

## Dr. Clare Rice

### KEY:

A: Anne-Marie  
M: Marina  
C: Dr. Clare Rice

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#### 1: Introduction

A: Hi. Good afternoon, everybody.

Thank you very much for joining us on our talk here today. We are delighted to welcome Dr. Clare Rice. Clare is an expert in all things to do with Northern Ireland and UK politics. Clare is going to talk to us today about NDNA implementation, the Assembly and the Executive response to COVID 19 and also Brexit issues. So I'm going to hand over to my colleague Marina McConville, who will talk us through today's format.

M: Hi, everyone. Clare is going to give us all a presentation now and then we're going to ask her some questions which have been submitted by schools, and I would like to take this opportunity to thank the schools who have sent us in questions. Carrickfergus Grammar School, Grovenor Grammar School in Belfast and Our Lady and St Patrick's College in Belfast. So thank you for taking the time to send questions and over to you Clare.

C: Thank you very much. And thank you for the invitation to do this today. I'm just going to take a quick second here to get some slides up on screen and hopefully you can see those okay on your side. Excellent. Okay. So the brief that I was given for today was to give an overview of what's been happening in the Northern Ireland Assembly and Executive in 2021. It's one of those strange years, the first time indeed that I've done one of these lectures where there hasn't been an election for me to discuss.

So for once, I actually delve a little bit further into some of the more substantive issues that have been happening over the last year, but it's kind of tainted to a little degree insofar as we know that there is an election impending. So pretty much everything that I will be discussing here is being analysed and being thought about with a view to how this is going to be shaping

what will be coming over the next couple of months in the lead up to this election. So as has already been touched upon here, there's a few different areas that I'm going to be discussing within my presentation here.

So I'm going to be starting with Brexit. Of course, the never ending saga here for us in Northern Ireland. I'm also going to look a little bit at the DUP leadership and the travails and challenges that have been happening within the party over the last six to eight months or so. In particular, of course, COVID 19 has also been a key issue over 2021. It's been Northern Ireland's Centenary year, and as I've already highlighted the election then, is pending, as we now know, will definitely be in 2022 at some point.

## **2: Brexit**

C: Looking firstly at Brexit. And I'm just realizing that there was a screenshot that I had here that for some reason isn't coming up on the slide, but just to give an explanation, the screenshot that I included here was of a tweet from the Northern Ireland Secretary of State Brandon Lewis. It was a Tweet that was posted on 1 January of this year (2021) and it stated, "There is no Irish Sea Border. As we have seen today, the important preparations the government and businesses have taken to prepare for the end of the transition period are keeping goods flowing freely around the country, including between GB and Northern Ireland."

So this will be on the slides. I'll be sending them through to Anne Marie and Marina following today, so hopefully it'll transpose across in that format. But the reason I included that tweet was because it really set the tone for the Brexit conversation and indeed the way in which everything has developed with the Northern Ireland protocol aspect of that in particular, through the course of this year. Now it started out that at the end of 2020, with less than a fortnight's notice, the arrangements or the agreement between the United Kingdom and the European Union was reached. In terms of how that trading relationship in a post Brexit situation would actually be shaped between the two that came in the document that became known as the Trade and Cooperation Agreement, the TCA, and there were elements of that then that required very rapid movement in order to get those in place to enact aspects of the protocol here in Northern Ireland.

So what we saw happening was pretty much overnight everything that had been on one level, quite a hypothetical or an abstract assessment of what the protocol might be or what it might look like in practice actually became the reality of the situation because on 1 January 2021, the protocol came into force in Northern Ireland. And to give a very brief overview of what that means, rather than there being a hard border in place on the island of Ireland which would impact movement of goods and people on the island of Ireland a de facto border then was established in the Irish Sea.

So what that meant was that for certain goods moving from Great Britain into Northern Ireland, they would be subject to checks. And then once they reached Northern Ireland and hit the roads here, they could move freely across the island of Ireland and indeed into the rest of the European Union. Now, in that practical sense, what that establishes is that there is a de facto different set of arrangements between Great Britain and Northern Ireland in terms of how that post Brexit relationship is working between the United Kingdom and the European Union, and the protocol is where the basis of that arrangement is established.

In a symbolic sense, it has been deeply problematic in and of itself as well, for obvious reasons. And I think I touched upon this last year as well. The idea that Northern Ireland

would be treated in some way differently to the rest of the United Kingdom in that post Brexit relationship, really, particularly from a Unionist perspective, was a really deep point of concern. Why would it be that a constituent part of what is, in EU terms, a third country still be subject in some way, shape or form, even in quite a limited context to European Union rules, to the oversight of European courts, and indeed, just in the most basic sense, be subject to checks on movement of goods that aren't seen in other parts of the United Kingdom, such as Wales or Scotland, for example.

So there's a really complex set of dynamics at play here with the Northern Ireland Protocol. I've been building on several years of tensions and concerns and fears building up around it, not just in terms of civic perceptions of it, but indeed in the political sphere as well. How those challenges have been thought about and discussed have also been really difficult and feeding into this overall picture. So when the protocol did come into force, then at the start of January 2021. Immediately, Twitter was flooded with criticisms, concerns. Media was looking at everything to do with the protocol.

We had reporters standing at ports in Northern Ireland assessing how everything was working and seeing how things were working in practice with the protocol. Now that it moves from the abstract into the reality and effectively, everything kind of reached a bit of a boiling point in January then, because it was seen that actually there were out workings or consequences of the protocol being enforced that did make things a little bit different to what they had been previously and indeed set up a different context for the operation of Brexit and that post Brexit relationship compared to that for the rest of the United Kingdom.

So whenever we started seeing images, then of empty shelves, again being posted on social media and being reported in the news line, all of that was being attributed to Brexit. And yes, it's fair to say that some of those empty shelves were a factor of what was happening with the Northern Ireland protocol. There was a sense of uncertainty that prevented or discouraged certain businesses from sending goods from Great Britain to Northern Ireland. There were issues around the amount of paperwork involved in making these transactions, for example, as well.

That was adding additional burdens on the businesses that made actually the operation of trade in that more logistical sense, much more difficult to do. And there was kind of, I guess, a lag effect if I can put it that way between the protocol coming into force and everything kind of adjusting and getting used to this new set of arrangements, which in the interim did in part contribute to those scenes of the empty shelves that we were seeing. Now, if you talk to business leaders in Northern Ireland, they're very vocal in saying that actually it's relatively common, particularly in January, after the Christmas period for empty shelves and not quite disruptions in the supply chain, but difficulties sometimes in sorting goods in January, after the push, the increase in sales during the Christmas period.

It's not an uncommon thing to happen in January, but also that actually bigger concerns around the availability of haulage drivers or people working in logistics, for example, all things in part linked as well to the Covid 19 pandemic were all feeding into this picture, and they all kind of amalgamated and hit into each other at the one time which presented some of the things that we saw then in early 2021. Now, needless to say, I've mentioned about the symbolic dynamics of the Northern Ireland Protocol here.

So needless to say that whenever these scenes of a very real difference and a very tangible impact of something having changed whenever they started coming to the fore, it became

clear that the frustrations and the fears and the anxiety that had built over the protocol were coming to the forefront as well. And we saw through the course of particularly January, February 2021, that there was a lot of conversation around this thing called Article 16 of the Northern Ireland Protocol. Now, in summary, what Article 16 is, is a clause within the Protocol, which means that if there is, and I quote here from Article 16 itself, serious economic, societal or environmental difficulties that are liable to persist or to diversion of trade.

So if there are these sorts of difficulties that arise as a result of the protocol being operated, then both the UK and the European Union can have a unilateral power to disappoint aspects of the Protocol in order to mitigate those negative impacts. Now it's a very broad and expansive statement. Indeed, the terms that are used within it are quite ambiguous. So there was a lot of debate in early 21 around whether or not Article 16 was a valid course of action to pursue in response to the challenges that we're being seen with regard to Brexit. To a certain degree, as I've explained, there's kind of a multi factor explanation for some of those earlier scenes in Northern Ireland with regards to the empty shelves in the shops and so forth. But for the Unionist community in particular, and for Unionist political parties in Northern Ireland, it seemed an obvious course of action to trigger Article 16, because the fact that Brexit could be linked in any way to those things that were happening to the fears and anxieties in a societal context. Given the statement that I've just read from the Article 16 of the Protocol itself, it was argued that there is a valid basis there for the triggering of Article 16.

