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## Political developments, 2017

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### Northern Ireland Assembly election

In early January 2017 Martin McGuinness resigned as Deputy First Minister, as Arlene Foster refused Sinn Féin's ultimatum to step aside in the 'cash for ash' row, a dispute over the Renewable Heat Incentive scheme, which resulted in a budgetary overspend (see Moriarty, 2017). McGuinness's resignation plunged Northern Ireland into its second election in less than a year. After his resignation, McGuinness announced that he would not be seeking re-election. He was being treated for a heart condition at the time and his health had been deteriorating. He was replaced as leader of Sinn Féin in the Northern Ireland Assembly by Michelle O'Neill, who led Sinn Féin into the Northern Ireland Assembly election held on 2 March.

The election was the first to implement a reduction in the size of the Assembly from 108 Members of the Legislative Assembly to 90. In a strong showing Sinn Féin came within 1,200 votes (0.2 per cent) of the Democratic Unionist Party (DUP) (see 'NI election 2017: Results', 2017). Despite the new election, at the end of 2017 there was still no breakthrough on an agreement to restore power-sharing in Northern Ireland. By December the DUP and Sinn Féin had missed four different deadlines to form an executive. The gulf between the two parties is particularly acute over the issue of the Irish language and the possibility of an Irish Language Act. At year-end, as a result of the political impasse, Northern Ireland faced a very real possibility of a return to direct rule by the government in Westminster.

Shortly after the Assembly election, McGuinness passed away. His funeral was attended by former US President Bill Clinton, as well as former and sitting Taoisigh and political leaders from both north and south of the border.

### **Tusla and Sergeant Maurice McCabe**

In February RTÉ's *Prime Time* broadcast a report that a counsellor in the state's Child and Family Agency, Tusla, had erroneously made a 'cut-and-paste' mistake between two files involving an allegation of child abuse against Sergeant Maurice McCabe, of which he was entirely innocent. The mistake was revealed after Garda officer David Taylor, previously head of the Garda press office, made a 'protected disclosure' under whistle-blowers' protection laws, alleging that there had been a concerted campaign by senior Gardaí to blacken McCabe's name as a means of discrediting his allegations.

An Taoiseach Enda Kenny, TD, was under intense pressure over contradictory statements as to how much he knew of the incident. The government survived a confidence motion in the Dáil on the issue, winning by fifty-seven votes to fifty-two, with the forty-four Fianna Fáil TDs abstaining; however, Kenny faced increased pressure from within his own party and shortly thereafter he laid out the timeline for his departure (see Leahy, 2017).

### **Fine Gael leadership election**

An Taoiseach Enda Kenny's announcement on 18 May of his intention to step down as leader of Fine Gael precipitated a leadership election to replace him. A Dáil deputy since 1975, and the leader of Fine Gael since 2002, Kenny remained as Taoiseach until his successor was chosen. At the time of his resignation, he was the longest-serving Fine Gael Taoiseach and the first to have led the party into consecutive governments.

Only two candidates bid to replace Kenny: Simon Coveney, TD, for Cork South-Central and Minister for Housing, Planning, Community and Local Government; and Leo Varadkar, TD, for Dublin West and Minister for Social Protection. After a series of hustings around the country, appealing to an electorate made up of sitting Fine Gael TDs, senators and councillors, as well as the wider party membership, the result was a conclusive victory for Varadkar. The electorate was

divided into different constituencies with a weighting system attached as follows: the parliamentary party accounted for 65 per cent of the vote, ordinary Fine Gael members accounted for 25 per cent, with the remaining 10 per cent allocated to Fine Gael local representatives. This meant that despite Coveney winning a majority of the party membership, he was still comprehensively beaten as Varadkar had a significant lead in the parliamentary party, as well as with the local representatives.

On 14 June Varadkar signed his warrant of office and assumed the role of Taoiseach. At thirty-eight, he became the youngest person in the history of the state to hold the office (see O'Regan & O'Halloran, 2017). Varadkar made only a slight cabinet reshuffle, retaining Frances Fitzgerald, TD, as Tánaiste and reassigning portfolios between the previous ministers. Michael Noonan, TD, had already announced his decision to retire from politics at the next election and his portfolio was assigned to Paschal Donohoe, TD, who became both the Minister for Finance and the Minister for Public Expenditure and Reform. Eoghan Murphy, TD, was promoted to the cabinet as the Minister for Housing, Planning and Local Government, while Mary Mitchell O'Connor, TD, was repositioned to a minister of state role. Seamus Woulfe, SC, was made the new Attorney General (see McConnell et al., 2017).

