Introduction

The Alliance Party believes that some questions proposed by this inquiry are both premature and problematic.

We share the frustrations that lie at the genesis of this inquiry, and feel even more acutely the consequences and missed opportunities for reform in terms of public services, the economy, and wider society in Northern Ireland from the prolonged deadlock in the Assembly, Executive and other institutions of the Good Friday Agreement.

The fundamental premise of this inquiry seems to be potential alternative means to provide governance in Northern Ireland as a consequence of deadlock.

However, as challenging as it may seem, the focus should continue to be on the restoration of the institutions. Not all options for enabling a way through the current impasse have been fully explored. These include the appointment of an external mediator/facilitator for talks, a greater multi-party format, and consideration of what reforms can be taken forward to improve the workings and operation of the Agreement, consistent with its fundamental values, principles and relationships.

Therefore, Alliance would stress the importance of restoration and reform.

Many of the reforms that could enable political progress in terms of restoration will be the self-same measures that would make more sustainable.

While the issues that are notionally at the heart of the current deadlock can be readily bridged as the gaps are actually quite narrow and it is the depth of mistrust that is deep, it is also important to understand the wider context of political polarisation and its linkage to Brexit.

Brexit has the potential to undermine the Northern Ireland peace process and political stability, and initial indications of this are already apparent. Whilst the Good Friday Agreement and its institutions may not be formally dependent upon the UK’s or Republic of Ireland’s continued membership of the EU, the Agreement is given effect by the ability of people to engage on both a north-south and east-west axis which is empowered by the Single Market and the related Four Fundamental Freedoms.

Moreover, Northern Ireland only works on the basis of sharing and interdependence, but Brexit, particularly a hard Brexit, entails new divisions and barriers.
The implications of Brexit will affect people across the community. However, there are particularly implications for nationalists who have bought into the current constitutional position of Northern Ireland on a pragmatic basis on the assumption of equality and the ability to live, work, and trade freely on a north-south as well as east-west basis.

Given the critical nature of these issues, it is an absolute abdication of political responsibility that Northern Ireland has been without a governmental voice in the Brexit negotiations. Northern Ireland is less represented than Scotland and Wales, despite being the only constituent part of the UK with a land border with an EU state.

This is further compounded by the fact that the Government appears to be taking advice from the DUP, their partner in the “confidence and supply” arrangement which is currently providing them with a workable Parliamentary majority. Given the diversity of views in Northern Ireland politics, it is grossly inappropriate that the Government has not meaningfully engaged with other political parties and is instead influenced by a party which represents the minority opinion on Brexit in Northern Ireland. The Good Friday Agreement holds the UK and Irish Governments to be “rigorous impartiality” – a principle which seems to have been all but forgotten in the context of Brexit and Parliamentary instability.

Brexit is contributing significantly to greater levels of polarisation. This is leading to some unionists to believe that Northern Ireland can be governed via Direct Rule, while some nationalists seem to be giving up on Northern Ireland. Irrespective of its constitutional status, Northern Ireland as a divided society and contested space can only be governed successful through a shared approach to governance that recognises and respects diversity, while promoting greater levels of cohesion, integration and reconciliation.

Fundamentally, there is an increasing level of misunderstanding of the nature and commitments arising from the Good Friday Agreement exhibited by a range of political actors across the political spectrum, including at political leadership and governmental levels. This is particularly problematic in the context of political crisis and especially poignant as we approach its 20th anniversary.

**Reform**

This failure is between parties, and stems from a lack of trust, respect and partnership. No smart institutional design can ever compensate for the absence of these commitments.

However, the particular nature of some of the institutions and mechanisms of the Good Friday Agreement have magnified the difficulties between the parties. This has led to missed opportunities as well as slow decision-making or no decision-making on some issues. It is clear that things must be done differently at Stormont.

Good governance is always critical for: integrity in public life; evidence-based policy decisions; the fair and impartial application of rule of law; respect for equality and human rights; and efficient and effective public services.
Alliance is committed to stable and sustainable power-sharing that respects liberal, democratic principles which reinforces the development of a normal, civic society and the creation of a shared future.

The Good Friday Agreement remains the template for the political institutions in Northern Ireland but was not intended to remain static, and was instead intended to evolve according to the needs of a changing Northern Ireland, whilst remaining true to the spirit of the Agreement.

In particular, the mutual vetoes granted to the largest parties have been counter-productive. While no institutional design can compensate for lack of trust and mutual respect between parties in government, structures can nevertheless be designed better. Alliance has suggested a number of reforms which would secure a better functioning and more stable political system for Northern Ireland:

- An end to the designation and related voting system in the Assembly, which perpetuates and institutional sectarianism. We opposed this at the time, and it is now even more inappropriate as a method by which to describe the diverse nature of politics in Northern Ireland
- The First Minister and deputy First Minister should be renamed as “Joint First Ministers.” This would depoliticise what could become a potentially polarising contest over which party has a claim to First Minister and which party is “relegated” to deputy First Minister.
- The exclusion mechanisms should be modified to more clearly define the highest standards of integrity with respect to the rule of law for parties holding office, and preventing any party being able to veto sanctions against themselves.