Now, it hasn't happened yet. So obviously that isn't the course that was pursued, but it did set and forth a whole raft, a whole series of events around Article 16, in particular, which really did nothing in terms of improving that relationship between the United Kingdom and the European Union and caught in the centre of all that was Northern Ireland. So we had in July 2021, there was a command paper issued by the UK government, and it basically outlined well, it started by outlining the Brexit processes that have developed to date from the perspective of the UK government.

It considered some of the issues that the UK government perceived Brexit to have created within Northern Ireland, and it outlined a number of ways that the UK wanted the EU to move in order to try and mitigate and to improve the operations of the protocol in practice. And that was met with a great degree of scepticism within the European Union. It was very much centred on the idea that if the EU doesn't move on these issues, then we will trigger Article 16, and that wasn't well received at all from EU quarters.

So in recent months we've seen Maros Sefcovic visiting Northern Ireland. He's indeed engaged a number of times with committees in the Northern Ireland Assembly, which is itself quite an unusual situation to arise. But we've had the UK proposals. We've had reciprocal proposals from the European Union, and what we see now is they're locked in negotiations and conversations and trying to reach agreements around how to take things forward. So the UK has been quite forthright in saying what it wants from the European Union. The European Union's line has been very strong in saying that the protocol is not up for renegotiation, so it's difficult at this point to see just how they'll manage to get everything across the line.

But as things stand, it's looking like we may be having yet another Brexit Christmas. So that is something to be keeping an eye on in the time going forward. But taking account of all of this, I'd mentioned that Northern Ireland is very much caught in the middle of it. Right. It's the Northern Ireland Protocol. It's ostensibly about trying to uphold the principles of the Good

Friday agreement to ensure the peace process isn't negatively impacted in any way as a result of the United Kingdom's exit from the European Union.

And it's also about trying to ensure that the post Brexit relationship between the UK and EU can be one that is operable in a practical way, taking account of all of those factors that I've just outlined. So really, from the Northern Ireland perspective, there is the practical aspect of it in terms of how the protocol is working. But then the symbolic aspect of it is perhaps where it gets arguably more difficult, because those symbolic aspects of the Northern Ireland Protocol are the ones that tie inextricably with the political perspectives and at times the political posturing that we have seen around the Northern Ireland Protocol.

So we've had instances for the DUP in particular, which I'll get onto in due course, talking about leadership challenges there. But there have been different approaches adopted within the party there, which has impacted on governance within Northern Ireland. So I'm thinking, particularly here in terms of the party boycott of North South Ministerial Council meetings. For example, we have seen the relationship that had already been quite tense, in part because of the Brexit situation more generally. But that relationship between the DUP and Sinn Fein has arguably been exacerbated or made worse as a result of the very different perspectives that they have on the Northern Ireland Protocol.

And I think what's interesting to note is that everybody is minded that, yes, the protocol isn't perfect. There is room for things to be changed, but the way in which different parties and indeed, across the spectrum of the political parties in Northern Ireland, the way in which those changes, indeed, what those changes need to be differ when you look across that spectrum. So it isn't really the case. And I don't think it's fair to say that there is a Northern Ireland or Northern Irish perspective on the Northern Ireland protocol and what needs to happen with it.

But definitely there are a range of views there and concerns, particularly within the Unionist communities in Northern Ireland, as we saw play out with the riots earlier in 2021 as well. That need to be taken account of in terms of ameliorating the situation and indeed, trying to put in place effective measurements to improve the protocol going forward. Now, there's a lot of complex dynamics going on there, but I think one final aspect that I need to highlight as well is that in looking at politics within Northern Ireland with regard to the Northern Ireland Protocol, it also impacts on the relationship that we see between Northern Ireland and Westminster.

So in one sense, we see that, yes, there's a protocol in place. It was heralded as a great victory for Boris Johnson. It was one of the big manifesto pledges that he had made in the 2019 election that Brexit would be done. You might remember the images of get Brexit done and bulldozers going through cardboard walls and so forth. So it was really important that this was a deal that was reached, that what we now know to be. The TCA was agreed and enforced and that the protocol could get into action with some form of clarity around what was needed from businesses within Northern Ireland.

And yet there's kind of a jarring situation that we see here, because with all the problems with the protocol in Northern Ireland, both in the practical and the more deeply symbolic senses, ultimately from the UK government's perspective, or indeed, from the perspective of Unionist parties and politicians in Northern Ireland, there's a very difficult circle that needs squared here, insofar as this is a deal that is having these consequences that was still agreed to by the UK government. Right. So that begs the question, did the UK government fully understand

what was signed up to in those negotiations with the European Union in 2020, or was it the case that it didn't understand what was signed up to?

But the priority was getting a deal across the line in order to fulfill that manifesto pledge, and for the Conservative Party more generally to be able to gain the political capital at a domestic level from that or indeed, was it always the plan that a deal would just be got across the line, whatever it might have looked like, and that subsequently it would be unpicked in order to try and bring about a more favourable set of arrangements, or at least ones that were more closely aligned to what the UK government had intended the post Brexit arrangements to look like.

Now there has been some suggestion in the last few months or so that actually the last of those options may have been where the UK's minds were at. I haven't read enough to really confirm for myself whether or not that was indeed what the intention was. But regardless, really, of where the mindset of the UK government was or were at that point, it's still Northern Ireland that is living and breathing and existing under the Northern Ireland Protocol, and very much the way in which that relationship, not just with the EU and the UK in the post Brexit scenario, but how that relationship between Northern Ireland and Westminster and the rest of the United Kingdom, how those are manifesting and developing in the context of the Northern Ireland Protocol, have introduced a whole new set of dynamics to the Northern Ireland situation, if I can put it that way, certainly the way in which politics is being discussed, the way in which the European Union is being viewed.

Indeed, I think it's quite interesting to note that tension, that implicit tension that exists between Unionists and what is happening in Westminster with the Conservative Party hasn't really received a lot of attention. It has kind of been swept under the carpet a little bit. A lot of the frustrations we see around Brexit and the operation of the Protocol has been directed towards the EU. And kind of sidestepping the idea or the fact of the matter that the UK government is every bit as much a part of the construction of the Northern Ireland Protocol as the European Union has been.

So a lot of dynamics there and I'm very happy in questioning afterwards to pick up on some of those. But I think it's worth explaining that all of these dynamics have kind of set the backdrop to what has been a very challenging year in many ways for Northern Ireland and the Protocol and questions about the protocol have really underpinned a lot of the political developments that we have seen, both within the parties and in a more general sense, in terms of what the assembly and executive have been doing and also in thinking ahead to the 2022 election, it kind of sets in motion, I guess a way or a discourse that is being propagated around how Northern Ireland's future, and I guess more constitutional terms is feeding into that picture.

And what I mean by that is, yes, of course we have Unionist parties, we have Nationalist parties, but really through the course of Brexit, and particularly so during 2021. In light of the Northern Ireland protocol, those conversations have gained additional momentum. If I can put it that way around, what would Northern Ireland look like in a United Ireland scenario, or what would Northern Ireland look like in terms of its relationship with the rest of the United Kingdom, if the protocol could be structured somehow in a slightly different way?

So I'll be picking up on some of those dynamics a little bit further as we move through the rest of the presentation. But hopefully that just gives a little bit of an outline about how some of those Brexit dynamics have been feeding in to everything that has been going on.

### 3: DUP Leadership

C: Now. The second key event, a series of events in 2021 that is worth having a look at as well is what has been going on within the DUP. Now, I'm very cautious about focusing on one particular party, or indeed one of the designate groups within the Northern Ireland Assembly.

In a presentation like this, it's kind of aimed at giving a general overview. But given that what happened within the DUP leadership did have a wider consequence in terms of the first and deputy first ministers, would that relationship work? Would it have been enough to collapse the institutions and so forth? I think it's worth kind of extrapolating and pulling apart some of the issues around the DUP leadership challenges. Again, just to try and piece together part of the puzzle that is 2021. So we had a rather intense couple of months where we had three leaders who had existed in less than two months within the DUP. Started off with Arlene Foster, and then there was a rather, I think, universally agreed uceremonious booting or ousting of her from her position as the DUP leader.

