

Pivotal response to the Assembly and Executive Review Committee

Review into reform of Assembly and Executive

Pivotal is an independent public policy think tank. We aim to contribute to improved policy making in Northern Ireland, including by reviewing and assessing the Executive's decision-making in our regular tracker reports, for example [Review of the first year of the restored Northern Ireland Executive](#) (January 2025).

We are responding to this Review in this short document rather than via the survey.

The main arguments for reform and the relative merits of each are set out very helpfully in the recent paper by the UCL Constitution Unit [Reform of Stormont: options for discussion](#). We welcome this paper as a comprehensive presentation and consideration of the different possibilities.

Pivotal's comments below look in particular through a lens of asking 'Would these reforms bring about better policy decision-making in Northern Ireland?'

Should the institutions be reformed?

Arguments in favour of reform

We agree that the three reasons for considering reform set out in the UCL paper are matters of serious concern, namely:

1. The frequent collapse of the institutions under the current arrangements;
2. The failure of the current system to give the votes of MLAs who designate as 'Other' the same value as those who designate as 'Unionist' or 'Nationalist', which is increasingly relevant given the recent growth in the number of 'Other' MLAs;
3. The failure of the institutions to provide stable and effective government for Northern Ireland.

Stable government is the foundation of good government. Without a doubt, frequent collapses of the institutions impact on the quality of decision-making. The threat of collapse also means more difficult issues are not grasped, since there is little time, energy or bandwidth to take on the depth of debate and scrutiny needed.

But the current institutions can work when there is sufficient political commitment to them

We would emphasise that there are examples of periods when the institutions have worked reasonably well, particularly the 2007-11 period under Paisley/McGuinness and then Robinson/McGuinness. Key to this effective working were strong leadership and decision-making, including a good working relationship and trust between the First and deputy First Ministers, with each having a clear commitment to sustaining the institutions and delivering improved public services. From this we conclude that the institutions can work when there is sufficient commitment to them, along with strong leadership from the FM/dFM. This would suggest that it may be better to focus efforts now on behaviours and ways of working that make the existing institutions work, rather than necessarily reforming them. We accept however the practical reality that these more successful periods have been infrequent and short-lived when we look at the 25 years since devolution in 1999.

Reforms that remove the veto on Executive formation should be approached with caution

Most of the more significant proposals for reform involve removing the opportunity for one of the two largest parties to prevent the Executive from operating. However, we would offer a note of caution against assuming that this is necessarily the answer, because:

- The institutions as currently constituted were the result of a carefully balanced political negotiation in the Good Friday Agreement, which was then endorsed in a referendum. While some changes have been made to the arrangements since then, the principle of power-sharing involving both the largest parties from the two major designations is a fundamental tenet which we should be very careful about removing.
- It seems very unlikely that either of the two largest parties would agree to a change that removed their veto, which would severely limit the legitimacy and stability of any new arrangements made on that basis.
- Leaders central to the Good Friday Agreement negotiation, including [Bertie Ahern](#) and [Tony Blair](#), and [retired senior Northern Ireland civil servants](#), have all expressed concerns about reforms that open up the possibility of an Executive

without the largest party from either of the two major designations, because it could endanger the cross-community legitimacy of the Executive.

- It also seems very unlikely that a smaller party would agree to be part of an Executive where the larger party of the same designation has decided not to participate, which would in practice mean it would not be possible to form a cross-community Executive.
- Reforms which allow for Executive formation without the inclusion of Ministers from the largest party of either of the two major designations may be viewed as desirable, and reflective of normal politics in other jurisdictions, but how would they work in practice in what remains a deeply divided society? How would the legitimacy of such an Executive be viewed at times of community tension?

We would strongly advocate for any reforms to be reached by consensus and to have wide acceptance across all Northern Ireland's main parties. If such a cross-community consensus developed then, of course, clearer pathways to reform could emerge. Any serious structural reforms, which substantively move away from the core tenets of the Agreement, would also require agreement from the British and Irish governments and a long-term commitment from both to support their implementation.

A focus now on reforming the institutions risks distracting attention from the day to day business of government

We would highlight the risk of debates about reforms distracting from the many serious and urgent current problems in public service delivery, which must remain the priority. There is also a risk that focusing on reforms could be de-stabilising for the Executive at a time when Northern Ireland desperately needs leadership, vision and cooperation across the political divide.

Institutional changes may be less important than changes in political culture and attitudes

Aside from periods of collapse, our view, as set out in our recent report, [Policy delivery in Northern Ireland](#) is that the failures in government by the Executive are largely related to ways of working amongst the parties and civil service, rather than structural issues to do with the rules around the formation of the institutions. In particular:

- There has been a lack of a sustained focus on delivery of improved outcomes, with many key economic, social and public service indicators in Northern Ireland being very poor.
- The Executive tries to do everything, rather than focusing on specific priorities and making sure they are delivered.
- Departments operate separately, rather than the Executive working together with common purpose.
- Difficult decisions are avoided especially when they are unpopular, for example health service reconfiguration or proving adequate funding for water infrastructure.
- Short-term fire-fighting dominates over longer term strategic planning.

A key objective for any reform agenda should be to promote stronger collective responsibility within the Executive.

This should be possible without changing the fundamental structures of power sharing. Clear support from all ministers for the Budget and a meaningful Programme for Government are essential for all successful coalition governments. Mechanisms to encourage clearer lines of collective responsibility would encourage better cross-departmental working.

Common purpose and clear agreed objectives would help draw stronger dividing lines, which may encourage some Executive parties to go into Opposition. A larger and better supported Opposition has the potential to improve the functioning of Committees, Assembly business, and the performance of an Executive better held to account.

On balance, Pivotal's current conclusion is that time and energy would be best spent making the existing institutions work properly rather than embarking on reform

In our view, there is a risk that a lot of time and energy could be put into trying to agree reforms, but that it would not necessarily lead to better decision-making unless there is a commitment from the parties to addressing the above issues around culture and ways of working.

We recognise however that there are strongly held views in favour of reform, particularly from parties who designate as 'Other'. We believe this should be an ongoing

conversation, which should involve people and organisations beyond those involved in politics day to day.

If the institutions are not reformed, how can stability and functioning of institutions be improved in the absence of reform?

Pivotal agrees that there is a definite need for the Executive to function more effectively, both in terms of its stability and its decision-making. We make the following suggestions for change in the absence of reform:

- The Executive should choose a small number of priorities and then make sure they are delivered. They should accept that it is not possible to do everything.
- Where an issue is chosen as a priority, this should be followed through in other decision-making e.g. allocation of budgets.
- The Executive should avoid putting off difficult decisions, particularly about long-term policy challenges e.g. health service reconfiguration and funding for waste water infrastructure investment.
- See Pivotal's recent report [Policy delivery in Northern Ireland](#) for specific recommendations about how to improve delivery of improved outcomes, e.g. clear leadership and goals, building up skills in civil service, encouraging innovation, reducing burdensome processes, and tackling the culture of risk aversion
- The Assembly and its Committees should play a more active role in holding ministers and civil servants to account, rather than just taking a party political approach.
- Involving more people from outside government in policy design would enhance policy making and ensure a better connection with real world experiences and solutions.
- Setting multi-year budgets for NI Departments (following the UK Spending Review) should allow more time for investment, planning and reform.
- Additional support for the Opposition should be considered, to boost its research capacity, its prominence in the Assembly, and its scrutiny role in the Assembly and Committees.

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