

Devolution and its discontents

The Conservative government insists that modifying the Northern Ireland Protocol will entice the Democratic Unionist Party back into Stormont and restore the devolved Assembly. But the current crisis highlights deeper unionist disillusionment with power-sharing.

A fortnight after the Assembly election – in which, for the first time, republican party Sinn Féin emerged as Stormont's largest party – Northern Ireland remains without a functioning government. On 13 May, the Democratic Unionist Party's (DUP) refusal to nominate a Speaker collapsed Stormont for the fifth time since devolution two decades ago.

The current impasse revolves around the Northern Ireland Protocol, by which Westminster and Brussels agreed in 2019 effectively to keep Northern Ireland inside the European Union's trade and customs bloc. For unionist politicians, the Protocol's de facto trade border in the Irish Sea is unacceptable. For more than a year, 'the Protocol must go' has been the refrain of the three major unionist parties: the DUP, the Ulster Unionist Party (UUP), and the Traditional Unionist Voice (TUV). Facing ongoing unionist protest, Foreign Secretary Liz Truss indicated on 17 May that the government would modify the Protocol 'to ensure [Northern Ireland's devolved] institutions can be restored as soon as possible'.

But the current crisis runs deeper than the Protocol, and highlights a more profound problem in Northern Ireland's politics: the 35 unionist Members of the Legislative Assembly (MLAs), and the 17 representing the ascendant Alliance Party, assert that Stormont's power-sharing arrangements require an overhaul.

Originating in the Good Friday Agreement of 1998 – and developed in subsequent settlements at St Andrews (2006) and Stormont House (2014) – the Executive requires self-designating unionist and nationalist parties to share governmental power. Stormont's repeated collapses and Sinn Féin's steady electoral rise have intensified unionist unease with compulsory consociationalism (democratic power-sharing).

Unionists' misgivings about forms of power-sharing have escalated since the Good Friday Agreement of 1998. Most notably, the DUP opposed the Agreement and fought elections in 2001 and 2003 pledging to reform it. Party leader Ian Paisley railed against republicans occupying ministerial positions ('terrorists in government') before the IRA had decommissioned. Even after Paisley's party became the largest in terms of seats and votes in 2003, the DUP refused to countenance sharing power with Sinn Féin until republicans decommissioned the IRA entirely and expressed full support for the judiciary and the new Police Service of Northern Ireland. When Sinn Féin obliged, the republican party and the DUP formed a new power-sharing government from May 2007 – initiating the first period of significant government in Northern Ireland since Stormont was abolished in 1972. Paisley became Northern Ireland's First Minister, a post equivalent in all but name to that of the deputy First Minister, which was taken up by former IRA commander Martin McGuinness.

Once the DUP and Sinn Féin crossed the power-sharing rubicon in 2007, the spectral possibility of a Sinn Féin First Minister unsettled unionist grandees. Jim Allister, who quit the

DUP and formed the breakaway TUV, denounced his former colleagues outright for sharing power with republicans. Other unionist politicians endorsed power-sharing only on the specific proviso that unionism would constitute the senior partner in government. Writing in the *Belfast Newsletter* in 2010, UUP MLA David McNarry averred that 'a 'Shinner' being our [F]irst [M]inister would be 'moving on' a bit too far'.

By the Stormont election of 2011, both the UUP and the DUP called for the prescribed unionist-nationalist power-sharing arrangements to be replaced by a system of 'voluntary' coalition. The UUP's manifesto, for example, envisioned 'normal politics' prevailing by Northern Ireland's centenary year of 2021: rather than automatically entering government with opponents, willing parties would agree more authentic coalition programmes. Such an alternative, party leaders Tom Elliott and Peter Robinson argued, would enhance government workability. It would also, of course, remove the requirement to share executive power with ideological adversaries.

Successive failures of devolution (most notably in 2017, when McGuinness resigned in protest over the unionist First Minister's handling of an energy scheme that siphoned millions of pounds from Northern Ireland's taxpayers) combined, since 2019, with the Protocol controversy, have exacerbated unionist irritation with power-sharing. As recently as September 2021, DUP leader Sir Jeffrey Donaldson told the House of Lords Constitution Committee that compulsory consociationalism should be dropped 'in the medium to long term'. Addressing his party conference shortly afterwards, UUP leader Doug Beattie similarly denounced Stormont's 'pitiful outcomes'. For Jim Allister, unless substantial reforms end enforced power-sharing at Stormont, the 'default position' remains a return to direct rule from Westminster.

The immediate significance of the Assembly election of May 2022 should not be overstated. Sinn Féin's vote increased by only 1.1 percent from 2017: its new status as the largest party at Stormont stems more from unionism's fragmentation, especially the DUP's electoral decline. Despite their strategic and factional disagreements, unionists remain a substantial bloc at Stormont, holding 35 seats to the 35 won cumulatively by Sinn Féin and the moderate nationalist Socialist Democratic and Labour Party (SDLP).

The greater import of this election lies in escalating unionists' longstanding scepticism towards the Executive's power-sharing structures. If and when Stormont returns, with Sinn Féin's Michelle O'Neill enjoying the symbolically significant First Ministership, it remains to be seen how Northern Ireland's unionists will approach a power-sharing system with which they have been increasingly disillusioned for several years.

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