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**Acronyms**

BIIC	British-Irish Intergovernmental Conference
IICD	Independent International Commission on Decommissioning
IMC	Independent Monitoring Commission
LVF	Loyalist Voluntary Force
NICVA	Northern Ireland Council for Voluntary Action
NILGA	Northern Ireland Local Government Association
OFMDFM	Office of the First Minister and Deputy First Minister
'OTRs'	'On the Runs'
PSNI	Police Service of Northern Ireland
RPA	Review of Public Administration
RIR	Royal Irish Regiment
SF	Sinn Féin
SIB	Strategic Investment Board
UDA	Ulster Defence Association
UVF	Ulster Volunteer Force

## Executive Summary

Northern Ireland demonstrated more than ever this survey period its capacity to generate 'historic' events to engage the world's media and yet be mired down in its own history at one and the same time.

On one hand, the (near-)completion of IRA weapons decommissioning suggested a chapter was finally being closed on the region's still-recent 'troubles' – though 'loyalist' paramilitaries remained fully armed. On the other, London's anxiety to propitiate the IRA's political wing, Sinn Féin, contrasting with equal determination in Dublin to rubbish its claim to be a party of government, engendered such antipathy in the Protestant community (and not only there) as to render any early renewal of power-sharing devolution impossible.

The lightning conductor for that anger was the Northern Ireland Offences Bill. This originated as a measure, negotiated by SF in the private talks at Weston Park in 2001, to ensure that IRA 'on the runs' could return to Northern Ireland without fear of imprisonment. The argument was that such individuals, had they been convicted, would have been beneficiaries of the early release of prisoners under the Belfast Agreement.

But the much more far-reaching bill would effectively indemnify anyone – paramilitary, policeman or soldier – who had committed a crime related to the political situation in Northern Ireland since 1968. It represented such a burial of the claims of 'troubles' victims to justice that all parties at Westminster, bar Labour, opposed it, as did all parties, bar SF, in Northern Ireland. The bill would not even require beneficiaries to face their victims in court, never mind serve a day in jail. As the survey period closed, government was preparing a tactical retreat.

Even before the 'OTRs' episode, the rerouting of an Orange Order parade in west Belfast in September was the pretext for the worst loyalist rioting in the city for years, with widespread disruption and shots fired at the reformed Police Service of Northern Ireland. Yet government's response was a range of initiatives to sweeten the Democratic Unionist Party. These included introducing on to the Parades Commission two clearly *parti pris* individuals from the order.

Also during the period, the Northern Ireland Office announced its response to the Review of Public Administration initiated by the devolved government in 2002. It proposed to reduce the number of district councils from 26 to 7, with their boundaries such as to ensure three dominated by nationalists and three by unionists. All parties, bar SF, rejected what they saw as a sectarian stitch-up.

What was not in evidence in this politics of Dutch auction was any coherent strategy on the part of government to promote 'a shared future' – the title of its key policy framework to tackle Northern Ireland's yawning communal divisions, and arguably the *sine qua non* of renewed, and this time stable, devolution.

It was, paradoxically, to be the tragic death of a 60s icon, George Best – buried with great dignity in a huge, almost state, funeral at Stormont – which demonstrated the public yearning in Northern Ireland for more hopeful times, when sectarian labelling looked like it was becoming a thing of the past.

## Chronology of Key Events

- 28 July 2005 IRA issues statement calling an end to its 'armed campaign'.
- 10 September 2005 Worst rioting in Belfast for years follows rerouting of Orange Order parade in west Belfast.
- 26 September 2005 Independent International Commission on Decommissioning reports that IRA has completed putting its weapons beyond use; Protestant and Catholic clerical observers concur.
- 13 October 2005 Northern Ireland secretary, Peter Hain, announces raft of measures in response to IICD report.
- 19 October 2005 Independent Monitoring Commission issues first report on paramilitary activity in wake of IICD report.
- 22 November 2005 Northern Ireland Office issues response to Review of Public Administration, including proposal to reduce number of councils from 26 to seven.
- 23 November 2005 Angry Commons exchanges take place during second reading of bill to indemnify paramilitaries, police and soldiers for criminal acts prior to Belfast agreement.
- 3 December 2005 Tens of thousands line route for funeral at Stormont of former Manchester United and Northern Ireland football star George Best.

# 1. The 'Peace Process'

Rick Wilford and Robin Wilson

## 1.1 IRA Decommissioning

In terms of the wider 'peace process', the publication of the report by the Independent International Commission on Decommissioning on 26 September was a signal event.<sup>1</sup> It concluded 'that the IRA has met its commitment to put all its arms beyond use'. This judgment was confirmed by the two independent witnesses, Rev Harold Good (Methodist) and Fr Alec Reid (Catholic). The two clerics issued a parallel statement at the IICD press conference, affirming that 'beyond any shadow of doubt, the arms of the IRA have been decommissioned' and that 'decommissioning is now an accomplished fact'.<sup>2</sup>

A terse press release issued by 'P. O'Neill' followed swiftly: 'The IRA leadership can now confirm that the process of putting arms beyond use has been completed.'<sup>3</sup> In a joint statement, the prime minister, Tony Blair, and the taoiseach, Bertie Ahern, 'warmly welcomed this landmark development', describing it as 'the clearest signal ever that the IRA's armed campaign is over',<sup>4</sup> while Mitchell Reiss, US special envoy to Northern Ireland, called it a 'fantastic development'.<sup>5</sup>

The occurrence of the fourth and, to all intents and purposes, final act of IRA decommissioning was of course long overdue.<sup>6</sup> But many questions remained unanswered. What was decommissioned? How were the weapons 'put beyond use'? Where and when did the act(s) occur? (A member of the commission earlier confirmed to one of the authors, without describing mechanisms, that the previous three decommissioning acts by the IRA had indeed entailed the irreversible destruction of weapons, an issue which had not been publicly clear.)

The absence of such details, together with the lack of any photographic evidence, provided the sceptics with the opportunity to doubt the completeness of the act

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<sup>1</sup> *Report of the Independent International Commission on Decommissioning*, 26 September 2005, at: [www.nio.gov.uk](http://www.nio.gov.uk).

<sup>2</sup> BBC News Online (26 September 2005).

<sup>3</sup> RTE News (26 September 2005).

<sup>4</sup> *Joint Statement on Decommissioning by the Taoiseach and the Prime Minister*, 27 September 2005, at: [www.nio.gov.uk](http://www.nio.gov.uk).

<sup>5</sup> 'Reiss lauds IRA decommission move', *Irish Echo Online* (26 September 2005).

<sup>6</sup> Caveats do have to be entered. A newspaper report in the wake of the event quoted a senior republican figure saying that a small number of weapons for protection against loyalists and dissident republicans had been retained by the IRA but that 'decommissioning was as complete as it possibly could be' – *News Letter* (30 September 2005).

(particularly as the commission was vague at the press conference as to the precise fate of the modern hand guns obtained by the IRA from Florida in 1999). Moreover, the integrity of the two churchmen was questioned – not least by the Democratic Unionist Party, whose leadership chose to understand that Messrs Good and Reid had been authorised as witnesses by the IRA, though Rev Good in particular could not reasonably be described as other than completely independent.

In addition, the issue of the IRA's alleged involvement in a wide array of criminal activity was, and remains, unresolved. In this respect, the role of the Independent Monitoring Commission assumes enormous significance. It, and the IICD, are the acknowledged legislators of the 'peace process'. While the IICD's role in relation to the IRA has, in its judgment, been fulfilled, that of the IMC has yet to be concluded. In the wake of the IICD report, it issued its most recent report, which covered the period from 1 March to 31 August 2005 but was extended to include reference to the events of 26 September.<sup>7</sup>

Given the brief timescale between the IICD and the IMC reports, the latter could do little but offer a limited statement about the IRA's activities, both paramilitary and criminal, following the seemingly final act of IRA decommissioning. Indeed, it was not expected to do more at that stage, certainly not by London and Dublin. Each looked to the IMC's eighth report, brought forward to January 2006, to provide a more definitive opportunity to evaluate the IRA's commitment to exclusively peaceful and democratic means.

The period reviewed by the IMC did, though, encompass the IRA's statement of 28 July, prelude to the September arms move. This had 'ordered an end to the armed campaign', instructed all units 'to dump arms', ordered 'all Volunteers to assist the development of purely political and democratic programmes through exclusively peaceful means' and insisted that they 'not engage in any other activities whatsoever'.<sup>8</sup>

As the veteran IRA watcher Ed Moloney pointed out, the IRA statement did not refer to an end to armed *struggle*, to which the IRA remains constitutionally wedded and

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<sup>7</sup> *Seventh Report of the Independent Monitoring Commission*, HC 546, 19 October 2005, at: [www.independentmonitoringcommission.org/](http://www.independentmonitoringcommission.org/).

<sup>8</sup> BBC News Online (28 July 2005).

which only the IRA's own democratic structure, an army convention, can renounce.<sup>9</sup> The 'consultation' exercise among the republican movement begun in April 2005 by the Sinn Féin leader, Gerry Adams, the day after the announcement of the Westminster election – and widely interpreted as a way to minimise the damage to SF from the furore over the IRA murder of Robert McCartney – avoided that decision-making mechanism. Whether Mr Adams did not want to force the IRA to renounce violence – something the republican movement has persistently refused to do since the beginning of the 'peace process', arguing that it can not bind future generations – or he did not believe he could secure sufficient support from an army convention for a decision to wind up the organisation, remains unclear. Both may well be true.

The statement enabled the IMC to evaluate the extent to which the strictures it contained had been observed and, in some measure, it could confirm its effects. For instance, the commission remarked that while the IRA had continued to recruit and train its 'volunteers' prior to 28 July, there was no evidence that such activities had occurred after that date. While the IMC did document infractions of the law following the July statement, including assaults, intimidation and extortion, it could not verify that they had been authorised by the leadership of the IRA. Its interim conclusion after the apparent watershed of 28 July was that the 'initial signs are encouraging' and that it would be 'looking for cumulative indications of changes in behaviour over a more sustained period of time' – most immediately, in its January report.

There is a widespread recognition, including within SF, that the potential enormity of the IRA's decision will take time to exert its effects – including, most obviously, the return of a fully inclusive devolved administration. Thus, the two key republican leaders, Mr Adams and Martin McGuinness, have acknowledged that unionists in general and the DUP in particular need 'space and time', in Mr McGuinness' words, 'to get their heads around IRA decommissioning'.<sup>10</sup> To lend further impetus to the situation Mr Adams did utter the phrase long sought by his opponents. Speaking on UTV he remarked that 'the war is obviously over', adding that 'the IRA said formally it was bringing an end to its armed campaign'.<sup>11</sup>

But that space and time are, in SF's view, limited. Whilst SF has consistently rejected the legitimacy of the IMC, it does recognise that its next report will be a decisive

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<sup>9</sup> E. Moloney, 'Ambiguity Lives On', *Irish Examiner* (29 July 2005).

<sup>10</sup> 'DUP Running from Reality', *Derry Journal* (30 September 2005).

<sup>11</sup> 'Adams: The War is Over', *Belfast Telegraph* (29 October 2005).

event in the attempt to re-devolve power to Northern Ireland. The expectation, certainly in London and Dublin, is that following the IMC's next report, talks designed to restore devolution can begin in earnest during the spring with, all other things being equal, a fresh assembly election during the late summer or early autumn, perhaps preceded by a referendum on the terms of a revised accord among the parties.

The Northern Ireland Office minister Shaun Woodward, while denying he was pre-empting the January report – which the Northern Ireland secretary, Peter Hain, meanwhile said might slip into February<sup>12</sup> – nevertheless asserted in December: 'I have no reason to believe that the IRA is involved in any criminality at all.'<sup>13</sup> An 'official source' elaborated on the minister's remark to say he had meant that individual IRA members still engaged in organised crime did so without the sanction of the leadership. The attraction of this 'plausible deniability', to the republican movement and the NIO, is self-evident, but it suggests the IMC report will not have as definitive a bearing on political developments as government would wish.

The template for political progress, in the official view, resides in the 'Comprehensive Agreement' published by the two governments in December 2004, although Mr Hain promised in the same interview that this time talks would be 'inclusive', in response to criticisms from the SDLP and the UUP. He also pledged – perhaps without appreciating he was inviting whole new party wish-lists – no constraints on the agenda: 'Given there was no final agreement last December, everything can be reopened.'<sup>14</sup>

The timetable, however, may prove excessively sanguine. The unresolved matters of the Northern Bank robbery and the murder of Mr McCartney, together with redoubled efforts by the Police Service of Northern Ireland and the Garda Síochána to identify and seize illegal assets allegedly held by republicans, could extend by some distance the period during which the *bona fides* of the IRA will be tested. The former UUP minister Michael McGimpsey bluntly declared in October:

There is no support within unionism for a power-sharing government that includes Sinn Fein. This appears to be the settled view and it has been

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<sup>12</sup> B. Walker, 'Sinn Fein and Hain', *Belfast Telegraph* (10 December 2005).

<sup>13</sup> G. Moriarty, 'IRA Sticking to Commitments, says NI Minister', *Irish Times* (14 December 2005).

<sup>14</sup> 'Sinn Fein and Hain'.

settled for some years ... Unionists would rather embrace Direct Rule with all its faults and inherent dangers.<sup>15</sup>

But Mr Hain has set an outer deadline of May 2007 for an election to a new assembly to be held.<sup>16</sup> And the UK government pressed ahead regardless with a series of measures designed to pave the way for talks and the renewal of devolution. Shortly after the IICD report, Mr Hain told the Commons that the revised programme of security normalisation published in August would proceed. He also undertook to resume discussions with the parties on the devolution of policing and criminal justice, to introduce enabling legislation to that effect (subject to agreement among the parties) and to bring forward legislation to deal with the 'on the runs' (OTRs) – those wanted for their alleged involvement in paramilitary crimes prior to the 1998 agreement.<sup>17</sup>

That agenda was set by the 2003 intergovernmental Joint Declaration and so was not novel – indeed, the OTRs deal had been negotiated by SF at the Weston Park talks in 2001. But the celerity with which Mr Hain proposed to fulfil these aspects of it was regarded by many as premature. Similarly, his decision to restore SF's assembly allowances from 1 November and to recommend to Parliament that the suspension of its Westminster allowances should also be removed were interpreted by the legions of disaffected unionists as further 'concessions' to republicans.

The DUP leader, Mr Paisley, now elevated to the Privy Council, was 'outraged' by the decision, saying that it 'demeaned Parliament',<sup>18</sup> while David Lidington, the shadow secretary of state, described the announcement as 'a kick in the teeth for democracy'.<sup>19</sup> Interpreted by Danny Kennedy MLA (UUP) as the latest steps in 'the choreography of concessions',<sup>20</sup> Mr Hain's announcements encouraged unionists to perceive even more asymmetry in the unfolding 'peace process', thereby consolidating their understanding of it in zero-sum terms.

The secretary of state also upset nationalists and republicans during his Commons statement, in rejecting, at least until the next IMC report, renewed financial sanctions against the Progressive Unionist Party – notwithstanding the commission's

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<sup>15</sup> M. McGimpsey, 'No Devolution Until Republicans Win Unionist Trust', *News Letter* (27 October 2005).

<sup>16</sup> 'Sinn Féin and Hain'.

<sup>17</sup> Northern Ireland Office news release, 13 October 2005.

<sup>18</sup> DUP news release, 20 October 2005.

<sup>19</sup> Conservative Party press release, 20 October 2005.

<sup>20</sup> '£120,000 for Sinn Féin to Speed Return of Assembly', *Times* (21 October 2005).

recommendation that the PUP's assembly grant of £27,000 be withheld because of the continuing violence of the Ulster Volunteer Force, with which it is linked.<sup>21</sup> The NIO defended its decision not to withdraw the assembly allowance on the grounds that the PUP 'doesn't have as much control over the UVF as Sinn Féin may have with the IRA'; that 'the PUP cannot afford to take major financial hits in the same way Sinn Féin can'; and that 'PUP members have tried to promote peace and influence the UVF, and it would be wrong to potentially run them out of business'.<sup>22</sup>

Embroided in a feud with the Loyalist Volunteer Force, the UVF was held responsible by the IMC for five murders and 15 attempted murders in its September 2005 report. Against that backdrop, Alex Maskey (SF) described Mr Hain's decision as evidence of 'breathtaking double standards', confirming his view of the IMC as 'primarily a tool of the securocrats to be employed against Sinn Féin'.<sup>23</sup> The decision seemed all the more reprehensible since Mr Hain had 'specified' the UVF (and the associated 'Red Hand Commando') on 13 September for breaches of its ceasefire (documented in the IMC's sixth report) and in light of the fact that loyalists and members of the Orange Order were to the fore during the severe disturbances following the order's Whiterock parade in Belfast three days earlier. Over that weekend more than 100 police officers were injured when they were attacked with, among other things, blast and petrol bombs and came under fire from elements within loyalist paramilitaries.

The opportunity to secure the decommissioning of loyalist weapons, following the IRA's action, and the support of the PUP towards that end weighed heavily in the NIO's calculations, however. The focus on loyalist paramilitaries sharpened during the period. Reports that the small but dangerous LVF, formed by the late Billy Wright – murdered by republicans inside the Maze prison in 1997 – was to disarm and dissolve began to circulate as rumours spread that its feud with the UVF was to end.

David Ervine, the sole PUP MLA, said in this context that 'loyalist guns will go silent', adding: 'I couldn't possibly achieve that, but I know those who can and it is absolutely their determination to do so'.<sup>24</sup> If that is the intention, however, it did not come soon enough for a deposed Ulster Defence Association 'brigadier', Jim Gray, who was

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<sup>21</sup> *Sixth Report of the Independent Monitoring Commission*, Cm un-numbered, September 2005, at: [www.independentmonitoringcommission.org/](http://www.independentmonitoringcommission.org/).

<sup>22</sup> '£120,000 for Sinn Féin to Speed Return of Assembly'

<sup>23</sup> 'PUP Still Gets £27,000 Grant Despite IMC', *News Letter* (19 October 2005).

<sup>24</sup> 'LVF May Stand Down its Members', BBC News Online (20 October 2005).

murdered by two gunmen over what one source described as 'an internal matter'.<sup>25</sup> Mr Gray was on bail awaiting trial for money-laundering charges and, it seems, some within the UDA were concerned that he might inform on the organisation when he appeared in court.

Notwithstanding Mr Ervine's remarks, the prospect of loyalist decommissioning is not, it appears, immediate. In early October a UVF source told the *Observer* that 'decommissioning isn't even on our radar screen and is unlikely to be in the near future'.<sup>26</sup> The UVF has had no formal contact with the IICD for almost four years and has held no discussions with Dublin for some 18 months – although the minister for foreign affairs, Dermot Ahern, claimed the matter had been discussed with loyalists.<sup>27</sup> It is difficult to gauge where the 'truth' lies in the murky world of loyalist paramilitarism and criminality.

The plurality of loyalist gangs and – unlike the situation in 'mainstream' republicanism – the absence of firm and decisive command and control over them makes securing the decommissioning of their arms a formidable task. While leading unionist politicians, including members of the DUP, participate in the 'Loyalist Commission', which does include paramilitaries, any assumption that loyalist paramilitary organisations would take their political lead from Mr Paisley's party is misplaced: as far as the UVF is concerned, it's the electorally weak PUP or nothing.

That has not deterred the DUP or the UUP from efforts to achieve the goal of decommissioning. The new leader of the UUP, Sir Reg Empey, in his first speech to the party's annual conference, urged loyalist paramilitaries to 'call it a day' and to 'begin the job of decommissioning the firepower that has brought so much misery'.<sup>28</sup> In the wake of the IRA's action, he argued that loyalists 'no longer have any need to maintain their structures' and encouraged them to 'engage with the IICD, place your arms beyond use and commit yourself to exclusively peaceful and democratic means', adding that 'if you agree that this chapter can now be closed, you will find in me a politician who will assist in the transition to a better future'.<sup>29</sup>

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<sup>25</sup> 'Murder of Gray was an Internal Matter', *News Letter* (5 October 2005).

<sup>26</sup> 'Loyalists Rule Out Surrender of Arms', *Observer* (2 October 2005).

<sup>27</sup> *Ibid.*

<sup>28</sup> See [www.uup.org](http://www.uup.org).

<sup>29</sup> *Ibid.*

Loyalist decommissioning is, of course, a worthy end in itself, but also a practical means of discovering the full extent of the IRA's arsenal 'put beyond use' in September. The IICD's head, John de Chastelain, made it clear at the press conference announcing IRA decommissioning that once the commission's remit was fulfilled – that is, the decommissioning of *all* paramilitary weapons had been accomplished – the full inventory of loyalist and IRA weaponry would be published.<sup>30</sup> There is, then, an added incentive to achieve loyalist decommissioning but, as yet, this shows no sign of bearing fruit.

## 1.2 Policing and Criminal Justice

Meanwhile, the secretary of state has continued to implement decisions prefigured by the 1998 agreement and the Joint Declaration. In addition to measures designed to 'normalise' security, he announced the appointment of Bertha McDougall as 'interim commissioner for victims and survivors of the troubles', pending the introduction of legislation to establish a commissioner on a long-term basis.<sup>31</sup> The NIO also responded to the recommendations of the 2000 criminal justice review, established under the terms of the agreement, on 'community restorative justice' schemes.

These had become mired in controversy because unionists and the SDLP feared the prospect of two-tier policing, whereby the schemes would be operated at neighbourhood level by (former) paramilitaries without the involvement of the PSNI. The NIO minister with responsibility for criminal justice matters, David Hanson, rebutted that apprehension, insisting that the police and other statutory criminal-justice organisations would be involved in the administration of the schemes.<sup>32</sup>

But SF has yet to endorse the policing service, the Policing Board and the district policing partnerships and this complicates the scheduling of the design and implementation of the schemes, which it has championed for some time. Policing is a touchstone issue for SF and it is awaiting legislative proposals for the devolution of policing and criminal-justice powers.

In December, Mr Hanson issued draft guidelines for accredited 'restorative justice' schemes – funding from an Irish-American donor sympathetic to SF is running out

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<sup>30</sup> BBC News Online (26 September 2005).

<sup>31</sup> NIO news release, 24 October 2005. Republicans took exception to Ms McDougall's appointment because she is the widow of a former part-time Royal Ulster Constabulary reservist who was murdered while on duty in 1981.

<sup>32</sup> NIO news release, 9 November 2005.

and government funding is being sought instead – saying that these made ‘clear that the involvement of the PSNI is not negotiable’.<sup>33</sup> Well, not quite. In fact, the draft left open the possibility that a scheme would deal only with the Probation Board and the Youth Justice Agency, which *in turn* would deal with the police. And the associated questions for consultation opened the door to the involvement of paramilitaries as paid staff, even those who had been convicted of offences, offering the thought: ‘Would it be appropriate to discount serious offences which were committed many years ago?’<sup>34</sup>

The Policing Board was not satisfied. The board met Mr Hanson the day he launched the guidelines, which it promised to consider having consulted the PSNI – in November, the chief constable had made clear to the board his opposition to anyone with ‘any sort of substantial previous conviction’ being involved in the arrangements.<sup>35</sup> But the board described the meeting as ‘frank’. And it warned that not only could ‘restorative justice’ schemes not, in its view, be allowed to exclude the police but it was unanimous – the board has independent members as well as representatives of the three other main parties bar SF – that ‘Government should not be progressing any initiatives of this nature unless, and until, all political parties have endorsed the existing police structures’.<sup>36</sup>

Ironically, and from an opposed perspective, the republican-oriented Community Restorative Justice Ireland project, which runs most of the schemes, said it would not implement the arrangements ‘until there is an overall political settlement on policing’. With each side expecting the other to move first this is set for the characteristic Northern Ireland political mode: stalemate.<sup>37</sup>

### 1.3 Talks Agendas

Security and policing matters also figure high on the agenda of unionists, including the government’s plan to disband the Home Service battalion of the RIR, as part of the normalisation agenda. In the aftermath of the IRA’s decommissioning act the DUP produced a 64-page document (as yet unpublished), the first of at least two

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<sup>33</sup> NIO news release, 5 December 2005.

<sup>34</sup> *Consultation on Draft Guidelines for Community-Based Restorative Justice Schemes* (Belfast: Northern Ireland Office, 2005), at: [www.nio.gov.uk/consultation\\_on\\_draft\\_guidelines\\_for\\_community\\_based\\_restorative\\_justice\\_schemes-2.pdf](http://www.nio.gov.uk/consultation_on_draft_guidelines_for_community_based_restorative_justice_schemes-2.pdf) [accessed 5 December 2005].

<sup>35</sup> ‘Orde: No Criminals in Justice Schemes’, *News Letter* (4 November 2005).

<sup>36</sup> Policing Board news release, 5 December 2005.

<sup>37</sup> C. Thornton, ‘Stalemate Feared over Restorative Justice Plan’, *Belfast Telegraph* (6 December 2005).

itemising measures it wished to see implemented as a prelude to the beginning of renewed talks.

The party's deputy leader, Peter Robinson, made clear the purpose of the document: 'The dossier has a number of substantial issues which are necessary to provide an enabling environment in which negotiations could take place. But no negotiation can take place unless the enabling environment is there. It is up to Government to bring that about.'<sup>38</sup>

Though unpublished, the broad shape of the dossier was disclosed by an unnamed DUP source. It comprised four sections – on political institutions, finance and the economy, cultural matters and social issues, including deprivation – some of which had been addressed in the run-up to the 'Comprehensive Agreement' of December 2004 and which thus had a 'tick-box' character.

But the document also contained proposals for the root and branch reform of the Orange Order's *bête noire*, the Parades Commission, for a victims commissioner (now addressed by the government), the derating of Orange Order halls (also addressed by the NIO) and a series of measures concerning the RIR. These included the retention of one battalion, a generous severance package for those who would leave in 2007 (the government's planned date for disbandment), and arrangements for those who wished to remain in the army. In addition, the document included measures designed to regenerate the economy, including tax incentives akin to those available in the republic, renegotiation of the Reform and Reinvestment Initiative unveiled by the UK government in 2002 and a new financial package to tackle infrastructure investment.<sup>39</sup>

This initial set of demands presented London and Dublin with a lengthy wish-list and was symptomatic of the DUP's apparent intention to return to the negotiating table, all other things being equal. Meantime, however, the party refused to attend what the two governments envisaged as yet another stock-taking exercise with the parties at Hillsborough in November.<sup>40</sup>

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<sup>38</sup> UTV News Online (6 October 2005).

<sup>39</sup> *Ibid.*

<sup>40</sup> D. Keenan, 'DUP Says It Will Not Attend Talks in Hillsborough', *Irish Times* (14 November 2005).

SF had its own agenda, itself prefigured in earlier undertakings by the two governments. Besides the rundown of British troops, the dismantling of army observation posts, the planned transfer of policing and criminal justice and further reforms of the PSNI, SF pressed the British government to introduce its plans to deal with the 'on-the-runs', as signalled in the Joint Declaration. Those proposals duly appeared when the Northern Ireland (Offences) Bill was introduced at Westminster.<sup>41</sup>

#### **1.4 'On-The-Runs' (OTRs)**

The planned legislation sets out a two-stage process to deal with those individuals – estimated to be between 50 and 150 people – wanted for offences 'committed in any part of the UK in relation to terrorism and the affairs of Northern Ireland' prior to Good Friday 1998. It applies to those on the run for these offences and those wanted, charged or convicted of such offences before the 1998 agreement. To qualify for the scheme, individuals must not support a specified organisation; must not be concerned or likely to be concerned in the commission, preparation or instigation of acts of terrorism; must not have been convicted of a terrorist-related offence committed on or after 10 April 1998; and must not be subject to a sentence of imprisonment for five years or more which has been imposed for an offence committed on or after that date.