We saw Edwin Poots to come into position then, and he was there for literally a matter of days before everything up ended again. He was effectively sacked from his position as party leader in the aftermath of appointing Paul Givan as First Minister. It later transpired that that had been done very much against the wishes of the internal party membership. And yeah, there were just a lot of issues there that really made it difficult for Edwin Poots to be accepted within his post as leader. And that gave way then to Sir Jeffrey Donaldson taking over the leadership, and he has remained in that position since.

The reason this whole furore has been interesting in a more general sense. So not looking specifically at the DUP itself, but in a more general sense, particularly around the time Edwin Poots was leader and when he was nominating Paul Givan as First Minister there was a huge question mark over whether or not Sinn Fein would be happy to keep Michelle O'Neill as deputy First Minister. There was a genuine sense of fear around that point of time that the institutions could potentially be collapsed as a result of the internal wranglings within the Democratic Unionist Party.

Indeed, there were comments at the time from some of the other political parties, which were very vocal in saying that the longer this unrest and upheaval goes on for the more destabilising the impact of it will be for the institutions as a whole. So this has kind of led into, I guess, a more general conversation or at least a theory or hypothesis towards the 2022 election as to what might happen if, for example, Sinn Fein returns enough sites that they could take the First Ministry and it would be the DUP, then probably assuming the results somewhat mirror what we saw in 2017, the deputy Ministry.

And we started to see that there's been it's one of my great frustrations that we've seen over the last few months, in particular, such hyperbole and in some instances, just outright inaccuracy around the description and understanding of the roles of the First Minister and the deputy First Minister kind of that the idea that has been put out in some quarters that the First Minister is somehow a more senior office than that of the deputy First Minister is, as you will all know, completely inaccurate. They're a joint Ministry, they're the same and what they do and how they operate.

If one resigns, they both resign. So the narrative in some quarters that has been put out is kind of almost a stirring of political sentiments to say, on both sides I have to say, that it's really important that everybody gets out and votes in this next election because there is the

potential for this change. So if you want to ensure a DUP First Minister get out and vote. If you want to try and get a Sinn Fein First Minister, get out and vote. So there's political playing going on there with the language around First and deputy First Minister in the context of the 2022 election approaching.

So again, all of these issues with the DUP and its leadership have been feeding into this wider conversation about what would actually happen, right. And I guess probably from the DUP perspective, the biggest challenge that they have faced notwithstanding those, of course, within the party itself. But all of these travails and upheavals in terms of their leadership, were happening at the same time that the UUP decided it was going to have a new leader. So we saw a movement there from Steve Aiken to Doug Beattie

It was a relatively straightforward process, not much by way of fanfare or attention brought to it. It kind of happened relatively seamlessly. And then for a period of time afterwards we saw what was called the Beattie Bounce. So there was a projection of, I guess, a more kind of liberal mindset from the Ulster Unionist Party, and certainly compared to some of the policies and ideas that were stemming from the DUP, a lot of individuals a lot of people decided to join the UUP, so there was an uptick in the number of members that were there.

Generally, there was just a sense of the UUP offering something different for unionism in Northern Ireland and almost plugging a gap that hadn't really been there before. Indeed, it was argued at the time that the Ulster Unionist Party was well placed at that point and indeed arguably is still the case to the challenging Alliance for votes in kind of that soft unionist territory. Which again could alter their impact on the arrangements that come back at the 2022 election. But for the DUP in particular, this was a massive challenge because their problems weren't just happening in isolation.

It wasn't just a bad set of affairs, but happening within its own little box. There was a direct comparison there of, well, you're having your issues, but do you know what the UUP is operating fairly seamlessly. There doesn't seem to be any strife within the political leadership of the party and so forth. So that direct comparison was a major issue as well for the DUP at the time. So it's not been an easy few months for the DUP, that's for sure. And in some of the conversations that I've been having recently about, well, are we likely to see an early election?

I think I was even asked by teachers last year, a question was submitted about, will the institutions keep going, or will they be collapsed times that I've been a relatively lone voice and saying, I can't see it happening anytime soon. I think that we'll push it as close to May 22 as possible. Certainly we have at least made it into 22 before it will happen. But ultimately, I think, particularly for the DUP. There is no incentive actually to collapse the institutions anytime soon.

And the reason being that all of these travails, they have been through whatever way you wish to phrase it, they have disrupted things within the party, right? There are relationships there that need to be healed. There's a lot of disruption that needs to settle down, just a lot of unsteadiness within the party that needs to settle and on to the helm of a new leader who seems to be there for the long haul at this point. All of that needs to settle down, but very much in the way that he sees that they need to.

So there needs to be a window of time before an election for all of these pieces to start piecing together. If a coherent and clear message from the party is to be projected through the election campaign, and if they are going to take that approach of pushing to ensure that



they are returning somebody who can be in the position of being First Minister as opposed to deputy First Minister as and when that election comes, so again, a lot of dynamics going on. If I link this a little bit back to our previous slide there on Brexit.

The DUP has been at the forefront of some of the, I guess, stronger steps that have been taken in protests at the Northern Ireland Protocol. It started off under Arlene Foster with a five point plan to undermine it. So that involved a boycott of North South meetings and participating with any bodies on a North South basis. Then we had Edwin Post to come forth with what he termed a dual agenda, again, a focus on undermining the operation of the protocol. And then we had Sir Jeffrey Donaldson, who hasn't actually put in place a formal procedural protest as such.

But he did introduce a seven point list of criteria that the UK government under the DUP's views, must align to and must meet for any changes that are made to the protocol or any ways in which that protocol operation is altered going forward. I think there's a broad, if reluctant acceptance at this point that the protocol isn't going anywhere. So it's more a question of how it can be managed in such a way that its effects are mitigated to as great a deal as possible, and indeed to bring things back as closely as possible to what they were pre Brexit.

Of course, there are different political perspectives on that, even. But from the DUP's perspective, I think it's fair to say that that's kind of where their landing zone is at this point, albeit some of the political rhetoric that has been put out around the protocol and Article 16 and so forth would suggest that the party is much more hardline in its perspective on it.

#### **4: Covid-19**

So now that we've dealt with the DUP and we've had a look at Brexit, the other big issue to flag for 2021 is the Covid 19 Pandemic.

It came pretty much out of nowhere at the start of 2020. We'd had the New Decade New Approach agreements reached in early 2020 and January. By March we were having lockdowns and everything. The world completely changed on the basis of this COVID 19 Pandemic. So it's possibly no great surprise that we're still talking about it this year, given the severity of it. But certainly the way in which it has progressed means that we're in a very different situation now compared to what we were when I got this lecture last year, which was around about September October time from what I remember.

So we came into 2021 and immediately we were in lockdown. So that had come into force just at the very tail end of 2020. It ran for a fairly significant amount of time. It was quite a heavy lockdown, and then things started to gradually open up. As the vaccine rollout increased. It was a little bit slow in taking off, but whenever it did get going, we had the centres popping up in the Odyssey Arena, for example, with hospitals who are dedicating parts of their buildings purely for people to go in and get their jabs.

And it seemed like this time last year, whenever we were talking about how the pandemic might pan out, the vaccine was almost going to be a panacea. That would mean that things could get back to normal and to a certain degree, I guess that's true. We've had relative degree of normality, certainly in Northern Ireland for the last few months. But the vaccine process itself, indeed, that the very presence of a vaccine and its distribution to individuals

has been the source of so much difficulty and challenge within both the Assembly and the members of the Executive.

But rather than Brexit being the prevailing issue on the agenda, I think it's fair to say that Covid 19 is at the top of the agenda currently. So my reason for saying that is that, as we all know, there has been different approaches to the vaccines, and so far as some people have been quite in favour of vaccines and encouraging people to go out and get their double jabs, and indeed, the boosters now that they're starting to come through. But there has been a resistance to that.

There is a definite section of the population in Northern Ireland who is very much against this idea of vaccines. They're very reluctant to see new restrictions or measures brought into place in the name of COVID 19 and trying to prevent it spread. Very, very critical of the steps that have been taken not just by politicians in Northern Ireland but UK level more generally and indeed worldwide. So that has really been a point of difficulty for elected representatives and for Executive Ministers in particular, because on the one hand, they see the situation in the hospitals.

We've seen the scenes on the news in the evenings. We've read the data. It's all publicly available there to see just how severe the situation is within hospitals. At the moment. We know that by and large, the majority of people in hospital being treated for COVID illnesses aren't vaccinated. So there is a direct correlation in terms of the data starting to form there. So on the one hand, you've got elected representatives who are saying we need to be encouraging people to get the vaccines because of these factors, and because of the knock on impact of COVID 19, nobody wants to go back to the scenario of lockdowns or businesses having to restrict numbers within their premises or having to close earlier having to close at all.