### **Sinn Féin developments and the retirement of Gerry Adams**

In late May both deputies Gerry Adams and Mary Lou McDonald announced their willingness to lead Sinn Féin into coalition government as a junior party if the opportunity arises. This announcement represented a major break in the policy of the party, which had previously said it would only enter a coalition as the larger party. The position was later ratified in the Sinn Féin Ard Fheis in November.

At the Ard Fheis, Gerry Adams was re-elected party president for the thirty-fourth time. He announced that this would be his last year as the leader of the party and that he would step down from the position by the next Ard Fheis. He further stated that he would not run for re-election to the Dáil. In December, when a snap general election looked possible, Adams stated in that event he would not lead Sinn Féin into the next election and rather the party would be led by the deputy leader, Mary Lou McDonald.

## **An Garda Síochána and breath-test figures**

In April it was discovered that An Garda Síochána had exaggerated the number of breath-tests taken. An internal audit, which reported back in September, found that between June 2009 and April 2016 a total of 3,498,400 breath tests were recorded on the Gardaí PULSE computer system, compared with 2,040,179 recorded on the breathalysers, a disparity of 71 per cent (see Bardon, 2017a).

Shortly after the release of the above report, and after a five-week leave of absence, Garda Commissioner Nóirín O'Sullivan retired from office. In a statement 'Ms O'Sullivan said she was stepping down because the "unending cycle" of investigations and inquiries meant she could not devote enough time to bring about the "deep cultural and structural" reforms required to modernise An Garda' (see Lally & Griffin, 2017).

In October Ms O'Sullivan was appointed as the Director of Strategic Partnerships for Europe at the International Association of Chiefs of Police. The search for her successor as Garda Commissioner was still ongoing at the end of 2017, and the government has indicated that it might hire someone external to the force and that policing experience is not necessary for the role. The new commissioner will be selected by way of an international competition under the auspices of the independent Policing Authority. Deputy Commissioner Dónall Ó Cualáin was made acting Garda Commissioner on the retirement of Ms O'Sullivan.

## **Planned referendums**

In late September the Taoiseach sought approval from the cabinet for a timeline for seven referendums over the course of 2018 and 2019. Under the plan, referendums will be held in:

- May/June 2018: the Eighth Amendment;
- October 2018: blasphemy and the 'woman's life within the home';
- October 2018: plebiscite on directly elected mayors in certain cities;
- June 2019: divorce, giving voting rights at presidential elections to members of the diaspora, and lowering the voting age to sixteen (see Doyle, 2017).

Varadkar made it clear that the referendum on the Eighth Amendment, which places the life of the unborn on an equal footing

to that of the mother, will be held in isolation as he said this was a particularly sensitive issue and so should be a ‘stand-alone’ referendum (see Bardon, 2017b). At year-end the Oireachtas Committee on the Eighth Amendment recommended repealing Article 40.3.3 of the Constitution and allowing for abortions up to twelve weeks into a pregnancy without restriction. The Minister for Health, Simon Harris, TD, warned the cabinet of the tight time frame it must adhere to if it is to hold a referendum in the summer of 2018. The minister also expressed his ‘desire to publish draft legislation at the same time as the Referendum Bill to outline clearly what law would be enacted in the event of the amendment being repealed’ (see Bardon, 2017c).

### **Threat of a Christmas election**

In November the government faced a very real possibility of collapsing as the Department of Justice and Equality failed to disclose relevant documentation to the Charleton Tribunal, and Tánaiste Frances Fitzgerald, TD, failed to recollect a series of emails that showed the department and the Tánaiste were aware of an aggressive approach being taken against Sergeant Maurice McCabe at the O’Higgins Commission.

The Charleton Tribunal, officially known as the ‘Tribunal of inquiry into protected disclosures made under the Protected Disclosures Act 2014 and certain other matters following resolutions’, was established as a result of the allegations of a smear campaign against Sergeant McCabe, as outlined earlier. The tribunal directed that any relevant documentation must be disclosed to it. The emails at the centre of this controversy were not disclosed, and despite having being brought to the attention of the Tánaiste when she was Minister for Justice and Equality, she could not recall them.

