and the Republic of Ireland.²¹³

115. Nonetheless, others felt that a great deal of the North/South institutions’ potential has not been realised. As Naomi Long MLA set out:

The economy in the south of Ireland at the moment is in danger of overheating. There are opportunities for Northern Ireland to benefit hugely from alignment with that. The Irish Government have money to invest

209 [Q397](#)

210 [Q337](#)

211 Sir David Sterling; Sir Malcolm McKibbin; Dr Andrew McCormick ([GFA0022](#))

212 [Q312](#)

213 [Q265](#)

in infrastructure, and some of that key infrastructure could impact very directly on Northern Ireland. [...] The opportunities for us to benefit from those north-south arrangements are enormous.²¹⁴

Mark Durkan concurred, telling us that Strand Two does not have the “standing and the substance that it maybe should have,” and that it should not be considered “threatening or ominous to Unionism.” Indeed, he said that when Strand Two has functioned well, “it has been to everybody’s benefit.”²¹⁵

New impetus

116. To address these deficiencies, Alliance laid out operational recommendations that the NSMC:

- should have a substantive work programme;
- should also meet more frequently, with further consideration given to how to meaningfully integrate the work of the NSMC into Assembly structures so that it is considered to be an integral part of Northern Ireland’s political institutions by MLAs;
- could follow the example of the Intergovernmental Agreement on Co-operation on Criminal Justice Matters, an arrangement which allows co-operation between the two Justice Ministers on matters outlined in a forward work programme. The ministers arrange their own meetings and the Justice Minister for Northern Ireland reports on those meetings to the Assembly.

Alliance concluded: “It is clear to us that the strand two structures have been prevented from developing cooperation between the NI Executive and Irish Government due to flaws in their design. If these flaws are corrected then there is vast potential for meaningful cooperation.”²¹⁶

117. Alternatively, the Centre for Cross Border studies offered this analysis:

It is not the design of Strand Two or of the NSMC that gives rise to these failures, but rather the lack of stable government in Northern Ireland and the underlying weaknesses in parties’ commitment to and fulfilment of what was set out in the Declaration of Support to the Good Friday/Belfast Agreement and reaffirmed in New Decade, New Approach.²¹⁷

While the SDLP concurred with Alliance that structural improvements such as removing the right of veto over ministerial attendance at the NSMC and instituting an enhanced work programme and expanded areas of implementation would be necessary, they also cited “early attempts to establish formal frameworks and infrastructure for North/South cooperation which did not come to full fruition.” Indeed, the text of the Agreement provided for the “establishment of an independent consultative forum appointed by the two Administrations, representative of civil society, comprising the social partners and

214 [Q337](#)

215 [Q265](#)

216 Alliance Party of Northern Ireland ([GFA0023](#))

217 Centre for Cross Border Studies ([GFA0012](#))

other members with expertise in social, cultural, economic and other issues.”²¹⁸ The SDLP pointed out that during the June 2002 NSMC plenary, there was agreement for such a forum, with a twice-yearly conference, but that it was “stunted in its progress in the context of Assembly collapse and sub-optimal engagement.” They put it to us that “[p]ursual of this Forum could provide a platform for proposals on expansion and development of cross border cooperation.”²¹⁹ Mark Durkan also made this suggestion to us in oral evidence:

We maybe need to move away from the “keep it low, take it slow” approach to strand 2 [...]. Particularly in the light of Brexit, are there new areas of co-operation that we need to look at in strand 2? Are there things that we should do to some of the existing bodies? For instance, if there is to be a trusted trader scheme, why not look at InterTradeIreland? That is an oversight body that could help to oversee that trusted trader scheme.²²⁰

118. Summarising his views on the effectiveness of the Strand Two institutions, Colum Eastwood MP told us:

If you had told me in 1998 that strand 2, north-south, would develop—or not develop—in the way that it has, I would have struggled to vote for the Good Friday agreement. This was not a settlement internal to Northern Ireland. There are big enhancements that we can make to ensure that the North South Ministerial Council works better.²²¹

119. We note with concern the weight of evidence which suggests that the potential for the Strand Two institutions to deliver meaningful cooperation on the island of Ireland for the benefit of all its citizens, North and South, has not been realised. However, we also commend efforts which have seen pragmatic cooperation outside of the formal structures of the institutions, with the benefits that have resulted. Nonetheless, we conclude that cooperation is best achieved through regular, formal, substantive participation in structures dedicated purely to the purpose of cooperation for mutual benefit, and we call for a renewed commitment on the part of the parties of Northern Ireland to realising the possibilities Strand Two created. *To this end, we recommend that the Government incorporates into the Review a comprehensive evaluation of the structure and working practices of the NSMC and the implementation bodies, including the necessity or otherwise of the ministerial veto on attendance, such that maximum participation from the two administrations can be achieved and meaningful results delivered.*

218 Northern Ireland Office, *The Belfast Agreement*, Cm 3883, 10 April 1998, p. 13

219 Social Democratic and Labour Party ([GFA0053](#))

220 [Q265](#)

221 [Q382](#)

5 Strand Three - East/West institutions

British-Irish Council

120. Strand Three of the Agreement made provision for the creation of East/West institutions, stipulating that a “British-Irish Council (BIC) will be established under a new British-Irish Agreement to promote the harmonious and mutually beneficial development of the totality of relationships among the people of these islands.”²²² Membership of the BIC would comprise representatives of the British and Irish governments, devolved institutions in Northern Ireland, Scotland and Wales, together with representatives from the Isle of Man and the Channel Islands. Like the NSMC, the BIC was to meet in different formats: at summit level, twice per year; in specific sectoral formats on a regular basis, with each side represented by the appropriate Minister; and in an appropriate format to consider cross-sectoral matters.

121. The Agreement envisioned that the “BIC will exchange information, discuss, consult, and use best endeavours to reach agreement on cooperation on matters of mutual interest within the competence of the relevant Administrations.” It suggested transport, agriculture, environment, culture, health and education could be suitable issues for early discussion, but that it was down to the Council itself to agree common policies or actions. The Agreement also encouraged the BIC to develop interparliamentary links, building on the British-Irish Interparliamentary Body, which had been established in 1990 and which today sits as the British-Irish Interparliamentary Assembly (“BIPA”) and meets in plenary session twice a year. The main work of BIPA falls to four committees, which deal with sovereign matters, European affairs, economic affairs and environmental and social affairs.²²³

British-Irish Intergovernmental Conference

122. The Agreement also established a standing British-Irish Intergovernmental Conference (“BIIGC”), which would subsume the Anglo-Irish Intergovernmental Council instituted under the 1985 Anglo-Irish Agreement. Bringing together the British and Irish governments “to promote bilateral cooperation at all levels on all matters of mutual interest within the competence of both governments,” the Agreement held that the Conference would meet as required at summit level (Prime Minister and Taoiseach), with relevant ministers filling in as necessary. As with the 1985 Agreement, “[i]n recognition of the Irish Government’s special interest in Northern Ireland [...] there will be regular and frequent meetings of the Conference concerned with non-devolved Northern Ireland matters, on which the Irish Government may put forward views and proposals.”²²⁴

The architecture of consensus and the totality of relationships

123. Alongside Strand Two, the inclusion of East/West as well as North/South relationships into the architecture of the Agreement was essential in building consensus. As Sir John Major recalled to the Houses of the Oireachtas’ Committee on the Implementation of the Good Friday Agreement:

222 Northern Ireland Office, *The Belfast Agreement*, Cm 3883, 10 April 1998, p. 14

223 British-Irish Parliamentary Assembly, [“About the Assembly,”](#) accessed 2 November 2023

224 Northern Ireland Office, *The Belfast Agreement*, Cm 3883, 10 April 1998, p. 15

For each of those strands, if you were to choose to agree one of them in isolation, you can see arguments that would have arisen which would imperil the overall agreement [...] It was an act of reassurance so the people we were negotiating with on each of the three strands realised they were not going to be dragged into a commitment that perhaps they had entered into reluctantly and then find the other two strands of the overall agreement did not apply. It was a form of reassurance and was necessary to keeping the talks going.²²⁵

At the time of the Agreement, the continuation of legitimatised Irish influence in Northern Ireland could have been seen by Unionists as a step toward joint-authority in Northern Ireland. However, as academic Graham Walker noted in 2001:

Whereas Strand Two was shaped towards Irish Nationalist demands and aspirations, so Strand Three, especially the BIC, was conceived to offer reassurance to Ulster Unionists. Indeed, the inclusion of the BIC in terms of the Agreement appears to have been fundamental to the Ulster Unionist Party's acceptance of the whole package. The UUP leader, David Trimble, stated in March 1998 that the creation of the British Isles-wide Council "makes it possible for Unionists to contemplate an institutionalised relationship between Belfast and Dublin."²²⁶

124. As with Strand Two, submitters and witnesses generally took the view that East/West relations under Strand Three had been neglected, and as such the 'totality of relationships' encapsulated by the Agreement had been undermined. As Dr Etain Tannam, Associate Professor of Peace Studies at Trinity College Dublin, determined in her submission:

The success of the peace process, positive British-Irish relations symbolised by the official visit of Queen Elizabeth to Ireland in 2011 and the extension of devolution to policing and justice in Northern Ireland in 2007, led to less emphasis being placed on institutionalised British-Irish relations. For successive British and Irish governments, the BIIGC did not seem as necessary. Similarly, the BIC was sometimes cited as representing part of a package deal that allowed unionists agree to Strand Two's North South arrangements, by balancing it with 'East-West' arrangements. It was seen as a talking shop, lacking dynamism. The deeper logic of developing of both the BIIGC and the BIC as ensuring reconciliation across the islands—the totality of relations—was not appreciated.²²⁷

Dr Tannan contended that politicians and officials in both Ireland and the UK have "Misunderstood the importance of institutionalised relations, believing that it was easier to contact counterparts when required, as issues arose, and that the BIIGC was not necessary [...]. This was especially the case during the halcyon period of British-Irish relations from 2007 to 2016 [...] prime ministers rarely met and the BIIGC fell into abeyance."²²⁸ Mark Durkan recalled in oral evidence:

225 Houses of the Oireachtas, *Joint Committee on the Implementation of the Good Friday Agreement: Thursday, 26 January 2023* (January 2023), p. 23

226 Graham Walker, "The British-Irish Council," in *Aspects of the Belfast Agreement*, ed. Rick Wilford (Oxford, 2001), p. 130

227 Dr Etain Tannam (Associate Professor International Peace Studies at Trinity College Dublin) ([GFA0020](#))

228 See previous reference

Strand 3 has never really developed in the way that it should have. There should be much more dynamism there. At the very first British-Irish Council meeting, we were saying, “We might second civil servants to each other. We might sit in on each other’s policy pilots,” and the late Donald Dewar used the line, “I have always said that plagiarism is an undervalued art form.” We have never really done that through the British-Irish Council in a dynamic way. We should be doing that now.²²⁹

125. As with contemporaneous commentators, Dr Tannam diagnosed that Unionists had long been uncomfortable with an institutionalised Irish consultative role in Northern Ireland, and as such both Governments’ engagement with the BIIGC in particular has not been as focused and sustained as it might have been. She cited both the fallout of the 2007/08 financial crisis, where diplomats from both governments were preoccupied with navigating the economic fallout at EU-level, and the post-Brexit period as particular low-points, with an overarching “weak understanding in both governments about the BIIGC’s importance and also about the potential fragility of Northern Ireland.”²³⁰ She quoted one source who reported that after 2007, in relation to the Strand Three’s role in supporting Strand One, officials acknowledged: “The stabilizers could be removed.”²³¹

126. Such an understanding of the role of Strand Three, argued Dr Tannam, is damagingly narrow and:

was common to members of both nationalist/unionist parties and communities [...]. There was a clear misunderstanding that the BIIGC’s role was meant to be on-going from 1998 to frame and manage broad relationships and prevent crises. It seems its deeper significance has not been appreciated.²³²

This was a view reflected by Naomi Long MLA, who commented: “These bodies are potentially very powerful, but I have to say they have often been performative in how they have been delivered.”²³³ Her party had already told us in written evidence that the Strand Three institutions are “often overlooked and lack profile within the Assembly and Executive” and that “the BIC should now have a much wider role in enhancing and managing British-Irish relations and providing a forum for governments across these islands.”²³⁴ Dr Tannam concluded: “The BIIGC’s role is not merely to deal with crises, but to prevent them by framing contentious issues and incentives to cooperate, but not by encroaching on devolution.”²³⁵

127. While these points represented the view that Strand Three should amount to more than a mechanism for the British and Irish governments to support Strand One, McKibbin, Sterling and McCormick maintained that “the absence of sustained commitment to maintaining a good working relationship between the two governments has been an important contributory factor to some of the problems that have affected Northern Ireland, even before the Brexit wedge pushed them further apart.”²³⁶

229 [Q265](#)

230 See previous reference

231 See previous reference

232 See previous reference

233 [Q337](#)

