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# What's at stake in Northern Ireland's spring election

Brexit has deepened the mistrust between the two largest parties of Northern Ireland. The upcoming elections will be decisive for a peaceful future

On 5 May this year, the people in Northern Ireland will go to the polls to elect the Members of the Northern Ireland Assembly. They will be hoping that this spring election will bear more fruit than the previous one. The Members of the Legislative Assembly (MLAs) didn't take their seats in 2017 because of the fallout of a public spending scandal. The distrust and distance between the dominant parties of the two communities, the Democratic Unionist Party (DUP) and Sinn Féin, then only grew deeper against the unfolding Brexit drama, much of which centred upon the issue that divides them most sharply and deeply.

Stormont lay empty until January 2020, when the DUP and Sinn Féin agreed to come back into office under the terms of the *New Decade, New Approach*. The deal included just enough promises to please everyone – an Irish language bill for nationalists (which was never brought), 'unfettered access' to Britain for NI businesses for Protocol-wary unionists, and a commitment to new legislation intended to prevent such a stasis of government in the future.

## Delivered promises

The MLAs took their seats and, despite the Covid-19 pandemic which struck within weeks, the Assembly and Executive functioned reasonably well. However, the conclusion of its mandate unhappily mirrored that of its beginning. After months of threatening to do so, the DUP pulled the First Minister from his post in February in protest at the Protocol on Ireland/Northern Ireland, triggering the effective defenestration of the devolved institutions.

Yet the Assembly refused to fall. Indeed, in the absence of a fully-functioning government, the legislature found an energy and purposefulness not seen before. The number, breadth, and ambition of

the bills it considered were quite extraordinary. Bills on Climate Change, integrated education, protection against stalking, autism (the most comprehensive piece of single disability legislation within the UK), and paid leave for victims of domestic violence were among the 26 to be passed in the last two months of its mandate.

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The final day the Assembly sat (24 March) saw no fewer than five bills pass. In a short video posted on social media, the leader of the Green Party, Clare Bailey, comes out of the Assembly chamber after her bill on safe access to abortion advice was approved and runs in celebratory delight to a group of young people applauding her. Their joyful whoops resonate around the grand marble hall. The exhilaration of democracy! The same day, other MLAs from across the political spectrum went on social media to share their delight at bills passing and the hope of change.

Their joy was in part so exuberant because so many in Northern Ireland have waited such a long time for legislation like these bills – passed by locally-elected representatives in response to local needs. But it is also poignant because of the dark shadow of doubt that lingers over the future of the Assembly.

## A question of future peace

When the new MLAs convene in Stormont in May, the party who wins the most number of seats is to nominate the First Minister. Barring an electoral earthquake, this will either be Sinn Féin or the DUP. Current polling indicates this is most likely to be Sinn Féin. Although the position is of equal status to that of deputy First Minister, the DUP has refused to say that it accepts even in principle that it could enter power-sharing in such conditions.

This is wholly for reasons of symbolism rather than practical ones – the office is to all intents and purposes a joint one. But symbolism is important in a place where place-names or flowers or flags can rally or offend in equal measure. For a unionist to take the position of deputy First Minister would be the greatest sign yet of the 'parity of esteem' for the two main traditions and thus of commitment to the 1998 Agreement, which remains the best hope yet for a shared and peaceful future. But it would also be a move that would require trust in Sinn Féin, in the law, and in the two Governments – all of which are already worn

thin. If the DUP does win the most seats and gets to nominate the First Minister, attention then turns outwards. They have made it clear that they will not re-enter power-sharing without change to the Protocol. As such, it will be strongly implied that the future of the NI Assembly (and perhaps the Good Friday Agreement itself) depends on what Brussels does next.

## The need for European flexibility

In such circumstances, the EU might be wise to remember that it will always need to allow a certain amount of 'stretch' to enable the Protocol to function in this place, positioned awkwardly as it is 'between' the EU single market and the UK as a third country. The flexibility shown so far by the EU is welcome and necessary.

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It would also be wise to attempt to 'de-dramatise' once more. The majority of people in Northern Ireland do not think of it as posing a 'threat' to anywhere near the same degree as the health service crisis, the cost of living crisis, or fuel crisis. But, even if they see it as broadly necessary, the majority do have genuine concerns about its impact, especially on political stability.

The means of addressing those real and deepening crises through functioning elected regional government could well be stymied by the political crises over symbolism and status. The EU cannot resolve such political problems, but it does have the power to make them worse or better.

For the EU to show flexibility on the implementation of the Protocol is not to concede to the British Government or to the DUP intransigence it has succoured. It would, rather, be an act of timely generosity: to allow enough light shine on Northern Ireland this spring to let the good things grow.



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