

Remarks for the Agreement 25 Conference at Queens University Belfast, 18 April 2023

by Roger B. Myerson

The Pearson Institute for the Study and Resolution of Global Conflicts, University of Chicago

Forging the peace in 1998 required constitutional provisions to assure the leaders of rival communities that they would have power to protect the vital interests of their constituents. In democratic constitutional systems, there are two general ways of assuring that two or more key groups can each expect a significant share of power: One way is by imposing super-majority requirements on the overall government of the region, so that major decisions cannot be made without broad consent from each key group. The other way is by decentralizing substantial powers to local governments of districts that are small enough that each significant group can expect to win majority leadership in some districts. Each approach has its own potential problems, but these could be mitigated by using a combination of both approaches.

Today, however, the political system in Northern Ireland is distinguished by a remarkably limited extent of decentralization. In the other regions of the UK (Scotland, England, and Wales), local councils are responsible for between 24% and 27% of public spending; but the local councils of the 11 districts and boroughs of Northern Ireland control only 4% of public spending there.¹ Since the need for assuring key minority groups that they can expect a substantial share of political power is surely greater in Northern Ireland than in any other region of the UK, it seems very surprising that Northern Ireland has by far the least decentralization of power to local governments. Perhaps there is some good reason for this paradoxical situation, but if not, then the search for a better path forward in Northern Ireland might well begin with a discussion of potential decentralization reforms.

The Northern Ireland Peace Agreement from 1998 has relied essentially on super-majority requirements in the regional Assembly. So regional politics here has been constrained by requirements of cross-community consent that have effectively given the largest party in each community a fundamental veto over the formation of regional government. There are good reasons for people to want their government to be supported by a broad inclusive coalition; but

¹ Northern Ireland Fiscal Council, *The Public Finances in Northern Ireland: A Comprehensive Guide*, (November 2021), p. 24: <https://www.nifiscalcouncil.org/files/nifiscalcouncil/documents/2021-11/the-public-finances-in-northern-ireland-final-version_0.pdf>.

democratic accountability is weakened when major parties understand that the virtual impossibility of forming a governing coalition without their support means that their share of power and patronage may be immune to broad popular disapproval. Well-functioning democracy requires that each party should face some risk of losing power.

Furthermore, the imposition of super-majority requirements seriously increases the likelihood of political stalemate and gridlock in government. Incentives for factional leaders to set aside their differences and form a super-majority coalition could be increased by providing a larger budget for the governing coalition to spend. So the incentives for political cooperation in the Northern Ireland Assembly may have been strengthened by the concentration of budgetary authority at the regional level, as well as by the substantial budgetary subsidies from elsewhere in the UK. But even with these inducements, the costly potential for the supermajority requirements to paralyze the regional government of Northern Ireland has been clearly manifested since the 2022 elections. Thus, as problems with the current system raise arguments for relaxing the cross-community-support requirements in the regional government, the alternative of empowering key regional minorities by devolving greater powers to local governments deserves more careful consideration.²

We should recognize, however, that decentralization can also raise potential problems. Most importantly, there may be serious concerns about possibility of a local government being used as an instrument of oppression against local minorities by the locally dominant group. But these threats can be countered by constitutional provisions for the national government to intervene against a local government's violation of people's rights to equal protection under the law. Such constitutional guarantees with judicial review can be effective when there is broad national political support for the basic principle of defending minorities' rights.

My basic point here is that, while neither unionists nor nationalists can expect to consistently win majorities in regional elections, surely both groups can be confident of their ability to win majorities in a substantial number of local councils in Northern Ireland for the foreseeable future. Thus, democratic majority rule does not need to be compromised to assure

² A suggestion for one way to relax the Assembly's cross-community requirements can be found in the original 1998 Agreement itself. The Agreement stipulates that the applicability of cross-community requirements for a decision of the Assembly could be triggered by a petition of concern that is brought by at least 30 members of the Assembly. This provision implicitly suggests that approval by all but 29 members of the Assembly may be a reasonable substitute for the cross-community requirements, at least in some cases.

that each group will get some positive share of the powers that are devolved to local governments. A comparison of public budgets in Northern Ireland and other regions of the UK could suggest that education might be the first area to consider for devolving some significant budgetary authority from the regional government to the local councils.³

Ultimately people care most about conditions in the neighborhoods where they live and work. The regional centralization of control over a highly subsidized public budget may have encouraged leaders to focus generally on competition for power over Northern Ireland as a whole. But in the worst periods when rival groups felt driven to use force against each other, the one real tangible use that they made of that force was to claim small parts of this region as places for their members to feel safe. To keep the peace, the one truly essential requirement is that each group must have confidence that they can live safely in their neighborhoods, and so the long durable peace that everyone hopes for must ultimately be maintained in local politics.

I am probably not the first to notice that, perhaps by coincidence, the local government reforms of 2014 consolidated the districts and boroughs of Northern Ireland into 11 local units which are closely comparable in size and population to the counties in which local governments are organized in the Republic of Ireland. Those who conceive a future in which this region might someday become part of that Republic should recognize, if they are honest, that the best hopes for this eventuality being achieved peacefully would depend on that Republic allowing much more decentralized authority to be exercised by such locally elected local governments. But please let me suggest also that those who see the future of this region as remaining in a union with Britain should recognize that the same arguments for greater decentralization should apply just as much in that case as well.

<https://home.uchicago.edu/~rmyerson/belfast2023.pdf>

³ Northern Ireland Fiscal Council (November 2009), p. 25.