The scheme requires individuals to apply for a 'certificate of eligibility' to the new post of 'certification commissioner', who will apply the eligibility criteria; any challenges to the commissioner's decisions will be referred to an appointed appeals commission. Where eligibility is granted, the certificate will list the relevant offences and the commissioner is obliged to liaise with the relevant victims and to provide information about the cases. The certificate will exempt the OTR from arrest, questioning and remand, although the investigation into the relevant offence will be completed and investigations into other offences can proceed.

Any subsequent prosecution for a listed offence will occur in a new Special Tribunal, with prosecutions brought by a special prosecutor, and the tribunal will have all the powers and procedures of the Crown Court sitting without a jury. The defendant will not, however, have to attend the trial and can appeal any conviction and sentence to a new Appeals Tribunal. If convicted, the individual is eligible to receive a licence on the same terms as those provided by the Northern Ireland (Sentences) Act 1998,

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<sup>41</sup> A summary of the bill is available at [www.nio.gov.uk](http://www.nio.gov.uk).

which authorised the release of terrorist offenders as agreed under the terms of the Belfast Agreement. Those given a life sentence by the Special Tribunal will not be released on licence if deemed to be 'a danger to the public' and no licence will be granted until s/he provides fingerprints and other identifying samples, including DNA.

These are controversial legislative proposals, amounting – in the minds of their myriad critics – to a *de facto* amnesty for republicans and loyalists alike. The fact that the bill would apply to those who would in theory be subjects of the police service's cold-cases review only emerged in late October when the secretary of state, Mr Hain, addressed the Northern Ireland Affairs Committee at Westminster.<sup>42</sup> On the eve of the vote on government's unsuccessful attempt to secure 90-day detention for terrorist suspects, the DUP was at pains to contrast this hard line with the government's Northern Ireland proposals,<sup>43</sup> the extent of opposition to which became evident during the second reading of the bill in late November.<sup>44</sup> Although it passed (310 votes to 262), and a Conservative amendment designed to block its passage on the ground that 'it creates an amnesty for terrorist fugitives' was rejected (313 votes to 258), the mood of the house was a mixture of embarrassment, sullen resignation and moral outrage – including among many Labour backbenchers.

The tone was set earlier, at prime minister's questions, when the DUP's David Simpson – David Trimble's successor as MP for Upper Bann – asked Mr Blair what the British people would think if the killers of the female police officer shot dead in Bradford were granted an amnesty. When the Northern Ireland secretary, Mr Hain, came to the despatch box it was apparent he would have a rough ride, and so it proved, with the Speaker threatening to suspend the sitting because of the noise in the chamber. It is extremely unlikely that the bill will emerge unamended from the Commons and it is assured of a hostile reception when it reaches the Lords. It is not inconceivable that the government may have to invoke the Parliament Act to secure its passage.

The bill was opposed not only by unionists, Conservatives, Liberal Democrats and Labour dissidents, but also by Alliance and the SDLP. The latter's leader, Mark Durkan, called it the 'Northern Ireland Offensive Bill' and ridiculed the idea retailed by Mr Hain that it would bring 'closure' for victims. Mr Durkan, who met the Northern

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<sup>42</sup> S. Dempster, 'Horroric Price of "Peace"', *News Letter* (27 October 2005).

<sup>43</sup> A. Bushe, 'Government is Inconsistent on Terrorism: DUP', *News Letter* (9 November 2005).

<sup>44</sup> HC Debs, 23 November 2005, cols 1528-1618.

Ireland secretary and the republic's minister for foreign affairs, Dermot Ahern, the day after the Commons debate, also took the opportunity to attack SF, since Mr Hain had made clear that the proposed legislation would also extend to those members of the police and army alleged to have been involved in collusion with murders committed by loyalist paramilitaries.

This meant, as Mr Durkan observed, that 'in return for the greater advantages of getting their on-the-runs back with no questions asked, Sinn Féin sold out the families that for years they claimed to fight for. They let state killers and loyalists totally off the hook.'<sup>45</sup> Stung by this observation, the SF leader, Mr Adams, issued a press release opposing 'the inclusion of British state forces in the current legislation'.<sup>46</sup>

Embarrassingly for the government, the Northern Ireland Human Rights Commission had also expressed concern over the legislation. A commission source said its members had been 'very forthright' in a meeting with the Northern Ireland Affairs Committee at Westminster in early November. The commission subsequently had what it described as a 'frank and in-depth' discussion with the junior NIO minister David Hanson.<sup>47</sup> And a month later it declared the bill in its current form 'incompatible with the state's obligations under international human rights standards'.<sup>48</sup>

At the close of the survey period, it appeared government was bowing to the overwhelming pressure. In committee, the DUP agreed to withdraw an amendment requiring beneficiaries of the scheme to appear before the tribunal on the basis that government would present new proposals at the report stage of the bill in the new year.<sup>49</sup>

As sure as night follows day, however, came the equal and opposite reaction. The SF MP Conor Murphy, who represents the heartland of south Armagh, warned the government in peremptory terms: 'What we are saying is quite plain – the British

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<sup>45</sup> SDLP news release, 24 November 2005.

<sup>46</sup> SF news release, 23 November 2005.

<sup>47</sup> Northern Ireland Human Rights Commission news release, 15 November 2005.

<sup>48</sup> NIHRC news release, 16 December 2005.

<sup>49</sup> N. McAdam, 'Ministers Pledge Change to On the Runs Legislation', *Belfast Telegraph* (14 December 2005).

government must bring forward legislation reflecting what was agreed at Weston Park. No more and no less.<sup>50</sup>

### 1.5 North-South Contacts

Mr Hain's stock among unionists has fallen steadily since his appointment. Even before the Commons debate, the DUP had called for his resignation following remarks by the secretary of state reported in a New York weekly, the *Irish Echo*. During the course of an interview, Mr Hain said that the Northern Ireland economy was 'not sustainable in the long term' and that 'the island of Ireland should in future be marketed as a single entity'. In the DUP's view, it was Mr Hain's position, not the economy, that was unsustainable.<sup>51</sup> On the related issue of north-south co-operation, Gregory Campbell had earlier reiterated his party's view, saying that while the DUP 'desires a constructive relationship on issues of shared concern [it] cannot be based in any way, shape or form upon the unaccountable cross-border structures established by the Belfast Agreement'.<sup>52</sup>

The DUP leader met the taoiseach in Dublin, following Mr Hain's reported remarks, at which this position was restated. It was, in Mr Paisley's words, a 'forthright' meeting during which a number of sensitive matters were discussed. These included the proposal that Northern Ireland MPs might be accorded speaking rights in the Dáil, an initiative interpreted by Mr Paisley as 'an unfriendly act of aggression against Northern Ireland's sovereignty [that] would not be tolerated by us as unionists'.<sup>53</sup> The DUP leader also took the opportunity to align himself with remarks by the taoiseach and the republic's justice minister, Michael McDowell, that 'the IRA must be gone and out of business for good'.<sup>54</sup> To that end, the unrelenting Mr McDowell has restated the determination of the two governments to 'hunt down' the IRA's illegal assets, a task that falls most immediately to the Belfast-based Assets Recovery Agency (ARA) and the Criminal Assets Bureau (CAB) in Dublin.<sup>55</sup>

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<sup>50</sup> N. McAdam, 'Anger at Switch in OTR Law', *Belfast Telegraph* (15 December 2005).

<sup>51</sup> BBC News Online (21 November 2005). In the wake of Mr Hain's remarks, the DUP's Councillors' Association withdrew a longstanding invitation to him to address it.

<sup>52</sup> DUP news release, 9 November 2005.

<sup>53</sup> BBC News Online (18 November 2005).

<sup>54</sup> *Ibid.*

<sup>55</sup> In October, a further step in cross-border police co-operation was taken when the NIO announced the first exchange of personnel between the PSNI and the Garda Síochána – NIO news release, 10 October 2005.

## 1.6 Asset Seizures and Republicanism

One sign of that determination was a series of raids in Manchester and Dundalk, Co Louth, led by the ARA and CAB and directed against the IRA's alleged chief of staff, Thomas 'Slab' Murphy. Coming ten days after the IRA announced that it had decommissioned its arsenal, the raids were a sharp reminder of the salience of IRA criminality to the 'peace process'. Mr Adams' response to the raids and their timing was that they were 'politically motivated', while Mr McDowell insisted that recent political developments would not 'airbrush' from the agenda criminal proceeds, which he said were 'being sought and tracked down'.<sup>56</sup>

IRA decommissioning does add to the political pressure on the republic's government, not least in relation to the recent but modest electoral growth of SF there and the general election expected in 2007. The position of Mr McDowell's party, the Progressive Democrats, on SF's prospective membership of a coalition government in Dublin is unequivocal. Speaking in Belfast, he said: 'As long as the IRA exists we believe the Provisional movement and Sinn Féin, its political arm, are ineligible to take part in the affairs of government of the Irish state.' He continued:

The IRA still exists, it is a treasonable organisation under our state and it has not been repudiated by Sinn Féin ... there is only one police force and only one army in the Republic. The Sinn Féin party are not willing to acknowledge that fact so on that radical ground ... we are not willing to share power in a sovereign state with the IRA or its political allies, Sinn Féin.<sup>57</sup>

The taoiseach, Mr Ahern, leader of Fianna Fáil – the senior partner to the PDs in the coalition government – was similarly emphatic, but on different ground. A report in the *Irish Times* quoted a spokeswoman to the effect that 'he will not be dependent on SF for any act to allow him to form a government'.<sup>58</sup> In the same article, Mr Ahern couched his opposition to SF in purely economic terms, citing Mr Adams' proposal to increase corporation tax from 12.5 to 17 per cent. This, said Mr Ahern, 'would deprive us of ... wealth and surrender Irish workers to unemployment or emigration'. He went on to make a charge of some extravagance – given the origins of Provisional SF in 1969-70 in a right-wing split from the then 'Official' version and its subsequent ideological tergiversations:

Even a radical overhaul of SF economic policy would have little real credibility after 35 years of Marxism. I believe SF are agents of poverty and disadvantage. For the good of the country we cannot accept those policies in

<sup>56</sup> 'Raids over £30m Property Empire Linked to the IRA', *Belfast Telegraph* (7 October 2005).

<sup>57</sup> 'No SF in Government as Long as IRA Exists', *Irish News* (18 November 2005).

<sup>58</sup> 'Ahern Rules out any Union with Sinn Féin in Dáil', *Irish Times* (22 November 2005).

government. In such circumstances, I would lead my party into Opposition rather than contemplate coalition with SF or an arrangement for their support in government.<sup>59</sup>

The taoiseach's remarks echoed those of his namesake, the foreign minister, Dermot Ahern, the previous month. Unlike the PDs, both Aherns had said that in the wake of IRA decommissioning FF no longer had a 'principled' objection to SF's participation in coalition. The foreign minister prefigured the taoiseach's remarks in even more colourful terms (which incidentally neglected the failed protectionism introduced in the 30s by the FF founder, Eamon de Valera):

The very notion that you could build a 32-county republic on the back of the bizarre mix of secondary school Marxism and Mussolini protectionism which constitutes Provo economic policy is hilarious. We will not countenance any arrangement with SF after the next election on the basis alone of their economic policy and anti-EU views, even if they get a clean bill of health on decommissioning, end of criminality and paramilitarism'.<sup>60</sup>

He sustained this theme in a speech to an FF convention in his Louth constituency. 'Without the whiff of sulphur, they're just another small party of the loony left,' he said.<sup>61</sup>

Such remarks do not close the door entirely on SF's ambitions to constitute a part of a FF-led coalition government, though they are likely to be thwarted in the shorter term. But they certainly closed the door on even liberal-unionist opinion in the north endorsing renewed power-sharing with SF any time soon. After the taoiseach's comments, the *Belfast Telegraph* editorialised: 'As the two governments try to prepare the way for devolution, Mr Ahern has muddied the waters badly. Even in its divided state, how can Northern Ireland easily accept a coalition that no southern party would contemplate?'<sup>62</sup> The DUP, of course, pounced on the remarks to proclaim 'double standards' in Dublin.<sup>63</sup>

It is hard to avoid the conclusion that Mr Ahern has decided to put securing FF against the potential opposition electoral jibe 'Vote Bertie, Get Gerry' in 2007 ahead of securing devolution in Northern Ireland in 2006. South of the border the fight is now on between FF, Fine Gael and SF over which is the authentic heir of Irish republicanism – with the taoiseach announcing that the official military parade down

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<sup>59</sup> *Ibid.*

<sup>60</sup> 'Ahern Dismisses SF Coalition', *Sunday Business Post* (2 October 2005).

<sup>61</sup> 'Dernot Ahern in Stinging Attack on Opposition Parties', *Sunday Tribune* (11 December 2005).

<sup>62</sup> 'Ahern Clouds Waters with SF Exclusion', *Belfast Telegraph* (15 November 2005).

<sup>63</sup> 'Double standards', *News Letter* (14 November 2005).

O'Connell Street, abandoned in the face of the 'troubles', would be renewed next year and plans begun for the 100<sup>th</sup> anniversary in 2016.

Similarly, in the north battle is renewed between SF and the SDLP on the same terrain, with Mr Durkan claiming his party embodies 'true republicanism', unlike SF's 'narrow nationalism'.<sup>64</sup> As the 90<sup>th</sup> anniversary of the Easter rising looms, the conflicting claims about the true legatees of republicanism's heritage will increase in volume. This ideological struggle will be monitored closely by unionists. The more celebratory or even triumphalist the commemoration becomes, and the more strident the parties are in vying for the mantle of republican ideals, the less impressed unionists will be.

## 1.7 Conclusion

As successive monitoring reports have demonstrated, the existing three-years-plus phase of direct rule has been an active one in terms of legislative and policy development. The current period was no exception. When (if?) devolution is resumed, a new cohort of ministers and MLAs will inherit an altered administrative landscape and a radically changed fiscal environment.

The scale of administrative change could, in theory, be reduced if there is a speedy return to Stormont. Mr Hain indicated as much shortly after he unveiled the proposals arising from the Review of Public Administration.<sup>65</sup> 'If the parties do not like the decisions I have taken, they better get back into government quickly in order to take forward the process of change.'<sup>66</sup> Notwithstanding the fact that some within the dysfunctional unionist family might welcome a tier of 'super-councils', whatever their number, as a decentralised alternative to devolution, there is little likelihood of a swift restoration of the assembly and the executive.

One irony that emerged during the survey period was that neither of the two men who won Nobel prizes for their role in the gestation of the Belfast Agreement had wanted to be involved in the power-sharing executive that followed. It had already been known that the then SDLP leader, John Hume, told his then deputy, Séamus Mallon, that he envisaged him being deputy first minister at a party meeting in a Belfast hotel the morning before the assembly met to elect the first and deputy first

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<sup>64</sup> 'Sinn Fein's Mantle as "True Republican Party" under Threat', *Irish News* (25 October 2005).

<sup>65</sup> See local-government section.

<sup>66</sup> 'Hain's Sweeping Reforms Attacked as Sectarian', *Irish Times* (25 November 2005).

minister. Now a book by the BBC political correspondent Martina Purdy has revealed that the then Ulster Unionist leader, David Trimble, didn't want a top job either, hoping instead to concentrate on Westminster.<sup>67</sup> This revelation evokes the comment by one frustrated senior advisor in the Office of the First Minister and Deputy First Minister, around the onset of devolution, that he couldn't understand why politicians in Northern Ireland wanted to be in government at all, as they didn't seem to want to do anything – before concluding that they wanted to *stop other people* doing anything.

One does not have to be a cynic, however, to argue that the extent of the changes in the offing, including water charges and a new rating system, each to be implemented in 2007, could be interpreted as sticks to beat the regional politicians back into Stormont. The SF leader, Mr Adams, seized on this interpretation to try to embarrass the DUP into talks that would pave the way towards renewed devolution:

If you're watching what the British ministers are doing at the moment, they're going to bring in water charges, so is the DUP going to let them do that? They are talking about closing hospitals in west Tyrone, is the DUP going to let them do that? I think as unionism absorbs the import of the IRA moves, then ordinary DUP supporters will be saying to the DUP: 'Get in there and sort that out'.<sup>68</sup>

This tactic is unlikely to achieve its desired effect: there is no clamant demand for the return of devolution within the DUP's electorate – at least not yet. It is undeniable that IRA decommissioning has injected a new momentum into the political process, but it is likely to take at least two further IMC reports before any new talks can take place. In addition, decisions on policing and criminal justice, including SF's effective endorsement of the PSNI by joining the Policing Board and the district policing partnerships,<sup>69</sup> remain in the pending tray, as does the issue of loyalist decommissioning.

These are decidedly wicked issues. In addition SF, readying itself for the next general election in the republic, has launched a 'make partition history' campaign and Mr Adams has set out his vision of a united Ireland – which he anticipates will come about in his lifetime.<sup>70</sup> It presented a motion in the Dáil pressing for Irish unity, which was defeated by a government amendment focused on re-establishing the

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<sup>67</sup> N. McAdam, 'Taylor was asked by Trimble to take top job', *Belfast Telegraph* (9 November 2005)

<sup>68</sup> BBC News Online (3 October 2005).

<sup>69</sup> Given the planned changes to the number of councils arising from the review of public administration, there will be only seven district policing partnerships in the future.

<sup>70</sup> SF news release, 24 October 2005.

institutions arising from the Belfast Agreement rather than leap-frogging them.<sup>71</sup> As for the DUP, in the words of its deputy leader, Mr Robinson, 'Unless the [British] Government delivers confidence-building measures for the unionist community, the political process is going nowhere ... We have a unionist agenda and we intend to deliver it ... We will take whatever time it needs to be completed.'<sup>72</sup>

Mr Robinson spelled out the conditions for a new political bargain:

We will hold out until an enabling environment is established which offers equality and fairness to unionists; changes have been made to the political structures to ensure they are stable, efficient, effective and accountable; and we can make as safe a working assumption as possible that the Provisional IRA's terror machine has been dismantled, Sinn Féin has been democratised and a workable mechanism is in place to deal with any defaults.<sup>73</sup>

While London has met some of the DUP's known demands – the appointment of a victims' commissioner, the derating (on certain conditions) of Orange Halls, measure to regenerate Protestant working-class communities and the forthcoming ennoblement of three DUP peers – there are outstanding issues, including the reform of the Parades Commission, the future of the RIR, policing, criminal justice and funding for the 'Ulster Scots' tongue. Moreover, the issue of the OTRs is still far from resolved. With no one, whether convicted or as yet unconvicted of a scheduled offence pre-1998, to face imprisonment, this will sour the atmosphere as and when any negotiations transpire.

Bilateral discussions involving the parties and the two governments took place during the late autumn but round-table talks will not take place until at least two further IMC reports have appeared giving the IRA as clean a bill of health as is possible. Should such talks proceed, it is no more likely that the DUP will engage in face-to-face encounters with its SF counterparts than did the UUP during the negotiations leading to the Belfast Agreement. Whatever the format of such negotiations, the DUP's position, as expressed by its deputy leader, suggests they will be protracted.

In Mr Robinson's view, the inclusive power-sharing structures of the 1998 agreement must be 'overtly temporary', rather than ones that 'embed and entrench today's differences and preserve them into the future'.<sup>74</sup> Such an implicitly minimalist

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<sup>71</sup> M. O'Halloran, 'Sinn Féin calls for preparation for unity', *Irish Times* (3 November 2005).

<sup>72</sup> DUP news release, 21 October 2005.

<sup>73</sup> DUP news release, 25 October 2005.

<sup>74</sup> DUP news release, 7 October 2005.

consociational future may be desired by some, but neither SF nor the SDLP will countenance it: each remains committed to the maximal inclusiveness of the original agreement.

The survey period ended with one of those moments that shows just how difficult it is to resolve the Northern Ireland dilemma – a moment when two wholly antagonistic discourses were brought to bear on the same troubling phenomenon. In an unheralded court appearance the new Public Prosecution Service said that it would not be ‘in the public interest’ to pursue the prosecution of three men, including a prominent republican, accused in connection with the ‘Stormontgate’ espionage operation which brought about the collapse of the power-sharing executive in October 2002.<sup>75</sup> The PPS refused to comment further and an NIO statement, which continued to blame the IRA for ‘the damage that was done to political confidence ... that led to the suspension of the NI Assembly’, otherwise clarified nothing.<sup>76</sup>

Virtually the whole Protestant community concluded that this was a politically-motivated decision to sweeten SF;<sup>77</sup> virtually the whole Catholic community felt that this had been a ‘securocrat’ conspiracy against the ‘peace process’ all along.<sup>78</sup> On the very day when the Queen, with an eye to a first trip by any British monarch to Dublin since 1911, met the republic’s president for the first time on Irish soil – and part of the conspiracy theory was that this was ‘a good day to bury bad news’ – the chasm between Northern Ireland’s two parallel worlds loomed as wide as ever.

And there was another worrying pointer that a new outbreak of power-sharing was not around the corner in the spring as the two governments hoped. While their own relationship is closer than ever, in Northern Ireland the number of sectarian attacks was more than double in the six months to August 2005 the rate in the preceding half year.<sup>79</sup>

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<sup>75</sup> G. Moriarty, ‘Handing SF a Propaganda Coup on a Plate’, *Irish Times* (9 December 2005).

<sup>76</sup> NIO news release, 8 December 2005.

<sup>77</sup> ‘Spy Row’, *News Letter* (9 December 2005).

<sup>78</sup> ‘Queen’s Visit “was a Cover”’, *Irish News* (9 December 2005).

<sup>79</sup> S. O’Neill, ‘Sectarian Incidents Double in Past Year’, *Irish News* (23 September 2005).

## 2. 'Devolved' Government

### 2.1 Appointments

There was what appeared to be an exercise in musical chairs at the top of the civil service during the survey period. Two days after the Northern Ireland secretary, Mr Hain, announced the government's response to the Review of Public Administration,<sup>80</sup> the Office of the First Minister and Deputy First Minister said that five permanent secretaries were to be moved between departments in the new year. No official explanation was given, but Mr Hain had hinted at the possibility of a reduction in the number of departments – 10 plus OFMDFM being a lot for 1.7 million people – and the suspicion was that this was to ensure the desired personnel were in place as and when a cull eventuated.

For example, Will Haire is to be moved from the Department of Employment and Learning to the Department of Education, while Stephen Quinn shifts from the Department for Regional Development to the Department of Enterprise, Trade and Investment.<sup>81</sup> DEL's functions might well be transferred to Education and Enterprise, Trade and Investment in any shake-up. In August the junior NIO minister Lords Rooker had, with typical frankness, told the *Belfast Telegraph*: 'Let's face it: the structure of the 11 departments is absolutely barmy.'<sup>82</sup>

At the NIO, meanwhile, it was announced in September that Jonathan Phillips was to be made permanent secretary from December 2005.<sup>83</sup> Mr Phillips has only been engaged with Northern Ireland since 2002, where he has been political director, whereas the involvement of his predecessor, Sir Joe Pilling, goes back originally to the onset of the 'troubles'. Welcoming a middle-eastern delegation to dinner at Hillsborough Castle shortly after the brutal September riots in Belfast, Mr Phillips described the latter as a 'hiccup'. In any event, it has for some time appeared that Northern Ireland policy (as with much else) has effectively been centralised in Downing Street, with the prime minister's 'chief of staff', Jonathan Powell, playing a key role in private discussions with SF – much to the chagrin of members of the other parties.

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<sup>80</sup> See local-government section.

<sup>81</sup> OFMDFM news release, 24 November 2005.

<sup>82</sup> D. Gordon, 'Pit Bull in a China Shop', *Belfast Telegraph* (18 August 2005).

<sup>83</sup> NIO news release, 23 September 2005.

It was further announced in December that Stephen Kingon, of PricewaterhouseCoopers, was to be next chair of Invest Northern Ireland.<sup>84</sup> This is a 'safe pair of hands' appointment from the board of Invest NI. Mr Kingon adopts a (small-c) conservative businessman's view of the Northern Ireland economy: the public sector is too large and the policy focus should be on cutting corporate tax to compete with the 12.5 per cent rate in the republic.<sup>85</sup> Much academic opinion would argue that this would simply entrench the rent-seeking behaviour of an insufficiently entrepreneurial private sector and that policy should focus on developing networks, with their agglomeration effects, rather than individual firms.<sup>86</sup>

Meanwhile, in October Northern Ireland acquired its own commissioner for public appointments. Previously, the task had been carried out by Dame Rennie Fritchie, also responsible for England and Wales. It now falls to Felicity Huston, a former deputy chair of the General Consumer Council in the region.<sup>87</sup>

## 2.2 Direct-rule inertia

In September the regular 'Viewfinder' survey of the voluntary sector published by its umbrella organisation, the Northern Ireland Council for Voluntary Action, betrayed some frustration among NGOs in the region with direct rule. Fully 88 per cent of respondents felt it had led to a lack of 'political drive' to further relevant policy initiatives.<sup>88</sup>

While successive monitoring reports have pointed to activism on the part of direct-rule ministers, they have also highlighted the inadequacy of accountability via the Northern Ireland Affairs Committee at Westminster rather than to a devolved assembly. And slipping timescales have become a feature of a number of policy initiatives.

A regional strategy for sustainable development, for example, which was to appear late this year, has been put off to next summer. An anti-poverty strategy, which was

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<sup>84</sup> Department of Enterprise, Trade and Investment news release, 7 December 2005.

<sup>85</sup> See intergovernmental section.

<sup>86</sup> M. H. Best, *The Capabilities and Innovation Perspective: The Way Ahead in Northern Ireland* (Belfast: Northern Ireland Economic Council [now the Economic Research Institute of Northern Ireland], 2000). See also the journal *Regional Studies* more generally for the broader academic literature on regional economic development.

<sup>87</sup> D. Gordon, 'Quango Watchdog Welcomes Complaints', *Belfast Telegraph* (12 October 2005).

<sup>88</sup> *NICVA News*, 69 (2005), p. 33.

first consulted upon with a document published in April 2004, has yet to emerge. In September, NICVA organised a protest at Stormont and an open letter to the minister signed by more than 200 voluntary organisations.<sup>89</sup> And the community-relations policy framework, *A Shared Future*,<sup>90</sup> which was published in March and was to be translated this autumn into a first 'triennial action plan', also appears to be treading water. The plan is not now expected to see the light of day until the beginning of the new financial year.

These are central policy issues for the future of Northern Ireland. All that can be said in defence of the direct-rule administration is that the fact that they remain piled up in the pending tray is testimony to the sins of omission of its devolved predecessor.