234 Alliance Party of Northern Ireland ([GFA0023](#))

235 Dr Etain Tannam (Associate Professor International Peace Studies at Trinity College Dublin) ([GFA0020](#))

236 Sir David Sterling; Sir Malcolm McKibbin; Dr Andrew McCormick ([GFA0022](#))

The challenge of Brexit

128. Indeed, many submissions lamented the role that Brexit had played in degrading the relationship between the British and Irish governments and the knock-on effects this had for Northern Ireland. As Naomi Long put it:

Since 2016, part of the reason the institutions in Northern Ireland have struggled is because of the fractious relationships between London and Dublin. That has been profoundly unhelpful ... ultimately the London-Dublin relationship is one that underpins everything else. It is the one that started this process, whether that was through the Anglo-Irish agreement or the Downing Street declaration. All of that coming together was really important.²³⁷

129. In their submission, the Centre for Cross Border Studies argued that the importance of Strand Three has only increased owing to Brexit. They cited a 2017 statement from the Irish Government to illustrate this:

With ‘official Irish-UK interaction within the EU coming to an end, the fullest use will be made of the various structures for dialogue between administrations, including the annual summits between the Taoiseach and the UK Prime Minister, the British-Irish Intergovernmental Conference and the British-Irish Council.’²³⁸

However, as the Centre’s assessment of the post-Brexit period made clear:

The UK’s withdrawal from the European Union undoubtedly placed severe strains on UK-Irish relations and on the ability of both Governments to cooperate. This has meant that the Strand Three institutions, and particularly the BIIGC, have not been sufficiently used as a space to jointly consider the potential implications for cooperation and relations of actions to be implemented by either side. An example of this is the UK Government’s introduction, through the Nationality and Borders Act 2022, of the Electronic Travel Authorisation requirement for entry into the UK by non-visa nationals.²³⁹

Indeed, as in previous climates, the Centre concluded that even the new impetus of Brexit did not provide conditions for the substantive and meaningful development of Strand Three:

It is the view of the Centre that the potential value of these institutions has not necessarily been reflected in the frequency of meetings of the British Irish Intergovernmental Conference (with the BIIGC being notably absent during prolonged periods) or in the importance given to the Strand Three institutions, which would be more properly signalled through the regular attendance of the UK Prime Minister and Irish Taoiseach.²⁴⁰

237 [Q337](#)

238 Centre for Cross Border Studies ([GFA0012](#))

239 See previous reference

240 See previous reference

A new chapter

130. More recently, British-Irish relations have improved, with both the Taoiseach and the Prime Minister attending the 38th summit of the British-Irish Council in November 2022.²⁴¹ As Sir David Sterling said in oral evidence: “There is no doubt that relations between the UK and Irish Government at the moment are better than they have been in recent times. That is a good thing. It probably needs to be built upon.”²⁴² Dr Tannam advanced that, both in the context of Brexit and beyond, Strand Three still provides an ideal vehicle for the advancement of relations across the British Isles:

Its potential extends beyond learning and consultation, but could lead to meaningful solutions to functional problems being agreed, without undermining national sovereignty in either jurisdiction. Strand Three’s statement that bilateral agreements can be agreed is also potentially very useful, not solely for Northern Ireland and Ireland, but for all members, especially as devolution since 1998 has increased policy autonomy in Wales and Scotland. The BIC could have a coordinating role on substantive issues.²⁴³

131. The SDLP stressed Strand Three’s potential to facilitate both bilateral and multilateral cooperation, citing the fact that eight jurisdictions make up the BIC, and suggested consideration be given to enlarging its secretariat and ensuring that it had adequate capacity to support cooperation on a broad range of issues.²⁴⁴ This view was shared by Mark Durkan:

Remember that it does not have to be all eight Administrations in the British-Irish Council, which is a rut that we fell into. People thought you need all eight to do anything, but the agreement allows things to happen between a few of them; it allows people to opt in and opt out of things as well. I think there is room for creative and lateral thinking around the British-Irish Council [...].²⁴⁵

The SDLP further suggested that areas of formal cooperation could be expanded beyond those outlined in the 1998 Agreement, especially in how specialisms in one jurisdiction “could be utilised for the benefit of cooperation across other jurisdictions to enable optimal funding and resourcing, but also to avoid unnecessary duplication when frameworks already exist for cooperation and information sharing.”²⁴⁶ Furthermore, they argued for consideration to be given to how information and learning from across the different administrations could be shared: “This may involve exploration of the joint-piloting of policies, initiatives, and services as well as secondments of civil servants between the administrations to share knowledge, improve policy making and build capacity.”²⁴⁷ On this point, Baroness Foster appeared to concur:

I have always felt very strongly that the BIC has not been utilised in the way that it should have been. I tried to take policy decisions from the BIC—the £100 voucher scheme during covid was taken from an idea in Jersey, and

241 British-Irish Council, [38th British-Irish Council Summit](#) (November 2022)

242 [Q235](#)

243 Dr Etain Tannam (Associate Professor International Peace Studies at Trinity College Dublin) ([GFA0020](#))

244 Social Democratic and Labour Party ([GFA0053](#))

245 [Q265](#)

246 Social Democratic and Labour Party ([GFA0053](#))

247 Social Democratic and Labour Party ([GFA0053](#))

our colleagues in the BIC. There are policy decisions that you can take from other jurisdictions and implement them; we do not have a monopoly on wisdom, so it is important to have that policy exchange. That was a really useful thing, and I would love to see the BIC being more robust.²⁴⁸

132. Sir Jeffrey Donaldson MP, put it to us that “[p]erhaps the east-west relationship is, of the three sets of relationships covered by the agreement, the one that has been least invested in. We would like to see that addressed.”²⁴⁹ Dr Tannam similarly concluded that it is time, “given the challenges ahead, to implement Strand Three robustly.”²⁵⁰ She called for “creative use of the BIIGC and BIC” through a number of suggested measures:

- the attendance of the Northern Ireland Executive at relevant BIIGC meetings, as was provided for in the text of the Agreement;
- a formalised and regular schedule of BIIGC meetings, with both prime ministers attending at least once a year;
- a reassertion that the BIIGC is not a forum for joint authority and BIIGC’s use in ensuring balanced outcomes for all communities—not as a vehicle to achieve ideological aims;
- an increased coordinating role for the BIC on substantive issues, drawing on the Agreement’s provision that it could provide a forum for bilateral and multilateral agreements to be made amongst its members;
- an enhanced relationship between BIPA and the BIC, as provided for in the Agreement. This would serve to provide dynamism to both institutions, especially in the absence of the EU as a common forum for informal and formal meetings;
- increased Prime Ministerial attendance at the BIC.²⁵¹

With these points in mind Dr Tannam concluded her submission by contending that substantial revision of the Strand Three provisions under the Agreement is not necessary:

It is rich, potentially powerful and sophisticated in itself. [...] However, it has not been implemented fully and its institutions were left to drift. Therefore, Strand Three requires creative and robust implementation in the years ahead if stability is to occur.²⁵²

133. As with Strand Two, we recognise the importance of Strand Three to the overall character and successful functioning of the Agreement. Ostensibly—and evidenced by the way in which they have largely been used—the institutions under Strand Three serve to provide structures to support the operation of the Strand One institutions. This is indeed an important function, but it is a limited understanding of the role and potential of Strand Three, which the Agreement clearly saw as providing opportunities to discuss and agree mutual cooperation across these islands, and not merely as a

248 [Q265](#)

249 [Q312](#)

250 Dr Etain Tannam (Associate Professor International Peace Studies at Trinity College Dublin) ([GFA0020](#))

251 See previous reference

252 See previous reference

support mechanism for one territory. We welcome the recent rapprochement between the British and Irish governments, but we stress the ready-made opportunity which the Strand Three institutions provide to share insights and understanding, to cooperate on policy issues for mutual benefit and, in essence, to constitute a bedrock of support for each constituent territory against future challenges.

134. As such, we recommend that the Government increase the level of Prime Ministerial attendance at meetings of both the BIIGC and BIC, with relevant Cabinet Ministers attending in addition or deputising as necessary, and incorporate into the Review a comprehensive assessment of how Strand Three could be better utilised to tackle shared policy issues for the benefit of the United Kingdom and its constituent nations and territories.

6 Public opinion

135. Throughout this inquiry, we have stressed the necessity of public engagement in assessing the success of the institutions and in determining any steps to be taken toward their reform. We are grateful for the many written submissions we received from members of the public, which have been vital in framing our understanding of the effectiveness of the institutions and their future. We have also undertaken work to outwardly engage with a representative cross-section of Northern Ireland society:

- on 8 March 2023, we held an online Deliberative Town Hall in collaboration with the Institute for Democratic Engagement & Accountability (“IDEA”), a research organisation specialising in deliberative constituent engagement within The Ohio State University. IDEA commissioned YouGov to recruit a representative sample of Northern Ireland society to take part in a survey to determine their views on the Agreement, which included basic background information on the institutions and a component to ensure understanding. From those who had completed the survey, a portion were randomly selected into a treatment group and invited to participate in the Deliberative Town Hall, with 270 citizens attending the event, with the remaining portion selected into a control group. Participants in both the treatment and control groups were then asked to complete a second survey, allowing IDEA to track changes in opinion following participation in the Deliberative Town Hall and compile a report which they submitted to us as written evidence.²⁵³
- on 20 March 2023, we held a roundtable event in Belfast with a diverse group of Northern Ireland citizens. This saw our members explore with small groups of participants the significance of the Agreement 25 years on, whether changes need to be made to its institutions, and what those changes might look like.²⁵⁴

136. We are also aware of various other projects that have been conducted to coincide with the 25th anniversary of the Agreement to determine public attitudes toward the institutions and potential appetite for their reform. These include:

- a deliberative forum with 46 citizens, selected to be broadly representative of the Northern Ireland population, conducted by Ipsos in March 2022 and commissioned by the Institute of Irish Studies at the University of Liverpool—of which Dr Sean Haughey is a member—in collaboration with Dr Jamie Pow of Queen’s University Belfast;²⁵⁵

253 Amy S. Lee (Associate Director at The Ohio State University) ([GFA0057](#))

254 See: Northern Ireland Affairs Committee (@CommonsNIAC), [X \(Twitter\)](#), 24 April 2023 [Accessed 31 October 2023] and Northern Ireland Affairs Committee (@CommonsNIAC), [X \(Twitter\)](#), 9 May 2023 [Accessed 31 October 2023]

255 Institute of Irish Studies, University of Liverpool, [Public Attitudes to Institutional Reform in Northern Ireland: Evidence from a Deliberative Forum](#) (June 2022)

- a series of 8 focus groups on public perceptions of the Agreement, conducted in July 2022, by Professor Alan Renwick and Conor J. Kelly of UCL's Constitution Unit, who submitted a precis of their findings as written evidence ahead of their full report, which was published in July 2023;²⁵⁶
- 2022's Northern Ireland Life and Times ("NILT") survey, part of an ongoing collaboration between Queen's University Belfast and Ulster University. Dr Katy Hayward and Ben Rosher, of Queen's, authored a report published to coincide with the Agreement's 25th anniversary in April 2023, discussing the results.²⁵⁷

Satisfaction with the institutions

Strand One

137. In their submission, Professor Renwick and Conor J. Kelly reported broad support for the principle of power-sharing embodied by the Agreement, especially among more moderate Unionist and Nationalist groups and groups whose members identified as neither Unionist nor nationalist.²⁵⁸ This finding was reflected in the 2022 NILT survey, which found a clear majority of 69% expressed support for the Agreement as "the best basis for governing Northern Ireland."²⁵⁹ Haughey and Pow also found strong agreement that the Agreement "has presided over a sustained period of relative peace in Northern Ireland, and that it is representative and inclusive of the region's different political traditions."²⁶⁰ Renwick and Kelly highlighted a handful of positive comments on how the institutions have worked in practice, with one SDLP voter, for example, praising how well the parties worked together during the pandemic.²⁶¹ However, they stressed that these sentiments were not the overarching view. Rather, participants were:

exercised by the failure of the institutions to deliver stable and effective government at present. Intense anger over MLAs being paid while not working—as participants saw it—arose spontaneously in every group. Participants in four of the eight groups (one unionist, two nationalist/republican, and one neither) used the metaphor of 'throwing their toys out of the pram' to characterise the behaviour of politicians who collapse the institutions when they do not get what they want [...]. Across most groups, there was a sense that the basic principles of the Agreement should remain, but that some changes—referred to in several groups as 'tweaks'—were needed.²⁶²

256 Professor Alan Renwick (Professor of Democratic Politics and Deputy Director of the Constitution Unit at University College London); Conor J. Kelly (Research Assistant at University College London) ([GFA0031](#)); The Constitution Unit, University College London, [Perspectives on the Belfast/Good Friday Agreement: Examining Diverse Views, 1998–2023](#) (July 2023)