So you're kind of trying to balance those projections and those assertions with the knowledge that there is a section of society in Northern Ireland that just is so deeply critical of what has been happening in terms of how the pandemic has been managed, that there's very little if any way that they can be brought on side with that. And this has created a little bit of disjuncture within the Executive. I think it's fair to say in terms of the relationships and the approaches that need to prevail in terms of managing the pandemic.

Yes, it's a public health situation, but there are serious economic factors that need to be fed into it as well. So we did say at points over the last year, where the DUP in particular were quite vocal about the need to support businesses, for example, whatever the lockdowns were easing, it was the DUP ministers that were very much at the forefront of pushing to get things open as safely, but as quickly as possible. Whereas I guess the more cautious figures within the Executive, we're saying public health kind of needs to prevail a little bit more.

There needs to be more of a focus on that, but more of a phased approach. Things would take a little bit longer to open up, and that started a new level of friction going on between the Executive ministers then. And I think it's fair to say again, and I'm very aware that I keep speaking in a projection of 2022 and the election then. But I think it's fair to say that whenever you're this close to an election indeed, whenever there has been a question mark over how soon it will even happen, there is a political benefit or political capital to be gained from differentiating one party from another.

So if one party can be seen to be the voice of a group that isn't really being represented or reflected adequately in another group, particularly within the same designation, then that's an opportunity that kind of has to be taken, I guess, in the political sense, and I think to a certain degree I don't want to overplay it, but to a certain degree, that kind of mentality has kind of fed into how this management of the pandemic has progressed. And we've gone from a relatively cohesive approach to the pandemic and the COVID19 situation in 2020 to actually it being something that is a really deep point of contention for elected representatives now.

And really, it's not just an issue that's contained solely in one little box that the Executive can take out when they have to and deal with and then tuck away. It's so cross cutting that it delves into every aspect of the ministerial portfolios in terms of funding. For example, the way in which monies are being used, do you prioritise healthcare or do you build a new road? Those are the sorts of issues that are starting to play, and there's an even bigger push than there has been at any previous time.

And from what I understand around the need for funding in healthcare, so this is a really massive challenge, and it's only been exacerbated in the last couple of months around this conversation of a passport. So having the app on your phone to prove that you've been vaccinated. Again, I think some of the reporting of this measure has been questionable indeed some of the communication from the Executive with regard to it hasn't helped the situation, but it's a means by which individuals have to show either they've been double vaccinated, that they have had a negative lateral flow test or that they have tested positive for COVID in a certain window of time beforehand.

So a lot of the focus has been on, well, you need to show this passport to show that you've been vaccinated. And again, it's that question about the vaccines, and there are concerns about the vaccines for different reasons that exist out there. And this debate about the vaccine passport has been criticised on the one hand, for that. On the other hand, it's been criticised because some businesses have felt who's going to be checking these passports? Will we have to employ perhaps an additional member of staff to stand at the door to check these pieces of documentation coming through before we let anybody in?

How do we deal with the situation if somebody doesn't meet the criteria and we have to turn them away? Will it have an adverse impact overall on businesses? So bars and restaurants, for example, will it act as a disincentive to people going out, especially during the Christmas season? So all of these things have been feeding together under the broad banner of the COVID 19 pandemic. And it's the elected representative at the centre of it that have been having to deal with at all. So everything seemed to be relative to what they had been kind of settling down a little bit.

And then we have in the last couple of weeks as well, this Omicron variant, this new variant that has come about, and it's looking as though things are going to have to get worse before they get better. Certainly at this point in time, what worst would constitute, I'm not entirely sure, but certainly the narratives that seem to be coming from the Executive are around collapsing health care services, hospitals at breaking point and challenges such as that going forward. Some loose rumours about lockdowns and things like that they haven't come from the Executive, I should emphasise, but certainly they're the types of conversations that are feeding into the narrative at the moment.

And again, I don't wish to be pessimistic, but there is no way it can clearly be seen at this point, at least in my reading of things that it's going to do anything to improve the relationship

between the Executive administration and indeed, the consequences that for governance in Northern Ireland, as we know in any mandatory coalition arrangements, decision making is already very difficult. But whenever there are pressures and contentions at play, such as with the COVID 19 pandemic, it only makes things even more difficult.

**5: Centenary**

C: So moving on from then, I'm very aware whenever I first started planning for this presentation, I'm thinking about 2021.

What will I talk about? The first things that came to mind for me and thinking about the activities of the Assembly and the Executive were the things that I've discussed so far - Brexit and the COVID 19 pandemic, and it was almost as an afterthought. And I don't say that in any disrespectful way or disrespectful sense that came to me that it was Northern Ireland centenary year as well. And I think it's very notable that it's almost been quite quiet, almost unnotable. It's remarkable for being unremarkable insofar, as it was almost expected, that it would be a big year, potentially a challenging year in terms of political relations, potentially civic relations.

There was almost an expectation that it would become a much bigger presence or factor within the year than I think it actually has ended up being certainly from the perspective of looking at what the assembly and executives have been doing. Now, that's not to disregard that there have been different events across Northern Ireland and in different sectors to mark the occasion, but in looking purely at the way in which the politicians attempted to mark it, there are two key events that I think really stand out when we think about the centenary.

So the first one was the proposal for a centenary stone, which I have a picture of here or the picture of the proposed centenary stone, and that was to be placed in the grounds of Stormont. As you can see, it was supposed to be made from stone. It was on a little bit of a plinth, and it was to represent the counties, the constituent parts of Northern Ireland. It was proposed by Unionist parties within the Assembly, and it was rejected as an idea by nationalist parties, particularly Sinn Fein.

And it was particularly controversial for the obvious reason that it was seen as really demonstrating the different ways in which not only the centenary was being viewed, but the ways in which people think about what Northern Ireland is as an entity and what it represents. So from the Unionist side, it seems like an obvious step to take to do something in a tangible sense to mark the centenary. But from a more nationalist perspective, it raises the question of, well, why would you try and mark something that isn't something to be commemorated.

It's the antithesis of the nationalist ideology to commemorate the existence of a state that exists through partition of the state that they want to see reunified. So there's a couple of different perspectives on this, and they really started to clash whenever it came to the question of this stone. Needless to say, the stone didn't get made. It hasn't been established as a result, but it really went to show that it wasn't going to be a straightforward year in terms of marking this centenary. So that was the first real test, I guess, at the political level, for how those sentiments might be articulated and how they would start to interact with those wider conversations I mentioned earlier in part, a little bit about Brexit thinking as well, about the constitutional future of Northern Ireland, how all of these dynamics start to feed together, really began to come to the fore with the debates and the discussions around the stone.

Now the second element, the second event that I think is worth highlighting, and I'm almost loathe to discuss it because it received so much attention in the media and various other circles that it almost became absurd. It was almost an event made out of nothing as such. So this was a mass that had been proposed to be held in Armagh by the leaders of the four main churches in Northern Ireland, and the idea behind it had been to bring together all of the or at least representatives of all of the main political parties in Northern Ireland, representatives from the government in the Republic of Ireland, the President, the Queen, the Prime Minister, kind of, the sort of terminology that was used to describe it, to reflect on Northern Ireland, not necessarily to celebrate it, but some form of a reflection.

Now this became controversial because the President of Ireland, Michael D. Higgins, had decided not to attend, and that sparked a source of controversy. And it was largely criticised by members of Unionist political parties in Northern Ireland. It was kind of accepted or agreed with on a bit of a spectrum within Nationalist parties in Northern Ireland, government officials or representatives within the Irish government and the Republic largely accepted his decision not to attend, but then quite strangely decided to attend themselves. So it was perhaps blown a little bit out of proportion in terms of the significance.

And this is my interpretation, rightly or wrongly on it in terms of the significance of what it meant and indeed, the attention it received for such a sustained amount of time across the media. But again, it really highlighted that, yes, we might be 20 odd years into a peace process. Now there's a relative sense of stability politically now, certainly in the wake of new decade new approach, whether that will continue is another matter. But for the moment, it's relatively stable. And a lot of the questions that had precipitated the Troubles and indeed the Peace Process itself are still in some shape or form, kind of there under the surface.