More positively, during the period, the administration finally gave ground to the longstanding demands of the Northern Ireland Human Rights Commission for greater powers, issuing for consultation proposals which would allow the commission to compel the attendance of witnesses and the production of documents for its inquiries (and to enter places of detention). Indeed, these demands had been made by members of the prior advisory body, the Standing Advisory Commission on Human Rights, in discussion with the NIO between the Belfast Agreement in 1998 and the constitution of the new commission. Government did not, however, propose to concede to the NIHRC the capacity for pre-legislative scrutiny or to take cases in its own name.<sup>91</sup>

Another initiative was the announcement in July of an independent review of environmental governance.<sup>92</sup> This followed pressure from environmental NGOs, which had highlighted the lack of an independent environment protection agency in Northern Ireland, unlike any other jurisdiction in these islands. A coalition of these organisations had commissioned a 2004 report by Prof Richard Macrory of the Centre for Law and the Environment at UCL, which had set out the case and options for change.<sup>93</sup>

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<sup>89</sup> 'End Poverty in our Homes', *Irish News* (23 September 2005).

<sup>90</sup> *A Shared Future: Policy and Strategic Framework for Good Relations in Northern Ireland* (Belfast: OFMDFM, 2005), at: [www.asharedfutureni.gov.uk](http://www.asharedfutureni.gov.uk).

<sup>91</sup> NIO news release, 16 November 2005.

<sup>92</sup> Department of Environment news release, 28 July 2005.

<sup>93</sup> R. Macrory, *Transparency and Trust: Reshaping Environmental Governance in Northern Ireland* (London: University College, 2004).

### 3. The Assembly

Public unrest about the cost of the assembly has been cited many times in these reports. And the passage of time has seen public concern for devolution weaken while spending on the mothballed enterprise has accumulated. In October 2005, the *Belfast Telegraph*, which has been particularly critical, reported that in the three years since its suspension the assembly had cost £71 million to the public purse. Over £30 million had been spent on MLAs' salaries – now reduced to 70 per cent of their normal rate – and allowances alone.<sup>94</sup>

In an editorial the following day, the paper declared: 'The hope was that devolution talks could begin in the New Year, after favourable IMC reports, but the timetable must be slipping. If the Assembly is not able to meet before another election, in 2007, the whole operation should be scaled down.'<sup>95</sup> A few days later, it returned to the fray, warning: 'The public will not tolerate a costly, inactive Assembly much longer.'<sup>96</sup>

The draft budget published shortly afterwards by the direct-rule administration<sup>97</sup> was the occasion for further public anxiety about the cost of the assembly, particularly as it heralded a substantial rates increase. The *Irish News*' political correspondent began his report thus: 'A staggering £47.6 million is being spent this year on the assembly, despite its not having operated for the past three years.'<sup>98</sup>

This was the context in which the Northern Ireland secretary, Mr Hain, expressed his coded determination not to allow the DUP to string out discussions on the re-establishment of devolution beyond May 2007 – when, had the assembly followed its envisaged four-year terms, the third election to it would be due. In December, he told the *Belfast Telegraph*:

I can't conceive of the people of Northern Ireland agreeing in May 2007 to go along with taking part in a pure charade of an election for a second time to a suspended Assembly. It would make a total farce of democracy.

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<sup>94</sup> N. McAdam, 'Revealed: £71m Bill for Frozen Assembly', *Belfast Telegraph* (14 October 2005).

<sup>95</sup> 'Assembly's Days Look Numbered', *Belfast Telegraph* (15 October 2005).

<sup>96</sup> 'Assembly D-day is Coming up Fast', *Belfast Telegraph* (20 October 2005).

<sup>97</sup> See finance section.

<sup>98</sup> W. Graham, 'High-cost Empty Stormont Leaves Door Open for Massive Rates Hike', *Irish News* (26 October 2005).

There's public discontent over MLAs doing only the constituency part of their job. I'm already having to decide what to do about salaries. The longer this goes on the more intolerable it becomes.<sup>99</sup>

In the interview, Mr Hain insisted: 'The very much outer limit is the Assembly election in 2007. People who think they can play the whole thing long and keep ducking the questions and avoiding the issues are running up against a brick wall, while other parties are getting on with the discussions.' But, having ascribed vetoes to the DUP and SF – through the process of endless private bilateral 'negotiations' with the parties to which Northern Ireland politics has been reduced – it is difficult to see what means are at his disposal to prevent such an eventuality.

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<sup>99</sup> B. Walker, 'Sinn Fein and Hain', *Belfast Telegraph* (10 December 2005).

## 4. The Media

### 4.1 Reporting the RPA

The Review of Public Administration<sup>100</sup> had been trailed so far in advance that it had long lost its potential shock value. So while government's response was a major story on the regional evening news, its treatment in the press was by no means uniform. Of the morning newspapers, only the unionist *News Letter* gave it a front-page preview on the day of the announcement, 22 November 2005, with a map of Northern Ireland's 26 council areas and the headline, 'The Shape of Things to Come: seven super councils to replace the existing 26'. The others led with more immediate stories. Both the mainly-Catholic *Irish News* and the republican-oriented *Daily Ireland* focused on a breast-cancer screening recall affecting 8,000 women, 5,000 of whom were in the care of Antrim Hospital alone, while the *Belfast Telegraph* had the latest on George Best's deteriorating condition in hospital.

When the announcement finally came, around noon, only the evening edition of the liberal-unionist *Belfast Telegraph* could compete with TV news for an immediate response: 'Public Bodies Slashed by Hain: councils cut to seven in huge shake-up'. The next day, 23 November, the papers led with their own particular news angle on the political reaction. *Daily Ireland* highlighted SF's isolated stand in support of its principal provisions ('Sinn Féin Alone in Backing Hain Plan'), while the *Irish News* led with the suspension of the party MLA Francie Molloy over his dissent from its position ('Molloy Vows to Fight SF Decision'). The *News Letter* preferred the DUP angle: 'Council Plan "Repartition"'. At first glance, the *Belfast Telegraph* seemed to go over the top with the headline 'Barbaric' – but this turned out to be about the slaughter and barbecue of a sheep in 'a quiet suburb' of Ballymena.

All the papers consigned their detailed coverage of the review to their inside pages. The *Belfast Telegraph* started on page 12 of its 64-page morning edition, *Daily Ireland* on page 6 of 48, and the *News Letter* on page 4 of 48. Indeed, *Irish News* readers had to go to page 31 of an 80-page edition for the start of a six-page feature. The general tone of newspaper coverage was negative, with a range of items on the likely implications of such a wide-ranging review for local democracy and the health, education and social welfare of the population.

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<sup>100</sup> See local-government section.

The editorials were clear in their views. The *News Letter* thought 'Democracy Will Suffer Under New Council plan' and urged the 'constitutional parties' – every one except SF – 'to come together to persuade Mr Hain that his plan is completely detrimental to long term peace and stability in this society'. It did not, however, adduce any reasoning for this conclusion. While *Daily Ireland* welcomed the RPA's aim of reducing 'burdensome bureaucracy' in the public sector, it warned that a 'Blank Cheque for Hain is Unwise'. Nationalists and unionists alike would suffer from the 'erosion of local democracy' inherent in the reduced number of councils, it said.

The *Belfast Telegraph* said it would keep the Northern Ireland secretary to his promise to protect 'frontline services' from the worst effects of this radical-shake up, especially *vis-à-vis* health and education ('Hain's Wind of Change at Storm Force'). The *Irish News*, on the other hand, doubted Mr Hain's assurances that a reduced number of bigger councils would mean stronger local government. The paper argued that the additional, compensatory powers he proposed to give them were simply too few to be effective ('Nasty Surprises in North Review').

#### **4.2 Belfast Press in Decline?**

A forthcoming survey of the media in Northern Ireland by the author has shown an alarming decline in daily newspaper sales, which shows no sign of improving in the long term and has serious consequences for vital advertising revenues. An analysis of statistics from the Audit Bureau of Circulation shows that, over the fifteen years 1990-2004 inclusive, the *Belfast Telegraph* experienced a dramatic 29 per cent drop in sales, while the *News Letter* saw a 17 per cent fall. The *Irish News*, on the other hand, enjoyed an increase of 15 per cent but statistics for the period 2001-2004 reveal that *Irish News* sales have dipped for the first time, by 4 per cent, from their high of 50,000 copies per day in 2000. The *Belfast Telegraph* and the *News Letter* have suffered declines of 15 per cent and 13 per cent respectively on their figures for 2000.

As if this was not bad enough news, the NIO has been reviewing its advertising spend in the regional media and has set these falling sales figures against the papers' relatively high advertising rates, which compare unfavourably with the competitive rates offered by the Ulster edition of the *Daily Mirror*. In view of these statistics, a consultation document produced by the NIO questions 'whether it represents value for money for a significant premium to be charged over normal

display rate card costs ... and why it should pay a premium for this'. The review issued a clear warning to the regional dailies to drop their advertising rates or have them capped.

The worrying thing for the papers is that their recent efforts to revamp their format and content have so far failed to stop the decline. Indeed, a wider market analysis suggests an increasing fragmentation in media consumption, with Northern Ireland keeping well up to the UK average in terms of public access to the internet and digital broadcasting. The regional newspaper industry will have to make tough choices if it is to adapt to new market realities. Either newspapers 'dumb down' to attract new, younger readers, and thus undermine the importance of regional journalism at a crucial time for Northern Ireland, or they resign themselves to an inevitable, long-term retreat into a niche news market.<sup>101</sup>

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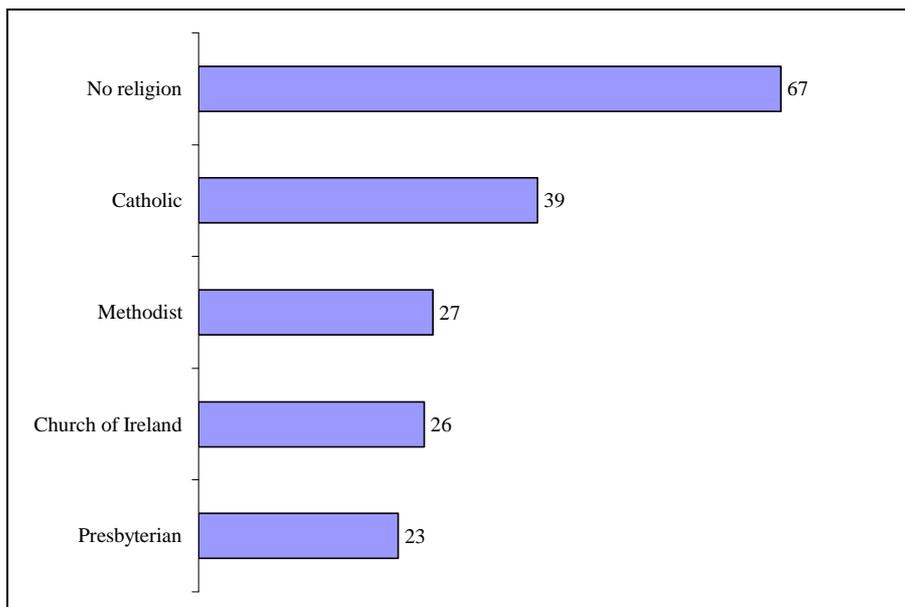
<sup>101</sup> See G. McLaughlin, 'Profits, Politics and Paramilitaries: the Local News Media in Northern Ireland', in Bob Franklin (ed.), *Local News* (London: Routledge, 2006).

## 5. Public Attitudes and Identity

No surveys of public attitudes were carried out over the last reporting period. But an analysis by Ian McAllister, of the relationship between political disaffection and the growth of secularisation in Northern Ireland,<sup>102</sup> has interesting implications in terms of the political future. The data used are a pooled set combining the Northern Ireland Social Attitudes surveys (1989-1996) and the Northern Ireland Life and Times surveys (1998-2004). Extracts from the paper are reported below.

In line with international trends, a significant minority of people in Northern Ireland (about 10 per cent) see themselves as having no religion. This group is now the fourth largest 'religious' group in Northern Ireland and, if these trends continue, those with no religion will form the second or third largest group by 2011. What is interesting for devolutionists in Northern Ireland is that there is some suggestive evidence that disaffection with ethno-nationalist politics – as evidenced, for example, by falling electoral participation – is partly behind the growth of this secular group. Figure 1 shows the proportion of each religion who refused to identify themselves as either 'unionist' or 'nationalist'.

Figure 1: Rejection of a unionist or nationalist identity



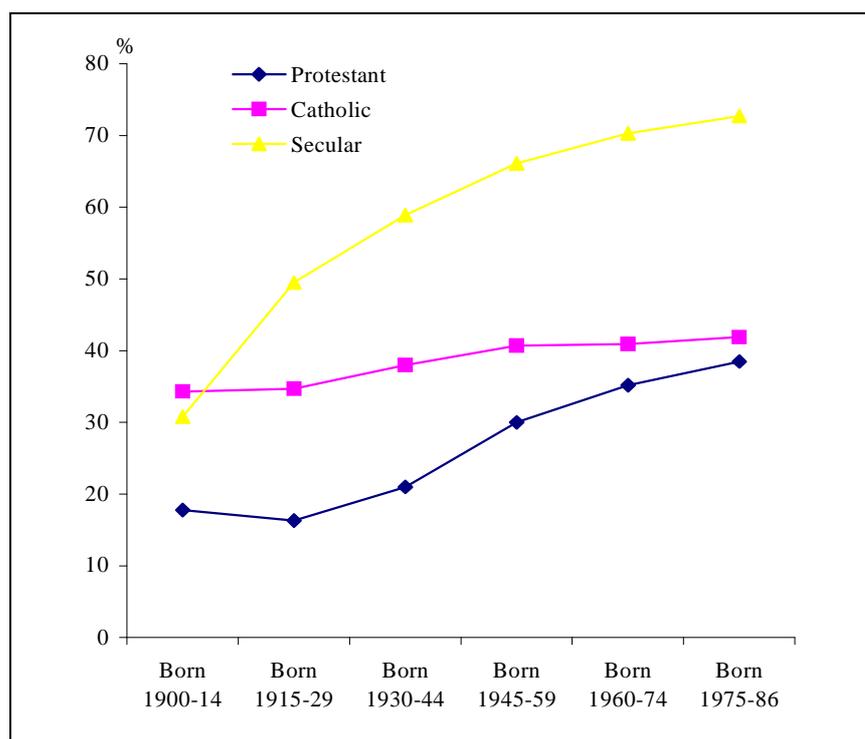
<sup>102</sup> At: [www.ark.ac.uk/publications/updates/update41.pdf](http://www.ark.ac.uk/publications/updates/update41.pdf).

Those with no religion are overwhelmingly more likely than either Catholics or Protestants to label themselves as 'neither', and about two thirds of them choose this option. By contrast, just 39 per cent of Catholics, and around one quarter of the three Protestant denominations, refuse to label themselves as either unionist or nationalist.

Of course a big question is whether political disaffection is driving secularisation or whether secularisation is driving political disaffection. There is no way to definitively test either model, since we do not have data on the same individuals over time. However, one way to gather suggestive evidence in support of one or other explanation is to examine the distribution of opinions across age 'cohorts' within the survey population. If political outlooks are driving secularisation, we would expect that the trend for the secular group across the age cohorts, progressing from older to younger, would show an increase in the proportion with no national identity. Thus, those growing up earlier in the twentieth century but having no religion would be very similar in their political beliefs to their religious counterparts, while those growing up more recently would have more distinctive outlooks. If secularisation is causing political disaffection, then we would expect the trend to be flat, since all cohorts would be affected equally.

Figure 2 shows the proportion in each of the three religious groups who did not have a national identity, calculated separately for each of the six cohorts. The results provide strong support for the interpretation that political disaffection is driving secularisation. Those who are secular and who reject a traditional national identity – answering 'neither' when asked if they see themselves as unionist or nationalist – are increasingly more numerous among the younger age cohorts, while the proportions in the oldest cohort are almost the same as among Catholics or Protestants. Indeed, the trend for the secular group is in marked contrast to Catholics, who have virtually the same proportion with no ethno-nationalist identity across all six age cohorts.

Does the move towards secularisation suggest a reduced role in politics for religion? The answer to this question, paradoxically, is no. In the first place, religion acts as an ethnic marker, demarcating community boundaries, and is a formative influence on many of the key social processes within the society. To have any substantive impact on this key role, secularisation would have to progress much further than we have observed here.

**Figure 2: Rejection of a traditional national identity**

Figures are the percentage of respondents who said they had neither a unionist or a nationalist identity.

A second reason is based on the political behaviour of those who see themselves as secular. Their disaffection from politics has led to their move away from religion, and ironically, they have left the political arena almost solely to those who retain a religious identity. In the short to medium term, this is likely to enhance the role of religion in politics, not reduce it, since the most religious are the most politically active and exert the most influence on parties and politicians. If secularisation is to have any impact on the political process, those who see themselves as secular will have to re-enter politics and influence it from within.

## 6. Intergovernmental Relations

*Elizabeth Meehan and Robin Wilson*

### 6.1 North-South

A new chair was announced during the survey period for the troubled Ulster Scots Agency, or Tha Boord o Ulster-Scotch, part of the Language Body established as one of the six implementation bodies arising from the Belfast Agreement; the other part is the Irish Language Agency, or Foras na Gaeilge. He is Mark Thompson, who grew up in the Scottish-facing Ards peninsula. The previous chair, Lord Laird, a UUP member of the Lords, had resigned fully 18 months earlier, complaining that 'Ulster Scots' was not receiving the same support as the Irish language.<sup>103</sup>

This is one of the difficulties inherent in the notion of 'parity of esteem' in the agreement, as the particularistic, asymmetric and frequently antagonistic nature of the identities to be thus equally celebrated means agreeing what constitutes 'parity' can be nigh impossible. Irish, though not the mother tongue of anyone in Northern Ireland, is at least incontestably a language; the revived interest in 'Ulster Scots' only emerged in recent years as a unionist counterweight and it is arguably a dialect of a dialect. By far the most interesting dimension of language in Northern Ireland – the uniquely complex and locally variegated nature of English as spoken in the region, variously influenced by Hiberno-English and Scots-English – receives no such recognition, though one particular Belfast linguist has done very well for himself coaching Hollywood film stars to speak it credibly.

### 6.2 'East-West'

There have been no meetings of the British Irish Council since the July 2005 report. But there was other activity under 'strand three' of the Belfast Agreement during the period. Indeed, this reflected the manner in which 'east-west' relationships have tended to return to a style reminiscent of the 1985 Anglo-Irish Agreement in the prolonged absence (as then) of devolution in Northern Ireland.

Within the framework of the British-Irish Intergovernmental Conference – the essentially renamed Anglo-Irish Intergovernmental Conference stemming from the 1985 accord – the NIO minister responsible for criminal justice, Mr Hanson, and the

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<sup>103</sup> NIO news release, 4 October 2005.

republic's minister for justice, equality and law reform, Mr McDowell, announced an agreement to enhance co-operation between criminal-justice agencies north and south of the border. The plan, arising from the 2000 criminal justice review – itself a product of the 1998 agreement – will focus initially on liaison on drugs, monitoring registered sex offenders and improving victim support.<sup>104</sup>

More significantly, a plenary meeting of the BIIC took place on 19 October 2005, at the Department of Foreign Affairs in Dublin. The meeting was attended by the minister for foreign affairs, Dermot Ahern, and the Northern Ireland secretary, Mr Hain, acting as co-chairs; they were accompanied by the republic's justice minister, Mr McDowell, and the NIO ministers Messrs Woodward and Hanson.

The meeting was the first formal intergovernmental get-together in the wake of IRA weapons decommissioning, and it came on the day of publication of the seventh report from the IMC. The communiqué reflected the benign view prevalent in both governments that the IRA's action had removed the principal obstacle to early restoration of devolution – despite the DUP's assertion that this would not be conscionable without an end to criminal activity by the IRA and would have to be accompanied by a raft of concessions to the Protestant community.

The communiqué affirmed that 'inclusive' devolved government – rather than the voluntary coalition unionists had sought, which would not include SF – was 'in the best interests of all communities in Northern Ireland', though it conceded that undefined 'further efforts' were required 'to restore trust and confidence in the political process'. It described the IMC report as 'encouraging' and looked forward to the further report expected in January. Meantime, Messrs Hain and Ahern would work with the parties in Northern Ireland with a view to 'early progress'.<sup>105</sup>

The British Irish Interparliamentary Body met in Edinburgh on 29 November 2005. But it has proved impossible to discover anything much of what was discussed.

After the meeting, the Northern Ireland secretary, Mr Hain, was asked by a *Belfast Telegraph* journalist, Barry White, about his reaction to a proposal by Stephen Kingon, a business figure and member of the board of Invest Northern Ireland, that there should be a variation in the tax regime in Northern Ireland to enable it to

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<sup>104</sup> NIO news release, 26 July 2005.

<sup>105</sup> NIO news release, 21 October 2005.

compete with the 12.5 per cent corporation tax in the republic. This call has been made before; the answer now, as then, was that it was out of the question.<sup>106</sup>

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<sup>106</sup> *Belfast Telegraph*, 3 December 2005.

## 7. Relations with the EU

*Elizabeth Meehan*

There was little to report from Northern Ireland on EU-related activities during this period, though an interesting development is coming from Scotland.

In Northern Ireland, anxieties arose from advice by the chief local government auditor that it might be unlawful for elected politicians to serve on the intermediary bodies that dispense EU PEACE funding. This in a context in which there had been representations to the Review of Public Administration that elected representatives should feature more prominently than non-elected persons on non-departmental public bodies. The Northern Ireland Local Government Association raised the issue of the intermediary funding bodies with the Department of the Environment.

A meeting was held on 18 October 2005 of the Northern Ireland Monitoring Committee overseeing the EU programme Building Sustainable Prosperity. (Northern Ireland has continued to enjoy 'transitional objective one' status, thereby being entitled to structural funding in addition to the PEACE programme.) Bill Pauley, head of the EU division at the Department of Finance and Personnel, told the meeting that EU funding had had 'a substantial impact on the growth of Northern Ireland in recent years', assisting in a diverse range of projects to the tune of £860 million.<sup>107</sup>

In Scotland, the European and External Relations Committee of the Parliament launched an inquiry into the possibility of collaboration with Ireland (north and south). The terms of reference for the inquiry note that centuries of migration and contacts have forged strong links between 'the two countries', and that a new Co-operation Objective (with cross-border and trans-national strands) is expected to come on stream after the ending of the INTERREG scheme.<sup>108</sup>

In the absence of an assembly in Northern Ireland, most preliminary contacts have been with border authorities in the northern areas of the republic and a senior member of the Dáil. The terms of reference express 'hope' that the Northern Ireland executive and assembly will be restored soon, so that northern ministers, officials and parliamentarians will be able to be full participants.

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<sup>107</sup> Department of Finance and Personnel news release, 18 October 2005.

<sup>108</sup> Terms of Reference for an Inquiry into the Possibility of Programme of Co-operation between Scotland and Ireland, agreed on 8 November 2005 and launched on 23 November 2005, at: [www.scottish.parliament.uk/business/committees/europe/inquiries/scotirel/e](http://www.scottish.parliament.uk/business/committees/europe/inquiries/scotirel/e).

## 8. Relations with Local Government

*Rick Wilford*

Towards the end of the survey period, politicians in Northern Ireland were left grappling with the NIO's controversial proposals arising from the Review of Public Administration, set in train by the devolved administration in 2002. Whilst all acknowledge that Northern Ireland is over-governed and over-administered, the scale of the changes to local government announced by the Northern Ireland secretary, Mr Hain, and his ministerial colleagues, managed to upset all the parties with the exception of SF.<sup>109</sup>

In previous reports, we had expressed surprise that there was not greater alarm among existing local-government representatives at the prospect of a cull in their number. But as the government's intentions became clearer, the voice of the Northern Ireland Local Government Association became increasingly shrill. NILGA called on Lord Rooker, the responsible junior minister, to resign if the government decided, as was being leaked, to reduce the number of councils from 26 to 7.<sup>110</sup> Seeing the writing on the wall, a week before the announcement NILGA's executive described the government's treatment of the association – which had favoured 15 councils – as 'disgraceful' and 'unpalatable'.<sup>111</sup>

These last-minute entreaties were to no avail. Seven is indeed to be the magic number, with a maximum of 50 councillors in each case – currently there are 582 councillors in all. Relatedly, the proposals address an issue which these reports have consistently highlighted – that of the dual mandate. In the first assembly, 60 MLAs were also councillors, while in the second, virtual, chamber that number rose to 69. Under the new arrangements that potential clash of interests would no longer obtain. The government, with the agreement of the parties, is to bring forward legislation ending the dual mandate – if devolution is restored.

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<sup>109</sup> The full text of Mr Hain's statement and the supplementary statements on local government, health and education are available at [www.ni.gov.uk](http://www.ni.gov.uk) and in news releases from the Office of the First Minister and Deputy First Minister, the Department of Education and the Department of Health, Social Services and Public Safety, issued on 22 November 2005.

<sup>110</sup> N. McAdam, 'Anger at bid to Cut Number of Councils', *Belfast Telegraph* (19 October 2005).

<sup>111</sup> N. McAdam, 'Councils Urge Talks Before Axe Falls', *Belfast Telegraph* (14 November 2005).

A newly appointed local government boundary commissioner will determine the precise boundaries of the seven new councils. But the parties recognise that the outcome will be three in the west with a nationalist political majority, three in the east with a unionist majority and Belfast, in which SF is currently the largest party and Alliance holds the balance of power. The shorthand response to that outcome among the parties – SF again excepted – was that it was ‘a sectarian carve-up’.

The UUP’s spokesperson on the RPA, Jim Wilson MLA, articulated the views of many, and not only unionists, thus: ‘In the same way that the OTR legislation is being framed for the consumption of one political party, so too is the RPA ... Northern Ireland’s politicians find themselves by-passed and reduced to spectator status while government makes unilateral decisions to appease Republicans. What the Secretary of State has done is to hand over more than half of Northern Ireland to Sinn Féin. It amounts to a form of re-partition ... a government endorsed sectarian carve-up ... this model is divisive and creates balkanisation.’<sup>112</sup>

For the SDLP, Seán Farren MLA echoed these views. Describing the proposals as ‘a display of colonial arrogance at its worst’, he too pointed to their ‘re-partitioning’ effects, ‘which cannot be good for community relations and could well accelerate demographic movement which would in turn lead to fewer rather than more mixed community areas’.<sup>113</sup> On behalf of the DUP, William McCrea MP, MLA similarly characterised the proposals as a ‘sectarian carve-up with parts of the south and west handed over to republican control’,<sup>114</sup> while the Alliance leader, David Ford, also referred to the balkanising effects of the proposals.<sup>115</sup>

The DUP, like the UUP and SDLP, pledged to campaign for the rejection of the proposals as and when devolution is restored. That left SF as the only party to support the seven-council model; the other major parties coalesced, like NILGA, around 15 councils.

The SF spokesperson on the RPA, Alex Maskey MLA, insisted that the model was ‘the fairest’, because there would be at least 25 per cent representation of the relevant ‘minority community’ in each of the seven councils. But the SF mayor of

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<sup>112</sup> UUP news release, 22 November 2005.

<sup>113</sup> SDLP news release, 22 November 2005.

<sup>114</sup> DUP news release, 25 November 2005.

<sup>115</sup> *Irish Times* (25 November 2005).

Dungannon District Council, Francie Molloy MLA, broke party ranks and aligned himself with NILGA of which he was vice-president – saying that there should be 15 councils and that the seven-council model would produce a ‘straight sectarian headcount’.<sup>116</sup> He was promptly suspended by the party leadership and faced a disciplinary hearing for his pains; democratic centralism still prevails in SF.