257 ARK, [Political Attitudes in Northern Ireland 25 Years After the Agreement](#) (April 2023)

258 Professor Alan Renwick (Professor of Democratic Politics and Deputy Director of the Constitution Unit at University College London); Conor J. Kelly (Research Assistant at University College London) ([GFA0031](#))

259 ARK, [Political Attitudes in Northern Ireland 25 Years After the Agreement](#) (April 2023)

260 Institute of Irish Studies, University of Liverpool, [Public Attitudes to Institutional Reform in Northern Ireland: Evidence from a Deliberative Forum](#) (June 2022), p. 4

261 Professor Alan Renwick (Professor of Democratic Politics and Deputy Director of the Constitution Unit at University College London); Conor J. Kelly (Research Assistant at University College London) ([GFA0031](#))

262 See previous reference

138. As Haughey and Pow reported in their study, such frustrations can be broadly categorised into three areas:

- Executive instability and collapse;
- a lack of cohesion and cooperation within the Executive;
- a perceived dominance of communal identities and associated disputes.²⁶³

Haughey and Pow found that these problems were attributed to both institutional and behavioural factors. Structural issues identified included the ability of one political party to collapse or prevent the formation of an Executive, while there was some “ambivalence towards the idea of community designation in the Assembly.”²⁶⁴ Behaviourally, “there was much criticism of parties’ focus on ‘orange and green’ issues at the expense of more pressing policy concerns, as well as the tendency for some to walk away from the institutions when it suited their political purposes.”²⁶⁵ These points were reflected in both written evidence from members of the public and in our discussions with participants at our roundtable event in Belfast. On cross community safeguards, retired Northern Ireland Electricity executive, William D. Graham, told us the two main parties “have misused these provisions, to their own ends, and not in a way that was envisaged when they were put in place.”²⁶⁶ Hugh Walker, a solicitor, made this assessment:

The ambition of cross-community government should be an effective Executive which governs in a way which supports and improves those across Northern Irish society, regardless of the community background of the Executive Ministers themselves. 25 years of evidence now shows that conjoining two warring political factions into a single Executive does not create such an outcome.²⁶⁷

139. A participant at our roundtable event said that while they wanted to support the DUP, they were struggling with the party’s refusal to enter government. In a difficult economic environment, they found this to be especially frustrating. While they understood the party’s arguments, they disagreed with their approach, asking why DUP ministers should be able to walk out of their jobs if they don’t like something when ordinary citizens cannot. Another participant, when commenting on the veto powers afforded to the two largest parties, argued that the situation placed a poor impression on young people and that, more broadly, the present impasse was disenfranchising.

140. These views were reflected in IDEA’s key findings from the Deliberative Town Hall we hosted with them, which they presented in line with this inquiry’s terms of reference:

- Over 70% of citizens said that the Agreement has failed to enable stable governance, with stability consistently ranked as the number one or number two priority among a large majority. Discussion in the Deliberative Town Hall

263 Institute of Irish Studies, University of Liverpool, [Public Attitudes to Institutional Reform in Northern Ireland: Evidence from a Deliberative Forum](#) (June 2022), p. 4

264 See previous reference

265 See previous reference

266 Mr William David Graham ([GFA0036](#))

267 Michael Hugh Walker ([GFA0048](#))

appeared to have slightly increased this preference, while citizens consistently ranked cross-community agreement as the least important priority, with this trend strengthening slightly after the event;

- 40% of citizens agreed that the Good Friday Agreement had successfully enabled cross-community governance, but 75% believed the current method of requiring cross-community support gives each party a veto and has led to problems going unaddressed, with 55% saying the Agreement has failed to produce effective governance.²⁶⁸

141. This was seemingly mirrored in Renwick and Kelly's study, which concluded: "there is widespread concern that the Strand 1 institutions have not delivered effective and stable government."²⁶⁹ In an annex to their report to us, IDEA included a large sample of comments made by participants in the Deliberative Town Hall. This was one such comment:

I'm not an ideologue. I don't care what party you're from, please just help us ordinary people to be able to get medical care. We need an Assembly, we need someone to be in charge and making decisions to protect vulnerable people and the weakest in society [...]. I believe in our institutions, but at this stage I'll settle for anyone who will take charge and make decisions in our best interests.²⁷⁰

Thus, as Dr Haughey and Dr Thomas Loughran of Lancaster University have recently written, while "public support for the *principles* of power-sharing is higher than might otherwise be expected [... there is] widespread dissatisfaction with the *practicalities* of power-sharing, by which is meant the day-to-day performance of the Assembly and Executive."²⁷¹

Strands Two and Three

142. While most studies have focused almost exclusively on the Strand One institutions, Renwick and Kelly's study did also explore participants' views on Strands Two and Three. Despite "limited awareness" of the North South Ministerial Council and the implementation bodies, "most participants were familiar with the principle of North–South cooperation and were able to offer thoughts when prompted."²⁷² Some were unconvinced, while others were more positive, citing issues such as trade, tourism, the cost of living, and protecting the peace process as areas of possible cooperation. An Alliance voter talked about being able to use cross-border health services when her child was ill:

My son took an asthma attack down in Letterkenny and ... he was admitted. I had a bed, he had a bed, they gave me money to park my car ... but if I'd have been up in Craigavon, I'd have sat for nine hours just waiting to

268 Amy S. Lee (Associate Director at The Ohio State University) (GFA0057)

269 Professor Alan Renwick (Professor of Democratic Politics and Deputy Director of the Constitution Unit at University College London); Conor J. Kelly (Research Assistant at University College London) (GFA0031)

270 Amy S. Lee (Associate Director at The Ohio State University) (GFA0057)

271 Sean Haughey and Thomas Loughran, "[Public opinion and consociationalism in Northern Ireland: Towards the 'end stage' of the power-sharing lifecycle?](#)" *The British Journal of Politics and International Relations* (May 2023), p. 2

272 Professor Alan Renwick (Professor of Democratic Politics and Deputy Director of the Constitution Unit at University College London); Conor J. Kelly (Research Assistant at University College London) (GFA0031)

see had the medication come in to settle him ... Whereas when I went to Letterkenny within the hour everything was sorted. It was unbelievable, and I wasn't charged anything.²⁷³

Most Unionists in Renwick and Kelly's study were "much more negative about what the NSMC's remit might be, and some opposed the principle of cross-border cooperation itself," with one commenting: "I don't think it [the NSMC] should be there. Full stop. [We are] two different countries."²⁷⁴ Renwick and Kelly reported that, across all groups, there was very little discussion about how the operation of Strand Two might be improved, with one Sinn Féin voter commenting: "[I'm] struggling to [suggest how to] change something I don't really know enough about."²⁷⁵ Renwick and Kelly found that the same was largely true of Strand Three:

In our focus groups, most participants had not heard of the Strand 3 bodies, including the BIIGC and the BIC. The facilitator asked a Sinn Féin voter what they thought about the British-Irish Intergovernmental Conference, who then joked: 'is that the new Star Wars film?' [...] An Alliance voter said that the Strand 3 institutions were there to govern Northern Ireland when agreement could not be reached or when power-sharing failed: 'it's like giving NI godparents. If the parents don't work out then the godparents come in and overtake'.²⁷⁶

While, as with Strand Two, Renwick and Kelly identified that many Unionists resented the influence of Dublin through the Strand Three institutions, "there was very little discussion of the detail of East-West cooperation, or how it could be improved."²⁷⁷

Appetite for reform

143. In written evidence, a politics student, Ewan Edwards, emphasised that the Agreement is "too often referred to as an unchangeable, sacrosanct agreement but this is not the case [...] reform can still be made to benefit the whole operation of government particularly in strand one areas."²⁷⁸ Mr Edwards seemingly spoke for many, as IDEA found from our town hall a commanding majority of 70% saying that major changes were necessary. This finding was consistent across all age, party, and religious demographics.²⁷⁹ Indeed, IDEA reported: "Citizens seemed highly engaged, both actively making suggestions to MPs and giving constructive feedback on MP's ideas. Specifically, participants offered their thoughts on standing measures such as the power-sharing structure, allocation of ministerial positions, community designation, and petition of concern."²⁸⁰

144. This was not a universal finding, however. Dr Haughey argued in written evidence that "whilst public patience with the institutional status quo has worn thin, citizens do not feel sufficiently informed about possible alternatives. Some citizens are therefore wary about the prospect of significantly amending the Good Friday Agreement institutions."²⁸¹

273 See previous reference

274 See previous reference

275 See previous reference

276 See previous reference

277 See previous reference

278 Ewan Edwards (Student at the University of Exeter) ([GFA0009](#))

279 Amy S. Lee (Associate Director at The Ohio State University) ([GFA0057](#))

280 See previous reference

281 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

Ian Major expressed this anxiety in written evidence, warning that removing community designation “would be a dangerous mistake [...]. Majority Rule failed when Unionists were the majority, and it will fail again whether with Nationalists on their own or allied with the non-aligned.”²⁸² Difficulties with identifying a path forward were mirrored in Renwick and Kelly’s study:

In general, few focus group participants had clear views about how the current arrangements might be reformed. This reflects the fact that they were mostly more interested in day-to-day life than in institutional details. Even among those participants who were clearly politically engaged, they focused mostly on individual politicians and personalities, not on institutions.²⁸³

145. Nonetheless, Renwick and Kelly did report discussion on certain aspects of reform. On the issue of whether the titles of First and Deputy First Minister should be changed:

Some felt that a change would be desirable: if the powers of the two positions are equal, they felt that the titles should be the same. Others felt that trying to make this change would just spark further controversy. Some, including several who recognised the case for change, resented the fact, as they saw it, that the issue was on the agenda only because the DUP did not want to give up the nominally highest-ranking position.²⁸⁴

They also reported some arguments being made for ending the system of mandatory coalition. They quoted one Sinn Féin voter, who said “I think it might start to look better if it was a voluntary power-sharing so if nobody wants to play ball they can sit on the sidelines or pitch in.”²⁸⁵ While Renwick and Kelly reported there being little evidence that participants had thought through all the implications of ending mandatory coalitions, Dr Haughey’s participants seemed to engage substantively with the issue. He commented that “when the model of a pure, or simple, voluntary coalition was explained at the deliberative forum, participants expressed concerns about the potential for single-community government (e.g. an exclusively unionist or an exclusively nationalist Executive).”²⁸⁶ Furthermore:

Participants were more open-minded about a form of voluntary coalition that entailed some kind of cross-community safeguard (a ‘qualified voluntary coalition’). When surveyed about their preferred model of government at the end of the forum, identical levels of support emerged for qualified voluntary coalition and mandatory coalition (thus there is still some attachment to the status quo despite its flaws).²⁸⁷

146. This view was reflected by Shane Reynolds, who commented in written evidence that while “[m]andatory coalition is unnecessary to ensure that all sections of the community are included and protected [...] a full voluntary coalition may be unobtainable in the short to medium term [and] a semi-mandatory form of coalition building should be

282 Mr Ian Major ([GFA0037](#))

283 Professor Alan Renwick (Professor of Democratic Politics and Deputy Director of the Constitution Unit at University College London); Conor J. Kelly (Research Assistant at University College London) ([GFA0031](#))

284 See previous reference

285 See previous reference

286 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

287 See previous reference

implemented.”²⁸⁸ Nonetheless, lengthy post-election negotiations and the problematic exclusion of one of Northern Ireland’s major political parties, as well as difficulties in establishing “workable and acceptable criteria as to what exactly would constitute ‘cross-community’ government in a QVC scenario,” were cited as some of the concerns discussed in Haughey and Pow’s study.²⁸⁹ In spite of this, that study concluded:

There was clear consensus that changes of some sort are necessary to improve devolved government. Upon conclusion of the deliberative forum, a majority of participants (70%)—including a majority of unionist, nationalist and other participants—agreed that the Good Friday Agreement remains the best basis for governing Northern Ireland, but that it needs ‘to undergo some changes to work better’.²⁹⁰

147. It is clear from our own commissioned research—and that undertaken by others—that there is widespread public dissatisfaction with the stability and effectiveness of the Strand One institutions. There is also evidence of growing dissatisfaction with the emphasis placed on cross-community safeguards in the institutions, despite a recognition that these measures were a fundamental element of the Agreement. On that account, a measure of caution is still shown toward a drastic departure from those arrangements, with mixed levels of knowledge on the possible options for reform. Nonetheless, there is clear and compelling evidence that much of the public are further ahead of, and more open to change than, much of the political class. As such, we conclude that, given the right support, a formal informed public debate is essential to the substantive development of the Agreement’s institutions, and there is significant majority support for reform of some kind to the Strand One institutions.