And the centenary, in some senses, allowed that to be broken apart. And for all of these pieces to be put on the table, it exposed some of the, I guess, perspectives or views around what Northern Ireland is and its existence and allowed for debate around those to happen. Now, some of that debate and discussion was - I'm obviously an academic - so some of those conversations were happening in an academic sense. Some of them were happening within different civic groups and societies or bodies across Northern Ireland. But for the conversations and debates that were happening at the political sphere, they were much, I don't want to say more significant, but in terms of the power of the words that were shared in those sorts of situations were much more powerful in how they came across.

And what we started to see was rather than a kind of a, I guess, a loose sort of agree to disagree sort of narrative coming across. Some of those conversations became a lot more hostile than one might expect from a political sphere. But then again, of course, Northern Irish politics expectations may vary on what is expected or not, but it's important to flag that the centenary really wasn't as problematic if I can put it that way, as might have been anticipated. And I think a lot of the reason for that a lot of the explanation for that lies in the fact that there was so much focus on, so much energy being taken up in dealing with the Northern Ireland Protocol and the COVID-19 pandemic.

That not that it detracted from the centenary, but in terms of its potential to become an inflammatory issue in terms of tensions between communities or between political parties, it made it a lot harder to justify that kind of path being pursued at the political level. So yes, there were challenges with it, and these two examples show where some of those political contestations arose with the centenary and the marking of 100 years of Northern Ireland's

existence. But I think ultimately and very strangely, quite bizarrely, it wasn't one of the driving factors or key factors in Northern Ireland's year in 2021.

So again, open to discussion, and I'm happy to answer questions in the Q and A, if appropriate.

## **6: New Decade, New Approach Implementation**

We spoke a little bit last year about the New Decade Approach Agreement. It came into force in January 2020, and at that point when we spoke last year, there were some issues, a little bit of stalling around its implementation. I think it's fair to say now that we're talking here in 2021 that there are still issues with the implementation of NDNA. There has been some progress.

Some things have got underway, for example, work around an official opposition. Indeed, finally, the legislation in Westminster around language and institutional stability and robustness in the event of a collapse has started to make progress. But we're still sitting here at the end of 2021 with an election right around the corner, not knowing about in particular, these two elements that I have on the slide here. So in terms of the legislation, this is in the form of the Northern Ireland Minister's Elections and Petitions of concern Bill. And one of the key elements of that is to put in place provisions that allow the institutions to not end up on a cliff edge should one of the First Minister or deputy First Minister resign.

But to ensure that there's kind of a period or a window of time where things can tick along until an election has to be called. So part of that is extending the window after an institutional collapse in order to allow more space for the politicians, elected representatives to be able to discuss and negotiate with each other to try and work through problems. Part of that is to ensure that ministers have to remain working in post for a window of time, basically to make sure that departments keep operating. That there isn't the same situation as we've seen between 2017 and 2020, which ultimately resulted in legal action which limited the abilities, or at least clarified the competence of unelected representatives within the civil Service with regard to the decisions that could be made in the absence of a Minister being in post. And all of these things kind of combined are in theory there to make it possible, not just for governance to continue and not hit a cliff edge, and it either be there or not be, but to also promote and encourage the space to emerge for political parties to speak to each other and hopefully prevent the same sort of hiatus arising as the one we saw between 2017 and 2020.

The challenges of which arguably we're still trying to work through. That bill hasn't passed yet. So really, it's quite remarkable to think that it hasn't passed. It was only introduced in the Queen's speech there in I think it was May or June time 2021. It has progressed through a number of stages. It's currently at committee stage in the House of Lords, but it's really remarkable to think that it hasn't been sped up or moved through this process any quicker when we take into account everything that I was saying previously about the potential, or at least the conversations that were being had around the time of the potential for the upheaval within the DUP to have led to an institutional collapse.

So whether or not that will be in place by the time of the next election? Well, who knows? But it will be a deciding factor, I think, at least on what will happen if the DUP, for example, returns enough seat to become deputy First Minister or to nominate a deputy First Minister, whether or not they might choose to pursue a route that would collapse the institutions by not nominating somebody to that post, or whether things could go relatively straightforwardly and continue for however long it might do until the inevitable next challenge.

The second point that I have here is around an official opposition. The New Decade New Approach agreement had a number of elements in this so outlined a provision or a plan for any party to be able to enter an official opposition up to two years following the Executive formation. Essentially after an election, it talked about funding for an official opposition, and it also mentioned about commissioning a review of the support and entitlements for an official opposition. That was something that was due within I think it was six months of the New Decade New Approach agreement coming into force that only happened this year. So a call for tender applications went out in early 2021, and there was a report produced. It went through the Assembly and Executive Review Committee, and as I understand it, this has been published and it's basically waiting with the Assembly now to see what will come next from that.

But again, we have an election around the corner. Okay, now we have seen a little bit of an example of how official opposition might work under current arrangements. Just before the 2016 election or the 2017 election sorry. So there was a little bit of time there, but not enough time for us to really get a good sense of not just how it works in practice, but what sort of resources are needed to support us to be able to enable us to work effectively as a point of scrutiny within the Assembly.

So this is something that potentially some of the parties may be considering following the next election, perhaps going into an official opposition capacity, not taking their seats in the Executive. And it really is quite stark and astounding that this hasn't been formalised just yet, given how close we are to an election, and again in the context of a lot of discussions through 2021 of the Assembly and the Executive of the institutions potentially being collapsed. So there's a lot of open end still with the New Decade New Approach deal and its implementation. I certainly looking at what remains to be implemented.

I am sceptical that all of that will be achieved before the next election, even with the date of May 2020, as opposed to it happening any earlier. But that's something that we'll have to keep an eye on in the months going ahead. As I mentioned last year as well. And I think it's worth reiterating that part of the reason for some of the tardiness with implementing or at least kickstarting action around some of the new Decade New Approach Provisions has been in part Brexit, albeit that was a foreseen event at the time

NDNA was agreed, but a large part of that has been the COVID-19 pandemic and the amount of resources not just financially, but in terms of civil service staff and the efforts and time of the elected representatives that has fed into, I guess, making it more difficult to be, perhaps as proactive on these steps towards full implementation as might have otherwise been the case, albeit I appreciate that there's scepticism as to whether or not it would have been any more efficient given that there are still issues from previous agreements, including Fresh Start, for example, that are still to be brought into effect.

## **7: Legislative Developments in Northern Ireland**

Now I've spoken a little bit about some of the major issues that have been hacking and going on. So what I plan to do here is just to show that despite all of these things that have been going on, there has been some progress within the Northern Ireland Assembly and the Executive in terms of the work that they've been doing it hasn't all been about Brexit, and it hasn't all been about the COVID-19 pandemic. And there's just a few examples here to try and illustrate that.

So there are currently two climate change bills progressing their way through the assembly, one coming from the Green Party's, Clare Bailey and one from the DAERA Minister Edwin Poots. And effectively, one is more stringent than the other in terms of requirements on businesses and changes they would have to make in order to reach in Clare Bailey's bill's case on net zero situation. The bill that's coming from Edwin Poots doesn't aspire towards net zero, but it gives them a longer time frame for a slightly lower level.

And arguably, and certainly Edwin Poots argues that it gives a more concerted focus towards business and tries to allow some changes to be made, but not to an extent or at a pace that could be harmful to businesses financially as much as anything. So we've got two bills coming forward in that arena. We've also had the Domestic Abuse and Civil Proceedings Act passed. Now this is something that has been going on in the background. It's something that Naomi Long (Justice Minister) was particularly passionate about and was pushing for right from everything got up and gone again after the New Decade New Approach, and it was eventually passed I think it was March of 2021, certainly the early part of the year, so that's a really big local originated piece of legislation that has come forward.

Then we have the Integrated Education Bill that's come from Kellie Armstrong (Alliance MLA). This is one of those rare bills where it does what it says on the tin and the idea around it is to put in place provisions and steps, support mechanisms, duties and obligations and various bodies to try and promote a more integrated approach to education in Northern Ireland. To try and move things away from schools being grouped into what is still by and large Catholic and Protestant schools, and to move more towards a model where schools will operate on an integrated basis and without recourse to the system that has been prevailing so far. Effectively, to try and bring communities together and to bring children together within the communities right from the outset and to promote, ultimately looking beyond the education sphere, a more integrated society in the years ahead. In broad terms, the ends of the bill and sort of the wider aspirations of it.