Doubtless to Mr Hain’s chagrin, his predecessor, Paul Murphy, elbowed out of government at the last reshuffle, felt no compunction in taking to the airwaves to adopt a stance closer to the bruised councillors. He told the BBC that when he had been in office up until May he had favoured between 11 and 15 councils.<sup>117</sup> The opposition was consolidated at a NILGA meeting with the four principal parties (including Alliance) bar SF – at that stage it having not resolved whether to replace the airbrushed-out Mr Molloy.<sup>118</sup>

Alongside the council proposals, the NIO also published research papers that, among other things, suggested safeguards to protect minorities on the proposed councils. Interestingly, these contained implied criticisms of measures introduced into the assembly. For instance, they rejected the designation of councillors as ‘nationalists’ or ‘unionists’ on the ground that this did not reflect the diversity of Northern Ireland society and rather obfuscated the primary duty of a councillor to serve the whole community. Another suggestion was that votes should be taken on the basis of a weighted majority of 75 or 80 per cent, rather than the ‘parallel consent’ (50 per cent of both unionists and nationalists) or ‘weighted majority’ (40 per cent of both and 60 per cent overall) tests applied at Stormont, both of which required communal designation. Such measures, including the adoption of d’Hondt in allocating council chairs, remain though a matter for discussion among the parties and are not yet resolved.

The recommendation to restore a number of functions to the new councils will mean that some of the devolved departments will lose some of their responsibilities. For example, planning, local roads, physical regeneration and local economic development will be decentralised, with consequential effects on the Environment, Regional Development, and Enterprise, Trade and Investment departments.

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<sup>116</sup> BBC News Online (22 November 2005).

<sup>117</sup> *Inside Politics*, BBC Radio Ulster (27 November 2005).

<sup>118</sup> B. Kennedy, ‘NILGA, Parties No to Super-councils’, *News Letter* (6 December 2005).

The Department of Health, Social Services and Public Safety will also be affected because of the restructuring of the health service. A single strategic health-and-social services authority is to replace the existing four health-and-social-services boards and some of the department's functions will be transferred to the new body, significantly reducing its size. And in place of the existing four health-and-social-services councils a single patient-and-client council will be created.

The existing 18 health / social-services trusts will be reduced to five, and a new set of seven commissioning groups will be established to act as the local arms of the regional health authority. The boundaries of the latter will be coterminous with those of the new councils. This approach reflects the direct-rule administration's determination to maintain the 'purchaser-provider split' in Northern Ireland, in contrast to Scotland and Wales, as recently recommended by a King's Fund review of the health service in the region.<sup>119</sup>

Announcing his element of the reforms, the health minister, Mr Woodward, took a populist tack: 'The patient will drive demand in the system.'<sup>120</sup> If this were strictly true, of course, it would mean that the demands of the most articulate and pushy patients – which would be unlikely to be those with the greatest health needs – would be privileged. In practice, it is difficult to see how the five new trusts would offer anything other than a very sticky 'internal market' for secondary care commissioned by the seven commissioning bodies, given the strong sense of locality in Northern Ireland.

Education is also to be restructured. The five education-and-library boards will be replaced by a single education authority, though youth services will remain under the Department of Education. This will remove the employing role of the Catholic Council for Maintained Schools – a change the CCMS strongly opposed – while not challenging segregated schooling as such. The department is to focus on policy development, so that many of its functions will transfer to the new Education Authority, which will also assume responsibility for the skills agenda for the 14-19 year-old cohort.

Other areas of administration – non-departmental public bodies and executive agencies – are to be the subject of further recommendations scheduled to appear in

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<sup>119</sup> J. Appleby, *Independent Review of Health and Social Care Services in Northern Ireland* (London: King's Fund, 2005), at: [www2.dfpni.gov.uk/ihr/pdfs/Appleby\\_Review\\_Final\\_report.pdf](http://www2.dfpni.gov.uk/ihr/pdfs/Appleby_Review_Final_report.pdf).

<sup>120</sup> DHSSPS news release, 22 November 2005.

March 2006. That is also likely to lead to the transfer of functions to the new councils. Taken together, the Northern Ireland secretary expects a saving of £200 million *per annum* arising from the reforms, to be redirected to 'front-line' services. Those sums, and the recommended changes to health and education, were accorded a generally positive reception by the parties, unlike those proposed for the councils.

It is evident that there will be significant changes to the devolved departments, even though they were excluded from the remit of the RPA. Mr Hain recognised in his statement that the changes 'call into question the number and nature of the present [departmental] structure'. The inference is that the existing 11 departments could be reduced, which would be welcomed certainly by the unionist parties, and especially the DUP. That matter will be included in future discussions with the parties following the announced changes.

## 9. Finance

*Rick Wilford and Robin Wilson*

### 9.1 Budget

The Northern Ireland secretary announced in late October the draft budget proposals. These included a 19 per cent increase in domestic rates bills for 2006-07 and a planned increase of a further 6 per cent in 2007-08, the year the government introduces water charges.<sup>121</sup> (Non-domestic rates would increase by 3.3 per cent in each of the two years.)

Mr Hain justified the increase on the ground that the income generated by domestic rates was 'only half the equivalent figure in Great Britain', and even with the increase 'the amounts householders contribute to local services will still be much less than 60 per cent of the average for England'. He added: 'That gap will have to be revisited in the future if we want to maintain local public services at the same level as elsewhere'.<sup>122</sup> None of this had any impression on Northern Ireland's traditionally oppositional politicians,<sup>123</sup> who unanimously opposed the rate rise<sup>124</sup> – a legacy, arguably, of the failure of the assembly to allow the finance minister to raise Northern Ireland's 'fiscal effort' sufficiently under devolution.

The chief economist at PricewaterhouseCoopers in Northern Ireland, Philip McDonagh, found the politicians' outrage somewhat synthetic. He said: 'No one should have been surprised by this budget, because normalising the levels of public support in Northern Ireland with the rest of the UK has been on the government's agenda for some time'.<sup>125</sup> Property taxes are, of course, less accurately progressive than income taxes, particularly for the elderly; Help the Aged and Age Concern warned that the rates rise would hit those who were 'asset rich, income poor'.<sup>126</sup>

The impending fiscal shocks caused by the introduction of water charging and the switch to a capital-based rating regime will be felt widely. On water, government did bend to pressure from the public, via the General Consumer Council, and specifically

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<sup>121</sup> Department of Finance and Personnel news release, 25 October 2005.

<sup>122</sup> *Ibid.*

<sup>123</sup> All 108 MLAs were invited by the NIO for a briefing on the draft budget, but the session lasted for little more than half an hour – and only about half of the MLAs turned up.

<sup>124</sup> 'Unanimous Political Opposition to Charges', *News Letter* (26 October 2005).

<sup>125</sup> "'We're Being Told to Start Paying Our Way'", *Irish News* (26 October 2005).

<sup>126</sup> 'Elderly "Will be Left Penniless by Plan"', *News Letter* (26 October 2005).

from those lobbying on behalf of low-income citizens, such as the Northern Ireland Anti-Poverty Network and the Northern Ireland Council for Voluntary Action. Charges for low-income households will be capped at 3 per cent of income, and there will be lower caps still for those in low-value homes. (Previously, government had proposed only a 25 per cent easement for poorer households.) More generally, the regional development minister, Mr Woodward, promised that mean payments would not exceed the average for England and Wales.<sup>127</sup>

A draft order was published in October providing for the publication of the capital values of all domestic properties in Northern Ireland; these will be appear in April 2006, thereby enabling ratepayers to plan for the introduction of the new rates regime in April 2007. That regime, which will include a new relief scheme, providing for an independent valuation tribunal and a three-year transition, will be given effect in a second order to be brought forward in 2006.

Lord Rooker indicated in his statement on the RPA that the proposed transfer of functions to the new councils would be accompanied by appropriate funding. This, he said, would 'require a new system of local government finance, including some transfers from Regional to District Rates and a new General Grant regime'.<sup>128</sup>

In presenting his draft budget, Mr Hain was in no mood to alleviate the felt gloom, pointing out that *per capita* public spending in Northern Ireland was 29 per cent higher than the UK average<sup>129</sup> and that its overall fiscal deficit was more than £5 billion per annum.<sup>130</sup> He observed: 'That situation is neither fair to taxpayers elsewhere in the UK nor is it sustainable if we are to continue to improve public services in Northern Ireland. If we do not contribute more towards the cost of our public services, then those services will suffer. And I am not planning on allowing that to happen'.<sup>131</sup>

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<sup>127</sup> Department for Regional Development news release, 8 December 2005.

<sup>128</sup> OFMDFM news release, 22 November 2005.

<sup>129</sup> This is actually on a declining trend from even higher levels in previous years (33 per cent in 2000-01): the recent period of high public spending has seen in Northern Ireland the convergence effect of the Barnett formula expected under such conditions.

<sup>130</sup> The last detailed figure available, £5.45 billion, was calculated for 2000-01. It means that in that year 42 pence in every pound of public spending in Northern Ireland was financed by Westminster meeting the gap between income and expenditure in the region. Part of this gap derives from lower earnings, which in 2001 were 16 per cent below the average for Great Britain, and part from higher spending owing to greater relative social need. It is clear, however, that the Treasury finds neither of these two explanations wholly convincing.

<sup>131</sup> *Ibid.*

Northern Ireland public expenditure is coming under ever-closer scrutiny at Westminster, especially with the Public Accounts Committee there having taken over that role from its suspended devolved counterpart at Stormont. In October, the committee criticised the Department of Health, Social Services and Public Safety, and hospital trusts in Northern Ireland, for allowing operating theatres to be used only on a seven-hours-a-day, five-days-a-week basis – when Northern Ireland had the worst waiting lists in the UK.<sup>132</sup>

At the beginning of November, yet another negative report emerged from the PAC, this time attacking the Department of Employment and Learning over the Jobskills programme.<sup>133</sup> But at the end of that month, a Northern Ireland ‘government source’ warned the *Belfast Telegraph*: ‘It would be wrong to present this as just a PAC thing. I think there is a Westminster-wide weariness with us. The old days of poor old Northern Ireland, it needs a leg-up, are gone.’<sup>134</sup>

A chronic problem referred to in past devolution monitoring reports has been under-spending by Northern Ireland departments – a syndrome which has sat uneasily with claims of ‘under-funding’ under the Barnett formula. But the finance minister, Lord Rooker, was able to report a 99.1 per cent outturn on current expenditure in 2004-05, and 91.6 per cent for the rather smaller capital figure. He claimed this represented ‘a significant improvement on performance last year’, and it should at least provide one less reason for the Treasury to look askance at Northern Ireland funding bids.

But there was anger at Westminster over the presentation by Mr Hain of the draft budget, including a sense that he had avoided facing a grilling over the rates increase. Sir Patrick Cormack, chair of the Northern Ireland Affairs Committee, said Mr Hain could have saved his announcement for a day when he was due to appear before the committee. And the Speaker, Michael Martin, asked that his dissatisfaction be put on record.<sup>135</sup>

Mr Hain’s stern message rather blunted the impact of the proposed spending plans. By 2008, total expenditure would exceed £16 billion, an increase of 50 per cent from 1997. Health spending would exceed £3.7 billion, an increase of £450 million over

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<sup>132</sup> N. Gould, ‘Surgeons “Must Work Longer to Clear Backlogs”’, *Belfast Telegraph* (4 October 2005).

<sup>133</sup> *Belfast Telegraph* (3 November 2005).

<sup>134</sup> D. Gordon, ‘MPs Get Tough with Spending of Taxpayers’ Cash in Ulster’, *Belfast Telegraph* (30 November 2005).

<sup>135</sup> B. Walker, ‘MPs Rebuke Hain for Rates Bombshell’, *Belfast Telegraph* (26 October 2005).

the budgetary period 2006-08, and education spending would increase by £100 million over the same period. As there were winners, so too there were departmental losers. Agriculture, Environment and Enterprise, Trade and Investment would each see their budgets fall, by 8.4 per cent, 5.4 per cent and 3.7 per cent respectively.

When he presented the revised budget<sup>136</sup> in December,<sup>137</sup> Mr Hain announced marginal upper adjustments in expenditure for education and health, and in funding for children and young people. His draft budget had introduced three such 'cross-cutting' packages – a nod towards the innovation of Executive Programme Funds, introduced under devolution but phased out under direct rule – also embracing skills and science, and environment and energy.

But these expressions of largesse were overshadowed by a grim warning arising from the steadily tightening fiscal pressures. The civil-service union, the Northern Ireland Public Service Alliance, angered by a pay offer which it claimed would mean increases of just 50p a week for the majority of its 20,000 members, said it would ballot in January on an indefinite, all-out strike.<sup>138</sup>

## 9.2 Investment Strategy

At the same time, the Northern Ireland secretary presented a final version of a capital investment strategy,<sup>139</sup> on which a draft had appeared a year earlier. Under this strategy, which is meant to redeem the neglect of the 'troubles' years, £14.4 billion is planned to be spent between 2005 and 2015, with a maximum of £16 billion.

This is a rather odd phenomenon because, following the Reinvestment and Reform Initiative announced by the prime minister and the chancellor in May 2002 – which allowed the devolved government to borrow up to £200 million a year for investment purposes – the capital programme was effectively agentised to a company established by the OFMDFM for the purpose, called the Strategic Investment Board.

While this does allow a cross-departmental perspective, it does raise questions of accountability. Three of the SIB's five board members, including its chair and chief executive, are drawn from the private sector, while there are no members from the

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<sup>136</sup> *Priorities and Budget 2006-08* (Belfast: Department of Finance and Personnel, 2005), at: [www.pfgbudgetni.gov.uk](http://www.pfgbudgetni.gov.uk).

<sup>137</sup> NIO news release, 14 December 2005.

<sup>138</sup> A. Morris, "'All-out strike" ballot to be held next year: Nipsa', *Irish News* (15 December 2005).

<sup>139</sup> *Investment Strategy for Northern Ireland 2005/2015* (Belfast: Strategic Investment Board, 2005), at: [www.sibni.org](http://www.sibni.org).

trade unions or the voluntary sector, nor any independent experts or representatives of relevant professions.

Public guarantees that projects offer value for money will be more difficult to achieve – on top of the ‘democratic deficit’ that is direct rule – with the addition of principal-agency dilemmas between the OFMDFM and the board. Nor is it evident that the structure established will facilitate the co-ordination of the strategy with the republic’s National Development Plan, which is led by the Department of Finance there; the taoiseach, Mr Ahern, is exercised by the prospect of capital expenditure across the island of €100 billion over the coming decade and sees this as a major opportunity for collaboration. The process also awkwardly separates planning for capital expenditure from that for current spending.

These questions are compounded by the heavy reliance in the strategy, following a decision by the then devolved executive, also in May 2002, on public-private partnerships. The strategy reproduces the canard that private capital and conventional public budgeting are different ways of funding expenditure, which it meaninglessly suggests should be ‘balanced’<sup>140</sup> – when they are only different forms of finance, and the funding is always a matter for the taxpayer.<sup>141</sup> It is this canard which appears to have been the rationale for the establishment of the arm’s-length agency and its private-sector infusion.

Inevitably, this approach has tended to subordinate policy considerations to a technocratic approach. So, for example, the largest section of the investment programme (£3.4 billion) will be for renewal of the schools estate (including youth services). Yet there is no mention in this context<sup>142</sup> of the community-relations framework, *A Shared Future*, or indeed the commitment in the budget to tackling duplication in this area, where expenditure is much higher than the UK average, partly because of the inefficiencies generated by a system segregated by religion.

Perhaps the most extraordinary aspect of this investment programme is that it is partly to be financed by disinvestment of public assets. In November government put up 80 buildings from the civil-service estate for private-sector purchase, with a

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<sup>140</sup> *Ibid.*, p. 16.

<sup>141</sup> R. Wilson, *Private Partners and the Public Good*, Institute of Governance, Public Policy and Social Research working paper (Belfast: Queen’s University, 2002), at:

[www.governance.qub.ac.uk/bp20021.pdf](http://www.governance.qub.ac.uk/bp20021.pdf).

<sup>142</sup> *Investment Strategy for Northern Ireland*, pp. 40-2.

prospect of lease-back.<sup>143</sup> While these asset sales will deliver a once-off windfall of up to £200 million, departments will incur indefinite recurrent rental costs for those buildings that are still required, which at some point must by definition outweigh the short-term savings if the purchasers are to receive a return on their capital.

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<sup>143</sup> Department of Finance and Personnel news release, 30 November 2005.

## 10. Political Parties and Elections

*Duncan Morrow and Robin Wilson*

### 10.1 Introduction

It is eleven years (or Margaret Thatcher's period as prime minister) since the paramilitary ceasefires of 1994 and more than seven (longer than World War II) since the Belfast Agreement of Good Friday 1998. And still Northern Ireland is mired in a political deep freeze, where cold war has succeeded hot war and the laws of the zero-sum game continue to dominate.

It is undeniable that life is measurably better for the majority than in the days of daily explosions, especially given relative economic prosperity. But the population appears to oscillate between resignation and cynicism. While all sides seem to share the presupposition that matters will not slide back towards the 1970s, there is a glaring absence of any clarity of purpose which, in spite of violence, characterised the period between the 1985 Anglo-Irish Agreement and the agreement of 1998.

The latter was based on the dictum 'nothing is agreed until everything is agreed'. The result in practice is, indeed, that nothing – or, at least, nothing that could allow for shared government – is agreed. During the survey period, events which would once have been seminal came and went: the IRA announced decommissioning, an SF MP spoke at the Conservative Party conference, Rev Ian Paisley visited a Catholic school in Ballymena and the PSNI played competitive Gaelic football. But time and context have taken their toll and secure power-sharing seems as distant as ever.

This has not deterred an increasingly desperate British government. Having secured an IRA commitment to complete decommissioning, the new direct-rule team under Peter Hain was clearly shaken by the extent of working-class Protestant alienation evident in the riots and road blocks which followed the rerouting of an Orange Order march in west Belfast on 10 September. Instead of a concerted drive towards 'a shared future', the government appears instead to be trying to find a series of targeted rewards for the DUP and SF, alongside disconnected but high-profile decisions made in the interests of the Treasury. It was a supreme irony that, on the night the city was erupting, Mr Hain was addressing the elite British-Irish Association conference on Northern Ireland in Cambridge – and yet he managed not to mention, in this his first big set-piece speech as secretary of state, the very policy framework

to tackle the divisions so starkly made manifest in working-class neighbourhoods of Belfast.

Success in what might be characterised as a 'Pontius Pilate' strategy appears to be defined as 'devolution', rather than any particular political end for Northern Ireland as a society. But even if the combined effect of decisions on the Review of Public Administration, water charges and education were to be enough to encourage power-sharing, the impact of decisions on security without unionist participation and decisions on the Policing Board, Parades Commission and a victims' commissioner calculated to annoy nationalists is likely to be difficult to overcome. If new talks do begin in February, as both governments still hope, they will take place against the backdrop of concerns about parades and a court case which details events around the Northern Bank robbery of 2004.

## 10.2 Decommissioning After All

The IRA's announcement of a decision to stand down all units and to co-operate fully with the Independent International Commission on Decommissioning was followed within days by reciprocal announcements by the British government to dismantle watchtowers in south Armagh, halve the number of troops in Northern Ireland and disband the 'home battalions' of the Royal Irish Regiment.<sup>144</sup> The home battalions are the successors first of the Ulster Defence Regiment and before that the 'B' Specials, who were the controversial apex of Protestant security in the days of Unionist Party rule in Northern Ireland before 1972. Their disbandment, although predictable, represents a watershed and caused considerable anger among an already discomfited unionist political leadership.

As Fintan O'Toole commented, it was striking how little joy the long-awaited announcement inspired.<sup>145</sup> The DUP promised to delay devolution and disrupt policing,<sup>146</sup> although its impotence to disrupt events was underlined as the dismantling of the army observation post at Divis Tower in west Belfast began. Within the broader Protestant community, however, the evidence of alienation was gathering. The secretary of state was accused of turning a blind eye to repeated breaches of the UVF ceasefire as a result of the feud with the LVF.<sup>147</sup> Sectarian

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<sup>144</sup> *Irish Times* (1 August 2005).

<sup>145</sup> *Irish Times* (2 August 2005).

<sup>146</sup> *Belfast Telegraph* (3 August 2005).

<sup>147</sup> *Belfast Telegraph* (23 August 2005).

attacks spread in north Belfast<sup>148</sup> and there were a series of attacks on Catholic homes and schools in Ballymena and Ahoghill, resulting in the local police commander deploying armed units to protect all Catholic schools and churches in the Co Antrim town.<sup>149</sup>

Neither the UUP nor the DUP did much to counter the prevailing sense of drift. In the company of a veteran victims' campaigner, Willie Frazer, and loyalist paramilitaries, representatives of both parties appeared to give their blessing to a new 'Love Ulster' campaign dedicated to uniting the Protestant community.<sup>150</sup> The UUP defector and now DUP MP Jeffrey Donaldson flew with Mr Frazer to Colombia to highlight the unanticipated arrival in Ireland of the 'Colombia Three' – who had made themselves *incommunicado* after their acquittal on charges of assisting FARC guerrillas, before the judgment was overturned on appeal by the Colombian authorities – and the refusal of the republic's government to extradite them back.<sup>151</sup> When the president, Mary McAleese, tried to reinstate a previously cancelled visit to a school on the Shankill Road in Belfast, she was forced into a hasty retreat,<sup>152</sup> although she did give a high-profile embrace to a UDA commander in the south of the city.

Loyalist violence exploded when the PSNI enforced a ruling by the Parades Commission to reroute an element of the Whiterock parade in West Belfast, a parade postponed from June. Beforehand, police warned that loyalist paramilitaries could inflame an already tense situation.<sup>153</sup> In the event, September saw the worst street rioting since 1998, and a new and deep divide emerge between the PSNI and much of the Protestant community on the Shankill Road.<sup>154</sup> In the week that followed, Belfast was hit by repeated mid-afternoon gridlock as commuters, fearful of trouble, sought to leave work early.<sup>155</sup> The costs of policing alone were later estimated at over £3 million – a statistic which did not include losses due to criminal damage, costs to the health service or costs due to days lost at work, investment or tourism.

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<sup>148</sup> *Irish News* (26 August 2005).

<sup>149</sup> *Irish Times* (1 September 2005).

<sup>150</sup> *Irish Times* (30 August 2005).

<sup>151</sup> *Irish News* (30 August 2005).

<sup>152</sup> *Irish News* (8 September 2005).

<sup>153</sup> *Irish Times* (10 September 2005).

<sup>154</sup> *News Letter* (12 September 2005).

<sup>155</sup> *Belfast Telegraph* (13 September 2005).

The chief constable overtly blamed the Orange Order for the trouble,<sup>156</sup> leaving unionist politicians in the distinctly uncomfortable position of appearing to support rioters against the forces of law and order. The performance of the UUP leader, Sir Reg Empey, came in for particular criticism from the business community. Nonetheless, by the end of the week, unionists had withdrawn from the district policing partnerships in Belfast in protest at police tactics.<sup>157</sup>

While the tide of violence eventually ebbed, the bitterness did not. Although David Hanson, the minister for political affairs and social development, was given a special responsibility for liaising with working-class Protestant communities, the reaction to IRA decommissioning was largely hostile. While there was a broad international and governmental welcome for the move, the DUP focused on changes in arrangements since the failed deal of Christmas 2004. The absence of a photograph and the fact that republicans chose their own independent observers proved the most fruitful lines of objection.<sup>158</sup> Suggestions that 'Paisley is finally running out of excuses to say no'<sup>159</sup> proved premature, as the DUP attacked the *bona fides* of the IICD and the observers. When, at a public meeting, one of them, Fr Reid, responded to accusations from Mr Frazer by comparing unionism in power to Nazism, the contribution of decommissioning to the political process was further devalued.<sup>160</sup>

For so long disarmament was the critical element in making political progress in Northern Ireland and there is no doubt that, over the long term, decommissioning will be seen as an important moment in republican history. It is all the more remarkable, then, that the immediate reaction was not joy or even relief but cynicism – and the distinct possibility that, instead of leveraging radical change, the result was what in Belfast parlance is known as a Mexican stand-off.

### 10.3 'Balanced' Carrots and Hard Sticks?

Neither SF nor the DUP appears to be prioritising inter-community power-sharing over traditional strategies. While SF talked about addressing unionist fears,<sup>161</sup> the most prominent SF campaigns emphasised much feared cross-border themes. In particular, SF lobbied hard for speaking rights for northern political representatives in the Oireachtas (the republic's parliament) in general, and the lower house (Dáil

<sup>156</sup> *Sunday Tribune* (11 September 2005).

<sup>157</sup> *Irish Times* (17 September 2005).

<sup>158</sup> *Irish News* (27 September 2005).

<sup>159</sup> *Irish Times* (27 September 2005).

<sup>160</sup> *Irish News* (14 September 2005).

<sup>161</sup> *Irish News* (7 November 2005).

Eireann) in particular.<sup>162</sup> Unsurprisingly, the suggestion was vehemently opposed by unionists.<sup>163</sup>

The debate was given legs, however, by the taoiseach, Mr Ahern, when he proposed that northern MPs be invited to speak in the Dáil at least twice a year.<sup>164</sup> The proposal was attacked by his own coalition partner and by all other parties in the Dáil, which saw it as an unjustifiable electoral platform for SF.<sup>165</sup> Alongside the announcement that the government would reinstate an annual Easter parade to commemorate the 1916 rising, Mr Ahern's strategy of seeking to outflank SF's claim to be the keeper of the republican flame in southern politics may be coming into contradiction with the need to promote pluralism and inclusion in Northern Ireland.<sup>166</sup>

Perhaps more immediately significant were the concessions sought by SF in relation to the British government, on 'OTRs' and 'community restorative justice'.<sup>167</sup> But at the same time as placating republicans, the government seemed concerned to appear accommodating to the DUP.<sup>168</sup> In October, it indicated a willingness to concede DUP demands for extra seats on the Policing Board,<sup>169</sup> through a complete reconstitution of the board in April 2006. The party leader, Mr Paisley, was appointed a privy councillor and the number of DUP representatives in the Lords will increase. The appointment of Bertha MacDougall as 'interim victims commissioner', without any formal public appointments process, was trumpeted on the DUP website as a victory for the party.<sup>170</sup> Most controversially of all, the government announced a completely new Parades Commission, including two declared members of the Orange Order.<sup>171</sup>

It remains to be seen whether the strategy of key concessions can succeed. Past evidence would strongly suggest not, unless such concessions are first presented within a broad framework for consistent goals. The danger is that a pattern of mutually incompatible decisions sets expectations beyond what can be delivered, while further deepening sectarianism in society.

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<sup>162</sup> *Irish Times* (5 August 2005).

<sup>163</sup> *Irish Times* (2 August 2005).

<sup>164</sup> *Irish Times* (28 October 2005).

<sup>165</sup> *Irish Times* (1 November 2005).

<sup>166</sup> *Irish News* (22 October 2005).

<sup>167</sup> See 'peace-process' section.

<sup>168</sup> *Belfast Telegraph* (21 October 2005).

<sup>169</sup> *Irish Times* (7 October 2005).