288 Mr Shane Reynolds ([GFA0030](#))

289 Institute of Irish Studies, University of Liverpool, [Public Attitudes to Institutional Reform in Northern Ireland: Evidence from a Deliberative Forum](#) (June 2022), p. 5

290 See previous reference

7 Routes forward

The pace of reform

148. As we noted earlier in this Report, the Agreement contains provisions for review. However, while at various points over the past 25 years the British and Irish governments have convened with the Northern Ireland parties to agree changes to the institutions—often in response to a period of extended dysfunction or dormancy—a comprehensive review of the institutions has not yet taken place. Reminding us of this in oral evidence, Mark Durkan commented: “There was meant to be a full review after five years; that did not really happen. St Andrews ended up being called a review, but it was not really a collectively agreed outcome.”²⁹¹ There was acknowledgement of this from current party leaders, including Sir Jeffrey Donaldson MP, who commented: “The Belfast agreement envisaged a process and set out in the agreement that there is a process for review,”²⁹² and Doug Beattie MLA, who recognised that “25 years on, what we have only ever done is do whatever we can do to get Stormont up and running again. We have not dealt with the foundation issues. The foundation issues of the agreement are where the problems lie.”²⁹³

149. As such, there was little dissent on the potential for review. Some argued that a review of the institutions may prove to be necessary to facilitate their restoration, especially relative to other potential alternative arrangements. As we have set out, there is also significant public appetite for reform and a good deal of discussion within the political and academic sectors of what reform might look like. However, there was some disagreement over whether any review should take place before or after the restoration of the institutions. Some, such as Emma DeSouza, pushed for the former. She told us: “The genie is out of the bottle when it comes to this. At some point there is going to have to be some kind of change: there is a desire for it,”²⁹⁴ and as such “[m]ulti-party talks on Stormont reform should be convened at the earliest opportunity.”²⁹⁵ As Naomi Long MLA put it:

There comes a point where you ask, “How many complex arrangements will the Secretary of State consider using to maintain the hiatus before he considers relatively simple proposals to reform the institutions and enable good Government?” We are now at that tipping point.²⁹⁶

Witnesses told us that there are immediate measures which could be implemented sooner rather than later. As Colum Eastwood MP said, in making the case for reforming the process for electing a Speaker: “we could have an Assembly tomorrow morning, and maybe it would be less of a leap for the DUP to go back into the Government.”²⁹⁷ Alliance, too, listed the process of the election of a Speaker, as well as other key votes utilising cross-community safeguards within both the Assembly and Executive, as “immediate measures,” with other issues such as the removal of community designation defined as “medium-term issues.”²⁹⁸ However, Secretary of the John and Pat Hume Foundation, Tim

291 [Q272](#)

292 [Q315](#)

293 [Q340](#)

294 [Q196](#)

295 Emma DeSouza ([GFA0029](#))

296 [Q336](#)

297 [Q380](#)

298 Alliance Party of Northern Ireland ([GFA0023](#))

Attwood, told us in oral evidence that “you have to be cautious about making change during political crises. We tinkered with the Good Friday Agreement once, and it did not necessarily help, so we have to be careful about how we manage that process.”²⁹⁹ Indeed, despite his clear appetite for reform, Colum Eastwood MP concurred:

I have a slight concern about saying, “Let’s have a look at reform now in advance of a Government being formed,” because I just know from my own experience that, while we think we would be going in to do one small thing, we would open up the whole thing. That might be the right thing to do, but that will take years, and we will still have nobody dealing with the health service, the economy and everything else.³⁰⁰

150. Sir Jeffrey Donaldson MP drew attention to the Assembly’s Executive Review Committee, which “constantly looks at these areas,” is “representative of the membership of the Assembly,” and could look “at options for the future.”³⁰¹ As such, he implied there is already “a mechanism there.”³⁰² But, as Naomi Long pointed out in relation to her party’s recommendations for reform:

At the end of the last mandate, they also reached the conclusion that we needed reform. They took evidence that narrowed in on the three areas our proposals address. [...] whilst not having arrived at a position on all of those things, [the Committee] has identified exactly the same challenges that we as a party have identified.³⁰³

In addition to Ms Long’s assertion that the Executive Review Committee has already undertaken work identifying areas for reform, Sir Jeffrey acknowledged that, in the event that the Assembly returned, it would doubtlessly:

have its hands full with the new scrutiny committee that is going to be established for the purposes of scrutinising the issues around EU trade [...]. The desks of Ministers going into an incoming Executive are going to be full of decisions that need to be taken and issues around budgetary pressures, as well as the reform agenda itself, such as reform of the health service, et cetera.³⁰⁴

The Government’s position

151. Despite these likely pressures on MLAs returning to the institutions, the Secretary of State made clear to us his intention for processes within the institutions to be the primary instigator of reform: “I would expect, in a reformed Executive, a number of the political parties and their representatives in the Executive and in opposition to be raising debates on this on the Floor of the Assembly, and for that debate to take shape.”³⁰⁵ Indeed, the Secretary of State was unequivocal on the timing of reform:

299 [Q169](#)

300 [Q376](#)

301 [Q315](#)

302 [Q315](#)

303 [Q335](#)

304 [Q315](#)

305 Oral evidence taken on 25 October 2023, HC (2022–23) 86, [Q540](#) [Rt Hon Chris Heaton-Harris MP, Secretary of State for Northern Ireland]

My primary objective is to get the Executive up and running. You will have heard me say that I am not keen on talking about a plan B, because it feels like you have given up on plan A. I will never give up on trying to get the Executive up and running.³⁰⁶

Nonetheless, he did acknowledge: “At some point, there does have to be an evolution,”³⁰⁷ but, when we pressed him on when such an evolution should take place, he doubled down:

The general principle of consent is the DNA and the skeleton of a very important agreement that has brought peace to Northern Ireland over the past 25 years. Changes to it best come from [...] elected Members from Northern Ireland, the Executive and others. I would not be keen to tread into that territory lightly in any way, shape or form, which is why my emphasis is on trying to get the Executive back up.³⁰⁸

152. Pressed further on how a review, when the right moment does arise, might take shape, the Secretary of State concluded: “I am not going into hypotheticals on this, because that is a rabbit hole that I do not want to go down”³⁰⁹ and further stated: “The UK Government do not intend to change anything in the Belfast/Good Friday agreement without that debate’s first coming from the grassroots, the elected representatives of the Northern Ireland Executive and the Assembly through proper processes.”³¹⁰ At the outset of this inquiry, Sir Tony Blair made a similar point, telling us:

One of the things that I learned about this peace process is that on some things the British Government can really come in and lay down a solution, but there are some things that are really going to depend on the parties themselves reaching an agreement. You can do a certain amount of facilitation; what you can’t do is just order people, because the reality is still that if any substantial part of the community disagrees with a change to the Good Friday Agreement, it is going to be very hard to get it done.³¹¹

153. Bertie Ahern told us: “if it was my call today, which it is not—[it] would be that the review will take place when the institutions are up and stable,” but, on the principle of a review itself, he found no reason why something “as important and wide-scale as the Good Friday agreement cannot be looked at.”³¹² Indeed, as Mark Durkan put it to us:

The fact is that the two Governments need to be up front as well. I can understand their position: they are just saying that they do not want to create a negotiation around these things before restoration, because that could take on a whole new life of its own, and they want the focus on restoration first, but I think when we get restoration, we should be shaping up, essentially, for a renewal review.³¹³

306 See previous reference, [Q530](#)

307 See previous reference

308 See previous reference, [Q531](#)

309 See previous reference, [Q532](#)

310 See previous reference, [Q533](#)

311 [Q131](#)

312 [Q7](#)

313 [Q272](#)

Legitimacy

154. Another consideration, which will necessarily require expert legal and constitutional input, is the matter of how any reforms to the institutions might be given legal and democratic legitimacy. As Dr Haughey discussed in his submission: “Given that the ‘mandatory coalition’ model was publicly endorsed via referendum in 1998, departing from this model without creating opportunities for civic input would risk undermining the democratic legitimacy of any new institutional arrangement.”³¹⁴ He provided the following data on how the public think decisions on institutional reform should be made.

Table 3: If the governance structures of the Belfast/Good Friday Agreement are to be changed, how should this change come about? (%)

| | Agree | Disagree | Neither/Don't know |
|---|-------|----------|--------------------|
| A referendum | 79.1 | 8.1 | 12.8 |
| A constitutional convention of interested social, political, economic and educational organisations | 71.1 | 6.9 | 22 |
| MLAs decide | 38.1 | 33.3 | 28.6 |
| The British Government decides | 32.7 | 38.9 | 28.4 |
| The Irish Government decides | 29.3 | 52.3 | 18.4 |

Source: Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

155. We understand the logic in waiting for the institutions to get back up and running before embarking on a significant review and/or reform process. If the position of the two Governments and the majority of the Northern Ireland parties is that some measure of stability has to precede the Review—which as we have set out must be comprehensive and systematic—then we would accept that. However, we contend that there will be no perfect time to embark on a reform process and the fact remains that it is unclear when the institutions will return. *In view of the danger presented by increased separation of opinion between the political classes and the general public, we urge the Government to take heed of the groundswell of opinion that is moving towards institutional change, act upon our recommendations to bolster the institutions’ viability in the short to medium term, and make preparations for the Review as soon as possible thereafter. Furthermore, given the recent history of collapses of the institutions, a review remains desirable after restoration to increase their stability and reduce the risk of future breakdowns.*

156. *Given the limited further evidence we received on the specific issue of ascribing legal and democratic legitimacy to any substantive reforms made to the institutions, we recommend that expert consultation on this issue should also form part of the Review.* We also emphasise that the prospect of review and reform should not include any possibility of reversion to a time before the Agreement. With overwhelming legal and democratic legitimacy, it remains the only viable basis for government in Northern Ireland. The question at hand is when, and by what means, its necessary and foreseen evolution should be instituted.

314 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

A Citizens' Assembly for NI

157. The question also arose as to how best to involve the wider public in the process of review. The Agreement explicitly made provision for a Civic Forum, comprising “representatives of the business, trade union and voluntary sectors,” and acting “as a consultative mechanism on social, economic and cultural issues.”³¹⁵ While the Forum did meet between 2000 and 2002,³¹⁶ the concept was largely mothballed until, under the 2014 Stormont House Agreement, a “compact civic advisory panel”³¹⁷ was envisioned—but this too failed to attract momentum.³¹⁸ While Sir Jeffrey recognised the potential for “the Assembly to consult and take evidence from civic society” he argued that:

fundamentally, these are political issues. They should be dealt with within the context of the political institutions themselves and by the political parties that operate those institutions, but with wider consultation.³¹⁹

Dr Haughey posited, however, that instead of feeding into the political process, the wider public could in fact *lead* it:

We have reached the end of the road of the reform of our institutions by political leaders. Some of the time, those reforms—you think of St Andrews—have had unintended consequences, because it is left to party political leaders to cook up behind closed doors. [...]. We need to establish mechanisms for civic society to have a significant voice in this, and unless that happens we are not going to get institutional reform because there are too many people who benefit from the current system.³²⁰

158. Under the heading ‘Structured Civic Engagement’, 2020’s *New Decade, New Approach* made provision both for the Compact Civic Advisory Panel to be reformed and for “1–2 issues” to be commissioned annually for civic engagement, “including one Citizens’ Assembly a year.”³²¹ This followed from the parties’ recognition of “the value of structured and flexible engagement with civic society to assist the Government to solve complex policy issues.”³²² While this commitment has yet to be actioned, some witnesses argued that it could be a key part of finding a way forward in the current crisis.³²³ As Director of community Dialogue, David Holloway, told us in oral evidence:

I believe that it is abundantly clear that our citizens have the capacity to reach decisions on irreconcilable issues that the political process cannot or will not address.³²⁴

159. Political consultant Conor Veighey outlined in written evidence that a Citizens’ Assembly could be established in Northern Ireland using the successful model from the Republic of Ireland.³²⁵ Such a body would be:

315 Northern Ireland Office, *The Belfast Agreement*, Cm 3883, 10 April 1998, p. 9

316 CAIN Archive, University of Ulster, “[The Civic Forum](#),” accessed 2 November 2023

317 Northern Ireland Office, *The Stormont House Agreement*, 23 December 2014, p 13

318 Alan Whysall (Honorary Senior Research Associate at Constitution Unit, University College London) ([GFA0035](#))

319 [Q315](#)

320 [Q103](#)

321 Northern Ireland Office, *New Decade, New Approach*, 9 January 2020, p. 23

322 See previous reference

323 See, for example: Emma DeSouza ([GFA0029](#))

324 [Q205](#)

325 Citizens Information, “[Citizens’ Assembly](#),” accessed 2 November 2023

- permanent;
- able to set its own agenda;
- guaranteed parliamentary time for debate and voting on its recommendations;
- chosen through sortition, akin to jury service, reflecting a broad and balanced representation of the population with regards to cultural identity, political designation, party support and wider identity markers such as class, race, gender and sexual orientation.³²⁶

Mr Veighey suggested that such a Citizens' Assembly could be directed by the Executive, Assembly or the Secretary of State to holistically consider reforms to the institutions or constitution of Northern Ireland, or be convened on an ad hoc basis, such as in the event of institutional collapse, to consider key issues and how they might be resolved. In such case, "its recommendation would in the first instance be suggested to the parties as a means of resolving the dispute and, failing that, inform the actions of the Secretary of State and of the British and Irish governments."³²⁷

160. Dr Haughey pointed out to us that "72.2% of citizens polled in 2022 were in favour of using citizens' assemblies 'to give citizens a say on how the Assembly and Executive could be improved to function better'. This included a majority of unionist respondents, a majority of nationalist respondents, and a majority of Other respondents."³²⁸ On making the case for meaningful civic engagement, David Holloway stressed:

Please do not underestimate the power of marginalised, ill-educated, deprived and polarised citizens when they are given an environment within which they can safely explore what really matters to them, in their guts, and are provided with an impartial analysis of information to enable them to make their decisions. They have the capacity to reach agreement on all the contentious issues on which our political systems cannot.³²⁹

Dr Gráinne Kelly of Ulster University added to this point, commenting again on the example of the Republic of Ireland:

Another thing that citizens' assemblies can do—and it is not a bad thing—is give political cover to decision making. For example, it was not just that there was a sea change in political thinking on abortion as a result of citizens' assembly, but that it gave political cover whereby politicians were able to say, in some way, "We have a mandate."³³⁰

161. The potential for meaningful, substantive engagement with civic society has already been formally acknowledged by both governments and the Northern Ireland parties as a means of finding a pathway through Northern Ireland's most intractable issues. Citizens' assemblies have the potential to empower people to find solutions and reach across deep divides in a way which politicians—except perhaps in the case of events leading up to Good Friday 1998—rarely can. We regret that past provisions

326 Mr Connor Veighey ([GFA0050](#))

327 See previous reference

328 Dr Sean Haughey (Lecturer at University of Liverpool) ([GFA0049](#))

329 [Q197](#)

330 [Q205](#)

made for formal civic engagement have largely failed to get off the ground, but we are encouraged by the commitment made in New Decade, New Approach toward the idea's rejuvenation.