And the final one I'm going to flag here is a private members bill because they have still been happening as well. It's relatively difficult for those to be passed in any political system, but especially so whenever you have power sharing one that we have in Northern Ireland. The example that I have here is one from Rachel Woods of the Green Party, and it's with regard to paid leave for victims and survivors of domestic abuse. So it's at the consultation stage at the moment. So it's very early in the process.

Big question mark as to whether or not it'll be completed or at least sufficiently in progress before things get to the end of this current mandate. So we'll have to watch and see what happens with that one. But I really wanted to flag here that they've had some positive developments in terms of legislative advancements in Northern Ireland during this time. If you look at the figures, no, there haven't been as many of these as the last mandate. The reason being that the politicians came into office in pretty much the middle of this one.

So they've had half the amount of time to bring forward the legislative proposals and to push bills for all the stages and so forth. Once you sort of overarch all of that with the pandemic and the Brexit situation and everything else that has been going on again, I don't want to overplay the situation, but it's positive to see that there has still been these advancements in more normalised sort of issues. If I can put it that way, not just focused on Brexit or COVID, but things that you would hope and expect would have been happening anyway in more normal times.



But yes, as with anything, there's always room for improvement, but definitely there are examples there of positive changes that have been made in the last year.

## **8: Assembly Election 2022**

Now there is another diagram that is supposed to be here that for some reason isn't showing. And it was a diagram showing the first preference share of votes that each party received in the 2017 election, so that will hopefully come through whenever I send the handout through to the team. But essentially what I wanted to highlight here is notwithstanding everything that I've already said around the Assembly election and all the things to be looking out for and factors that might be coming into play that will shape the way and watch politics is done in Northern Ireland.

Just a couple of points here that might be of interest or that will be good to keep an eye on. So the first thing I have aligned here is the centre and non-aligned parties, and the reason I've noted them here is what we saw between 2017, 2019. We had every election going right from Council level up to the European Parliament. And what happened almost sequentially through those processes was we saw a swelling of the middle ground, a lot more votes than previous elections being directed towards the likes of the Alliance Party, for example.

They received particular attention during this time, and it will be interesting to see whether or not those votes and those voting patterns translate into what we see in 2022. The reason being that the system of governance and the system of elections for the Northern Ireland Assembly is so different that it almost incentivises a vote to be directed towards the extremes of the political spectrum. And what I mean by that is it almost incentivises because the institutions are built primarily on the idea of it being dominated by the designated blocks of unionism and nationalism that votes are perhaps more powerful or better put to use if they're sent towards the party within one of those blocks.

So whether or not that will have an impact on votes that are directed towards the centre ground or not remains to be seen. But I think it will be very interesting to see whether or not we're at the start of a tipping point towards things perhaps starting to change in terms of the composition of the Northern Ireland Assembly, and indeed, what that might do in terms of how the political institutions are designed in the times going forward as a consequence, because currently everything is built on this idea of yes, there are three designate community groups.

You've got Nationalist, Unionist and Other in the Assembly currently, but the "Other" designate group doesn't really have the same power, certainly the same presence in terms of how the institutions are designed as the Unionist and Nationalist groups. If suddenly it changes and we have the second largest designate group being the "Other", for instance, how does that work, or indeed the largest group. So these are things that didn't need really to be considered back in 1998. And haven't really needed to have been considered since. But I think in light of the elections that we have had from 2017 up to now, and certainly the conversations that that generated because it came as a relative surprise

I think, to a lot of people that particularly the Alliance Party, gained as much ground as they did across those elections. The conversations, therefore, about the design of the institutions, what they need to do, how they operate, what the Standing Orders need to look like in order to reflect these, what legislative changes need to be implemented in order to reflect any

potential changes. These are all things that I think we're going to be hearing a lot more of over the next few years. I've mentioned the challenge debate discussion, whichever way you wish to put it about whether or not there will be a Nationalist First Minister, it would be the first time it would have happened in the Northern Ireland Assembly.

I'm almost reluctant to say anything more about that because it's such a hypothetical question at this stage. We don't know what way the election is going to go. We don't know which way the parties will respond in such a scenario. And indeed, in the absence of the legislation having gone through Westminster, I'm really not sure even at this point what the options might be that would be on the table for the parties. So again, just something to watch out for, as I've already highlighted, and as you all will be very aware of, there's no difference in administrative terms around what the First Minister does compared to a deputy First Minister or what their status is.

It's really the terminology around it that is significant again, in that symbolic and representative sort of sense, as opposed to a hard real outworking. I've mentioned as well about an official opposition. Again, there's still ambiguity around what that would look like. Still not even really clear which parties would maybe consider going into official opposition. I have to say, for my reading of things currently, I'm not sure if parties would be so inclined to go into an official opposition at this point. I think there's an incentive there, given just how complex and dense everything has become with regard to the COVID-19 situation, the Northern Ireland Protocol and so forth.

All of those issues. There's a benefit in parties having somebody that's at the Executive table to be able to enact some changes or to be able to be a part of that management in some way, shape or form. And I'm not sure at this point that there is a lot, certainly how the parties are viewing it, to be gained from being in an official opposition, but it remains to be seen. I've been reluctant to put anything off the table after the events of the last few years. So who knows what will happen with that.

But certainly there's still a lot of work to be done around clarifying what an official opposition would look like, what resources they would have, speaking rights, access to materials, even the very fundamentals of how it would work in practice. There's still a lot to be done on that. And the final thing that I flag is and it kind of links to my scepticism about the incentive for parties to go into official opposition. And again, it's something that hasn't really gained a lot of attention so far is that the Northern Ireland Assembly has the power under Article 18 of the Northern Ireland Protocol to have a vote in 2024 on the continued application of specifically Articles 1 to 5 of the Northern Ireland Protocol, which relates to some of the aspects of trade related matters.

And the reason that I've flagged this here is it hasn't really been spoken about now or indeed really across 2021, but it's potentially something that could start to feed into political narratives. I'm not sure to what extent they'll start being fed in the run up to the election, but I think certainly thereafter once the composition of the Assembly is known and the Executive is known. I think we'll start to see a little bit more conversation about which way elected representatives will be intending to vote on which way parties will be intending to vote on that.

If anything, I'm a bit surprised that it hasn't featured a lot more in conversations around the election, not least as there was a sense of trepidation or uncertainty whenever the protocol first came into effect around this Article 18, insofar as it was thought it could potentially

effectively become just a proxy vote on Northern Ireland's constitutional position. In other words, if there was a vote to continue to apply these articles and to apply the protocol in full that that could be seen as Northern Ireland wanting to align somewhat with Irish unification ideals.

And if there was about to remove those articles that it would be a vote to strengthen the relationship East-West between Northern Ireland and the rest of the United Kingdom. So in that sense, it's kind of surprising it hasn't fed a little bit more into narratives leading up to the election. It may change once we get into the new year. There might be a return to the focus on that. But I think at this stage there's still a lot of, at best confusion, at worst misinformation being spread about the Northern Ireland Protocol and how it operates.

It's worth reiterating that even in a scenario where these articles are voted to be removed, the protocol is still in force. Those articles aren't the totality of the protocol and how it operates. So as I was saying earlier, I think there's almost a reluctant acceptance starting to feed in around the presence of the Protocol in terms of Northern Ireland's broader legal or constitutional framework, if I can use those terms for it. But at the same time, there is a bigger question that needs to be asked about this 2024 vote, and actually in the context of the conversations going on currently between the UK and the European Union in terms of refining the operation of the protocol, these are all things that will feed into that bigger picture going forward.

But I suspect assuming things don't change too drastically in the interim, 2024 will be a key year with regard to that.

## **9: Looking ahead...**

Now I'm going to wrap up just by raising a couple of things to maybe look ahead for. And I said this with a very acute awareness that I've been saying something to keep an eye on seems to have been my phrase for the presentation this year, in light of the simply the amount of unknowns with regard to the election coming forward. And there's just a couple of other things here that I think are worth flagging.

So the first one here is a legal case that has been heard in Belfast High Court a couple of times at this point, you might have seen it spoken about very briefly in the news and written about in a few newspapers. But this Napier case is around the DUP's boycott of the North South Ministerial Council that I mentioned previously. So this is actually due to be back in court next week. I'm not sure what's going to come from that, but that will be something to keep an eye out for.