<sup>170</sup> *Irish Times* (25 October 2005).

<sup>171</sup> *Belfast Telegraph* (2 December 2005).

The other feature of government policy was a string of announcements, most of which seemed to be aimed at encouraging Northern Ireland politicians back into shared devolved power, if only to overturn unpalatable decisions taken under direct rule. The most significant in the long run may turn out to be the Review of Public Administration. By heightening the sense of impotence among the parties – on the RPA, rates and the ‘11+’ (discussed in the Public Policies section) – the government appears to be encouraging them to consider the possible advantages of an early return to devolved power.

#### 10.4 Elections

During the survey period, the Electoral Commission published a report on the 2005 Westminster and local elections in Northern Ireland, which confirmed the worrying trend of falling participation. Nearly 94,000 (or 11 per cent) fewer citizens voted in the Westminster poll than in 2001. Notably, a post-election survey showed that among those who could or would not be labelled as ‘Protestant’ or ‘Catholic’, only 39 per cent claimed to have voted, as against 62 per cent in the assembly election of 2003.<sup>172</sup> It appears that, increasingly, politics in Northern Ireland is being left to the True Believers<sup>173</sup> – which is only likely further to alienate the many for whom, according to focus groups run by the commission, it is all about ‘arguing and fighting’.<sup>174</sup>

Speaking at the launch of the report in Parliament Buildings – location of the mothballed assembly – the head of the Electoral Commission in Northern Ireland, Seamus Magee, said that the 12 biggest falls in votes cast across the UK in May had been in Northern Ireland constituencies. The commissioner with responsibility for Northern Ireland, Karamjit Singh, said: ‘There must be real concern about the health of the democratic process.’

Measures to combat the longstanding problem of electoral fraud – a symptom of a political system in which only winning counts, not playing the democratic game – were introduced in 2002, the same year the devolved institutions collapsed. But the additional burdens of the new system, requiring individual rather than household registration, renewed annually, have deterred marginally engaged citizens, and year on year the register has been declining.

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<sup>172</sup> *Election 2005: Northern Ireland – The Combined UK Parliamentary and Local Government Elections* (Belfast: Electoral Commission, 2005), pp. 97, 102.

<sup>173</sup> See public attitudes and identity section.

<sup>174</sup> *Election 2005*, p. 107.

Before the May 2005 elections, emergency legislation was introduced to ensure 70,000 voters who had not reregistered in 2004 would not be disenfranchised. Now the government has proposed removing the requirement for the annual register. And it plans to empower the chief electoral officer to obtain enhanced information from other agencies about changes in the circumstances of registered electors and to target unregistered individuals. Registration will also be allowed until 11 days before polling day. Unless there is a wider process of political renewal, however, it is difficult to see such measures doing other than easing the decline.

The proposals would also address the anomaly that the constraints on foreign donations to parties, introduced in 2000 in the rest of the UK, do not apply to Northern Ireland. This was agreed when Mo Mowlam was Northern Ireland secretary to mollify SF, because of its huge fundraising base in the highly traditional Irish-American diaspora, when an amendment would have sufficed to address broader nationalist concerns by not counting Irish citizens as foreign (as in other areas such as travel to and voting in Britain). With such an amendment, the government is now proposing to extend the arrangements to Northern Ireland, thereby replicating legislation in the republic similarly barring non-Irish donations to parties – legislation introduced precisely to level the playing field otherwise tilted in SF's favour. Transitional arrangements may, however, allow donor anonymity to be retained, in light of concerns in Northern Ireland about intimidation.<sup>175</sup>

### **10.5 Parties and Personalities**

The SDLP, the UUP, the Progressive Unionist Party and Alliance all held party conferences during this reporting period. The PUP considered, but rejected, severing its links with the UVF.<sup>176</sup> The crisis of 'loyalism' continues to undermine the party's ability to present itself as a substantial political force rather than a puppet of UVF militancy.

The SDLP emerged from the May elections in a better state than had been previously feared, and its conference reflected a renewed confidence in the survival of the party.<sup>177</sup> In a widely reported speech, Denis Bradley, the 'independent nationalist' vice-chair of the Policing Board, accepted that the 50-50 religious quota

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<sup>175</sup> NIO news release, 5 August 2005.

<sup>176</sup> *Belfast Telegraph* (16 October 2005).

<sup>177</sup> *Irish Times* (12 November 2005).

system for recruitment to the PSNI was ultimately unsustainable, but he defended its necessity in establishing a new legitimacy for policing in Northern Ireland.<sup>178</sup> Earlier, the party organised a well-attended conference in Derry on the theme 'North-South Makes Sense' – though with no sense of the historical irony that the unionist power-sharing leader of 1974, Brian Faulkner, had described the north-south arrangements conceded to the SDLP at that time as 'necessary nonsense'.

Alliance too had some reasonable local election results, suggesting a potential revival in the party's fortunes. Nonetheless, a recent row over the refusal of three Lisburn councillors to support party policy and allow civic facilities to be used for civil partnerships by gay couples<sup>179</sup> indicated the degree to which parties formed for constitutional purposes are vulnerable to serious divisions over social issues – divisions which a minor party like Alliance can ill afford. The retiring deputy leader, Eileen Bell, conceded as much in an interview for the BBC.<sup>180</sup>

The UUP, by contrast, used its conference to begin a painful process of rebuilding and relaunching a battered image following bruising results in May. Although the departure of Jeffrey Donaldson and his allies has reduced the internal friction in the party, there are still widely different ideas of how best to tackle the dominance of the DUP. That the conference was calm and relatively free from rancour was regarded as a success by many.<sup>181</sup>

A notable feature of the period was the death of a number of significant individuals. The premature loss of Ms Mowlam, Northern Ireland secretary during the run-up to the agreement, was widely mourned.<sup>182</sup> Her public refusal to give way to cancer endeared her to many, and her informal style was unique among secretaries of state. More than any other, she made direct and personal relationships with the people and the place. While she had a difficult relationship with unionists, they were generous in their tributes to her political and personal qualities.

Less than a week later, Gerry (Lord) Fitt, first leader of the SDLP, died in London.<sup>183</sup> A crucial figure during the 1970s, becoming Mr Faulkner's governmental partner for

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<sup>178</sup> *Irish Times* (12 November 2005).

<sup>179</sup> *Belfast Telegraph* (3 December 2005).

<sup>180</sup> BBC Online (9 December 2005).

<sup>181</sup> *News Letter* (24 October 2005).

<sup>182</sup> *Irish Times* (20 August 2005).

<sup>183</sup> *Irish Times* (27 August 2005).

five months in 1974, he left the party when he opposed the republican hunger strikes. He spent many years in the Lords, remaining strongly interested in Northern Ireland and a staunch opponent of sectarianism.

The deaths of Basil Glass, an early member of the Alliance Party, and of Paddy Harte, an Irish politician from Donegal who took a keen interest in reconciliation, were also mourned. But none of the departures could rival the exit of George Best, his death the occasion of the largest public funeral in the history of Northern Ireland. While he was undoubtedly a son of Protestant east Belfast, he was mourned far beyond – indicating, perhaps, that the simple culture of two irreconcilable tribes can, sometimes, be transcended by something more complex and forgiving.

## 11. Public Policies

*Rick Wilford and Robin Wilson*

### 11.1 Health

The direct-rule ministers have remained busy in various policy areas. In October, the health minister, Mr Woodward, set out a primary-care strategy for the next two decades.<sup>184</sup> The background to this lies in a 20-year overall strategy published by the department just before Christmas a year earlier, *A Healthier Future*.<sup>185</sup>

The NHS is, traditionally, a huge, 'Fordist'-style hierarchical system. Interestingly, *A Healthier Future* signalled a move towards what John Benington and his colleagues at Warwick University have identified as a 'citizen-centred' or 'networked' form of governance,<sup>186</sup> more in tune with a 'post-Fordist' world. This approach builds on the reflexive capacity of users and recognises the importance of a tailored and holistic approach to their problems. Referring to 'citizens rather than patients',<sup>187</sup> the document advocated individuals with chronic conditions co-managing those conditions – with huge potential reductions in unnecessary hospital stays – and engaging users in the design and voluntary organisations in the delivery of services. Relatedly, it sought to make a reality of Northern Ireland's theoretically integrated health-and-social-care system by developing 'multi-skilled teams and networks', particularly in primary settings (DHSSPS, 2004: 52-56).<sup>188</sup>

The primary-care strategy<sup>189</sup> carried forward this idea. Highlighting that GPs only comprise 1,200 of the 20,000 staff engaged in primary care in Northern Ireland, it envisaged '1-stop shop' health-and-social-care centres, so that 'a range of health and care services would be available to people under one roof'.<sup>190</sup> Simultaneously, people would 'be encouraged and helped to take more responsibility for managing their own health and wellbeing'.<sup>191</sup> And the document expected that citizens, along with practitioners, would 'have an effective voice in planning and evaluating services'.<sup>192</sup>

<sup>184</sup> DHSSPS news release, 12 October 2005.

<sup>185</sup> *A Healthier Future: A Twenty Year Vision for Health and Wellbeing in Northern Ireland* (Belfast: DHSSPS, 2004).

<sup>186</sup> Wilson, *Private Partners and the Public Good*, p. 14.

<sup>187</sup> *A Healthier Future*, p. 45.

<sup>188</sup> *Ibid.*, pp. 52-56.

<sup>189</sup> *Caring for People Beyond Tomorrow* (Belfast: DHSSPS, 2005).

<sup>190</sup> *Ibid.*, p. 9.

<sup>191</sup> *Ibid.*, p. 11.

<sup>192</sup> *Ibid.*, p. 14.

The innovative elements of *A Healthier Future* were overshadowed at the time of publication by its failure to take a definitive position on smoking in public places, offering instead three options. But the success of the ban in the republic,<sup>193</sup> the decision by the Scottish first minister, Jack McConnell, to follow suit after a visit to Dublin and pressure from the professions and other NGOs in Northern Ireland<sup>194</sup> meant a similar ban was all but inevitable. The announcement, applying to all workplaces and enclosed public spaces, duly came in October.<sup>195</sup>

This was despite direct rule and the more pusillanimous position taken in England by the health secretary, Patricia Hewitt, following her argument with her predecessor, John Reid. Indeed, it was an argument to which the decision by her Northern Ireland counterpart – himself a reformed smoker – added another complication.<sup>196</sup> Pressures in the opposite direction had, however, earlier led to Northern Ireland following a decision by a UK minister – albeit one who grew up in the region – when Angela Smith announced that she would follow Ruth Kelly's ban on the sale of junk food from school vending machines, introduced in the wake of the TV *exposé* by the celebrity chef Jamie Oliver.<sup>197</sup>

During the period, Mr Woodward also addressed the vexed issue of hospital care in the south-west of the region, where a longstanding competitive struggle has been fought between counties Fermanagh and Tyrone over the rationalisation of acute-hospital services. He announced a replacement hospital in Omagh as well as the new one envisaged for Enniskillen – although the former, where victims of the 1998 Real IRA bomb were first treated, will not have accident-and-emergency services, thereby prolonging the campaign for their retention there.<sup>198</sup>

## 11.2 Education

The long-running saga of the abolition of the '11+' transfer test in Northern Ireland – a recurring theme in these reports since it was first announced by the outgoing devolved education minister, Martin McGuinness of SF, just before suspension in October 2002 – came to some kind of conclusion during the quarter with a

<sup>193</sup> E. Donnellan, 'Respiratory Illness Decreases Since Smoke Ban', *Irish Times* (17 October 2005).

<sup>194</sup> N. Gould, 'Campaigners Urge Full Smoking Ban in Ulster', *Belfast Telegraph* (13 September 2005).

<sup>195</sup> DHSSPS news release, 17 October 2005.

<sup>196</sup> A. Chrisafis and J. Carvel, 'Northern Ireland Smoking Ban Puts Pressure on England to Toe the Line', *Guardian* (18 October 2005).

<sup>197</sup> Department of Education news release, 28 September 2005.

<sup>198</sup> DHSSPS news release, 11 October 2005.

consultation document issued on the detail of the new transfer arrangements issued in December.<sup>199</sup>

Despite a strong campaign by the grammar-school lobby in Northern Ireland, the Governing Bodies Association – a campaign endorsed by the *Belfast Telegraph* – the direct-rule administration has remained committed to implementing the former minister's decision. One reason for holding the line is that, as the education minister, Ms Smith, told BBC Northern Ireland,<sup>200</sup> the bigger picture is a process of reform of the school curriculum.

Ever since the 'core curriculum' was introduced in Northern Ireland by the 1989 Education Reform Order, the intellectual difficulty for defenders of the transfer test – apart from its poor reliability – has been that while children are tested at 11 for their capacity to pursue an 'academic' curriculum, both the sheep and goats so sorted partake of the same secondary curriculum anyway. The thinking on reform has been led by the statutory advisory body, the Council on the Curriculum, Examinations and Assessment, which has sought to widen the options for students at age 14+ and so to shift the emphasis on decision-making from the secondary school at 11 to the student at 14. And, if public opinion, particularly in the Protestant community, has been largely unsympathetic to the abolition of selection at 11 – a 'pupil profile' is to offer an alternative guide, allied to parental choice – the change has been based solidly on the evidence of research work led by the Queen's University professor of education Tony Gallagher.

### 11.3 Other matters

All five direct-rule ministers signed a foreword to a new five-year strategy on domestic violence, launched in October.<sup>201</sup> As work in train by the authors on a Democratic Audit of Northern Ireland<sup>202</sup> has indicated, the voluntary sector is perhaps the most positive aspect of democratic life in the region, and the ministers acknowledged the 'excellent' work by Women's Aid in raising awareness and supporting victims of domestic violence over the last three decades.

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<sup>199</sup> DE news release, 6 December 2005.

<sup>200</sup> *Newsline 6.30*, BBC Northern Ireland (6 December 2005).

<sup>201</sup> *Tackling Violence at Home: A Strategy for Addressing Domestic Violence in Northern Ireland* (Belfast: DHSSPS, 2005).

<sup>202</sup> This is part of a north-south project in Ireland, in conjunction with the Dublin think tank TASC.

Among the darker aspects of Northern Ireland is, however, a masculinist culture of violence, and domestic-violence incidents reported to the police have been rising in recent years. The new strategy focuses on prevention, protection and justice, and support. It emphasises a 'joined-up approach', which is often facilitated by the involvement of NGOs not hidebound by departmental demarcations. Thus, for example, the document describes a pilot project on Non-Violent Relationships, which brings together the Probation Board, two health-and-social-services trusts, and Belfast and Lisburn Women's Aid, working with perpetrators and their female partners.<sup>203</sup>

In November, Lord Rooker, acting as minister for children and young people – a new position which had been designated for him in August<sup>204</sup> – announced the delayed introduction in Northern Ireland of section 58 of the Children Act 2004, applying in England and Wales, restricting the capacity of a parent to claim 'reasonable chastisement' as a defence against a charge of common assault against their child.<sup>205</sup> Had devolution persisted, this development might well not have ensued: when the assembly debated corporal punishment of children, it was clear that 'reasonable chastisement' had many defenders.

As minister for social development, Mr Hanson announced a Modernisation Fund for the voluntary sector during the period. Covering revenue and capital costs, the fund anticipates the changes in EU structural funding beyond 2006 to serve the enlarged Europe. The intention is to improve the capacity of voluntary organisations, so that they become 'more efficient, more competitive and more attuned to the needs of users'.<sup>206</sup>

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<sup>203</sup> *Tackling Violence at Home*, pp. 24-25.

<sup>204</sup> OFMDFM news release, 10 August 2005.

<sup>205</sup> OFMDFM news release, 24 November 2005.

<sup>206</sup> Department for Social Development news release, 17 October 2005.

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Figure 1: Changing Constitutional Preferences 2001-2003

**Acronyms**

BIC	British-Irish Council
BIIC	British-Irish Intergovernmental Conference
DUP	Democratic Unionist Party
IICD	Independent International Commission on Decommissioning
IMC	Independent Monitoring Commission
NICVA	Northern Ireland Council for Voluntary Action
NILGA	Northern Ireland Local Government Association
NIO	Northern Ireland Office
OFMDFM	Office of the First Minister and Deputy First Minister
'OTRs'	'On the Runs'
PSNI	Police Service of Northern Ireland
RPA	Review of Public Administration
SDLP	Social Democratic and Labour Party
SF	Sinn Féin
UUP	Ulster Unionist Party

## Executive Summary

It was another period of political uncertainty in Northern Ireland and, as so often, punctuated by a violent event—in this case the murder of the republican-turned-spy Denis Donaldson—which destabilised the always shaky efforts of London and Dublin to restore devolution to the region.

After so many ‘deadlines’ for progress had come and gone, this time the two premiers, Tony Blair and Bertie Ahern, appeared to mean it when they stipulated that 24 November was—finally—to be it.

The assembly, they agreed in April, would be reconvened in May for an initial six weeks. Going into recession to accommodate the peculiar Northern Ireland ‘marching season’ of July and August, it would reconvene for a further 12 weeks in September. If the parties were unable to agree to form a power-sharing executive after that time, the assembly would be wound up and its members’ salaries—still being paid at a 70 per cent rate after three and a half years of inactivity—terminated.

London and Dublin hoped that successive reports from the Independent Monitoring Commission during that time would persuade the DUP of the *bona fides* of SF as governmental partners. But the DUP showed no sign of abandoning its history as a vehicle for Protestant—especially evangelical Protestant—political power. And while SF was distancing itself from the continuing criminal activity of the IRA, it showed no sign of making the ideological *bouleversement* of supporting the police—a *sine qua non* of Protestant acceptance of SF involvement in a new devolved department of policing and/or justice.

Moreover, both nationalist parties made clear that if the unionists were to seek to turn the assembly into a shadow body to scrutinise direct rule, rather than forming a power-sharing government, they would have no part in it. Meanwhile, unionists railed against the determination of the Northern Ireland Office to end the inequitable ‘11+’ test—knowing this to be a popular move in the Catholic community. And politicians on all sides complained bitterly about moves to tackle Northern Ireland’s poor fiscal effort—without offering any alternative revenue-raising, or expenditure-reducing, proposals.

And yet, through it all, evidence emerged that the long-suffering public in Northern Ireland remained supportive of devolution—if only the political class could agree on the terms of its restoration.

## Chronology of Key Events

- 11 January Northern Ireland secretary, Peter Hain, withdraws 'on the runs' bill in face of cross-party opposition.
- 22 January Democratic Unionist Party publishes paper reiterating support for non-executive devolution or executive power-sharing excluding Sinn Féin.
- 29 January Chief constable, Sir Hugh Orde, reported as saying IRA as organisation not 'going away'.
- 1 February Independent Monitoring Commission report says IRA still involved in intelligence-gathering and members still implicated in criminality; supports claims that some IRA weapons not decommissioned in September 2005.
- Meeting in London of British-Irish Intergovernmental Conference sets out wide-ranging agenda for north-south co-operation in Ireland.
- 4 February DUP leader, Rev Ian Paisley, tells party conference no power-sharing with SF while 'IRA is in business'.
- 21 February London and Dublin fail to secure round-table talks at Stormont among Northern Ireland parties.
- 16 February Northern Ireland secretary, Mr Hain, publishes bill allowing, *inter alia*, for snap assembly election and a paper presenting models for devolution of policing and justice.
- 4 April SF informer, Denis Donaldson, is found murdered in Co Donegal.
- 6 April Prime minister and taoiseach issue joint statement setting 24 November as deadline for restoration of devolution.
- 18 April Northern Ireland secretary, Mr Hain, introduces emergency bill to allow assembly to meet before and after summer, with 24 November deadline for inter-party agreement on executive formation, after which assembly would be wound up.

26 April        IMC publishes positive report in terms of disposition of republican leadership, though with some evidence of fragmentation of movement. But DUP rejects sharing power with SF while latter does not support police.

## 1. The 'Peace Process'

*Rick Wilford and Robin Wilson*

### 1.1 One More Heave

The summary murder of Denis Donaldson in Co Donegal on 4 April 2006 clouded the latest attempt by the London and Dublin governments to revive the political process and restore devolution to Northern Ireland. A self-confessed British agent and Sinn Féin's former chief of staff at Stormont, Mr Donaldson appears to have been the victim of revenge for his betrayal of the republican movement, although the identity of his murderer(s), as in the Robert McCartney case of January 2005, is unlikely ever to be conclusively established. While the IRA denied involvement in the murder—a denial echoed by Gerry Adams and other senior SF figures—its political implications were inescapable.

Those few who invested some hope, if not expectation, in the latest efforts to rekindle devolution, could not but be daunted by this turn of events. Two days later, the prime minister, Tony Blair, and the taoiseach, Bertie Ahern, issued a statement in Armagh setting a deadline of 24 November 2006 for the restoration of self-government.<sup>1</sup>

Their plan was to summon the Northern Ireland Assembly (elected in November 2003) on 15 May for an initial six weeks, thereby enabling the establishment of an inclusive Executive Committee—embracing the Democratic Unionist Party, the Ulster Unionist Party, the Social Democratic and Labour Party, and SF. Should that fail, the assembly would be dissolved, new rounds of negotiations would occur over the summer and the assembly would be recalled in September to try anew, over two further six-week periods, to fashion an agreed, four-party administration. Should those efforts also fail, the salaries and allowances paid to the current cohort of assembly members (MLAs) would cease and the third assembly election, due in May 2007, would be postponed *sine die*.

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<sup>1</sup> *Joint Statement by the Prime Minister and the Taoiseach*, 6 April 2006, at: [www.nio.gov.uk/media-detail.htm?newsID=12944](http://www.nio.gov.uk/media-detail.htm?newsID=12944) [accessed 13 April 2006]. The White House welcomed the initiative in a statement from the press secretary, 6 April 2006: 'President Bush calls on all parties to demonstrate leadership and seize this opportunity to work together to restore power-sharing Government and resolve outstanding issues ... We remain steadfast in our support of the peace process and the efforts of the British and Irish Governments to achieve a lasting peace under the principles of the Good Friday Agreement.'

What remained unclear was the 'plan B' alternative to 1998-vintage devolution, save that the phrase 'a greener form of direct rule' was resonating through the Northern Ireland Office.<sup>2</sup> This formulation was open to an array of interpretations ranging from the constitutionally profound option of joint authority, welcome to nationalists of all stripes, to giving the existing north-south bodies—placed on a care-and-maintenance basis since November 2002—a dedicated and active programme of work. While the latter would upset unionists, it would be less likely to infuriate them. These were not, however, exhaustive options: others could be contemplated, including an increase in the number and enhancement of the remits of these bodies.

The statement from London and Dublin was not explicit about how they would take forward their 'joint stewardship of the process', but it did suggest that the latter option, a thickening of the north-south strand of the Belfast agreement, was likely (see section on intergovernmental relations). It said 'detailed work' was to begin on British-Irish partnership arrangements 'to ensure that the Good Friday Agreement ... is actively developed across its structures and functions'. This work would be 'shaped by the commitment of both Governments to a step-change in advancing North-South co-operation and action for the benefit of all'.

What was clear was that 'greener' direct rule, however imagined and in whatever institutional form, would be perceived by unionists as tilting the balance against them in favour of nationalists. The calculation in London and Dublin might be that the DUP, faced with such an alternative future, could be coerced into consociationalism. If that was the thinking then both governments might note the remark by the party leader, Rev Ian Paisley, during a television interview following the publication of their proposals: 'When you're faced with two wrong choices, you take neither.' He was of course facing a sharper set of choices than that confronted by the UUP leader, David Trimble, eight years earlier, when he calculated that if he rejected the agreement the likely alternative(s) would be much more unacceptable to many more unionists.

Such *faute de mieux* thinking seemed unlikely to influence Mr Paisley, who celebrated his 80th birthday on the very day the blueprint was unveiled.<sup>3</sup> Yet, unionists might reflect on a political landscape that could include an expanded

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<sup>2</sup> Private information—'greener' obviously in the nationalistic sense; the sustainable-development strategy was still in gestation.

<sup>3</sup> A few days later he was able to celebrate a belated birthday present when the DUP's three nominees, Eileen Paisley, Maurice Morrow and Wallace Brown, together with Mr Trimble, were elevated to the Lords.

repertoire of north-south bodies and a government in Dublin (due for election in 2007) in which SF might emerge—though this has been repeatedly denied by the taoiseach, Mr Ahern—as a junior coalition partner: contemplating such a possibility should give some pause for thought.

At the end of the survey period, the Northern Ireland secretary, Peter Hain, sought to reassure anxious unionists that joint authority was not on the cards. He introduced an emergency bill at Westminster to allow the assembly to meet for six weeks before the summer and 12 weeks afterwards—obviating the need for the suspensions every six weeks which marked the period between the resignation of the then first minister, Mr Trimble, in July 2001 and the successful election of the first and deputy first minister the following November. In the face of DUP and Conservative challenges, he said there was ‘no question of joint authority’, there was ‘absolutely no threat’ to Northern Ireland’s constitutional position, the internal governance of the region would ‘of course’ remain the responsibility of Parliament and the latter’s ‘supremacy’ would be upheld.<sup>4</sup>

Were the election of the hypothetical first and deputy first ministers, Mr Paisley and Martin McGuinness of SF, nevertheless to go ahead, it would be based on the 1998 template: they would be required to stand on a joint ticket and be elected by the ‘parallel consent’ procedure, rather than as suggested in the failed ‘Comprehensive Agreement’ of December 2004. This had envisaged the whole 12-strong Executive Committee, nominated by the D’Hondt method, being endorsed by a cross-community vote in the assembly, rather than an explicit FM-DFM dyarchy being voted in—to save the blushes of DUP MLAs, who would thus not have to vote for an SF DFM. But this seems to have been abandoned.

The prospect of Messrs Paisley and McGuinness seeking joint election was one to savour. The likelihood was that if elected they would stand apart rather than together on a day and daily basis—which was not so unlike the situation that developed between Mr Trimble and his counterpart, Séamus Mallon. But a Paisley/McGuinness dual premiership would not just differ in degree but in kind, and risk deepening the communal divide. Yet, Northern Ireland does retain the capacity to surprise: as Mr Paisley remarked in relation to the restoration of devolution, ‘miracles do happen’.

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<sup>4</sup> F. Millar, ‘Hain to hold talks with NI parties’, *Irish Times* (19 April 2006).

The planned 'last(?) heave' by London and Dublin would eventuate in an already altered context, wrought by the NIO ministerial team. Following the suspension in October 2002 successive secretaries of state—John Reid, Paul Murphy and, most obviously, the current incumbent, Mr Hain—adopted a proactive approach to direct rule. In Mr Hain's case this has become assertive, even aggressive—no more so than during this reporting period.

