

# Joint sovereignty? The implications of a snap election for Northern Ireland

 [blogs.lse.ac.uk/politicsandpolicy/direct-rule-the-implications-of-the-snap-election-for-northern-ireland/](https://blogs.lse.ac.uk/politicsandpolicy/direct-rule-the-implications-of-the-snap-election-for-northern-ireland/)

4/18/2017

*The key implication of the current political direction for Northern Ireland, especially in light of a snap UK election, is Direct Rule. But what form will it take? [Sean Swan](#) writes that there is one form of Direct Rule that would be compatible with the spirit of the Good Friday Agreement: joint sovereignty.*

Theresa May has announced a snap election. It is obvious that May seeks to use the campaign and her anticipated victory to try and cut several Gordian knots currently frustrating her. Her speech made a [clear reference](#) to opposition by the SNP and the House of Lords. This election is about centralising and consolidating power in the hands of a Conservative Westminster government.

It comes at a time of crisis for the Northern Ireland peace agreement. Northern Ireland Secretary James Brokenshire is presiding over the collapse of the Northern Ireland institutions with no obvious plan B, but with talk of Direct Rule from London in the air. One of the safeguards in the Good Friday/Belfast Agreement requires that the election of the First Minister and Deputy First Minister has cross-community consent. It requires the support of a minimum number of MLAs designated as 'Nationalists' and a minimum number designated as 'Unionists' (allocation of committee chairs and ministers is in proportion to party strength). No such cross-community consent exists at the moment.

The 1998 agreement [was based on](#) power-sharing, 'parity of esteem' and the 'totality of relationships' within Northern Ireland (strand one), between north and south (strand two), and between Ireland and Britain (strand three). Each strand has an institutional expression – the Assembly for Strand One, the North/South Council for Strand Two, and the British-Irish Council for Strand Three.

Parity of esteem meant that both governments 'recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose', and that their 'right to hold both British and Irish citizenship is accepted by both Governments'. A return to Direct Rule from London has the effect of collapsing Strands one and two and of weakening strand three.

But it is not simply an institutional question, Direct Rule is incompatible with parity of esteem between the two communities. While it gives adequate recognition and protection to the Unionist community, it fails to do so for the Nationalist community. The temptations of Direct Rule for Unionists are obvious and understandable. This is particularly true given the results of the 2017 election in which, for the first time, the two main Nationalist parties won more seats than did the two main Unionist parties.

Should the parties in Northern Ireland fail to reach agreement – and this looming election will likely increase intransigence – it is not obvious how Direct Rule can be avoided. The reason the Assembly is in crisis needs to be plainly understood. The two main parties cannot reach agreement. It is popular to speak of Sinn Fein and the DUP as 'extremists', but this does not stand. The two largest parties may be fundamentalists on either side of the constitutional question, but they cannot, by definition be understood as 'extremists'. They represent the main weight of the Northern Ireland electorate. Amidst all the inevitable blame casting should agreement prove impossible, the one point that stands is the polarised nature of Northern Ireland.

If no agreement can be reached on forming a new executive, it may mean that local government is not functionally possible due to the deeply divided nature on Northern Ireland. How, in such circumstances, can the spirit of the Agreement be upheld? With no functioning Assembly, Direct rule is the default position, but Direct Rule by London is a denial of parity of esteem.

The only form of Direct Rule which is compatible with the spirit of the Agreement is some form of joint rule by London and Dublin, whether the minimalist joint authority or joint sovereignty. Joint authority would be simple to institute and would meet the requirement for parity of esteem. Joint sovereignty would be more convoluted (and would require a referendum in the Republic), but has certain advantages:

- It would help disaggregate sovereignty within these islands;
- It would be a formal and permanent institutional recognition of the British/Irish nature of Northern Ireland;
- It would help ensure a 'soft' border between north and south, and
- It would help facilitate keeping Northern Ireland within the EU.

Under the joint sovereignty of Dublin and London, parity of esteem would be fulfilled and both communities would have a sovereign power with direct control over Northern Ireland to prevent any form of community-based discrimination. Under such conditions it could prove possible to reframe the Assembly without the consociational elements such as 'designation' and the requirement for 'cross-community consent'. This might, or might not, allow for the emergence of 'normal' politics. At least the removal of the consociational elements would satisfy those liberal critics who saw in it the 'institutionalisation of sectarianism'.

The current situation is one of ongoing constitutional crises. The origins of these crises do not lie with Brexit: Brexit has only brought a series of deeper crises to the fore and deepened them. While having deeper structural and economic roots, these crises have found expression in constitutional forms. But Brexit can only exacerbate the Irish situation if it means the introduction of a hard border between north and south.

The de facto erasing of the visibility of the border was also a component of the 1998 settlement. A hard border with Direct Rule from London and no Assembly represents the total negation of the Agreement. There may be a bare majority that would support it, in the same way as there is a bare majority (most of it English) in favour of Brexit, but it represents a lurch towards the dictatorship of the majority. It is not liberal democracy and will create large alienated minorities.

The motivation behind this snap election are clear: a highly disproportionate first past the post electoral system will yield a large Tory majority based on a minority of the vote in England. That government will then steamroll opposition to Brexit, demands for a referendum on Scottish independence, and possibly 'reform' the Lords. The implications of this political direction for Northern Ireland is Direct Rule. The only alternative to this centralising majoritarianism for Northern Ireland, short of agreement and the Assembly, is joint sovereignty. More generally, throughout these islands some alternative to centralising majoritarianism and zero-sum sovereignty needs to be found.

---

## About the Author

**Sean Swan** is a Lecturer in the Department of Political Science at Gonzaga University.

Featured image credit: CJ, [Pixabay](#)/PublicDomain