The Assembly cannot function as a proper scrutinising and legislativing chamber for as long as the Petition of Concern is abused. The Petition skew Assembly voting hugely to the advantage of parties wishing to impede progress (including on what some would describe as “rights issues”). It is heavily weighted towards those who are content with the status quo: the Petition cannot be used to force change, only to block change. While there is insufficient confidence amongst Assembly parties to abolish the Petition entirely, it could and should be reformed to ensure it is not abused for purposes other than those for which it was originally intended. For example, Dr Alex Schwartz at Queen’s University has proposed its use be specified only for issues of culture, legacy and the institutions themselves. It should be up to any group of MLAs tabling a petition of concern to cite the specific ground(s) that are relevant. A panel of five legally-qualified persons should be formed through a public appointments process, and a name drawn at random from this panel to give an adjudication on whether any petition of concern is appropriate. The use of the Petition of Concern should be limited in legislation. Such a reform, which would open up not just Assembly debate but public debate as well, falls under the remit of Westminster and could be delivered quickly.

Openness and transparency
An essential component of the reform and normalisation of politics in Northern Ireland is transparency around political donations. The Alliance Party believes that the public deserve to know who funds political parties, as is the case elsewhere in the UK.

With the public’s confidence in politics at an all-time low and with the allegations of corruption and scandal we’ve seen over the past few years, it is more important than ever to have full transparency around large political donations in Northern Ireland.

The Secretary of State’s decision to only publish donations from June 2017 represents at best a fudge, and at worst a gross betrayal of what was understood by all political parties as well as the Electoral Commission and the Northern Ireland at the time the Northern Ireland (Miscellaneous Provisions) Act was passed in 2013.

During the intervening period (January 2014 – June 2017), there has been five elections in Northern Ireland, as well as the referendum on the UK’s membership of the European Union.

We would request that there be a robust interrogation of the Secretary of State’s change in position, following the 2017 General Election, and to consider whether any further opportunity can yet be afforded to address the period which, for some undisclosed reason, certain political parties appear to be unwilling to be scrutinised.

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

The Alliance Party is a firm supporter of power-sharing devolution. Local decision-making and accountability are crucial to ensuring Northern Ireland can realise its full potential.

We reluctantly accepted that the recent Budget intervention was unfortunately essential to ensure the full drawdown of resources for public services and to provide the legal authority to spend. The Budget does not reflect Alliance priorities nor is it sufficiently strategic. Furthermore, passing a budget does not address the governance gap.

Direct Rule must always be an absolute last resort – and one which is not yet appropriate. All other options, including notably changes to the nature of the mechanisms and institutions of the Agreement, should be explored first.

It is also worth clarifying that whilst the Alliance Party does not believe that a ‘Joint Authority’ between the Irish and British Governments would be either practical or appropriate for Northern Ireland, any period of Direct Rule must give the Irish Government a consultative role as is outlined in the Good Friday Agreement.

We reiterate that as a divided society and a contested space, a shared approach to the governance of Northern Ireland, in line with the Principle of Consent, is essential.
What models have been used in the past when the Assembly has experienced periods of suspension or long periods with no Executive? Are any of these models useful now or is a fresh approach required?

It is important to note the major differences between the context of Direct Rule between 2002 and 2007, and today, namely a much more challenging public spending context, the implications of Brexit and the need for a coherent Northern Ireland voice in that regard, and the nature of the current government, in particular the confidence and supply arrangement which gives enhanced influence through the DUP to one section of the community in a divided society.

The impact on services, business and communities of the lack of an Executive;

Northern Ireland is currently going through a difficult public spending situation, and experiencing inefficiency and ineffectiveness in a range of public services, including significant duplication costs linked to attempts to manage a divided society rather than to provide integrated services for the entire community. Opportunities for reform have been passed up in recent years exacerbating the scale of the challenge. Moreover, the challenge goes beyond protecting the status quo but ensuring that a range of revenue and capital investments are made to ensure that Northern Ireland can keep up to date with developments in other jurisdictions. The local economy suffers from arrange of structural problems and ongoing work to transform it is vital.

NICS Briefing on the Budget Outlook for Northern Ireland represents a further compounding of a difficult financial context, with further risks to the quality of public services and the potential of the economy.

In all scenarios set out by the NI Civil Service, we will see across the board cuts and will bring a deep impact on public services and our ability to invest in transforming our economy.

These next two financial years were always going to be difficult as we are having real terms cuts in the size of the Block Grant. But this should have been driving any NI Executive and political parties to act in a strategic way, to reform and transform public services, and to address the substantial costs that are involving in unnecessary duplication of services.

Even a standstill was never going to be enough as there are so many pressures in terms of public services, dealing with the legacy of the past, and investing in skills and a wider industrial strategy. Other societies are making those types of investments, and in not doing so, Northern Ireland risks getting left even further behind.

The impact on budgeting and legislative timetables, particularly the budget for the next financial year;
In other jurisdictions in these islands, governments are already well advanced in their budget-making process. Northern Ireland remains behind schedule, and at best we will see a budget agreed and implemented at the last minute. This delayed approach does nothing to assist proper planning and related efficient and effective provision of public services.

There is an urgent need for a devolved Executive that can take proper strategic decisions and make changes in policy. Even swift action will not produce significant results for another financial year. But by contrast, further political delays will further delay reforms and compound Northern Ireland’s unsustainable public finances and compromise the quality of life and opportunities of the people of Northern Ireland.

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

See the comments above. In particular, we would stress the importance of rediscovering the meaning of the Good Friday Agreement in its 20th anniversary year.

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

The Alliance Party would urge the Government to convene a cross-community political working group on Brexit. This is a route by which the full breadth of political opinion on Brexit can be heard and which would be in the spirit of the Good Friday Agreement and the cooperation it enshrines.