## 1.2 Talking Tough

The year began against the backdrop of Denis Donaldson's admission in late December that he had worked for some two decades as an agent in the pay of British intelligence and the police. On 8 December 2005, charges against Mr Donaldson and two others alleged to have been at the heart of an IRA spy ring at Stormont—the proximate cause of the 2002 suspension—were dropped by the director of public prosecutions, 'in the public interest'. This prompted the SF leadership to allege there had been a plot to bring down Stormont, the work of British 'securocrats' opposed to the 'peace process', and it encouraged others to demand an inquiry into the decision to drop the prosecution. This was rejected by Mr Hain: 'I am not going down that road when it is quite clear that it is not in the public interest to do so.'<sup>5</sup>

His brusque dismissal of SF's allegation of a conspiracy, itself a Pavlovian republican response, further soured relations between the NIO and 'mainstream' republicanism on the eve of the renewed efforts to reintroduce devolution.<sup>6</sup> SF was already furious that policemen and soldiers who had escaped prosecution for crimes committed during the 'troubles' would come under the proposed 'on the run' (OTR) legislation,<sup>7</sup> i.e. granted a near-amnesty on the same footing as paramilitaries. So much so that in early January republicans were instructed not to take advantage of the law if and when enacted. Faced with this SF veto, an embarrassed Mr Hain withdrew the bill,<sup>8</sup> which had been opposed by all the other Northern Ireland parties.<sup>9</sup>

The Northern Ireland secretary was undaunted by these events and had already set the tone for his stewardship of the NIO in 2006 with his end-of-year message, in

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<sup>5</sup> BBC News Online (20 December 2005).

<sup>6</sup> On 16 January the Northern Ireland Affairs Committee published a short report containing its chair's letter to the prime minister seeking information about the decision to drop the prosecution against Mr Donaldson *et al* and the attorney general's reply to the Committee (HC 814).

<sup>7</sup> Northern Ireland (Offences) Bill 2005.

<sup>8</sup> HC Debs, 11 January 2006, cols 287ff.

<sup>9</sup> In a similar move, and much to the ire of SF, the republic's government announced that it was to shelve its plan to give presidential pardons to the OTRs. See 'Dublin under fire on fugitives', *Sunday Times* (15 January 2006).

which he insisted that 'political inertia was not an option'.<sup>10</sup> In early January, he darkened the mood by indicating his preparedness to stop the payment of salaries and allowances to MLAs if there was 'continued paralysis of the political situation' during the current year: 'we cannot keep paying [them] a total of £85,000 a year when they won't take responsibility for government'.<sup>11</sup> This 'flaky threat' (as the SDLP leader, Mark Durkan, described it) cut little ice with politicians of any Northern Ireland party—in part, as the UUP leader, Sir Reg Empey, pointed out, because 'most senior politicians get their money from Westminster'.<sup>12</sup> More to the point, there is a certain obduracy among many regional politicians that would only be compounded by any such action—though there has been recurrent evidence in these monitoring reports that it could be a lot more popular with the citizenry.

Moves in both London and Dublin to push the political process on continued throughout January in the face of the impending report from the Independent Monitoring Commission. Before its appearance, and for the first time, Mr Hain indicated both governments' preparedness to contemplate a transitional or interim assembly, short of the restoration of a power-sharing executive, as a means of creating a context within which the parties would rub shoulders, talk among themselves and be able to hold direct-rule ministers to account.<sup>13</sup> Such an option was not dismissed by the DUP or the UUP, while Mr Durkan, for the SDLP, said his party would consider arrangements short of full power-sharing. SF, however, was deeply suspicious of any transitional arrangement, fearing it could become an end in itself rather than a means of 'implementing the agreement in full'.

### 1.3 Insecure Backdrop

Pending the convening of multi-party talks by both governments on 6 February,<sup>14</sup> the atmosphere took another turn for the worse over alleged IRA activities. Responding to a series of press reports that the IRA had held on to some weapons, the Independent International Commission on Decommissioning examined whether its assessment in September 2005, that all IRA arms and *materiel* had been

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<sup>10</sup> NIO news release, 29 December 2005.

<sup>11</sup> NIO news release, 9 January 2006. Mr Hain reiterated these comments in the Commons on 11 January 2006 (*op. cit.*). Currently MLAs are on a reduced salary of £31,817 *pa*, plus office allowances.

<sup>12</sup> BBC News Online (7 January 2006).

<sup>13</sup> 'Hain says parties have got to talk to each other', *Sunday Times* (15 January 2006). Such an arrangement recalled the James Prior initiative of 1982-86, styled at the time as 'rolling devolution': it failed. See C. O'Leary *et al*, *The Northern Ireland Assembly 1982-1986: A Constitutional Experiment* (London: Hurst, 1988). The SDLP and SF boycotted the Prior assembly and a similar fate is likely to befall any 'shadow' assembly, if that is how the nationalist parties come to perceive its restoration.

<sup>14</sup> as signalled in the *Joint Statement by Prime Minister Tony Blair and Taoiseach Bertie Ahern*, NIO press release, 27 January 2006.

decommissioned, had been misjudged and/or it had been misled. In early January the IICD was informed by security sources in Northern Ireland that there was intelligence 'that some individuals and groups within the IRA had retained a range of arms, including handguns', but that these had not been retained 'with the approval of the IRA leadership or as part of any wider strategy to return to violence'.<sup>15</sup>

That assessment was then discussed with senior officers in the Garda Síochána who controverted the intelligence supplied by, in effect, MI5 and the Police Service of Northern Ireland:<sup>16</sup> 'the Garda informed us that [there was] no intelligence suggesting any arms have been retained.' The IRA's interlocutor also assured the IICD 'that no arms had been retained or placed in long term hides' and that 'all the arms under their control were decommissioned in September', leading the commission to conclude that 'in the absence of evidence to the contrary, our 26 September assessment regarding IRA arms remains correct'.<sup>17</sup>

The IICD's conclusion in relation to IRA arms was, however, contradicted by a report from the Independent Monitoring Commission on 1 February.<sup>18</sup> In addition to saying that the republican movement was continuing to gather intelligence, and that some IRA members remained involved in organised crime, the IMC reported that it had received information indicating that 'not all of [the IRA's] weapons and ammunition were handed over for decommissioning in September'. Though unable to itemise the alleged armoury, the IMC suggested that its extent 'goes beyond what might possibly have been expected to have missed decommissioning'—i.e. those retained for personal protection or those whose whereabouts were unknown—and that if the information was true 'the key question would be how much the IRA leadership knew about these weapons'.<sup>19</sup>

While the IMC assessed that the IRA was 'moving in the right direction', it concluded that the intelligence gathering was authorised by its leadership and 'involves the

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<sup>15</sup> The IICD statement of 19 January 2006 is available at: [www.nio.gov.uk/report\\_of\\_the\\_independent\\_commission\\_on\\_decommissioning\\_19\\_january\\_2006.pdf](http://www.nio.gov.uk/report_of_the_independent_commission_on_decommissioning_19_january_2006.pdf) [accessed 14 April 2006].

<sup>16</sup> Brian Rowan, 'IRA gun tip-off came from MI5', *Belfast Telegraph* (6 February 2006).

<sup>17</sup> *Ibid.* In the immediate wake of the IMC report, the IRA also issued its own press release stating: 'Recent allegations that the IRA is in breach of its public commitments is [sic] false. [It] has honoured all public commitments made on 28 July 2005. Any allegations to the contrary are politically motivated.' BBC News Online (1 February 2006).

<sup>18</sup> *Eighth Report of the Independent Monitoring Commission*, HC 870, at: [www.independentmonitoringcommission.org/documents/uploads/8th%20IMC%20Report.pdf](http://www.independentmonitoringcommission.org/documents/uploads/8th%20IMC%20Report.pdf) [accessed 14 April 2006].

<sup>19</sup> *Ibid.*, p 20.

continuation of efforts to penetrate public and other institutions with the intention of illegally obtaining or handling sensitive information'. In short, the IMC view was that the IRA continued to run a number of spy rings, that an undisclosed number of its personnel were retaining weapons and that some were involved in assaults and criminal behaviour. This led the IMC to 'raise the question of whether the commitment to exclusively democratic means is full and thoroughgoing, or whether there remain elements of a continuing subversive intent going beyond the boundaries of democratic politics'.<sup>20</sup>

Though the IMC was 'of the firm view that the present IRA leadership has taken the strategic decision to end the armed campaign and pursue the political course which it has publicly articulated',<sup>21</sup> its contradiction of the IICD report loomed over Northern Ireland. Speaking at a press conference, a visibly angry Martin McGuinness dismissed the claims as 'complete bull\*\*\*\*', and alleged that they were fabricated by 'securocrats' intent on subverting the 'peace process'.

By contrast, the DUP was ebullient. Over the weekend following the IMC report, it held its party conference, with Mr Paisley in robust mood. He dismissed as 'a blatant lie' the suggestion that the IRA had disarmed and told delegates that there would be no executive including SF 'as long as the IRA is in business'.<sup>22</sup> A week earlier, the DUP had published its proposals<sup>23</sup> for a phased process of establishing non-executive devolution; it set out a number of possible models that would enable the assembly to legislate and scrutinise the NIO and it reiterated its willingness to enter an executive with the SDLP and the UUP, but minus SF.

Mr Paisley's uncompromising position on the inclusion of SF was voiced just two days before the new round of talks was to begin. While the DUP leader fulminated against an inclusive executive, his republican counterpart, Mr Adams, was addressing the national conference of Ogra Shinn Féin, the party's youth wing, in Dublin. He said that SF stood 'ready to work with the DUP' and that it was incumbent upon that party to enter a coalition, thereby preventing direct-rule ministers from taking decisions 'which adversely affect every citizen in the north'.<sup>24</sup>

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<sup>20</sup> *Ibid*, p 18.

<sup>21</sup> *Ibid*, p 17.

<sup>22</sup> BBC News Online (4 February 2006).

<sup>23</sup> *Facing Reality*, 31 January 2006, at [www.dup.org.uk/](http://www.dup.org.uk/) [accessed 14 April 2006].

<sup>24</sup> BBC News Online (4 February 2006).

The talks on 6 February at Hillsborough came to nought, overshadowed as they were by the conflicting judgements of the IMC and the IICD, which themselves further embarrassed the minister responsible for policing and security, Shaun Woodward. In December Mr Woodward had asserted that the IRA had ceased its criminal activities, a claim he repeated during a briefing for regional journalists in early January. But a leak of a private meeting of the Policing Board in mid-January revealed that the heads of the CID and the Assets Recovery Agency, together with a senior HM Customs officer, each declared that the IRA was still engaged in organised crime.<sup>25</sup> This forced Mr Woodward to publish a letter, sent to the chair of the Policing Board, in which he sought to draw a distinction between criminality perpetrated by individual IRA members 'for their own gain' and that carried out by others 'which is authorised by the organisation'.<sup>26</sup>

This formulation did not stand the test of the IMC report. The confirmation by the IMC that the IRA was still gathering intelligence and engaged in criminal acts was underlined on the day of its report, when it was disclosed that gardaí had raided a large number of properties in Dublin and Co Meath as part of an investigation into suspected IRA money-laundering.<sup>27</sup> That disclosure, together with the IMC report, reinforced the DUP's view that SF—or, in its phraseology, 'Sinn Féin/IRA'—was unfit for government, and ensured that the talks round was stymied. The two governments were unable even to get the parties around the table together—even though they envisaged separate sessions, one including the DUP and one including SF—as they hoped on 20 February at Stormont.<sup>28</sup>

Plans to bring the prime minister and the taoiseach to Northern Ireland in late February were cancelled, against an acrimonious regional backdrop.<sup>29</sup> In the event, it was not to be until 6 April that the two premiers arrived in Armagh, ancient capital of Ulster and site of a number of north-south bodies, to unveil their blueprint. In Mr Blair's words, this paved the way to 'the ultimate decision'—or, as a leading unionist politician described it to one of the authors, 'It's s\*\*t or bust.'

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<sup>25</sup> Henry McDonald, 'Explosive charges', *The Guardian* (19 January 2006).

<sup>26</sup> NIO press release, 18 January 2006.

<sup>27</sup> BBC News Online (1 February 2006).

<sup>28</sup> G. Moriarty, 'Ahern, Hain forced to abandon plans for round-table talks', *Irish Times* (21 February 2006).

<sup>29</sup> A planned round of talks scheduled for early March was postponed by the two governments, while Messrs Blair and Ahern met at Downing Street for a 'stock-taking exercise'. The two premiers held two further meetings, in Dublin and Brussels, in the run-up to their joint statement of 6 April 2006.

The taoiseach had himself meanwhile become drawn into a spat with the chief constable, Sir Hugh Orde, in the wake of the leak from the Policing Board. Mr Ahern claimed that Sir Hugh had told him before Christmas that the IRA was no longer involved in crime, only to be flatly contradicted by the senior policeman,<sup>30</sup> who also gave a press interview in which he reiterated this judgment. While acknowledging that the republican movement was in transition—'I've never said that the IRA leadership are intent on doing anything other than delivering a peaceful way forward'—he insisted that those arrested in relation to large-scale smuggling operations had 'heavy links' with the IRA: 'The IRA is an organisation and no-one has said that it, as an organisation, is going away. To run organisations you need money. They need an income stream.'<sup>31</sup>

The current involvement of republican and loyalist paramilitaries in organised crime was now at the top of the political agenda.<sup>32</sup> This did not mean that their past involvement was being ignored. In late January Sir Hugh announced the creation of a special unit tasked with reopening investigations into more than 3,000 unresolved deaths arising from the 'troubles' since 1969. The unit, the 'historical enquiries team', with a budget of £30 million, had a timescale of six years and would deploy new forensic techniques and trawl over intelligence held by Special Branch and MI5 to try to resolve outstanding cases. Whether any prosecutions would result was moot, but even if they did, under the terms of the Belfast agreement, anyone convicted of murder would serve no longer than two years in prison.<sup>33</sup>

MI5 resurfaced in the context of the government's Northern Ireland (Miscellaneous Provisions) Bill which, among other things, dealt with the issue of the devolution of policing and criminal-justice powers. The bill also provided the Northern Ireland secretary with a proposed power to call a snap assembly election, and would finally extend the ban on foreign donations to political parties (though not treating the republic as 'foreign') to Northern Ireland.<sup>34</sup>

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<sup>30</sup> Henry McDonald, *Observer* (22 January 2006).

<sup>31</sup> David McKittrick, *Independent* (23 January 2006). Two months later a joint PSNI/Garda operation involved a large-scale search and seizure in south Armagh on property held by Thomas 'Slab' Murphy, regarded by both forces as a key figure in charge of IRA finances. See David McKittrick, *Independent* (10 March 2006).

<sup>32</sup> The Northern Ireland Affairs Committee was at time of writing engaged in an inquiry into organised crime in the region.

<sup>33</sup> NIO press release, 20 January 2006.

<sup>34</sup> Northern Ireland (Miscellaneous Provisions) Bill, Bill 131 (2005-06 Session). At: [www.publications.parliament.uk/pa/cm200506/cmbills/131/131.pdf](http://www.publications.parliament.uk/pa/cm200506/cmbills/131/131.pdf) [accessed 5 May 2006].

Alongside the bill, the NIO published a discussion paper on the transfer of responsibility for policing and criminal justice to a devolved assembly.<sup>35</sup> All other things being equal, the modalities of the transfer were to be resolved by Northern Ireland's parties. The document held out as models the options of (a) a single policing and justice department, (b) a single department with two ministers, (c) lodging the powers in the Office of the First Minister and Deputy First Minister or (d) two separate departments. Reading between the lines, there was clear anxiety in government, moving from (a) to (d), that the latter options would be more unworkable in terms of getting decisions taken and acting in a 'joined-up' way. The Criminal Justice Review of 2000 had recommended (a), the paper noted, but (d) would be a much more likely outcome of any deal between the DUP and SF.

This was all fairly theological stuff, however. In a debate on the bill towards the end of the survey period, the DUP deputy leader, Peter Robinson, said he couldn't see agreement on devolution of policing and justice in his lifetime. His colleague and partner, Iris Robinson, noting that the SF justice spokesperson, Gerry Kelly, had bombed the Old Bailey and led the IRA break-out from the Maze prison, said she would not want him as a policing minister.<sup>36</sup> The UUP MP, Sylvia Hermon, moved an unsuccessful amendment requiring any policing and/or justice minister to back the police.<sup>37</sup>

The government did insist in the paper that the lead intelligence agency under any devolved arrangements would be MI5, which would answer to the secretary of state and not the relevant minister in a devolved administration. Predictably, this was opposed by the SDLP and SF, viewing MI5 and a reformed Special Branch in the Police Service of Northern Ireland as irredeemably tainted by their alleged collusion with loyalist paramilitaries.

Where the nationalist parties parted company was in relation to the Policing Board and the District Policing Partnerships. The SDLP had been involved in these administrative arrangements from the first, whereas they had been boycotted by SF. The latter's position was that it would not participate until policing and justice was

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<sup>35</sup> *Devolving Policing and Justice in Northern Ireland: A Discussion Paper*, 16 February 2006. At: [www.nio.gov.uk/devolving\\_police\\_and\\_justice\\_in\\_northern\\_ireland\\_a\\_discussion\\_paper.pdf](http://www.nio.gov.uk/devolving_police_and_justice_in_northern_ireland_a_discussion_paper.pdf) [accessed 14 April 2006].

<sup>36</sup> S. Dempster, 'Devolution will not come about in this lifetime', *News Letter* (21 April 2006).

<sup>37</sup> B. Walker, 'Commons votes against barring Kelly from office', *Belfast Telegraph* (21 April 2006).

devolved, whereas the other parties, both governments and the White House<sup>38</sup> insisted that such participation had to precede the transfer of responsibility.

In early March the IMC produced its ninth report, which concentrated on the UK Government's two-year security 'normalisation' programme.<sup>39</sup> It covered the period from 1 August 2005, when the programme began, until 31 January 2006<sup>40</sup> and it reported that the work of demolishing towers and observation posts was on schedule, as were the reduction of troop numbers and the closure and dismantling of military bases and installations.

Relatedly, the UK government announced the terms of the redundancy package for the 3,000-strong Royal Irish Regiment, whose three home service battalions were due to be disbanded by May 2007 as part of the normalisation programme.<sup>41</sup> The package amounted to £250 million and covered part-time and also full-time soldiers, who would have the option of transferring into general service with the armed forces.

The tenth IMC report, published at the end of the survey period, offered greater reassurance than the eighth as to the intentions of the republican leadership.<sup>42</sup> Once more highlighting the continuing threat from 'loyalist' paramilitaries and 'dissident' republicans, the report said: 'It remains our absolutely clear view that the P[rovisional]IRA leadership has committed itself to following a peaceful path.'<sup>43</sup> The IMC did, however, suggest that 'senior PIRA members' might be playing 'a key role' in continuing criminality, even though the organisation was seeking to reduce it; that the arms that the commission suggested had been withheld from the decommissioning process had been retained against the instructions of the leadership; and that while the leadership accepted 'the need to engage in policing' if

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<sup>38</sup> See for instance the comments by Mitchell Reiss, the Bush administration's special envoy to Northern Ireland, BBC news online (27 January 2006). The statement issued by the White House press secretary on 6 April, welcoming the latest London-Dublin initiative to restore devolution, reiterated US policy: 'In particular, we urge full support for civilian policing throughout Northern Ireland and unequivocal commitment to the rule of law and the renunciation of all paramilitary and criminal activities.' (*Op. cit.*)

<sup>39</sup> *Ninth Report of the Independent Monitoring Commission*, HC 969, 8 March 2006, at: [www.independentmonitoringcommission.org/documents/uploads/9th\\_IMC%20pdf.pdf](http://www.independentmonitoringcommission.org/documents/uploads/9th_IMC%20pdf.pdf) [accessed 14 April 2006].

<sup>40</sup> The original 24-month timetable for normalisation was included in the Anglo-Irish 'Joint Declaration' of 1 May 2003.

<sup>41</sup> NIO press release, 9 March 2006.

<sup>42</sup> *Tenth Report of the Independent Monitoring Commission*, HC 1066, 26 April 2006, at: [www.independentmonitoringcommission.org/documents/uploads/ACFEF3.pdf](http://www.independentmonitoringcommission.org/documents/uploads/ACFEF3.pdf) [accessed 26 April 2006].

<sup>43</sup> *Ibid.*, p. 12.

devolution were to be achieved, the issue was 'still very controversial on the ground'.<sup>44</sup>

The murder of Mr Donaldson fell outside the period covered by the report—it might return again to haunt the critical successor report in October—but Ed Moloney, author of the definitive history of the IRA, saw the killing as reflecting unrest among IRA volunteers, including about the (by IRA standards) lenient treatment of such an egregious informer.<sup>45</sup> The IMC report added to this sense that some fragmentation of the movement has been taking place, with no evidence of its political objectives being achieved and grassroots activists seeing little reward for decades of sacrifice, whatever the publicity and political indulgence accorded the republican leadership.<sup>46</sup> This could constrain the leadership's flexibility on the policing issue, whatever its intent.

The two governments warmly welcomed the IMC report, renewing pressure on the DUP to go into government with SF. The prime minister, Mr Blair, explicitly rejected any linkage between republicans supporting the police and devolution being restored.<sup>47</sup> But during Northern Ireland questions Nigel Dodds of the DUP said such support was 'an absolute prerequisite' for any party of government, a stance supported by David Lidington for the Tories in the debate on the emergency bill recalling the assembly.<sup>48</sup> SF, meanwhile, again dismissed the IMC, while the SDLP, the UUP and Alliance all expressed degrees of querulousness about the report—particularly its oblique reference to the assets illegally acquired by the IRA which now appear to be at the disposal of SF for its electoral campaigning.<sup>49</sup>

#### 1.4 Conclusion

The 24 November cut-off date for the restoration of devolution would appear to be final. Speaking on RTE, the republic's foreign minister, Dermot Ahern, was blunt in underlining the deadline: 'The two prime ministers are absolutely adamant about this. This is the year and I would hazard a guess that if it doesn't happen this year the two

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<sup>44</sup> *Ibid.*, pp. 13-15.

<sup>45</sup> E. Moloney, 'The killing of a spy', *Irish Times* (8 April 2006).

<sup>46</sup> S. Breen, 'Decommissioned: Provos on scrap heap of history', *Sunday Tribune* (16 April 2006).

<sup>47</sup> G. Moriarty, 'Report "a foundation stone" for powersharing', *Irish Times* (27 April 2006).

<sup>48</sup> F. Millar, 'SF stance on policing must be resolved, Commons told' (27 April 2006).

<sup>49</sup> D. Keenan and G. Jackson, 'SF dismisses report while parties raise funds issue', *Irish Times* (27 April 2006).

people involved [Dr Paisley and Gerry Adams], plus a couple of other leading figures in Northern Ireland politics will be gone by the time we come back again.<sup>50</sup>

To the untrained ear, that certainly had the air of finality. Of course, we have had innumerable deadlines in the past, but perhaps this time the two premiers meant business. The draft order effecting the measures they unveiled on 6 April included changes to the assembly's standing orders. It was to fall to the new speaker / presiding officer, Eileen Bell (Alliance), to try to maintain good order in the chamber when the MLAs met for the first time on 15 May, with the opportunity to elect a first and deputy first minister on the basis of the procedure set out in the Belfast agreement.

Few, if any, expected that it would work during the initial six-week period. While SF was keen to see the return of a power-sharing administration, that could not be said of the DUP under Mr Paisley's leadership—at least, not yet. The veteran politician had strong words for the government as to the consequences for the assembly of the expiry without agreement of the November deadline: 'Let them put us out. We are not going to crawl.'<sup>51</sup>

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<sup>50</sup> BBC News Online (11 April 2006).

<sup>51</sup> N. McAdam and B. Walker, 'DUP says progress of IRA not enough', *Belfast Telegraph* (27 April 2006).

## 2. 'Devolved' Government

*Robin Wilson*

### 2.1 Public Accounts Committee

There was more trouble during this survey period for Northern Ireland officials from the dreaded Public Accounts Committee at Westminster. In the absence of an assembly at Stormont since 2002, the PAC and the Northern Ireland Affairs Committee have been the only source of democratic accountability, *faute de mieux*. The 'detachment or semi-detachment' of the Northern Ireland civil service from the 'home' civil service has tended to engender few of the benefits of autonomy and many of the disadvantages of a backwater.<sup>52</sup> And, under the PAC's acerbic chair, Edward Leigh, the committee has been a tiger keen to bare its teeth.

In January, the Department of Employment and Learning announced that the Jobskills youth-training programme was to be abolished.<sup>53</sup> This was the inevitable result of an excoriating attack on the programme from the PAC.

In March 2005, the committee had given the then DEL permanent secretary, Will Haire, a very rough ride. Mr Leigh dismissed one of Mr Haire's answers as 'waffle' and one MP described the programme as 'crap'.<sup>54</sup> In November, the committee's report pulled no punches. It referred to 'a quite astonishing catalogue of failures', 'a disturbing level of complacency', and 'an appalling degree of incompetence, indifference or both'.<sup>55</sup>

In March this year, the PAC cast its eye over the Department of Environment. It attacked the DoE for allowing a backlog of 45 non-transposed EU environmental directives to accumulate (for which, of course, the UK taxpayer would have had, ultimately, to pay any fines arising). While a diligent official within the department did eventually take control of this situation, the committee warned that this 'woeful performance' must not be repeated. It ranked the region's waste management

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<sup>52</sup> House of Lords Select Committee on the Constitution, *Devolution: Inter-institutional Relations in the United Kingdom*, HL paper 28 (2002), p.45.

<sup>53</sup> D. Gordon, 'Under fire youth training programme to be scrapped', *Belfast Telegraph* (13 January 2006).

<sup>54</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: April 2005*, at: [www.ucl.ac.uk/constitution-unit/monrep/ni/ni\\_april\\_2005.pdf](http://www.ucl.ac.uk/constitution-unit/monrep/ni/ni_april_2005.pdf), p.24.

<sup>55</sup> D. Gordon, 'Money "poured down drain" in job training scheme', *Belfast Telegraph* (3 November 2005).

‘poorly’ against the rest of the UK and the rest of Europe—and the UK is itself a poor performer by European standards in terms of recycling.

It looked to the review of environmental governance in train to bring about an independent environmental protection agency, as applies in every other jurisdiction in these islands. The committee concluded: ‘Given Northern Ireland’s poor record on environmental governance in general, and waste management in particular, the case for doing so is now self-evident and it should be done without delay following the review.’<sup>56</sup>

This is indeed widely expected to be the recommendation arising from the review, announced in July 2005.<sup>57</sup> Shortly before the PAC reported, the environment minister, Lord Rooker, appointed a panel of independent experts to carry out the review. The chair is to be Tom Burke, a former executive director of Friends of the Earth. He is to be assisted by Sharon Turner, chair in environmental law at Queen’s University, and a private-sector representative, Gordon Bell.<sup>58</sup>

The appointments of Mr Burke and Prof Turner in particular sent a very positive signal to the environmental NGOs which had been campaigning for an independent inquiry into administration of the region’s environment. Lisa Fagan of Friends of the Earth in Northern Ireland said she was ‘delighted’.<sup>59</sup>

## 2.2 Review of Public Administration

In line with the review of public administration (see local-government section), in February the Department of Health, Social Services and Public Safety announced a consultation on the proposal to reduce the number of trusts in Northern Ireland—which include social services as well as health in the region’s integrated system—from 19 to five. They are expected to be ‘fully operational’ by April 2007.<sup>60</sup>

This is parallel, on the ‘purchasing’ side of the split with ‘providers’, to the abolition of the four area health-and-social-services boards and the establishment of seven commissioning groups, which will be arms of a new regional health authority. In this

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<sup>56</sup> D. Gordon, ‘DoE’s work on illegal waste “woeful”’, *Belfast Telegraph* (23 March 2006).