162. Accordingly, we urge the Government to begin preparations for establishing a Northern Ireland Citizens' Assembly. Its first undertaking should be to examine, alongside the Review, the issues of institutional reform discussed in this inquiry and it should aim to report its findings to the Review authority before any such body concludes its work.

Conclusions and recommendations

Introduction

1. In the years leading up to the Belfast/Good Friday Agreement, considerable groundwork had been laid through patient negotiation, compromise, and determination to end the Troubles, a period of conflict which had claimed the lives of more of more than 3,500 people. We commend those who established what would become the pillars of the Agreement and thank them for their contribution to the peace process. The final talks did not exist in isolation, and it is important to recognise that the architecture of peace was achieved through a long and difficult period of dialogue prior to April 1998. (Paragraph 7)
2. In its 25th anniversary year, we acknowledge the achievement of those who negotiated and agreed the Belfast/Good Friday Agreement, which brought peace to Northern Ireland after three decades of conflict. We recognise the considerable leadership and bravery shown, especially by the leaders of the Northern Ireland parties and peacebuilders, including women's groups, in Northern Ireland, and commend the constructive and determined attitude shown by the leaders of the British and Irish governments. Twenty-five years on, there is a temptation to see the achievement of peace as an inevitable outcome, but while the foundations were laid in the years leading up to 1998, reaching a settlement with broad consensus was far from a foregone conclusion.

As we look to the future, we remain mindful of the hard work that was necessary in order to achieve agreement, and of the fact that in the modern media environment, such an outcome might not have been possible. (Paragraph 10)

3. The Belfast/Good Friday Agreement is the basis of devolved government in Northern Ireland. Several key provisions are codified in both domestic and international law and it has overwhelming democratic legitimacy—from which is derived a near-universal understanding that Northern Ireland should never again be blighted by violent conflict. It also includes clear imperatives upon the parties in Northern Ireland and the British and Irish governments to regularly review its operation and to take remedial action where necessary to address difficulties in accordance with their treaty obligations. (Paragraph 21)
4. As we will set out, this inquiry has found that there is scope for reform of the Agreement's institutions—as is reflected in the findings that follow. It has also found that there is notable public interest in options for reform. We are mindful, however, of the specific provision made for review and remediation within the text of the Agreement, and while we believe our findings go some way to identifying changes that need to be made and areas which require focused and sustained attention, we emphasise that only on the basis of calls for substantive change from people in Northern Ireland can the Government, in partnership with the Government of Ireland, and in partnership with the Northern Ireland parties, take this work forward. (Paragraph 22)

5. *As such, we call upon the Government, in partnership with the Government of Ireland and in close consultation with the Northern Ireland parties, to commission a formal, independently led review (hereafter “the Review”) into the operation of the institutions of the Belfast/Good Friday Agreement. The Review should:*
 - *examine the institutions’ ability to provide effective and stable government in Northern Ireland, with broad cross-community inclusion;*
 - *explore the extent to which the North/South and East/West bodies have supported effective governance in Northern Ireland and facilitated effective cooperation across these islands;*
 - *include mechanisms for substantive consultative engagement with Northern Ireland society; and*
 - *make recommendations on how the institutions could be reformed with a defined roadmap for the achievement of those reforms. (Paragraph 23)*

Strand One - democratic institutions in Northern Ireland

6. In the 25 years since their inception, numerous attempts have been made at strengthening the viability and stability of the Strand One institutions in complex and challenging political circumstances. The successor agreements—and subsequent legislative alterations to the institutions—serve to illustrate the delicate context in which the institutions operate and the near-constant effort required from the Northern Ireland parties and the British and Irish governments to facilitate their continued existence. We recognise that they have not had all-party consensus or involvement and remain the subject of continued criticism. It is also apparent that it is difficult for the institutions to reform themselves without the input of the British and Irish governments. Nonetheless, the very existence of successor agreements and the changes they have instituted illustrates that reform of the Agreement’s institutions is possible, even if such reform is piecemeal and sometimes lacking in implementation. (Paragraph 40)

Strand One - an evaluation

7. Cross-community safeguards were a fundamental aspect of the Strand One institutions’ design. They recognised and accommodated the politics of a deeply divided, post-conflict society and were undoubtedly fundamental to securing agreement between Unionist and Nationalist parties in 1998. With an understanding drawn from that time, the institutions have facilitated successfully cross-community government and we recognise the continued importance of Unionist/Nationalist representation to the legitimacy of government in Northern Ireland and the wider stability of the region. However, there is an emerging sense that “cross-community” should take account of the growing section of Northern Ireland society which does not identify as either Unionist or Nationalist. In this sense, it is difficult to maintain that the institutions truly deliver cross-community governance when a significant—and growing—number of elected representatives do not enjoy the same powers within the institutions as their Unionist/Nationalist-designating colleagues. (Paragraph 48)

8. There is broad consensus that the Strand One institutions are unstable and prone to collapse. The current system of nomination to the positions of First Minister and Deputy First Minister gives, in effect, a single party a veto over Executive formation and thus the continued functioning of democratic government in Northern Ireland. It also prevents the proper functioning of the institutions under Strands Two and Three of the Agreement. There is also consensus that even when functioning, the threat of collapse looms large over the institutions, with a pervasive culture of dispute rather than business-like cooperation. It is also apparent that there is insufficient incentive for parties to avoid exercising their power of veto. The result is a highly temperamental system of government. (Paragraph 51)
9. In spite of their instability—owed in part to stringent cross-community safeguards—the institutions have shown that they can be effective in terms of legislative output. During periods of relative stability, by that metric the Assembly arguably outperforms its counterparts in Scotland and Wales. Evidence also shows that the institutions have presided over the development of key industries in Northern Ireland. We commend this achievement and recognise that the institutions can constitute an active legislature and that their work has led to good policy outcomes in certain areas. (Paragraph 55)
10. The Strand One institutions have failed to address a number of critical policy issues in Northern Ireland. There is broad consensus that a deficit of governance has—and continues to have—a detrimental impact on policy development and outcomes. Such a deficit can be rectified only by elected representatives in Northern Ireland, and not by their counterparts in Westminster or civil servants. (Paragraph 61)
11. While the design of the institutions—primarily through the use of vetoes and a system of mandatory coalition—stymies the effectiveness of government in Northern Ireland, we also recognise that the success of the institutions in turn depends on the political will of the actors who inhabit them and the working relationships between those actors. Structural weaknesses do not make the institutions inherently ineffective, but when compounded with political realities in Northern Ireland, a poor and highly unsatisfactory record is likely. The achievement of good government in Northern Ireland is a process rather than an event, and too often successor agreements have been seen merely as a means to end impasses and not as binding obligations to deliver on promised outcomes. (Paragraph 71)

Strand One - options for reform

12. We understand the cautionary arguments against short-term reform to the process for the election of the Speaker. In previous instances of institutional boycott, the possibility of reforming the thresholds for electing key institutional roles such as Speaker of the Assembly was not seriously considered. This, coupled to the passing of time, is insufficient reason to preclude limited, purposeful intervention to make the institutions more operable in times of crisis for Northern Ireland, when stable and effective government is perhaps needed more than ever. The ability of the Assembly to elect a Speaker is fundamental to this and we see it as a priority that the Assembly has a Speaker in place as soon as possible. (Paragraph 77)

13. *We recommend that the Government, in close consultation with the Government of Ireland and the Northern Ireland parties, legislates to amend the Northern Ireland Act 1998 such that the Speaker of the Northern Ireland Assembly is elected by MLAs on a supermajority basis of two-thirds. This change should take effect as soon as practicable. (Paragraph 78)*
14. Despite what political realities may have dictated in 1998, there is no justifiable reason why the titles of First Minister and Deputy First Minister should not be formally known as 'Joint First Ministers.' There is little dispute over the equal powers of the offices and there is consensus that the separate titles can infer a senior and a junior, with potentially distortionary electoral consequences. There is also agreement that when the Executive Office functions well, the First Minister and Deputy First Minister are seen to be acting jointly in the best interests of Northern Ireland. The misleading titles ascribed to these roles run the risk of positive power-sharing outcomes being diluted. Furthermore, an accurate representation of the jointness of the offices would, 25 years on, reinforce the Agreement's principle of parity of esteem between the two main communities and send a signal that the Executive Office acts in the interests of them both. This could begin to restore faith in the institutions at a time of crisis. (Paragraph 83)
15. *We recommend that the titles of First Minister and Deputy First Minister be renamed 'Joint First Minister'. Accordingly, the Government, in close consultation with the Government of Ireland and the Northern Ireland parties, should legislate to amend the Northern Ireland Act 1998 to that effect, with the change coming into force at the beginning of the next Assembly mandate. (Paragraph 84)*
16. The change in nomination procedure for the offices of First and Deputy First Ministers resulting from the St Andrews Agreement in 2006 undermined the core principles of the Agreement. The offices are held jointly and their powers are equal. The nomination procedure instituted in 1998 was designed to reflect this and the Assembly's position as the prime source of authority in Northern Ireland. It is also clear that the present system of nomination enables either of the two largest Assembly parties to prevent the formation of an Executive by refusing to nominate for the position to which they are entitled, with no means of overcoming the instability this creates. We also recognise that to revert to the pre-2007 arrangement of a cross-community vote to elect the First and Deputy First Ministers would also likely result in an effective veto for either of the two largest parties. However, there is precedent within the Agreement for key votes in the Assembly to be taken on a supermajority basis, rather than through either parallel consent or weighted majority, to demonstrate a form of cross-community support for nominees. (Paragraph 88)
17. *Therefore, we recommend that the Government, in close consultation with the Government of Ireland and the Northern Ireland parties, legislates to amend the Northern Ireland Act 1998 such that the two holders of the office of Joint First Minister are elected by the Assembly on a supermajority basis of two-thirds, with nominations open to any two MLAs of any two parties who run on a joint slate. This change would take effect from the beginning of the next Assembly mandate. (Paragraph 89)*
18. We note with interest various proposals for reforming the broader system of Executive formation. We believe that there is scope for a system which will allow

for greater cohesiveness within a coalition but are acutely aware of the potential drawbacks of departing from ‘mandatory’ coalition as we currently see under d’Hondt. While mandatory coalitions can be unwieldy and impede the development and implementation of an Executive’s agenda, we consider it more important to Northern Ireland’s political stability in the short term to at least have an Executive in place in the first instance—hence our previous recommendation to broaden the criteria through which First Ministers can be appointed, without whom no further ministerial portfolios can be allocated. *As such, we recommend that the Government incorporates into the Review a full evaluation of how the present system of Executive formation might be reformed to increase coalition cohesiveness while maintaining cross-community representation.* (Paragraph 93)