But really it's important in thinking about politics and governance in Northern Ireland insofar as there's a political process or procedure that has been put in place within one of the political parties in Northern Ireland, which has had the impact of North South Ministerial Council meetings being cancelled so that's a direct influence or impact on governance structures and the operation of the institutions within Northern Ireland, and it's being challenged in the courts. So it's not only the processes that are being challenged, but it's the individuals that are overseeing or indeed not participating in these meetings that are being challenged with that.

So that's really something to keep an eye on going forward. It's already been found that the boycott has been unlawful. So, yeah, that will progress going forward, whichever way that will be. The second one I want to flag is the Allister case, and this is a case that is being led by the

TUV's Jim Allister, and it was a case that came forward. It was backed by Arlene Foster, Steve Aiken, a few politicians from Great Britain as well. And essentially the purpose of this case was around challenging the lawfulness of the Northern Ireland Protocol effectively.

The aim of it was to reach a conclusion that the protocol was illegal. It was unlawful. So that was in court in the early half of 2021. There was a decision reached on it in June 21, and there were five different grounds on which it was argued that the Northern Ireland Protocol was unlawful and it failed on all five counts. So it has now gone to the Court of Appeal. It was heard just at the start of this week in the Court of Appeal, and it was stated that there would be a decision reached on it as soon as possible, whatever that might mean.

So hopefully we'll be hearing about that in the not too distant future as well. But again, this is something that's been flying a little bit under the radar and poses a fundamental challenge to politics in Northern Ireland because if it is the case that whenever this case goes through the process, if it turns out a decision is reached at some point that it is unlawful, then that presents a really fundamental challenge to the positions that the political parties have been holding with regard to the Northern Ireland Protocol in Northern Ireland in terms of the steps and actions that have been taken within Executive Departments to enact the protocol, and indeed, thinking about the future relationship between the United Kingdom, the European Union and indeed the East West relationship between Northern Ireland and Westminster, it really opens up a huge can of worms and sends everything flying everywhere.

If that did end up being the outcome of this. As things stand, it hasn't got to that point just yet. It's in the Court of Appeal it's been heard. So we'll wait for the decision on that to know what may or may not come afterwards. But yeah, I think it's one that's really worth keeping an eye on just in terms of its development and progression over the next three months, particularly going into an election year. And the final point I want to flag is I'd mentioned that with regard to the Centenary

it was more about exposing political differences and perspectives as it was necessarily about anything, really, I guess, robustly confrontational in thinking about Northern Ireland, what it is, how it came to be. Everything about Northern Ireland and the place it is today. I think the fact that it has been relatively quiet, I think certainly in my reading of things relatively quiet with regard to Centenary conversations, discussions, events and so forth in 2021. I think there's still a little bit of tension existing there, particularly from Unionist political parties around the fact that, for example, the Centenary stone in Stormont that didn't happen.

There was a lot of pushback against some of the events that have been suggested and planned for the Centenary. And I think that will feed in to next year, the Jubilee year. We've already seen in the last week or so that there has been some political jostling with regard to even just a broad conversation around how the Jubilee year might be marked between, particularly again, the DUP and Sinn Fein. So that'll be something to look towards, because again, it's election year. We've got Brexit and everything going on with the Northern Ireland protocol.

The pandemic is set to roll into next year as well. All of these various factors are going to amalgamate and come together, and this potentially could just be an additional source of challenge and upheaval that will factor into that. So you'll be glad to hear that I've concluded the presentation there. I just want to finish with some very short thoughts just to wrap things up. I think if I could sum up 2021 from the perspective of the Assembly and Executive, it hasn't been great, but they probably haven't been as bad as they possibly could have been.

There's a lot of room for improvements and things to develop further. There are certainly in terms of legislation to implement New Decade New Approach deals. There's little from what I can see by way of incentive for Article 16 to actually be triggered. So whether or not that is as big an issue as has perhaps been suggested in some quarters. Well, that's for someone else to make that call on. And I think finally, just to say that we have to remain hopeful where possible and try to be optimistic about where things go next in Northern Ireland, it's just not possible to predict where things will go next year and what it will have in store beyond the certainty that we will at some point have an election.

But take the positives where we can find them. It's not maybe as optimistic a note that I could or perhaps should finish on. But yeah, it's not been as bad as it could have been. Could have been better. Probably not looking at an A or an A star for 2021, but things can only get better, right. And I'll leave it there.

## **10: Questions & Answers**

M: Okay. Thank you very much, Clare, for that excellent presentation. It was extremely informative, very interesting and thought provoking and lots of material there. I'll need to watch it a couple more times. I think just to kind of reflect on all that you're saying. So we do have a few questions for you. And the first three questions are actually from Carrickfergus Grammar School. And question number one is "Public disagreements amongst members of the Executive over the handling of the pandemic appear to suggest an even greater level of dysfunctionality than usual. Is this the case in your view?"

C: Yes and No. Yes insofar as with it being an election year, I think if it wasn't the COVID-19 situation, that was the source of discord, it would be something else. So I think it's kind of a pattern that we've seen develop, particularly in Northern Irish politics, that there is a benefit to be gained from parties differentiating themselves in terms of their policy ideas, trying to reach out to broad groups of society and right across, geographically speaking as well, Northern Ireland. And I think in that sense, it's not overly surprising that we're seeing a general sense of increased discord between our executive ministers at this point.

Now, would I say it's worse than usual at this point in time, yes, because I think there are so many big, serious issues, really heavy substantive issues on the agenda that fundamentally, the parties just don't have a common landing zone on. In terms of Brexit. I mean, how do you reconcile somebody who has a view against Brexit, but somebody who doesn't. It's very difficult to find a common zone. Same sort of idea whenever it comes to thinking about Covid-19. If you've got somebody who's prioritising business interests over somebody who is prioritising funding for a new local hospital, for example, how do you square that circle?

I think in that sense, there's always going to be an element of that. And the fact in Northern Ireland that we have the mandatory coalition, as opposed to the kind of Westminster type model where the government is one political party there's that expectation everyone will sing off the same hymn sheet, publicly at least. Even if there's discord behind closed doors. I think it really emphasises that it is quite an unusual way of doing government in the Northern Irish set of arrangements. So if I can sum up my answer there, I'm probably not too surprised by the amount of challenges, let's say, in the relationships, the public relationships.

And I'm not sure that there is a very clear route or where that we can see that those could be improved at this stage anyway.

M: Okay. Thank you very much for that answer, Clare. Our second question is as follows. "Are there any current indications that the Executive is capable of collective government? And could you say something more, perhaps, about the successes of the Executive over the last year?" I know you mentioned a few, you know, with relation to legislation going through the Assembly, for example. But would you like to say something more about Executive successes.

C: Right. This is a tricky one, because in a sort of macro level sense, there is a lot of common ground across all of the parties within the Executive. Nobody wants businesses to fail, nobody wants the pandemic to get out of control, nobody wants roads to be crumbling, schools to be underfunded, children to be suffering. Nobody wants any of those things. But actually, the routes proposed to reaching those ends are so varied and so different. And that is very much exacerbated by the type of politics that we have in Northern Ireland.

And I really want to find something concrete to be able to say it's a definite success, I think, was the word that you used there in your question of the Executive. And I think if I reflect on what I said at the end of the presentation there, we need to look for the positives where we can get them. And I think the positive of the Executive is that it's still going despite all of those challenges, those discords, the very public differences and opinions that have been shared. They're still working there. Now, whether they're working well or not is another conversation.

But I think the fact that it's working at all is a positive. So it's a bit of a non answer. I appreciate. And it's one of those things whenever you talk about power sharing systems anywhere but particularly in Northern Ireland, there's almost a sense that you feel almost obliged to say it's still working. So it must be going well because it's still there. And I'm very worried that I'm almost echoing that sentiment with my answer here. But I think given the three year hiatus, given everything that's happened in the almost two years now since NDNA I think that in itself is a win, even if it's not a very good one, hopefully that's an okay answer anyway.

M: Thank you very much, Clare. Now the last question you have addressed in your presentation, but it is the question of how likely it is that the DUP will collapse the Executive if there is a Sinn Fein First Minister. So would you like to just give us a recap of what you said during your presentation on that?

C: I honestly don't know is the long and short of it. I think if it is the case that Sinn Fein gains enough, they can nominate First Minister and DUP for deputy First Minister. I think probably there will be a lot of political posturing. There'll be a lot of grandstanding. I think at that stage there will be a lot more discourse around it's a joint office. I think that will be pushed much more to the fore, probably as well if it looks like things are going to swing that way during the election campaign.