<sup>57</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2006*, at: [www.ucl.ac.uk/constitution-unit/research/devolution/Monitoring%20Reports/Jan06/NI%20Jan06.pdf](http://www.ucl.ac.uk/constitution-unit/research/devolution/Monitoring%20Reports/Jan06/NI%20Jan06.pdf), p. 29.

<sup>58</sup> DoE news release, 28 February 2006.

<sup>59</sup> Friends of the Earth Northern Ireland Newsletter, 12 (2006), p. 1.

<sup>60</sup> N. McAdam, ‘New health trusts in April’, *Belfast Telegraph* (14 February 2006).

way, Northern Ireland's health system—remarkably unaffected by having had an SF minister during devolution—continues to show *less* policy divergence from New Labour than its counterparts in Scotland and Wales.<sup>61</sup>

Testament to the impact of the RPA came during the quarter in the regular survey of voluntary organisations in the region by the voluntary-sector umbrella body, the Northern Ireland Council for Voluntary Action. It found that member groups saw the review and whether Northern Ireland has, or does not have, an assembly as the most important issues facing them in the next five years.<sup>62</sup>

In the absence of devolution, the voluntary sector has rather returned in recent years to its old direct-rule role of privileged interlocutor for government—a role that many in the political class found little to their liking. Funding from government has increased following a paper in March 2005, *Positive Steps*, itself a response to the report of a taskforce on the voluntary sector, *Investing Together*.<sup>63</sup>

Symbolic of this relationship is the Joint Government and Voluntary Sector Forum, which regularly brings together statutory and voluntary representatives. Opening its March meeting, the social development minister, David Hanson, praised the work of the voluntary sector and highlighted the £23 million government is committing over three years to help the sector strengthen and modernise.

'The work that the Joint Forum does represents the ethos of Government working with the Sector to help deal with issues of common interest affecting people in Northern Ireland,' Mr Hanson said.<sup>64</sup> The forum is jointly chaired by Maurice Leeson of Barnardo's and Dave Wall of the Department for Social Development—himself a former director of the Northern Ireland Association for the Care and Resettlement of Offenders—and it gives the voluntary sector a strong entrée into government. There is no doubt too that it talks a civic, rather than ethno-political, language that government can understand.

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<sup>61</sup> S. Greer, 'The territorial bases of health policymaking in the UK after devolution', *Regional and Federal Studies*, 15:4 (2005), pp. 501-18.

<sup>62</sup> *NICVA News*, 76 (May 2006), p. 19.

<sup>63</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: July 2005*, at [www.ucl.ac.uk/constitution-unit/monrep/ni/ni\\_july\\_2005.pdf](http://www.ucl.ac.uk/constitution-unit/monrep/ni/ni_july_2005.pdf), p.14

<sup>64</sup> Department for Social Development news release, 6 March 2006.

### 2.3 Double-jobbing

The Northern Ireland secretary, Mr Hain, has been holding down two jobs, in Belfast and Cardiff. And at the end of the survey period, the question was asked as to whether this was really feasible, given that constituency commitments mean any direct-rule minister, by comparison with a devolved counterpart, can only devote a proportion of his or her week to Stormont. (It was, conversely, true however that Northern Ireland Assembly members, up to and including the first minister, Mr Trimble, retained seats at Westminster post-devolution. And before the reshuffle Mr Hain was able to call on the services of four full-time juniors).

The nationalist-leaning *Irish News* splashed with the story that of his first six months in office in 2005, Mr Hain had spent just eight weeks in Northern Ireland—at a time of not only political upheaval but also contention over communal parades and feuding between loyalist paramilitaries. The paper quoted a Plaid Cymru member of the National Assembly for Wales, saying: ‘Being secretary of state for Northern Ireland ought to be a full-time job, particularly with the peace process being at such a critical stage.’ She also pointed to the Government of Wales Bill, which Mr Hain has been piloting through Westminster, and concluded: ‘I don’t see how, in my opinion, he can do a proper job of both.’<sup>65</sup>

Whether direct-rule ministers can devote the time and commitment they need to Northern Ireland to avoid institutional inertia<sup>66</sup> was again in question during this survey period. In January, the business correspondent of the *Belfast Telegraph* highlighted the overdue nature of a promised economic strategy for the region. In a ‘vision’ document published in February 2005,<sup>67</sup> the strategy was promised by the ‘autumn’. In a parliamentary answer in November, the enterprise minister, Angela Smith, said the aim was to circulate a draft ‘before the end of this year’.<sup>68</sup>

The *Belfast Telegraph* was told by the Department of Enterprise, Trade and Investment that a first draft had indeed been circulated to departments in December

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<sup>65</sup> S. O’Neill, ‘Hain spent 8 weeks in north over six months’, *Irish News* (19 April 2006).

<sup>66</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2006*, at: [www.ucl.ac.uk/constitution-unit/research/devolution/Monitoring%20Reports/Jan06/NI%20Jan06.pdf](http://www.ucl.ac.uk/constitution-unit/research/devolution/Monitoring%20Reports/Jan06/NI%20Jan06.pdf), pp. 28-9.

<sup>67</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: April 2005*, at: [www.ucl.ac.uk/constitution-unit/monrep/ni/ni\\_april\\_2005.pdf](http://www.ucl.ac.uk/constitution-unit/monrep/ni/ni_april_2005.pdf), p. 48.

<sup>68</sup> Angela E. Smith, HC Deb, 1 November 2005, col. 1015W.

and that it was anticipated that a revised version would be 'issued before the end of this financial year'.<sup>69</sup> It had not appeared when the survey period ended.

## 2.4 Community-relations Strategy

What did, however, emerge at the end of April was the long-awaited 'triennial action plan' to implement the community-relations policy framework, *A Shared Future*, published in March 2005.<sup>70</sup> For the government, Lord Rooker launched the plan at a conference organised by the Community Relations Council during Community Relations Week.

The plan indicated that projects involving public expenditure would not be considered unless they included an assessment of how they contributed to 'good relations'.<sup>71</sup> Lord Rooker said the Treasury no longer saw why Northern Ireland should receive the same public expenditure largesse as in the past, as it was now perceived as 'a success'. The plan was published alongside a similar document, implementing the parallel Race Equality Strategy.<sup>72</sup>

Two days earlier, Mr Hain had addressed the conference of the Northern Ireland Committee of the Irish Congress of Trade Unions. The unions have been the most consistent advocates of anti-sectarianism for decades in Northern Ireland, and the Northern Ireland secretary made *A Shared Future* his theme. It was by far the most robust speech by a minister on the policy, which Mr Hain described as a 'commitment that shapes and underpins *all we do*'.<sup>73</sup>

Lord Rooker expressed confidence that it would be devolved, rather than direct-rule, ministers who would be held accountable at the conclusion of the three-year action plan. But Mr Hain was perhaps being optimistic when he implied that unionism and nationalism, loyalism and republicanism—embodiments of the politics of identity antagonism—did not have to change for his vision to be realised: 'All can work together with their traditions and objectives shown respect and tolerance by each

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<sup>69</sup> R. Morton, 'Economic plan: why the delay?', *Belfast Telegraph* (16 January 2006).

<sup>70</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: July 2005*, at [www.ucl.ac.uk/constitution-unit/monrep/ni/ni\\_july\\_2005.pdf](http://www.ucl.ac.uk/constitution-unit/monrep/ni/ni_july_2005.pdf), pp.12-14.

<sup>71</sup> OFMDFM, *A Shared Future: First Triennial Action Plan 2006-2009*, (Belfast: OFMDFM, 2006), at: [www.asharedfutureni.gov.uk/actionplan.pdf](http://www.asharedfutureni.gov.uk/actionplan.pdf) [accessed 27 April 2006].

<sup>72</sup> OFMDFM, *A Race Equality Strategy for Northern Ireland 2005-2010: First Annual Implementation Plan—2006* (Belfast: OFMDFM, 2006), at: [www.ofmdfmi.gov.uk/race-implementation-action-plan.pdf](http://www.ofmdfmi.gov.uk/race-implementation-action-plan.pdf) [accessed 27 April 2006].

<sup>73</sup> The speech is available at [www.asharedfutureni.gov.uk/sossspeech250406.pdf](http://www.asharedfutureni.gov.uk/sossspeech250406.pdf) [accessed 27 April 2006].

other in a common shared future, resolved by democratic politics'.<sup>74</sup> Achieving power-sharing devolution that subsists may well require a more substantive 'historic compromise' (see political-parties section) than that.

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<sup>74</sup> *Ibid.*

### 3. The Assembly

*Robin Wilson*

As indicated earlier (see 'peace process' section), the period was marked by repeated warnings from the Northern Ireland secretary, Mr Hain, that MLAs would lose the current 70 per cent of their salaries (plus expenses) if an accommodation was not promptly realised, to allow the assembly once more to be—in what has become a hackneyed phrase—'up and running'.

In April, he returned to the theme, in advance of the joint statement by the two premiers early that month. Calling for 'a new spirit of maturity in Northern Ireland politics', he warned that 'the public are fed up to the back teeth with politicians continuing to be paid when they won't do their jobs'.<sup>75</sup>

Mr Hain was undoubtedly striking a popular nerve, as successive monitoring reports have attested. But it is precisely the inconsequential nature of current political activity in Northern Ireland that makes for such frustration. And the most common public reaction, as manifested in declining electoral registration and turnout, has been to disengage from politics entirely—not to put pressure on the parties to moderate their stances and make an accommodation any more likely.

Nor did the Northern Ireland secretary win himself any friends in the potentially most sympathetic quarter, Alliance, in appointing its former deputy leader as presiding officer, with an eye to the assembly being reconvened in May. Alliance is frequently dumped on by the larger parties, out of all proportion to the threat it poses—presumably because it does present a standing affront to the communalist *Weltanschauung* they paradoxically share—but it is inevitably turned to when the requirements of neutral public office emerge. (The same was true of the appointment of the former party leader, Lord Alderdice, as Speaker when the first assembly was convened and subsequently as Northern Ireland representative on the IMC.)

It emerged, however, that Mr Hain had not informed the current party leader, David Ford, before making the announcement, which cuts Alliance's assembly

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<sup>75</sup> Hain: Public fed up paying MLAs who won't do job', *News Letter* (3 April 2006).

representation from six to five. Mr Ford thought it would have been ‘good manners’—Alliance does good manners—if he had.<sup>76</sup>

As the survey period closed, the government, while insisting it was planning for success, prepared for failure. It began to rush through an emergency bill to recall the assembly on May 15, incorporating the deadline of November 24 for inter-party agreement. The bill would remove the power to suspend the assembly, which nationalists had demanded since the initial suspension in February 2000, in a nominal attack on British ‘parliamentary sovereignty’; what they hadn’t anticipated was that this would mean the alternative was a winding-up. The government indicated that in that eventuality MLAs would be paid an allowance of up to £16,000 each, or £1.7 million overall.<sup>77</sup>

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<sup>76</sup> G. Moriarty, ‘Hain names presiding officer of NI Assembly’, *Irish Times* (11 April 2006).

<sup>77</sup> B. Walker, ‘Election may be on hold for two years’, *Belfast Telegraph* (20 April 2006); D. Keenan, ‘London sets out plan to restore institutions’, *Irish Times* (21 April 2006).

## 4. The Media

*Greg McLaughlin*

### 4.1 Introduction

This section looks at news coverage of two events that may (or may not?) have significant impact on efforts to revive the institutions of the Belfast agreement. The murder of the SF administrator and British agent, Denis Donaldson, on 4 April was big news, even for sections of the British and Irish media that had long lost interest in the interminable ‘peace process’ in Northern Ireland. But its timing also seemed critical: it came just two days before the two premiers, Messrs Blair and Ahern, were to deliver their joint statement on the political impasse (see ‘peace process’ section).

### 4.2 Donaldson Murder

Violence and murder in Northern Ireland rarely make the headlines on the British or international news agenda these days but the story of the violent death of Mr Donaldson appealed to a set of populist news values that guaranteed it front-page prominence the next day, 5 April. There was his status as an outed British agent: ‘Death of a spy’ (*Irish News*); ‘IRA spy pays with his life’ (*Irish Independent*). His refuge in rural Donegal seemed to add pathos to tragedy. The papers made repeated references to it, describing the ‘squalor of the Donegal hideaway’ (*Belfast Telegraph*) or the ‘rundown cottage’ (*Irish Independent*) in which Mr Donaldson had ‘only a flickering candle for light’ (*News Letter*).

There was even some grim irony in the coverage. *Daily Ireland* blundered rather badly when it included on a page of news items on the murder a box advertisement for holidays in the ‘lovely Rosses’ area of Donegal, not far from Glenties where Mr Donaldson had sought refuge—with a picture of a new-build cottage for rent, it was described as ‘the perfect getaway spot’. Meanwhile, *Magill* magazine had been about to name Mr Donaldson as the ‘Survivor of the Year 2005’ at its Politician of the Year Awards in a Dublin hotel when it learned of his death, quickly withdrawing the award. It had planned to forward to Mr Donaldson his prize of a Cross pen (*Irish Independent*).

There was also lurid speculation about the nature of his murder. Gardaí revealed to reporters that his body had been found with the right arm severely injured. Some newspapers interpreted this as evidence of torture: ‘Butchered’ (*Belfast Telegraph*);

'Mutilated and executed' (*Daily Mirror*, Irish edition); 'Spy's hand cut off' (*Sun*). However, the *Irish Independent* and *Irish News* revealed that his arm was more likely to have been injured as he raised it in a vain effort to protect himself.

And there were conspiracy theories. Most newspapers and television bulletins pointed the finger of suspicion at republican dissidents or at individuals in the IRA acting without authority. Some others kept an open mind. *Daily Ireland* ran a full, front-page photo of Mr Donaldson, the headline asking: 'Who shot spy?'. It highlighted the question of possible motive and who would benefit from the murder, while reporting that the Gardaí had not yet ruled out suicide. Yet, while its editorial condemned the 'maelstrom of fact-free disseminating and spin' that surrounded the story, it still went on to speculate on the involvement of the British security services.

This was not, though, just a predictable republican suspicion. The unionist-oriented *News Letter* conceded that 'there will be questions over whether [MI5] wanted Donaldson silenced for good to ensure he spilled no further secrets about his activities'. The *Irish Times* also raised this possibility, while the *Guardian* refused to rule out the hand of 'a provocateur whose loyalties lay elsewhere', without explaining what it meant by this. The *Irish News* refrained from naming any suspects but it noted the extraordinary coincidence that the murder had taken place just 48 hours before the expected London-Dublin statement.

The suspicion of political sabotage seemed all the more credible when unionist politicians reacted according to script. On 6 April, the day the two prime ministers were due to meet in Armagh, they told the *News Letter* that Mr Donaldson's murder had made political progress 'impossible' in the short to medium term. The paper endorsed their view in its leader comment, in the absence of 'firm guarantees ... that republican terrorism and criminality is now at an end'.

### **4.3 Blair-Ahern Statement**

The two prime ministers went ahead with their planned meeting, in spite of Mr Donaldson's murder, and delivered their ultimatum: the political parties had until 24 November to revive the devolved institutions or face some form of joint London-Dublin rule. While most sections of the media reported that the ultimatum applied equally to all the parties, especially the DUP and SF, there were some interesting nuances in the next morning's papers (7 April).

The republican *Daily Ireland* was very clear whom the prime ministers had in mind: 'Pressure mounts on Paisley'. The *Irish Independent*, on the other hand, took a more sympathetic view of the DUP position. It said that 'a time could come soon when the DUP are ready for persuasion' and noted the recent words of its deputy leader, Mr Robinson, when he spoke of 'peace between the children of the Planter and of the Gael'. The paper thought this a remarkable use by a unionist leader of very nationalist language. The *Irish News* was less impressed. It described as 'unsustainable' the position of the DUP on IRA criminality at a time when it maintained a cosy relationship with loyalist paramilitaries, still heavily armed and still active in racketeering and the drugs trade.

Again, it was the *News Letter* that struck the most negative note. Its front page carried a photomontage of Messrs Paisley and Ahern, with the headline, 'Keep Out' and the strap line, 'Paisley: Don't interfere in Ulster affairs, Ahern'. Its editorial, 'Lack of trust bodes ill for restoration of Assembly', was a long list of familiar DUP reasons why the assembly should not be restored, regardless of government threats and ultimata. It reflects a sustained shift by the *News Letter* over the last few years, from its historic position as the newspaper of the UUP to one of solid support for the DUP agenda. This is partly explained by the declining electoral fortunes of the UUP and the new DUP hegemony but the chronic decline in sales of the *News Letter* must surely be a critical factor. This and three changes of ownership and editorial control in the past five years make it difficult to predict whether the paper will maintain its hard editorial line or shift back to the centre ground.

In mid-April, the paper's owners, Johnston Press, announced a radical overhaul of editorial organisation and newspaper production among its titles in Ireland, including the *News Letter* and the *Derry Journal*. This meant the departure of the respective editors, Austin Hunter, after only two years in the post, and Pat McArt, after 25 years of service. Further job cuts are likely and these developments seem to vindicate fears that the concentration of ownership in the regional press in recent years is turning newspapers into purely commercial commodities—at the very moment they are needed to underpin the development of a pluralist, civil society in Northern Ireland.

## 5. Public Attitudes and Identity

*Lizanne Dowds*

Against the backdrop of no devolution since October 2002 and before the recent decision to reinstate the assembly with a view to reconstituting the executive, the Northern Ireland Life and Times survey ran a check on public opinion towards devolution at the end of 2005. The question listed opinions on various constitutional options, from independence to unification with the republic, and asked respondents which was closest to their own views.

Regardless of the strength of emotion surrounding aspects of the agreement and issues to do with power-sharing, public opinion on basic constitutional preferences has been remarkably stable since 2001. For the population as a whole, independence was never a popular option, while support for a united Ireland remains relatively low overall. Similarly, there is no enthusiasm for Northern Ireland remaining part of the UK without some form of constitutional devolution. By far the most endorsed option remains that of devolution. Forty three per cent of respondents in 2001, 52 per cent in 2003 and 52 per cent in 2005 viewed some form of devolution as the most desirable solution.

Of course, there are differences across the sectarian divide. Among Protestants, devolution is by far the most popular option. About two thirds of Protestant respondents over the last five years consistently endorsed the option of devolution—more preferring the idea of an actual parliament with tax-raising powers than that of an assembly. Only 15 per cent of Protestants at the end of 2005 would opt for the present arrangement—remaining part of the UK with no elected representative body in place.

Unsurprisingly, the most popular option for Catholics remains that of unification with the republic. But support for devolution has climbed over the years, from 18 per cent in 2001 to 27 per cent in 2003 to 35 per cent in 2005. By 2005, nearly as many Catholics would favour devolution (35 per cent) as would opt for unification (39 per cent). Like their Protestant counterparts, Catholics who support devolution tend to support the idea of a full parliament rather than an assembly.

Figure 1: Changing Constitutional Preferences 2001-2003

	2001	2003	2005
<b>All</b>	%	%	%
<b>Northern Ireland should become...</b>			
Independent	10	9	11
Remain part of the UK with own Parliament	31	30	31
Remain part of the UK with own Assembly	12	22	21
Remain part of the UK with no Assembly	13	12	10
Unify with the Republic of Ireland	21	17	17
Don't know	13	11	10
<b>Protestants</b>			
<b>Northern Ireland should become...</b>			
Independent	8	6	10
Remain part of the UK with own Parliament	47	37	39
Remain part of the UK with own Assembly	18	31	27
Remain part of the UK with no Assembly	17	17	15
Unify with the Republic of Ireland	1	2	1
Don't know	9	7	8
<b>Catholics</b>			
<b>Northern Ireland should become...</b>			
Independent	13	12	12
Remain part of the UK with own Parliament	14	18	23
Remain part of the UK with own Assembly	4	9	12
Remain part of the UK with no Assembly	7	7	3
Unify with the Republic of Ireland	49	38	39
Don't know	13	15	10

It is important to remember that surveys like Life and Times and others take no measure of the enthusiasm with which respondents greet options like those in Figure 1. We have no idea how much respondents really care about which option is in place at any given time, but the results are clear in so far as in 2003 and 2005 a majority of

people across Northern Ireland said that constitutional devolution would be their preferred option.

In terms of what these results mean for the two governments, it has to be encouraging. The level of Protestant support for devolution, in particular, must also be food for thought for the DUP. And the fact that support for devolution among Catholics has climbed consistently since 2001 is an important development for all political parties to take on board.

## 6. Intergovernmental Relations

*Elizabeth Meehan and Robin Wilson*

### 6.1 North-south

Since the suspension of the institutions in October 2002, the north-south bodies engendered by the Belfast agreement have been placed on a 'care and maintenance' basis. In December 2005, the Northern Ireland secretary, Mr Hain, announced the renewal for one year of board memberships for four of the implementation bodies—the Foyle, Carlingford and Irish Lights Commission, the Language Body, InterTradeIreland and the Food Safety Promotion Board—as well as Tourism Ireland.<sup>78</sup>

It appeared Mr Hain was travelling optimistically: the new December 2006 timescale for renewal of the boards for these bodies chimed with the November deadline, set by London and Dublin in April, for agreement on restoration of the mothballed institutions.

Whatever of metaphorical travelling, roaming charges by mobile-phone companies have created additional costs for those whose working arrangements ensure they frequently cross the border. Pressure from the enterprise minister, Angela Smith, and the republic's communications minister, Noel Dempsey, began to bear fruit in this survey period.

In February, O2 (Ireland) moved to abolish inadvertent roaming charges, while T-Mobile UK indicated that its UK contract customers would face only a flat-rate charge for calls from the republic. In March, Vodafone (Ireland) promised to end roaming charges for its contract customers in the republic when they were calling from the UK, while O2 UK announced a new pre-pay tariff to reduce the cost faced by Northern Ireland customers when going on to the O2 (Ireland) network.

All these announcements were trumpeted by Ms Smith.<sup>79</sup> But the Northern Ireland secretary, Mr Hain, demanded more. Warning the companies of the potential of European Union legal action in the autumn, he urged them to scrap all roaming

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<sup>78</sup> NIO news release, 19 December 2005.

<sup>79</sup> Department of Enterprise, Trade and Investment news releases, 8 February, 14 February, 9 March and 23 March 2006.

fees—which he described as ‘unfair and unjustifiable’—before they were forced to do so.<sup>80</sup>

There was further practical progress on north-south co-operation during the survey period in terms of energy. Ms Smith highlighted how the mixum-gatherum Northern Ireland (Miscellaneous Provisions) Bill (see ‘peace process’ section) included a provision for a single wholesale electricity market on the island of Ireland. This would complement, she said, the £59 million Environment and Renewable Energy Fund announced by Mr Hain in February.<sup>81</sup> This will be welcomed by the fledgling renewables industry in Ireland, focused mainly on wind-power projects, which has seen an all-island approach as key to its expansion.

## 6.2 ‘East-west’

The suggestion of a significantly fuller north-south agenda—the ‘step change’ warned of by the two premiers in their April statement—had been prefigured at a meeting in the ‘east-west’ context two months earlier. This was a meeting of the British-Irish Intergovernmental Conference, the body which under the Belfast agreement subsumed the previous intergovernmental arrangements formalised in the Anglo-Irish Agreement of 1985. It was attended Northern Ireland secretary Peter Hain and the republic’s foreign affairs minister, Dermot Ahern, as well as two junior NIO ministers, Messrs Hanson and Woodward, and the republic’s justice minister, Michael McDowell.

A substantial section of the subsequent communiqué<sup>82</sup> addressed north-south co-operation. It welcomed progress in health, energy, telecoms, transport and waste management, and looked to further co-operation in the mainstream areas of infrastructure, spatial planning and the ‘all-island economy’. The paradox, of course, is that the north-south agenda is being discussed ‘east-west’, because of the absence of a devolved government in Northern Ireland. This may militate against its potential for conciliation among the people of Ireland.

Conversely, also evident during the survey period were political moves being made within the Westminster village quite non-cognisant of their implications on the other side of the Irish Sea—north and south of the border. The speech on the theme of

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<sup>80</sup> NIO news release, 28 March 2006.

<sup>81</sup> NIO news release, 27 February 2006.

<sup>82</sup> *Joint Communiqué, British-Irish Intergovernmental Conference*, 1 February 2006, at: [www.nio.gov.uk/media-detail.htm?newsID=12734](http://www.nio.gov.uk/media-detail.htm?newsID=12734) [accessed 13 April 2006].

'Britishness' by the chancellor, Gordon Brown, to the Fabian Society in January was a case in point.<sup>83</sup>

At first sight, it seemed that Mr Brown was simply equating 'Britain' with Great Britain, rather than the United Kingdom, in urging 'pride in a British patriotism and patriotic purpose' and a flag-flying day akin to 4 July in the US. But, challenged by a reporter from the *Irish News*, the mainly-Catholic Belfast morning daily, a spokesperson for the chancellor said: 'Mr Brown intends this to be UK-wide. It's intended to be all-inclusive with no region to be left out.'

The idea that some hazy geography was at work was, however, underscored by the following sentence from Mr Brown's spokesperson: 'You can read his remarks as covering all the British Isles.' Alban Maginness of the SDLP, whose North Belfast assembly constituency probably contains more flags (Union flags, Tricolours and paramilitary symbols) per square mile than any other in these islands, commented wearily: 'This sort of flag-waving patriotism is something we should have left behind in the 19<sup>th</sup> century.'<sup>84</sup>

Also in January, the republic's justice minister, Mr McDowell, announced that the UK home secretary, Charles Clarke, would be visiting Dublin to discuss the consequences of his plans for identity cards in Britain.<sup>85</sup> Mr McDowell raised the issue of whether citizens in Northern Ireland would have to carry a British ID card, rather than a recognised Irish alternative—given that many are Irish citizens with Irish passports.<sup>86</sup> And there could be problems for Irish citizens living in the republic but working in the north. Nothing in the extensive public debate around ID cards would suggest such considerations had entered the head of anyone in the Home Office.

A meeting of the British-Irish Council, the islands-wide body established under the Belfast agreement, took place in social-inclusion format in Edinburgh on 2-3 March 2006, chaired my Malcolm Chisolm, Scottish minister for communities. In the absence of a devolved executive, Northern Ireland had no ministerial representation. But the UK delegation included officials from the OFMDFM: Gerry Mulligan, head of equality and social need, Arlene McCreight and Nigel Treanor.

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<sup>83</sup> The text is at: [www.fabian-society.org.uk/press\\_office/display.asp?id=520&type=news&cat=43](http://www.fabian-society.org.uk/press_office/display.asp?id=520&type=news&cat=43) [accessed 18 April 2006].

<sup>84</sup> K. Bourke, 'Brown's "British Day" plan criticised', *Irish News* (16 January 2006).

<sup>85</sup> J. Smyth, 'Clarke for ID plan talks in Dublin', *Irish Times* (14 January 2006).

<sup>86</sup> These include, as it happens, the author of this paragraph.

Ministers reviewed progress on disability by the officials group on matters agreed in Cardiff in 2004, relating to employment, education and training. The communiqué<sup>87</sup> recorded laudable views on the human dignity, self-esteem and links with the community to be gained (as well as income and a reduction in poverty) through employment—where necessary, supported employment. But, although ministers seem to have benefited from exchanges of information about challenges and ‘good practice’ solutions (advice, practical help, advocacy, and job-specific guidance), the communiqué was silent on whether there had yet been a discernible impact on the lives of disabled people.