19. We note with interest the lively discussion both within and without this inquiry regarding the future of community designation and its application to voting procedures in the Northern Ireland Assembly and Executive. As already acknowledged, Northern Ireland has changed since 1998 and the understanding employed by the Agreement of what should constitute cross-community government is in need of an update. There is merit in removing designations and, with safeguards, introducing, for example, qualified majority voting to ensure support throughout the Assembly. However, Northern Ireland remains a society with sectarian divisions and we believe that it would not be appropriate for us to pass judgment on the future of the overall role that community designation plays in the institutions. *While we believe reforms can—and should—soon be made which could improve the stability of the institutions in the short to medium term, we recommend that the Government incorporates into the Review a full evaluation of the effect of community designation in facilitating effective, stable and—in the broadest sense—cross-community governance in Northern Ireland.* (Paragraph 98)
20. We are aware of work already underway to strengthen the behaviours and working practices within the Strand One institutions. We concur with the argument that institutions can only be made effective by those who inhabit them and in this regard we endorse efforts to improve behaviours and best practice among MLAs in both the Assembly and Executive, as well as practical suggestions to improve the smooth and effective functioning of government in Northern Ireland. *We recognise that improvements can only come with sustained attention over time, and so we recommend that the Government incorporates into the Review a module on how the behaviours and working practices of the Strand One institutions could be improved, with a view to developing a programme dedicated to upholding the Agreement’s core principles of good faith, trust and mutual respect and delivering good government in the best interests of all in Northern Ireland.* (Paragraph 103)
21. The Northern Ireland parties have a fundamental role in shaping the future of the institutions to which they are elected by the people of Northern Ireland. As co-guarantors of the Agreement, however, the British and Irish Governments have an immutable obligation to nurture and support what is still a young and developing system of government, mired by structural complexities and operating in the context of sectarian division. Over the past 25 years, this is not an obligation that has always been met. *Therefore, in light of the current impasse and the body of evidence presented in this report, we urge the Government to renew its commitment to the Belfast/Good*

Friday Agreement in Northern Ireland by commissioning the independently led Review of its institutions, as set out in our earlier recommendation, and to act swiftly upon further recommendations made in this report. (Paragraph 106)

Strand Two - North/South institutions

22. We note with concern the weight of evidence which suggests that the potential for the Strand Two institutions to deliver meaningful cooperation on the island of Ireland for the benefit of all its citizens, North and South, has not been realised. However, we also commend efforts which have seen pragmatic cooperation outside of the formal structures of the institutions, with the benefits that have resulted. Nonetheless, we conclude that cooperation is best achieved through regular, formal, substantive participation in structures dedicated purely to the purpose of cooperation for mutual benefit, and we call for a renewed commitment on the part of the parties of Northern Ireland to realising the possibilities Strand Two created. *To this end, we recommend that the Government incorporates into the Review a comprehensive evaluation of the structure and working practices of the NSMC and the implementation bodies, including the necessity or otherwise of the ministerial veto on attendance, such that maximum participation from the two administrations can be achieved and meaningful results delivered. (Paragraph 119)*

Strand Three - East/West institutions

23. As with Strand Two, we recognise the importance of Strand Three to the overall character and successful functioning of the Agreement. Ostensibly—and evidenced by the way in which they have largely been used—the institutions under Strand Three serve to provide structures to support the operation of the Strand One institutions. This is indeed an important function, but it is a limited understanding of the role and potential of Strand Three, which the Agreement clearly saw as providing opportunities to discuss and agree mutual cooperation across these islands, and not merely as a support mechanism for one territory. We welcome the recent rapprochement between the British and Irish governments, but we stress the ready-made opportunity which the Strand Three institutions provide to share insights and understanding, to cooperate on policy issues for mutual benefit and, in essence, to constitute a bedrock of support for each constituent territory against future challenges. (Paragraph 133)
24. *As such, we recommend that the Government increase the level of Prime Ministerial attendance at meetings of both the BIIGC and BIC, with relevant Cabinet Ministers attending in addition or deputising as necessary, and incorporate into the Review a comprehensive assessment of how Strand Three could be better utilised to tackle shared policy issues for the benefit of the United Kingdom and its constituent nations and territories. (Paragraph 134)*

Public opinion

25. It is clear from our own commissioned research—and that undertaken by others—that there is widespread public dissatisfaction with the stability and effectiveness of the Strand One institutions. There is also evidence of growing dissatisfaction with

the emphasis placed on cross-community safeguards in the institutions, despite a recognition that these measures were a fundamental element of the Agreement. On that account, a measure of caution is still shown toward a drastic departure from those arrangements, with mixed levels of knowledge on the possible options for reform. Nonetheless, there is clear and compelling evidence that much of the public are further ahead of, and more open to change than, much of the political class. As such, we conclude that, given the right support, a formal informed public debate is essential to the substantive development of the Agreement's institutions, and there is significant majority support for reform of some kind to the Strand One institutions. (Paragraph 147)

Routes forward

26. We understand the logic in waiting for the institutions to get back up and running before embarking on a significant review and/or reform process. If the position of the two Governments and the majority of the Northern Ireland parties is that some measure of stability has to precede the Review—which as we have set out must be comprehensive and systematic—then we would accept that. However, we contend that there will be no perfect time to embark on a reform process and the fact remains that it is unclear when the institutions will return. *In view of the danger presented by increased separation of opinion between the political classes and the general public, we urge the Government to take heed of the groundswell of opinion that is moving towards institutional change, act upon our recommendations to bolster the institutions' viability in the short to medium term, and make preparations for the Review as soon as possible thereafter. Furthermore, given the recent history of collapses of the institutions, a review remains desirable after restoration to increase their stability and reduce the risk of future breakdowns.* (Paragraph 155)
27. *Given the limited further evidence we received on the specific issue of ascribing legal and democratic legitimacy to any substantive reforms made to the institutions, we recommend that expert consultation on this issue should also form part of the Review.* We also emphasise that the prospect of review and reform should not include any possibility of reversion to a time before the Agreement. With overwhelming legal and democratic legitimacy, it remains the only viable basis for government in Northern Ireland. The question at hand is when, and by what means, its necessary and foreseen evolution should be instituted. (Paragraph 156)
28. The potential for meaningful, substantive engagement with civic society has already been formally acknowledged by both governments and the Northern Ireland parties as a means of finding a pathway through Northern Ireland's most intractable issues. Citizens' assemblies have the potential to empower people to find solutions and reach across deep divides in a way which politicians—except perhaps in the case of events leading up to Good Friday 1998—rarely can. We regret that past provisions made for formal civic engagement have largely failed to get off the ground, but we are encouraged by the commitment made in New Decade, New Approach toward the idea's rejuvenation. (Paragraph 161)
29. *Accordingly, we urge the Government to begin preparations for establishing a Northern Ireland Citizens' Assembly. Its first undertaking should be to examine, alongside the*

Review, the issues of institutional reform discussed in this inquiry and it should aim to report its findings to the Review authority before any such body concludes its work.
(Paragraph 162)

Formal minutes

Wednesday 29 November

Members present

Sir Robert Buckland, in the Chair

Stephen Farry

Sir Robert Goodwill

Claire Hanna

Sir Tony Lloyd

Carla Lockhart

Jim Shannon

Draft Report (*The effectiveness of the institutions of the Belfast/Good Friday Agreement*), proposed by the Chair, brought up and read.

Draft Report (*Minority report from Carla Lockhart and Jim Shannon*) proposed by Carla Lockhart, brought up and read as follows:

Minority Report – Carla Lockhart/Jim Shannon

It is no secret that our party, the Democratic Unionist Party, opposed the Belfast Agreement. Politically, and from a moral standpoint, we were appalled that it facilitated the early release of terrorist prisoners over a two-year period, failed to provide a proper process to deal with the legacy of the troubles including justice for victims, ushered in the demise of the Royal Ulster Constabulary and contained no commitment from the IRA or any other terrorist group to lay down their weapons. Institutionally, although we endorsed the principles of devolution, including establishing an Executive and Assembly, we felt the original arrangements contained in the Belfast Agreement handed individual ministers too much power to make contentious decisions that would ultimately negatively impact public confidence. Our Party, and Unionism more generally, also had deep concerns surrounding a lack of accountability in terms of North-South structures, ministerial support for the rule of law and the devolution of policing and justice. Subsequently, in 2003, we campaigned for a mandate to renegotiate its terms and secure a fair deal for everyone in Northern Ireland.

The fundamental reforms our party secured to the Belfast Agreement and Northern Ireland Act 1998 at St Andrews have been the foundation for our participation in power-sharing and whilst not averse to future reforms to the operation of the institutions we are clear in our conviction that such arrangements must be the product of agreement between the local parties and command the broad support of Unionists and Nationalists on an ongoing basis.

We present this minority opinion because sadly there is no recognition within that draft report of the reality that the fundamental problem threatening the stability of devolved government in Northern Ireland is not the actions or stance of any one party or tradition but rather the undermining of the consent and cross-community consent provisions at the heart of the Belfast Agreement.

In the context of the divisions that have informed our politics the reason why devolution has made progress is precisely because its operation has been underpinned by robust mechanisms that provide parallel consent of unionists and nationalists on an ongoing basis.

Given that the Taoiseach has, for very good reason, said that as a nationalist he could not sit in a government with Sinn Féin, it is not difficult to see what a massive step it was and is for unionists in Northern Ireland to be part of the same government as Sinn Féin and indeed other parties who have, as their objective, the break-up of the United Kingdom.

This was only possible in the context of the provision of the protections and safeguards at the heart of the Belfast Agreement.

In this the twenty-fifth anniversary year of the Good Friday Agreement rather than criticising these protections and safeguards, there should be an onus on all parties and the Government to renew support for them, because without them the history of the last twenty-five years would be very different.

Of course, if you compare Northern Ireland with a society that does not need the protections and safeguards of the Belfast Agreement like cross-community consent, you might be tempted to say that the inconvenience they cause is intolerable - that would be neither wise nor fair. We have to look at these arrangements in the context of the far, far greater and utterly destructive and traumatising costs of the Troubles.

It is not our intention to suggest that there cannot be discussions about institutional reform but any discussion about Strand 1 and the safeguards it contains must be carefully framed:

- 1) Reform should be about ensuring locally accountable government in Northern Ireland is secured for our children and grandchildren. It should not be used as a short-term tool to punish, or embolden, one party or community.
- 2) The appropriate context for considering changes to the institutional arrangements is during a period of stable devolution. It is not a coincidence, but by design (on the basis of agreement and legislative change made at St Andrews) that the mechanisms for review - including the Assembly and Executive Review Committee - are built into Strand 1. The DUP insisted on these safeguards, so as two DUP MPs we certainly are not against review.
- 3) In line with the three stranded principle at the heart of the various Agreements, there can be no role for the Irish Government in the internal affairs of Northern Ireland. Consequently, any review must recognise that there can be no role for the Irish Government in determining the internal affairs of Northern Ireland and must seek to bring the governance of Northern Ireland fully into line with this.'
- 4) Not every period of Stormont hiatus has been due to a design fault within the institutions themselves. That may have been largely the case in the period between 1998

and 2007, however the current impasse is actually the result of the Government departing from the consent and cross-community consent principles at the heart of the Belfast Agreement by imposing the Protocol on communities in a way that unilaterally alters Northern Ireland's constitutional position.

- 5) The future success and wellbeing of Northern Ireland and the operation of devolution will be dependent on arrangements that command the support of both Unionists and Nationalists.
- 6) The most significant governance defect within the institutions at present has resulted from the democratic deficit created by the ceding of legislative powers in 300 areas of law to the EU under the Protocol without the express or advance consent of the majority of people in Northern Ireland or any say for their elected representatives. How will any reform process address the need to protect the principle of consent and cross community consent?
- 7) Any review or reform of the Belfast Agreement in the medium term must incorporate a reassessment of the Government's support for the Executive and for frontline services.
- 8) The motivation for reform must not be to simply reduce representation from unionism or nationalism in order to facilitate the electoral success of other traditions.
- 9) North-South cooperation and decisions must be accountable to the Executive and Assembly.
- 10) There should be a renewed impetus on mutual cooperation throughout the British Isles and in particular between the constituent parts of the United Kingdom via the establishment of a new UK East-West Council.

The Current Challenge to the Belfast Agreement and its Institutions for Unionists

The reason why our party felt that it had no option other than to withdraw from the Executive in February 2022, is precisely because key provisions of the Belfast and St Andrews Agreements were no longer being respected. The extent of the difficulty was underlined twelve months later by the Supreme Court in a judgement which confirmed that two of the most important components of the Agreement, which were central to unionist engagement, consent and cross community consent, had either not been incorporated into domestic law, or had been unincorporated, and were thus being ignored.

However, in order to fully appreciate this threat to the Belfast Agreement and in particular Strand 1, it is actually important to first consider it in general terms. This is particularly important given that the Agreement is a treaty and so our understanding of it is necessarily informed by general principles of international law as well as those that are specific to the treaty.

Section 1: The Problem in General terms

Up until 30 December 2020 the people of Northern Ireland enjoyed the right to stand for election to make all the laws to which we are subject, along with UK citizens living in England, Wales and Scotland. On 1 January 2021, however, we were subject to a significant constitutional change in that from that point we could no longer stand for election to make

all the laws to which we were subject. From that point NI law in 300 areas has been made for us by a foreign legislature, without any say for our elected representatives in Northern Ireland. In our opinion, this created a significant democratic deficit and represented a far-reaching change in the constitutional status of Northern Ireland without our consent.