So in those few weeks before the election actually happens, I think that clarification, let's say, will be more pronounced in terms of how all of that is communicated. But I think ultimately, if there is any sense that there would be a political capital or political or electoral support for the DUP to collapse the institutions as a result of having deputy First Minister as opposed to First Minister. I think that could definitely be a potential because I know there's been certainly in terms of how it's been presented, some rumblings or agitation around collapsing on the basis of the Northern Ireland protocol.

So there is still the potential there or the space there. If these conversations between the UK and the EU don't bring about recommendations or changes that meet the DUP's seven criteria that don't meet the standards or the expectations of the party in that regard. I think there's room there for those things to fuse potentially. And if we will be saying that right, if we collapse the institutions and try and do this, that or the other if the legislation hasn't gone through Westminster that I was talking about, it makes it much easier.

I think. Nothing is easy in the Northern Ireland system, but it makes it more feasible an option for the DUP to potentially do that in such a scenario. So a lot of it is hinging on those wider contextual factors around that, as opposed to necessarily sort of a clean cut decision of if we get the deputy First Minister position as opposed to First, it in itself would be enough to collapse it. But I think if those other factors. if all the ducks get in a row, yeah, I think there is scope potentially for it. But something that I touched on again last year as well, political will is the one thing that has been holding the show together for the last few years. There's been no incentive or want, certainly that I've been able to see within the political parties to collapse the institutions they know the public support isn't there for it. So very much the way that this is communicated during the election campaign will be absolutely key, because if the politicians are hearing on the doorsteps, we don't want Stormont anymore, then that's obviously going to fuel their agenda whenever they would get back in around the Assembly and at the Executive tables.

So there's a lot of extenuating circumstances potentially at play here, but definitely it's not off the cards by any means.

M: Well, thank you very much, Clare, for your answers to those questions. Again. All very interesting stuff and lots to think about for our audience. I'm going to hand over to Ann Marie, who's going to ask a couple of questions. Anne Marie...

A: Thanks, Marina. Clare, this time we're going to move to NDNA for this question. A teacher has submitted a question where we would like to know your thoughts on the potential impact of NDNA on the educational landscape and tacked on to that could you share your thoughts on the recent education review that is going on.

C: Yeah. I think it's probably best that I preface this by saying this isn't really my area, so I'm probably not as across it as I know some of my colleagues in Queens, for example, would be. But I think in terms of the education review that has been going on, it can only be positive. There is a sense, I think that there is a want for more integrated education, certainly in NDNA, that was one of the things that was quite clearly stated, and it was more of a move towards that type of a model of education here in Northern Ireland.

So it's positive to see that the steps have actually been taken to try and figure out what's going on with that, to get a sense of what the current picture is and to try and figure out steps forward to what I suppose the future for education in Northern Ireland might look like. But I think if there's one thing that is worth keeping in mind, and it was really emphasised yesterday, actually, with the release of the report on the flags and traditions, emblems and culture here, which has been rumbling on for quite some years now, is that it's all well and good getting to the stage where you've commissioned the report or the review, and you've got independent individuals experts going out doing this work.

But at the end of the day, it's always put back on the desk of a politician. I don't want to be derogatory to politicians in what I'm about to say. But whenever you've got such a deeply

contested political framework and such an issue that speaks in different ways to the main parties and the main people that would want to have a say on how this is designed going forward. That's where you reach log jams and the decision making that I mentioned before in being extremely difficult anyway.

Whenever you get to something like this, there's only so much reliance or weight can be put on the idea of, well, we have this report from these independent experts who say we should do X, Y and Z. If X, Y and Z is completely contrary to the interest of one of the nationalist parties for talks sake, then that's not all going to piece together. That's not going to be sold to the voter base, and in the same way, if it's something contrary to what the DUP or the UUP would see as being an appropriate way to develop things that's not going to map out.

So I want to be optimistic about educational development. We've got this bill from Kellie Armstrong (Alliance MLA) as well on integrated education, which perhaps might end up quite succinctly dovetailing with the work that's going on within this review and the sort of conversations and I guess the mindset of all the political parties in this particular area, but ultimately it's been given out to independent experts in the first place because it's something the politicians have struggled to agree on themselves. So once it's placed back on their desk, is that going to be any easier?

I'm not so sure. I try to be optimistic, but I think this is one of those issues that speak so fundamentally to so much in Northern Ireland that it's not going to be easily done. Great plans, but doing them is very different.

A: Thank you, Clare. I'll hand back to Marina, who has another question.

M: Okay, Clare, this is our final question, and it's from Our Lady and St. Patrick's College, knock. In the Northern Ireland Executive, three or more ministers can ask for a vote to be taken on a cross community basis, which effectively gives parties with enough ministers a veto on an issue. Could you clarify how if there already is cross community support for an initiative such as introducing a new law, for example, on compulsory vaccine certificates for hospitality venues. Can one of the large parties still exercise a veto over this? And if so, does this not undermine the power sharing aspect of the Good Friday agreement?

C: Yes and no. So yes on one level, it undermines the idea of power sharing, because if you've got a clear, undeniable cross community basis of support for something, then it's a political action whenever something to the contrary is done, then at the Executive level. But on the other hand, it isn't because, I don't wish to be that geek who keeps going back to the political models, but because of the power sharing arrangements that we have here. So this model of consociationalism. It is built with an indelible structure within it that there's a veto almost at every level in order to protect community interests, is the terminology around it.

So essentially for the power sharing model that we have here, it's not a surprise. It's not unusual. It's certainly not unique that at the Executive level there is a provision there to allow one party should they have enough seats to be able to effectively deploy a veto mechanism in such a scenario. Whether or not it's the right or wrong thing to do is it's a broader question, I guess, about democratic processes and personal preference and personal opinion and so forth. But in terms of the design of the models that we have, that's a common feature across internationally



I mean, it's a common feature for those models where they operate. So it's there as a protective mechanism because you could have, for example, surveys or polls for talks sake which come out and say or suggest that there's cross community support for something, and you get into an Executive branch meeting and you try to have the conversations about this. And politicians might be hearing something different on the ground. Their grassroots members might be feeding something differently upwards. So it's to allow the actors taking those decisions to be able to make those decisions based on the information they have at hand, as opposed to necessarily falling into the trap, if I can put it that way, of relying on loose cross community support ideas.

Now, it's not always that loose an idea. Sometimes it's fairly concrete. All sides have support for this particular issue, and that's where it goes back to, as I mentioned, it's a political decision then as to how that's proceeded at the Executive level. So there's a few different dynamics there. Yes. On the one hand, it's problematic in terms of power sharing is the idea of actually sharing power and reaching decisions for a collective through the process of all different actors coming together to administer that power. But in terms of the democratic theory around the model that's in place in Northern Ireland, it's entirely expected.

M: Okay, well, thank you very much for that answer. Clare and Marie over to you just to finish.

A: Thank you very much, Marina. And again, indeed sincere thanks, Clare. It's been an absolute marathon. Just to end you're an academic, and our audience today will be teachers and pupils. And just to ask if there's anything you would sign post teachers and pupils to look at by way of interesting reading that would go along with what they're studying in class.

C: Excellent. Yeah. I think probably the main source that I would recommend would be the Institute for Government's website. They are fantastic at keeping things really up to date. Very speedy reports and summaries and explainers of various political developments, not just in Northern Ireland but also at the UK level as well. So for students looking at the Westminster system in UK politics, that's a really good resource, I think as well. UK in a changing in Europe website, similar sort of idea with lots of explainers and commentary and summary documents, but just really good for getting to grasp with aspects around the Northern Ireland protocol and that post Brexit UK EU relationship as well.

I appreciate not directly relevant to some of the level course material, but from the UK's perspective, understanding those dynamics, I think, are quite useful for students too. And probably if there was one other thing I would flag just reflecting on what I said about the Northern Ireland centenary. BBC Sounds, there's a really good podcast series called "Year 21", which starts off sort of looking at the origins of Northern Ireland and some of the history there. And then, it's quite a long series, but there's lots of interviews and analysis pieces, just sort of trying to sort of unpack what Northern Ireland is and how it came to be and what it might be in the future. So that might be interesting listening for our students as well.

A: Clare, thank you so much. On behalf of the Northern Ireland Assembly Education Service team, thank you so much for such a detailed, relevant talk. And as you say, let's sit back and see what 2022 brings. Thank you so much.

C: Thank you.