Sinn Féin tabled a motion of no confidence in the Tánaiste and, under intense pressure from backbenchers within his own party, Micheál Martin, TD, and Fianna Fáil tabled their own motion of no confidence. An Taoiseach Leo Varadkar refused to sack his Tánaiste and declared full confidence in her, thus making the prospect of a loss in the no confidence motion and, as such, a Christmas general election extremely likely.

After repeated attempts to end the impasse failed and with the vote of no confidence approaching, the Tánaiste handed in her resignation and the Taoiseach accepted it, ending the immediate threat of a snap

election. Simon Coveney, TD, was appointed as Tánaiste and Josepha Madigan, TD, was promoted to the cabinet as Minister for Culture, Heritage and the Gaeltacht. Frances Fitzgerald secured a nomination to run in the next general election for Fine Gael at her constituency selection convention and she has indicated that she expects the Charleton Tribunal to fully vindicate her actions as Minister for Justice and Equality. Serving Minister for Justice and Equality, Charlie Flanagan, TD, apologised in the Dáil for failings at the Department of Justice and Equality, and the Secretary General of the Department, Noel Waters, brought forward his retirement and has since left. The immediate political crisis has since abated.

### **Brexit negotiations**

The Prime Minister of the UK, Theresa May, faced a final deadline of 10 December to submit a revised offer on the Brexit bill and a credible solution for the Irish border. This deadline was in advance of a European Council meeting where it would be determined if 'sufficient progress' had been made at the initial stages of the negotiations in order to move on to negotiations around the future relations with the EU, including possible future trade relations.

The issue of a 'hard border', a border with some type of physical infrastructure and/or customs controls, between the Republic of Ireland and Northern Ireland was the last outstanding issue from the preliminary negotiations. A deal was seemingly concluded on 4 December, with Ms May agreeing that there would be 'regulatory alignment' between Northern Ireland and the Republic of Ireland. However, the DUP, which is propping up Ms May's Conservative Government in Westminster in a confidence and supply arrangement, scuppered the supposed deal. Arlene Foster, the leader of the DUP, called Ms May out of a meeting to say that they could not support such a deal.

A compromise was later made between all parties, with the key points of the deal being 'a guarantee of no hard border in Ireland and that the "constitutional and economic integrity of the United Kingdom" will be maintained' (see Staunton et al., 2017). An Taoiseach Leo Varadkar described the detail as 'politically bullet-proof' and, while it has no legal standing, it was deemed 'sufficient progress' for the negotiations concerning 'Brexit' to move to the next stage.

## **Economic growth and Budget 2018**

The Irish economy continued to perform strongly in 2017, with the Economic and Social Research Institute forecasting GDP growth at 5.0 per cent and unemployment expected to average 6.2 per cent in 2017 (Economic and Social Research Institute, 2017). This strong economic performance allowed for a positive maiden budget by Minister for Finance Paschal Donohoe, TD, including €1.2 billion in new spending and tax cuts, split on roughly a 2:1 basis in favour of spending (see Kelly & Carroll, 2017).

## **Other significant political events in 2017**

In January Angela Kerins, the former Rehab chief, lost her High Court action that her rights had been breached during Dáil Public Accounts Committee meetings. The High Court ruled that utterances made in parliament were protected by Article 15.13 of the Constitution and could not be adjudicated on by the court. Ms Kerins appealed the decision and, as the appeal deals with matters of general public importance, the Supreme Court decided to directly hear it, bypassing the Court of Appeal.

In June Paul Murphy, TD, and five others were found not guilty of falsely imprisoning former Tánaiste Joan Burton, TD, and her adviser during a 2014 water charges protest.

In November the Minister for Housing, Planning and Local Government, Eoghan Murphy, TD, informed the cabinet of the intention to set up a Local Electoral Area Boundary Committee to review and make recommendations on local electoral areas, having regard to the results of Census 2016 and the commitment to consider reducing the size of territorially large local electoral areas in *A Programme for Partnership Government*, published in May 2016. The committee is due to report back not later than 13 June 2018 (Local Electoral Area Boundary Committee, 2017).

At year-end the Irish Polling Indicator, which combines all Irish opinion polls for the Dáil into one estimate of public support for the parties, had Fine Gael leading with 30.5 per cent, followed by Fianna Fáil (28.5 per cent) and Sinn Féin (17.5 per cent). Independents were down in the polls to 12 per cent, with Labour at 5 per cent and the Green Party at 3 per cent. Solidarity/People Before Profit were estimated at 2 per cent and the Social Democrats at 1.5 per cent, while others were estimated at 0.5 per cent (see Louwerse, 2017).

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