In this it is important to have regard for two general considerations quite apart from the provisions of Strand 1: democracy and international law.

i) **The Undermining of Democracy**

In the first instance, in terms of democracy, even if the Belfast Agreement did not exist and we were simply looking at this from the perspective of general minimum democratic and constitutional standards, what has happened in Northern Ireland is quite extraordinary. In the run up to 2021, the rights of the people of Northern Ireland to stand for election to make the laws to which they are subject in 300 areas were taken from them without a prior referendum for the period between 1 January 2021 and January 2025. But in some ways more importantly, it is even more outrageous that such a course of action was ever contemplated such that the people of Northern Ireland could have ever been asked such a question in the twenty first century. In a liberal democracy no one should be expected to surrender this right.

ii) **Undermining International Society - the Violation of International Law**

In the second instance, at the heart of international relations is the ‘doctrine of recognition’ and the principle that the international society of states depends on two states ‘recognising’ each other. The existence of this doctrine and the way in which the European Union has violated it in relation to the United Kingdom was set out by Lord Morrow in the King’s Speech on 15 November at Cols 523–4:

‘At the heart of these is the doctrine of recognition and the principle that international relations depend on two states recognising each other. This amounts to each acknowledging and respecting the right of the other to govern itself across the extent of its territory. That is foundational, because it is only when two sovereign states afford each other their reciprocal dignity that international relations can really happen.

To be sure, there are other important doctrines, such as pacta sunt servanda, as mentioned by the noble Lord, Lord Kerr. Agreements must be kept, but we cannot collapse international society into that principle abstracted from the other conventions that make international agreements a possibility—otherwise, a treaty to promote slavery or disfranchisement would be inviolable, because it would rest on an agreement between states. In truth, the operational impact and importance of pacta sunt servanda in treaty-making assume the basic integrity of the actors—sovereign states—between which those agreements are reached. If we wish to uphold the integrity of the international society of states that is definitive of world order, and on which international law is based, we have to remember that valid treaties are not just whatever two parties agree; they are agreements made in a context that respects the foundational norms or assumption on the basis of which the peace and stability of the international area depend.

For example, it states quite plainly in the UN Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations:

“Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State”.

It also states:

“Nothing ... shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States ... Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country”.

Lest there should be any doubt about the importance of these principles, the declaration also affirms:

“The principles of the Charter which are embodied in this Declaration constitute basic principles of international law, and consequently appeals to all States to be guided by these principles in their international conduct and to develop their mutual relations on the basis of the strict observance of these principles”,

and:

*“Where obligations arising under international agreements are in conflict with the obligations of Members of the United Nations under the Charter of the United Nations, the obligations under the Charter shall prevail”.*¹

We believe that the EU has breached these obligations through the imposition of the Northern Ireland Protocol. The 27 member states of the European Union have decided to undermine the integrity of the United Kingdom and its Internal Market by imposing laws in which we have no say, and the imposition of a border in the Irish Sea that significantly undermines Northern Ireland’s unfettered access to the UK Internal market and our economic rights under the Acts of Union.

Some might say this is acceptable because the Parliament of the United Kingdom has agreed to embrace this humiliation.

That, however, does not change the fact that Parliament would never have considered such an outcome had the EU not proposed it and thereby sought to disrupt the national unity and territorial integrity of our country in violation of the obligations resting on the 27 sovereign states set out in, among other places, the ‘UN Declaration on Principles of International Law, Friendly Relations and Co-operation among states in accordance with the Charter of the United Nations.’

Nor does it make Parliament’s decision to acquiesce with this pressure anything other than a serious mistake, setting an unsettling precedent for international society that is quite unbecoming of a Permanent Member of the UN Security Council.

In this we can be glad that the UK constitution is alive to the capacity of any particular Parliament to make mistakes which is why such great emphasis is placed on the importance of the fact that no Parliament can bind its successors. When Parliament makes a mistake, it can correct it with relative ease.

1 <https://hansard.parliament.uk/Lords/2023-11-15/debates/89F2D3E4-7E20-4D4A-8CC5-E4FE3553AFA5/details#contribution-376CD030-D717-4637-A25C-21E50AED1346>

It remains our view that any post-Brexit arrangements on trade within the United Kingdom Internal Market and with the EU Single Market must command the support of unionists as well as nationalists in order to maintain the essential cross-community consensus that enables the successful and sustainable operation of the political institutions and arrangements established under the Belfast and St Andrews Agreements. The Northern Ireland Protocol absolutely failed this test and whilst the Windsor Framework represents significant progress, the objective of restoring that cross-community consensus has not yet been achieved. Negotiations continue with His Majesty's Government to agree further change that will see Northern Ireland's place in the United Kingdom and its Internal Market fully restored.

In the interests of maintaining cross-community consensus, unionists have accepted the need to avoid a hard border on the island. However, at no stage have they accepted the imposition of EU customs arrangements on the trade in goods within the United Kingdom, including goods moving between Great Britain and Northern Ireland. It is essential that any change to the current arrangements removes these unnecessary barriers to internal UK trade and restores Northern Ireland's place within the United Kingdom Internal market. This means there should be no EU customs procedures or unnecessary checks on goods moving within the Internal Market from GB to NI.

Thus, even before we get to the specific provisions of the Belfast Agreement as a Treaty, it is clear that Northern Ireland has been subjected to a far-reaching injustice with profound implications on the government of Northern Ireland.

Section 2: The Good Friday Agreement Perspective

Having considered the problems with the Protocol/Windsor Framework in general terms it is now possible to move into a proper discussion of the threat posed to the Agreement, especially Strand 1, by the Protocol/Windsor Framework. In what follows this report will examine the damage done to the Agreement: i) in terms of its basic achievement, ii) in terms of Strand 1 protections generally and iii) in terms of the particular threat and dangers to Strand 1 safeguards surrounding the mandated Article 18 vote.

i) The Basic Achievement of the Belfast Agreement

For sixty years the UK had continued relations with, first, the Free State and then the Republic, on a basis wherein London would have been perfectly justified not to do so. As noted above the most basic act of international relations is for two states to 'recognise' each other. This involves state A recognising that State B exists and that State B has the right to govern itself within its own territorial integrity, a right that State A does not have or claim. If two states can afford each other this reciprocal dignity, then diplomatic relations can happen. The UK was very generous in its dealings with the Free State and ROI because it agreed to have diplomatic relations with the Republic, notwithstanding the fact that the Republic refused to recognise the territorial integrity of the UK, claiming, through its constitution, the right to govern Northern Ireland.

In this context the Belfast Agreement constituted a Treaty between the UK and ROI which generated a compromise that gave the UK something in 1998 on the basis that, in time, this might be transferred to the Republic. The Treaty provided a means whereby, for the first time, the Republic recognised the territorial integrity of the UK, removing the sections

of its constitution that laid claim to the North, and thus acknowledged the reality of the border between ROI and NI. In return the UK provided a mechanism whereby Northern Ireland could vote in a border poll to leave the UK and become part of the Republic in the event that polling suggests that such a referendum would elicit a yes vote. It thus strengthened UK sovereignty in return for the provision of a mechanism that at some future point could potentially (though not inevitably) result in Northern Ireland leaving the UK through a border poll.

Two critical points follow from this:

First, it was precisely because of the recognition of the border, in a context where there was nonetheless a desire to promote contact and relationship between NI and ROI, that it became necessary to develop cross-border mechanisms. Their significance was not to say that the border matters less but that it matters more, this side of a border poll for ending the UK, and in that context and the desire to foster closer relations notwithstanding the presence of the border, it was necessary to develop cross border mechanisms. If the border was not there, just as there is no state border between Cork and Kerry or Antrim and Londonderry, there would be no need for comparable cross-border mechanisms just as there is no need for comparable cross border mechanisms between Cork and Kerry or Antrim and Londonderry.

Second, the Protocol undoes key aspects of the Agreement because it creates a situation wherein, rather than claiming the right to govern Northern Ireland, as pre 1998/9, the Irish Government as an EU Member State supported new arrangements that removed the ability of the Strand One Institutions at Stormont to have a say in some of the laws affecting this part of the United Kingdom and thus created the current democratic deficit. This also applies to some of these laws that would otherwise be made by Parliament. While the UK Government has consented to this, it undermines the norms of international relations.

ii) **The Threat to Belfast Agreement Protections and Safeguards**

The Protocol has highlighted/affected 3 key challenges to the Belfast Agreement protections and safeguards:

The Belfast Agreement is very clear that it pertains to multiple potential constitutional changes because it says there cannot be *any* constitutional change that involves moving Northern Ireland away from the UK and closer to the Republic (the presenting context) save with the consent of the people of Northern Ireland.

‘iii) acknowledge that while a substantial section of the people in Northern Ireland share the legitimate wish of a majority of the people of the island of Ireland for a united Ireland, the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and, accordingly, that Northern Ireland’s status as part of the United Kingdom reflects and relies upon that wish; and that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people;’²

The Supreme Court Judgement of February 2023 did not deny that the above treaty obligation prohibits any change in the constitutional status of Northern Ireland save with the consent of the majority of the people of Northern Ireland. It simply pointed out that there was nothing in the Northern Ireland Act 1998 to give effect to it. The obligation,

2 <https://www.gov.uk/government/publications/the-belfast-agreement>

however, stands as a matter of international law. Rather than marking the twenty fifth anniversary by confirming that the UK and Republic of Ireland intend to ignore this pivotal obligation, they should insist that it is honoured.

The Northern Ireland Protocol has imposed a significant change in the constitutional status of Northern Ireland in terms caught by the Belfast Agreement as outlined above. This needs to be properly addressed and the democratic deficit created by the Protocol must be rectified in the context of current negotiations. We are also clear that the UK Government must clarify that any future reform of the institutions will require cross-community consent.

Democracy: Cross Community Consent

The requirement for Cross Community Consent in the Good Friday Agreement states:

(d) arrangements to ensure key decisions are taken on a cross-community basis;

*(i) either parallel consent, i.e. a majority of those members present and voting, including a majority of the unionist and nationalist designations present and voting; (ii) or a weighted majority (60%) of members present and voting, including at least 40% of each of the nationalist and unionist designations present and voting.*³

This was given effect in domestic legislation through Section 42 of the Northern Ireland Act 1998.

In introducing legislation to disapply cross community consent in the Article 18 vote, the Under Secretary of State for Northern Ireland set out the justification in the following terms:

*'I have heard arguments that this approach is somehow contrary to or not compatible with the Belfast agreement, and I do not accept that that is so. Our approach is entirely compatible with the agreement. The principle of cross-community support set out in the Belfast agreement applies to internal matters for which the Northern Ireland Assembly is responsible. The consent mechanism, contained as it is in the Northern Ireland protocol, relates to the UK's continued relationship with the EU, an excepted matter in Northern Ireland's devolution settlement. That means that the matter at hand falls outside the remit of the Assembly and outside the principle of requiring cross-community support to pass.'*⁴

Thus, the Government's argument that they can circumvent cross-community consent appears to be based on the fact that the democratic consent motion is not within the legislative competence of the Assembly. However, even if one accepts that making laws with respect to the EU is an excepted matter, this fact in no way limits the application of cross community consent to matters within the legislative competence of the Assembly. In the first instance, there is nothing in the text of the Good Friday Agreement that limits the application of the cross-community consent safeguard in any way, and thus it is not limited to legislative decisions of the Northern Ireland Assembly. In the second instance, there is nothing in the text of the Northern Ireland Act that limits Assembly decision making to legislative decision making. In this context there is a clear basis for controversial, non-legislative Assembly decision-making and no basis for arbitrarily limiting the application

of cross community consent to legislative matters in order to please the EU. This seems to be the result of a deliberate decision to try to walk away from a key aspect of the Good Friday Agreement, hoping no one really notices.

The convention that there can be no majoritarian votes at Stormont on matters of controversy goes back to 1972, not to 1998. In that sense the 1998 expression of it has to be understood in that wider context. The clear point was that majoritarian decision making on matters of controversy at Stormont was rejected without qualification. There was no sense in which only majoritarian legislative decisions were in view such that it would have been acceptable to recreate Stormont in 1980 to make far-reaching, controversial legislative or non-legislative decisions on a majoritarian basis.

Furthermore, the Supreme Court Judgment did not agree with the Government that cross-community consent, as manifest in the Northern Ireland Act rather than as a convention, was only required in relation to devolved, legislative matters narrowly conceived. Rather it dodged the issue, arguing that this question was overruled by the decision to make the Protocol directly effective in UK legislation subjecting, through Section 7A, every previous enactment to the demands of the Protocol. This is very important because it means that the Supreme Court did not agree that the Belfast Agreement limited the cross-community consent requirement, leaving open the possibility that Parliament simply swept this aspect of the Agreement away. In this context two things follow:

First, the Government cannot rely on the Court to back its argument that it has not changed and narrowed the meaning of the Agreement in order to accommodate the demands of the EU and that, for the reasons set out above, this is exactly what it has done. Second, in this context one can argue that Parliament accidentally dislodged part of the Belfast Agreement and, given that no Parliament can bind its successors, this is easily fixed.

In a context where unionist support for the Belfast Agreement, and therein devolution, was only possible because of the protection provided by cross-community consent, and its incorporation into domestic legislation through S.42 of the Northern Ireland Act, the limitation of S.42 for reasons that are both disingenuous and tendentious, undermines the basis for unionist support for the Belfast Agreement. In this context the point can be made that the Government must ensure any new arrangements fully respect the need for cross-community consent in the operation of the political institutions in Northern Ireland.

iii) The Danger of Turning Away from Strand 1 Protections and the impact on community relations.

In a context where the Strand 1 protections are under attack to the extent that this has caused the Assembly to collapse, it is completely inappropriate to respond to this by trying to then further dislodge them. Such a Strategy will only further imperil the governance of Northern Ireland, putting everything that has been achieved in the last twenty five years in jeopardy. In this regard it is particularly important to reflect on the full implications of the Article 18 vote without cross community consent.

The removal of the requirement for cross community consent in the Article 18 vote, means that in less than a year Stormont will have its first controversial majoritarian vote in over fifty years, since 1972, the height of the Troubles. If the political institutions in Northern Ireland are to be restored on a sustainable basis, the outcome of this vote cannot simply disregard the views and concerns of a significant proportion of the Northern

Ireland population about matters that are important to them and their place in the United Kingdom. Consequently, it remains our view that if this vote fails to achieve cross-community consensus, then it must trigger the independent review of the Framework already provided for and which should consider all aspects of its operation and the impact that it has upon the democratic governance arrangements for Northern Ireland and bring forward proposals within a clearly defined timescale for further change that is capable of commanding cross-community support.

Failure to deliver on this will further harm community relations and the potential for building a shared future in Northern Ireland. The UK Government must ensure that the vital protections that are so vital to the effective operation of the political institutions and ensuring political stability in Northern Ireland are restored and protected.

Taking a Stand for the Good Friday Agreement

It is the height of irony that some have sought to suggest that the our party's withdrawal from the Executive, deploying a key Strand 1 protection, should be deemed to be a problem and a justification for revisiting Strand 1 protections and safeguards for two reasons: First, notwithstanding the fact that our party had long highlighted the problems with the Protocol, our warnings were ignored in the interests of securing a GB Brexit, such that while we could have withdrawn from government from 1 January 2021 (as some unionists said we should), we continued in the Executive asking the UK government to make requisite changes for a further fourteen months. We had no desire to collapse the Executive and worked very hard to try to avoid doing so. It was only when it became clear that the UK Government was ignoring us that we were compelled to use this protection. Second, because of the wilful pretence that this move was about using the protections and safeguards in strand 1 for our selfish interest in a way that undermines them, when in reality we took this step because what was taking place was undermining the protections and safeguards provided by the Belfast Agreement more widely. It was thereby placing the Agreement in jeopardy and subjecting Northern Ireland to the extraordinary indignity of partial disenfranchisement.

Conclusion

It is certainly right to be concerned about the effectiveness of the Belfast Agreement. It is currently on life support because of the willingness of some to ignore Belfast Agreement protections and safeguards. In this context entering a discussion about those protections and safeguards as if they are the problem is deeply inappropriate, extraordinarily unwise and the last thing Northern Ireland needs right now.

Motion made, and Question proposed, That the Chair's draft Report be read a second time, paragraph by paragraph.—(The Chair.)

Amendment proposed, to leave out "Chair's draft Report" and insert "draft Report proposed by Carla Lockhart".—(Carla Lockhart.)

Question put, That the Amendment be made.

The Committee divided:

| | |
|---------------|---------------------|
| Ayes, 2 | Noes, 4 |
| Carla Lockart | Stephen Farry |
| Jim Shannon | Sir Robert Goodwill |
| | Claire Hanna |
| | Sir Tony Lloyd |

Question accordingly negatived.

Main Question put.

The Committee divided:

| | |
|---------------------|----------------|
| Ayes, 4 | Noes, 2 |
| Stephen Farry | Carla Lockhart |
| Sir Robert Goodwill | Jim Shannon |
| Claire Hanna | |
| Sir Tony Lloyd | |

Question accordingly agreed to.

Ordered, That the Chair's draft Report be read a second time, paragraph by paragraph.

With the leave of the Committee, a single Question was put on paragraphs 1 to 162.

The Committee divided:

| | |
|---------------------|----------------|
| Ayes, 4 | Noes, 2 |
| Stephen Farry | Carla Lockhart |
| Sir Robert Goodwill | Jim Shannon |
| Claire Hanna | |
| Sir Tony Lloyd | |

Paragraphs accordingly agreed to.

Summary read.

Motion made, and Question put, That the Summary stand part of the Report.

The Committee divided.

| | |
|---------------------|----------------|
| Ayes, 4 | Noes, 2 |
| Stephen Farry | Carla Lockhart |
| Sir Robert Goodwill | Jim Shannon |
| Claire Hanna | |
| Sir Tony Lloyd | |

Question accordingly agreed to.

Motion made, and Question put, That the Report be the First Report of the Committee to the House.

The Committee divided.

| | |
|---------------------|----------------|
| Ayes, 4 | Noes, 2 |
| Stephen Farry | Carla Lockhart |
| Sir Robert Goodwill | Jim Shannon |
| Claire Hanna | |
| Sir Tony Lloyd | |

Question accordingly agreed to.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

Adjournment

[Adjourned till Monday 4 December at 4pm]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Monday 23 January 2023

Bertie Ahern, former Taoiseach of Ireland [Q1–38](#)

Tuesday 7 February 2023

Rt Hon Sir John Major KG CH [Q39–62](#)

Wednesday 1 March 2023

The Lord Bew; Tim O'Connor, former diplomat of the Republic of Ireland [Q63–90](#)

Professor Alan Renwick, Professor of Democratic Politics, Constitution Unit, University College London; **Alan Whysall**, Honorary Senior Research Associate, Constitution Unit, University College London; **Dr Sean Haughey**, Lecturer, Institute of Irish Studies, University of Liverpool [Q91–108](#)

Thursday 16 March 2023

Rt Hon Sir Tony Blair KG [Q109–147](#)

Tuesday 21 March 2023

Ann Watt, Director, Pivotal; **Dr Anthony Soares**, Director, Centre for Cross Border Studies; **Gráinne Walsh**, Director, Stratagem; **Tim Attwood**, Secretary, The John and Pat Hume Foundation [Q148–185](#)

David Holloway, Director, Community Dialogue; **Emma DeSouza**; **Dr Gráinne Kelly**, Lecturer, School of Applied Social and Policy Science, Ulster University [Q186–208](#)

Wednesday 10 May 2023

Sir Malcolm McKibbin; Sir David Sterling; Dr Andrew McCormick, former senior Northern Ireland civil servants [Q209–240](#)

Wednesday 7 June 2023

Baroness Foster of Aghadrumsee DBE, PC, Former First Minister of Northern Ireland; **Lord Alderdice**, Former Speaker of the Northern Ireland Assembly; **Mark Durkan**, Former Deputy First Minister of Northern Ireland [Q241–284](#)

Wednesday 28 June 2023

Rt Hon Sir Jeffrey M Donaldson MP, Leader of the Democratic Unionist Party (DUP) [Q285–315](#)

Naomi Long MLA, Leader of the Alliance Party [Q316–339](#)

Wednesday 5 July 2023

Doug Beattie MLA, Leader of the Ulster Unionist Party (UUP) [Q340–366](#)

Wednesday 6 September 2023

Colum Eastwood MP, Leader of the Social Democratic and Labour Party (SDLP) [Q367–400](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

GFA numbers are generated by the evidence processing system and so may not be complete.

- 1 Alliance Party of Northern Ireland ([GFA0023](#))
- 2 Andrews, Mr Johnny (Company Director, John William Hunter Andrews) ([GFA0024](#))
- 3 Buick, Mr Brian ([GFA0039](#))
- 4 Centre for Cross Border Studies ([GFA0012](#))
- 5 Children in Northern Ireland (CiNI) ([GFA0025](#))
- 6 Committee on the Administration of Justice (CAJ) ([GFA0045](#))
- 7 Creighton, Andrew ([GFA0008](#))
- 8 DeSouza, Emma (Writer, Campaigner, Peacebuilder) ([GFA0029](#))
- 9 Edwards, Ewan (Student, Submission to the Northern Ireland Affairs Committee: The effectiveness of the institutions of the Belfast/Good Friday Agreement) ([GFA0009](#))
- 10 Graham, Mr William David (Retired, n/a) ([GFA0036](#))
- 11 Grand Orange Lodge of Ireland ([GFA0021](#))
- 12 Haughey, Dr Sean (Lecturer, University of Liverpool) ([GFA0034](#))
- 13 Haughey, Dr Sean (Lecturer, University of Liverpool) ([GFA0049](#))
- 14 Kelly, Tom ([GFA0038](#))
- 15 Lee, Amy (Associate Director, The Ohio State University) ([GFA0056](#))
- 16 Lee, Amy (Associate Director, The Ohio State University) ([GFA0055](#))
- 17 Lee, Amy S. (Associate Director, The Ohio State University) ([GFA0057](#))
- 18 MEP, John Cushnahan, Former Leader of the Alliance Party and Former Fine Gael ([GFA0015](#))
- 19 Major, Mr Ian ([GFA0037](#))
- 20 McEvoy, Dr Joanne (Senior Lecturer, University of Aberdeen); and McCulloch, Professor Allison (Professor, Brandon University) ([GFA0019](#))
- 21 Murray, Professor Colin; and Deb, Anurag ([GFA0052](#))
- 22 NI Conservative & Unionist Party Multi Constituency Organization ([GFA0032](#))
- 23 Palmer, Mr Michael ([GFA0003](#))
- 24 Patterson, Mr Stevan ([GFA0041](#))
- 25 Pivotal ([GFA0033](#))
- 26 Police Federation for Northern Ireland ([GFA0004](#))
- 27 Renwick, Professor Alan (Professor of Democratic Politics and Deputy Director of the Constitution Unit, University College London); and Kelly, Conor J. (Research Assistant, University College London) ([GFA0031](#))
- 28 Retail NI ([GFA0013](#))
- 29 Reynolds, Mr Shane ([GFA0030](#))

- 30 Robb, Mr Niall (PhD Researcher, Queen's University Belfast); Rosher, Benjamin (PhD Researcher, Queen's University Belfast); Neilson, Frances (PhD Researcher, Queen's University Belfast); and Brennan, Mylie (PhD Researcher, Queen's University Belfast) ([GFA0028](#))
- 31 Social Democratic and Labour Party ([GFA0053](#))
- 32 Sterling, Sir David; McKibbin, Sir Malcolm; and McCormick, Dr Andrew ([GFA0022](#))
- 33 Stratagem and John and Pat Hume Foundation ([GFA0026](#))
- 34 Tannam, Dr Etain (Associate Professor International Peace Studies, Trinity College Dublin) ([GFA0020](#))
- 35 Tonge, Professor Jonathan (Professor of British and Irish Politics, University of Liverpool) ([GFA0002](#))
- 36 Ulster Human Rights Watch (UHRW) ([GFA0047](#))
- 37 Ulster-Scots Agency ([GFA0051](#))
- 38 Veighey, Mr Connor ([GFA0050](#))
- 39 Walker, Michael Hugh (Commercial Litigation solicitor, London city law firm) ([GFA0048](#))
- 40 Whysall, Alan (Honorary Senior Research Associate, Constitution Unit, University College London) ([GFA0035](#))
- 41 Wilson, Mr Geoffrey ([GFA0054](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2022–23

| Number | Title | Reference |
|-------------|--|-----------|
| 1st | Investment in Northern Ireland | HC 85 |
| 1st Special | Investment in Northern Ireland: Government Response to the Committee's First Report of Session | HC 1109 |

Session 2021–22

| Number | Title | Reference |
|-------------|---|-----------|
| 1st | Citizenship and passport processes relating to Northern Ireland | HC 158 |
| 2nd | The experiences of minority ethnic and migrant people in Northern Ireland | HC 159 |
| 1st Special | Cross-border co-operation on policing, security and criminal justice after Brexit Government Response to the Committee's Fourth Report of Session 2019–21 | HC 508 |
| 2nd Special | Citizenship and passport processes relating to Northern Ireland: Government Response to the Committee's First Report of Session 2021–22 | HC 787 |

Session 2019–21

| Number | Title | Reference |
|--------|---|-----------|
| 1st | Unfettered Access: Customs Arrangements in Northern Ireland after Brexit | HC 161 |
| 2nd | New Decade, New Approach Agreement | HC 160 |
| 3rd | Addressing the Legacy of Northern Ireland's Past: the Government's New Proposals (Interim Report) | HC 329 |
| 4th | Cross-border co-operation on policing, security and criminal justice after Brexit | HC 766 |