Ministers concluded by agreeing to continue the exchange of information and ideas. They also agreed to initiate work on the inclusion of the child, focusing particularly on lone parents.

During the quarter, the Northern Ireland children’s commissioner joined with counterparts in England, Scotland and Wales to oppose the government’s decision not to ban smacking outright. Nigel Williams said he disagreed with the decision by Lord Rooker, the children’s minister, to retain the defence of ‘reasonable chastisement’ when 2004 legislation on the subject applying in England and Wales was extended to the region.<sup>88</sup> A few weeks later, however, Lord Adonis for the government told the Lords this would indeed go ahead.<sup>89</sup>

Tragically, in March, the children’s commissioner, Mr Williams, lost a long battle with illness. His funeral was widely attended and many tributes were paid on his passing.

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<sup>87</sup> ‘Ministerial meeting of the social inclusion sectoral group’, 2-3 March 2006, at: [www.britishirishcouncil.org/documents/socinc2.asp](http://www.britishirishcouncil.org/documents/socinc2.asp) [accessed 13 April 2006].

<sup>88</sup> J. Lowry, ‘Commissioner wants outright smacking ban’, *News Letter* (23 January 2006).

<sup>89</sup> A. Evans, ‘Smacking curbs for Ulster’, *News Letter* (14 February 2006).

## 7. Relations with the EU

*Elizabeth Meehan*

Most European issues during this period concerned agriculture and the EU, including a welcome for the ending of the beef ban, given that Northern Ireland 'was a significant exporter of beef before the ban in 1996'.<sup>90</sup> But there were two political or constitutional matters to report: on consultation (EU structural funding) and regional and minority languages (Council of Europe).

It had been expected that Northern Ireland would lose its special benefit of a 100 per cent assisted-area status at the end of 2006. Indeed, this was stated in the first version of European Commission proposals. But the enterprise minister, Ms Smith, reported with satisfaction that representations by successive secretaries of state, Messrs Murphy and Hain, had succeeded in securing retention of the status from 2007 to 2013.<sup>91</sup>

There was less satisfaction over fisheries. In November 2005, the fisheries minister, Lord Rooker, hosted a visit by the fisheries commissioner, Joe Borg, who was taken to the fishing port of Kilkeel and met representatives of the industry. The minister hoped this would give him a 'better appreciation of the difficulties' faced in Northern Ireland.<sup>92</sup> He also tried to ensure that the UK fisheries ministers, Ben Bradshaw and Jim Knight, were fully aware of Northern Ireland's interests in preparation of the UK 'line', during negotiations prior to the December 2005 meeting of the EU Fisheries Council. The meeting resulted in some improvements<sup>93</sup> to the commission's opening proposals from Northern Ireland's point of view. But Mr Rooker reported that the overall outcome<sup>94</sup> for the region was 'disappointing' and would 'cause major problems for our small whitefish fleet'.<sup>95</sup>

A consultation exercise, covering the whole of the UK, to identify strategic priorities for EU structural funds between 2007 and 2013 was launched on 28 February. The

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<sup>90</sup> Department of Agriculture and Rural Development news release, 8 March 2006. The quote is from Lord Rooker's ministerial statement of 'delight' at the 'excellent news'.

<sup>91</sup> Department of Enterprise, Trade and Investment news release, 15 February 2006.

<sup>92</sup> DARD news release, 11 November 2005.

<sup>93</sup> There were increases in prawn and plaice quotas in ground where the Northern Ireland fleet fishes.

<sup>94</sup> Along with the increased quotas, there were decreased quotas for Irish Sea cod and other whitefish quotas. These would mean a 10 per cent reduction in days at sea fishing allocations in 2006.

<sup>95</sup> DARD news release, 21 December 2005.

overall document does not include the Co-operation Objective which accommodates a replacement for INTERREG, from which Northern Ireland currently benefits. Nor does it include special measures such as Peace funding. The Northern Ireland chapter on structural funding (previously 'Building Sustainable Prosperity' and, as reported before, linked to the republic's plan) proposes high priority for measures to improve competitiveness and employment, to be funded under a new EU objective—Competitiveness and Employment—which replaces the old Objective 2 and 3 schemes. The chapter is linked to the government's Economic Vision document launched in 2005. The finance minister, Lord Rooker, promised to engage seriously with stakeholders.<sup>96</sup>

The Council of Europe Committee of Experts (COMEX) on regional and minority languages visited Northern Ireland in December 2005, to meet the Irish and Ulster-Scots language bodies and specialists. Under the 2001 Charter for Regional and Minority Languages, the government committed itself to certain actions relating to Irish and Ulster-Scots. The minister, Mr Hanson, reported to the group that licences had been granted to radio stations broadcasting in Irish and that the Ulster-Scots Agency was successfully promoting Ulster-Scots culture. He stressed the government's commitment to linguistic diversity, not just because of international obligations, but because tolerance and respect were part of reconciliation. COMEX was to publish a report after similar meetings in Scotland, Wales and the Isle of Man.<sup>97</sup>

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<sup>96</sup> Department of Finance and Personnel news release, 28 February 2006.

<sup>97</sup> Executive news release, 5 December 2005.

## 8. Relations with Local Government

*Rick Wilford and Robin Wilson*

The decision by the NIO in November 2005 to reduce the number of district councils from 26 to seven in 2009, and to rationalise the health / social services and education / library boards, represented its initial sally in relation to the review of public administration set in train by the devolved executive.<sup>98</sup> In February, the environment minister, Lord Rooker, told a hostile audience at the Northern Ireland Local Government Association annual conference—NILGA had called for a less sharp reduction to 15 councils—that there was no going back on the seven-councils plan.<sup>99</sup> This despite fears that the upshot would be three ‘orange’ and three ‘green’ councils, with Belfast teetering on a unionist-nationalist knife-edge.

Government followed this up in March with the announcement that the number of non-departmental bodies and executive agencies was to be more than halved, from 154 to 75, by scrapping some and merging others.<sup>100</sup> This announcement was generally welcomed by the parties, but the SDLP and SF expressed serious reservations about the proposal to consider the transfer of housing to the reformed tier of local government at some future date. For nationalists this stirred still raw memories of the misuse of housing allocation by councils under the old Stormont regime.

The Northern Ireland secretary, Mr Hain, pledged that savings from the ‘quango cull’ (estimated to be some £200 million)<sup>101</sup> would remain in Northern Ireland and be directed towards public services, including health and education. This did find broad support—apart, that is, from the trade unions, some of whose members face unemployment as a result of the reforms.<sup>102</sup>

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<sup>98</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2006*, at: [www.ucl.ac.uk/constitution-unit/research/devolution/Monitoring%20Reports/Jan06/NI%20Jan06.pdf](http://www.ucl.ac.uk/constitution-unit/research/devolution/Monitoring%20Reports/Jan06/NI%20Jan06.pdf), pp. 42-6.

<sup>99</sup> D. Young, “‘Forget about’ u-turn on council overhaul”, *News Letter* (17 February 2006).

<sup>100</sup> ‘Hain cuts through bureaucracy with quango cull’, NIO press release, 21 March 2006. Mr Hain revised upwards the number of councillors, from 350 to 420, to be elected to the seven new councils (the current figure is 582): i.e. 60 each.

<sup>101</sup> This figure was confirmed by the junior minister Shaun Woodward during the Northern Ireland Grand Committee debate on the RPA, 28 March 2006.

<sup>102</sup> To ensure that ‘members of staff affected by the changes are treated in a fair and efficient manner’, Mr Hain announced the creation of a Public Service Commission, chaired by Sid McDowell, the former deputy general secretary of the Northern Ireland Public Service Alliance. NIO press release, 8 March 2006.

A week later, Lord Rooker was in a more emollient mode, inaugurating a 'political advisory panel' of the Local Government Taskforce establish to develop the detail of the post-RPA local government arrangements. The panel, which he was to chair, was described as offering the parties 'a direct input' to the work of the Taskforce.<sup>103</sup>

Meanwhile, an order was laid at Westminster to allow the move to seven councils.<sup>104</sup> It included provision for a boundaries commissioner, who would be given the flexibility to divide a district into between 55 and 65 wards in certain circumstances, though 60 was envisaged for each new authority.<sup>105</sup>

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<sup>103</sup> Department of Environment news release, 28 March 2006.

<sup>104</sup> Draft Local Government (Boundaries) (Northern Ireland) Order 2006, at: [www.opsi.gov.uk/si/si2006/draft/ukdsi\\_0110800303\\_en.pdf](http://www.opsi.gov.uk/si/si2006/draft/ukdsi_0110800303_en.pdf) (accessed 5 May 2006).

<sup>105</sup> DoE news release, 29 March 2006.

## 9. Finance

*Rick Wilford and Robin Wilson*

### 9.1 Celtic Tiger Effect

The *Belfast Telegraph* has acted as a conduit in recent months for a business campaign to reduce corporation tax in Northern Ireland, envious of lower rates across the border in the republic. Such fiscal harmonisation has thus far been ruled out: there is no support in the Treasury for proposals to alter UK tax rates for the region, whose 'fiscal effort' is only now beginning to improve.

At the end of January, however, the Northern Ireland secretary, Mr Hain, did give a major speech on closer links between the economies north and south, including a common inward-investment strategy. While welcome to nationalist ears, this stirred some unease within unionism—disquiet which deepened with the plan-B 'joint stewardship' alluded to by both governments on 6 April. The dovetailing of financial services has long been on the agenda of Dublin governments, not least in relation to the background papers furnished by the then government prior to the Framework Documents of February 1995.<sup>106</sup>

It remains to be seen whether this will be a dimension in any new north-south initiative, but in the interim the new co-operative spirit animating the Belfast/Dublin relationship does look set to prosper. A 'high-value skills economy', north and south, is needed, according to Mr Hain, to overcome 'the common external threats from globalisation'. It was 'good, common-sense co-operation on matters of mutual interest across both jurisdictions' he continued, sketching out a future in which Northern Ireland's economy 'had to be weaned off its current over-dependence on the public sector'.

Mr Hain has, it seems, seen the island's economic future and it can only work on a 32-county basis—up to a point, of course, given Northern Ireland's dependence on the block grant from the Treasury. Readying the region to become a 'world-class economy' does, among other things, require an efficient and modern infrastructure and, to that end, the Investment Strategy for Northern Ireland (a 10-year strategic

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<sup>106</sup> Private information. For a more general discussion of the Framework Documents see R. Wilford, 'Regional Assemblies and Parliament', in P. Mitchell and R. Wilford (eds.), *Politics in Northern Ireland* (Boulder, CO: Westview Press, 1999), pp. 117-41.

plan for public sector investment) is under way.<sup>107</sup> In February, Lord Rooker stressed the need for north-south co-operation on infrastructure investment,<sup>108</sup> while the Northern Ireland (Miscellaneous Provisions) Bill included, as indicated (see intergovernmental relations section), facilitation of a single wholesale electricity market.

In addition, a new 'skills and science' fund was unveiled by the secretary of state, to attract business investment: 'unless Northern Ireland becomes internationally renowned for its skills base we have no prospect of winning new business ... and creating prosperity and growth'.<sup>109</sup> The fund will aid the education reforms (see public-policies section), inasmuch as it will be part of the development of a new pre-apprenticeship programme for 14-16 year-olds.

## 9.2 Rates Rows

In January, the finance minister, Lord Rooker, laid the draft order paving the way for household rates bills based on capital values (not rental values as before), which will come into effect from April 2007. In a masterly piece of understatement, he remarked: 'Rates is not an issue that we expect people to be enthusiastic about'.<sup>110</sup> Concurrently, he announced regional rates poundages for 2006-07, which showed a 19 per cent increase over the previous year.

In March, the chancellor's tenth—and possibly final—budget met a cool reaction in Northern Ireland. The chief economist at PwC in Northern Ireland, Philip McDonagh, said: 'This was a Budget about politics and popularity, not about the UK regions. There was plenty in the speech about stimulating regional economic regeneration and prosperity, but few initiatives to make it happen.'<sup>111</sup>

The director of policy for the Northern Ireland Council for Voluntary Action, Frances McCandless, said she was pleased to see Sure Start expand but concerned there was no guarantee this would extend to Northern Ireland. 'We're bitterly disappointed the Chancellor didn't announce steps to end poverty,' she said.<sup>112</sup>

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<sup>107</sup> Department of Finance and Personnel news release, 28 March 2006.

<sup>108</sup> OFMDFM news release, 10 February 2006.

<sup>109</sup> BBC News online (21 February 2006).

<sup>110</sup> DFP press release, 26 January 2006.

<sup>111</sup> J. Stinson, 'Few surprises for the north's economy in latest measures', *Irish News* (23 March 2006).

<sup>112</sup> 'Activists bemoan missed chance', *Irish News* (23 March 2006).

Meanwhile, there has been much angst within the education and library boards, reeling from a range of financial pressures in recent months, provoking tensions between elected members (inclined to play to the gallery) and nominees (inclined to be pragmatic). Two of the five boards, the Belfast and South-Eastern, threatened not to implement cuts required to tackle their deficits but in the end they agreed to do so.<sup>113</sup>

Oppositionalist political sentiment was mobilised in April when the five main political parties united in support of business—in the shape of the ‘Northern Ireland Manufacturing Focus Group’—to oppose the end of industrial derating flowing from the wider reform of the rating system in the region. The change, introduced in England and Wales in 1963 and phased in in Scotland by 1995, will still not apply fully in Northern Ireland until 2011. The NIMFG demanded that businesses pay no more than 25 per cent of their rates bills.<sup>114</sup> Neither of the nominally socialist parties, the SDLP and SF, explained how their support for business was consistent with their position on the left-right spectrum.

The economist John Simpson pointed out in his weekly column in the *Belfast Telegraph* that the lobbyists for lower business taxation had not said whether they expected a larger Westminster subvention or lower public expenditure. He also suggested that the adequacy of skills, infrastructure and innovation in Northern Ireland were more critical to improving economic performance.<sup>115</sup>

The parties again united 10 days later to condemn the domestic rates bills arriving through household letter boxes, incorporating the 19 per cent rise. Apart from the Alliance Party proposal that money be saved by cutting down on sectarian duplication of public services, none of the parties suggested how revenue would otherwise be raised to improve services, or raised in a more egalitarian fashion.<sup>116</sup>

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<sup>113</sup> I. Graham, ‘About turn by board in school cutbacks vote’, *News Letter* (30 March 2006).

<sup>114</sup> J. Manley, ‘Big five unite to save industrial rates relief’, *Irish News* (3 April 2006).

<sup>115</sup> J. Simpson, ‘Business bids for lower tax’, *Belfast Telegraph* (3 April 2006).

<sup>116</sup> ‘This is only the beginning, warns MP’, *News Letter* (13 April 2006).

## 10. Political Parties and Elections

*Duncan Morrow*

### 10.1 Introduction

Northern Ireland political life has settled into its own kind of equilibrium over the last three years. On the one hand, the assembly election of 2003 delivered a stand-off between the militant, and traditionally rejectionist, factions in unionism and nationalism, with the unsurprising result that every avenue has been explored to avoid making trade-offs on fundamentals. Every potential move forward has therefore been set against an absence of political generosity, which has deepened public cynicism. On the other, there has been palpable frustration in London and Dublin, and among their wider international supporters, about the failure by either side to make the 'historic compromise' which alone could guarantee stable devolved government. Overwhelmingly the practical result has been stasis, as Northern Ireland becomes a kind of political Chernobyl—simultaneously lifeless and poisonous, entombed in concrete to prevent further explosions, but effectively moribund from the perspective of any wider use.

Bubbling under the surface calm is ongoing sectarian antagonism. The ambivalence of Irish history about violence was profoundly illustrated by the very public debate following the decision by the taoiseach, Mr Ahern, to reinstate a military parade in honour of the Easter Rising. While the British ambassador and the SDLP attended,<sup>117</sup> no unionist accepted the invitation. Fianna Fáil's own political agenda was perhaps best illustrated by the absence of the main SF leadership from the platform outside the GPO, headquarters of the 1916 rebels.<sup>118</sup>

In February in Dublin, a controversial march to protest against IRA violence in Northern Ireland—organised by a group known as the 'Love Ulster' campaign, with the support of several unionist MLAs—was stopped when gardaí came under attack from a republican mob, causing some £7 million worth of damage to property and a rude awakening to southerners.<sup>119</sup> In the north, the new Parades Commission was challenged when it emerged that one of its members, controversially a member of the

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<sup>117</sup> *Irish Times* (14 April 2006).

<sup>118</sup> *Irish News* (17 April 2006).

<sup>119</sup> *Irish Independent* (27 February 2006).

Orange Order, had used a reference from an SDLP MLA without permission.<sup>120</sup> Even St Patrick's Day remains controversial, with unionist protests against the display of a few Tricolours in spite of Belfast City Council's best efforts at an inter-community event.<sup>121</sup> Meanwhile, the government sought to appease working-class Protestant alienation with the announcement of a package of £33 million, mostly focused on education and employment—in spite of serious misgivings about the sectarian nature of the approach in many quarters.<sup>122</sup>

This survey period brought evidence that the governments were coming to the end of their patience with Northern Ireland politics, although whether there was much they would do about the absence of progress, other than care—and possibly pay—less, was an open question. With the looming prospect of more disputes over parades and culture during the summer, they also seemed to be coming to the end of their imagination. In that context, the fact that the DUP made a presentation to the British-Irish Interparliamentary Body, meeting in Killarney, Co Kerry, was greeted almost with relief—even though no substantive shifts in the party's position, as outlined in *Facing Reality* (see 'peace process' section), were evident.

## 10.2 The Labour of Sisyphus

With official minds focused on the prospect that both premiers, Messrs Ahern and Blair, might be in their last years of power, the importance of 2006 was constantly reiterated.<sup>123</sup> But determination to restore the collapsed institutions of the agreement now always takes place against the backdrop of DUP antipathy to that deal. As a result, anyone seeking to re-establish the assembly and the power-sharing executive would have to claim that the institutions had been established without alteration, as demanded by the SDLP,<sup>124</sup> or abolished and entirely reconfigured, as demanded by the DUP.<sup>125</sup>

Having promised talks in the new year, Mr Blair was forced by lack of progress to cancel his planned trip to Belfast in February, where he had hoped to deliver a major speech intended to force the pace of negotiations.<sup>126</sup> Within weeks, the governments

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<sup>120</sup> *Irish News* (28 February 2006).

<sup>121</sup> *Belfast Telegraph* (18 March 2006).

<sup>122</sup> *Belfast Telegraph* (4 April 2006).

<sup>123</sup> *Belfast Telegraph* (5 January 2006).

<sup>124</sup> *Belfast Telegraph* (14 February 2006).

<sup>125</sup> *Irish News* (6 February 2006).

<sup>126</sup> *Irish Times* (16 February 2006).

were also forced to backtrack on plans to hold round-table multi-party talks.<sup>127</sup> Instead, they resorted to intergovernmental diplomacy and the development of a take-it-or-leave-it roadmap to a fully restored executive.<sup>128</sup>

The governments' ignominious retreat on the issue of 'on the run' prisoners, following a *volte face* by SF, did not augur well for confidence-building among the parties in Northern Ireland.<sup>129</sup> Matters were made more complicated by the eighth report of the Independent Monitoring Commission (see 'peace process' section). While the governments and nationalist politicians reacted with ill-disguised irritation and sought to downgrade the report,<sup>130</sup> the effect was to delay further any prospect of forcing the DUP into direct talks until after the next report, which was due at the end of April. Government hopes that the IRA was severing all links to crime looked shakier following a high-profile cross-border raid on the farm of Thomas 'Slab' Murphy, widely believed to have been the chief of staff of the IRA, and the exposure of a sophisticated fuel-laundering system in a barn.<sup>131</sup>

In frustration more than hope, therefore, the governments agreed their new initiative over a series of meetings in London and Brussels,<sup>132</sup> in spite of loudly articulated concerns from the SDLP and SF.<sup>133</sup> In essence, the plan amounted—borrowing a phrase from the early 80s—to 'rolling devolution' (see 'peace process' section). Reaction to the plan was perhaps surprisingly muted. While the DUP leader, Mr Paisley, made clear he would not be bound by deadlines into making executive deals with SF,<sup>134</sup> and both the SDLP and SF made clear that they would not participate in an assembly without an executive,<sup>135</sup> the parties seemed obliged by various political commitments to engage, at least until the end of the first period in June, when the overlap between the agreement and the Blair-Ahern initiative stops.

In an attempt to retain SDLP and SF participation, the Northern Ireland secretary announced that the 24 November deadline would be enforced in legislation, and therefore incapable of further extension without yet another bill.<sup>136</sup> To ensure that the

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<sup>127</sup> *Irish Times* (21 February 2006).

<sup>128</sup> *Belfast Telegraph* (2 March 2006).

<sup>129</sup> *Belfast Newsletter* (12 January 2006).

<sup>130</sup> *Irish Times* (2 February 2006).

<sup>131</sup> *Irish News* (11 March 2006).

<sup>132</sup> *Belfast Telegraph* (23 March 2006).

<sup>133</sup> *Irish Times* (25 March 2006).

<sup>134</sup> *Irish Times* (7 April 2006).

<sup>135</sup> *Irish News* (7 April 2006).

<sup>136</sup> *Irish Times* (8 April 2006).

inability to elect even a Speaker for the assembly would not prevent progress, Ms Bell of Alliance was appointed.<sup>137</sup> Meanwhile, three members of the DUP—Eileen Paisley, Maurice Morrow and Wallace Browne—were elevated to the Lords, alongside the former UUP leader, Mr Trimble.<sup>138</sup>

All of which changed very little in the underlying conundrum of Northern Ireland politics. Most commentators rated the chances of agreement by November as poor, given the stated positions of all parties. The prospect of political oblivion for regional political parties has not yet concentrated minds in Northern Ireland, and there is a widespread feeling that a decision to wind up the assembly would have rather more effect on the UUP, SDLP and Alliance—more reliant on assembly salaries and expenses—than on the two key protagonists, SF and the DUP, which receive allowances from the Dáil (in the former case) and Westminster (again, in the former case, following their restoration).<sup>139</sup> And the precise nature of what might follow, in a context of increasing disengagement internationally and in London and Dublin, remains uncertain to say the least. We are potentially entering new territory.

As the survey period closed, the government published the Northern Ireland Bill (see assembly section), which would allow the assembly to be re-established on 15 May.<sup>140</sup> The bill would also allow of the postponement of the next assembly election, due along with its counterparts in Scotland and Wales in May 2007, for up to a year. While the election would be cancelled in the absence of inter-party agreement by May 2007, in the government's scheme, postponement would be a device to protect any new power-sharing executive from electoral challenge at an early stage. A ministerial source was quoted as saying that 'if we got success by November it would be crazy to plunge the parties into an election so early'.<sup>141</sup>

This may or may not have made sense, but it sat uneasily with the provision sought in the Northern Ireland (Miscellaneous Provisions) Bill—also introduced in early 2006—to allow a snap election to be called instead. It did not suggest a government with a strong grasp on Northern Ireland's political affairs.

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<sup>137</sup> *Newsletter* (11 April 2006).

<sup>138</sup> *Belfast Telegraph* (11 April 2006).

<sup>139</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2006*, at: [www.ucl.ac.uk/constitution-unit/research/devolution/Monitoring%20Reports/Jan06/NI%20Jan06.pdf](http://www.ucl.ac.uk/constitution-unit/research/devolution/Monitoring%20Reports/Jan06/NI%20Jan06.pdf), p.14.

<sup>140</sup> Northern Ireland Bill, Bill 169 (2005-06 Session), at: [www.publications.parliament.uk/pa/cm200506/cmbills/169/2006169.pdf](http://www.publications.parliament.uk/pa/cm200506/cmbills/169/2006169.pdf) [accessed 5 May 2006].

<sup>141</sup> B. Walker, 'Election may be on hold for two years', *Belfast Telegraph* (20 April 2006); D. Keenan, 'London sets out plan to restore institutions', *Irish Times* (21 April 2006).

### 10.3 Politics as Usual

The first three months of this year saw a series of party conferences. The DUP gathered to celebrate its destruction of the UUP, in celebratory mood.<sup>142</sup> There appears to be no prospect that Mr Paisley, who celebrated his 80th birthday in April, will retire in the near future, leading to speculation about the internal unity of the party in the longer term.<sup>143</sup> In the short term, the party struck a triumphant note, demanding full disbandment of the IRA as the price for power-sharing.<sup>144</sup>

SF's ard fheis was a more sober occasion.<sup>145</sup> This was the first conference following IRA decommissioning. In the absence of real progress in the north, short-term party hopes remain focused on a breakthrough in the republic. 2005 proved a challenging year for the republican movement, with major political difficulties following the murder of Robert McCartney and a relatively disappointing general election performance in the north. In debate, SF deferred any decision on joining the Police Service of Northern Ireland, and there was press speculation that any such decision would require a special party meeting.<sup>146</sup> Electoral attention is likely to switch to the republic over the next year, as SF attempts to position itself as a power broker following the Dáil election of 2007.

The SDLP has been extremely exercised by British government proposals to support 'community restorative justice' schemes with alleged links to paramilitary organisations. Having made the politically difficult decision to join the Policing Board in 2001, the SDLP has become an ardent defender of the rule of law, and saw in these proposals an attempt to appease SF by the back door through licensing these locally-organised schemes.<sup>147</sup> The board itself has also been hostile.<sup>148</sup> As the monitoring period closed, the government had not published final proposals, although it would seek, if possible, to avoid a humiliation of the sort meted out over the withdrawn 'on the run' legislation on paramilitary fugitives.

The Alliance Party, meeting in conference in Antrim, was overtaken by dismay at the decision by the Department of Education to refuse funding for four proposed integrated schools—in Integrated Education Week. While the government pleaded

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<sup>142</sup> *Irish Times* (6 February 2006).

<sup>143</sup> *Irish News* (6 February 2006).

<sup>144</sup> *Belfast Telegraph* (4 February 2006).

<sup>145</sup> *Irish Times* (18 February 2006).

<sup>146</sup> *Irish Times* (20 February 2006).

<sup>147</sup> *Irish News* (4 February 2006).

<sup>148</sup> Policing Board news release, 28 March 2006.

costs, Alliance underlined the apparent contradiction between the decision and the government's own declared policy aims, both longstanding and in *A Shared Future* (see 'devolved'-government section).<sup>149</sup>

All parties are now contemplating a future in which local government is the only arena for governance. During an SDLP conference on the theme of *A Shared Future*, the party leader, Mark Durkan, expressed the fear that the November deadline for regional, power-sharing devolution, if missed by the parties, could see Northern Ireland 'sleepwalking' into the scenario of local-government 'Balkanisation' which had led all parties, bar SF, to oppose the government's seven-councils model. He feared the DUP would then come round, seeing the prospective benefits of a sectarian carve-up of local power.

#### 10.4 Conclusion

On a day-to-day level, the absence of overt and recurrent violence continues to create possibilities. The death in January of Merlyn Rees, secretary of state during the Ulster Workers' Council strike of May 1974,<sup>150</sup> brought a perspective to those who argue that things have never been worse. At the same time, the sapping effects of polarisation are depressing.

On the eighth anniversary of the agreement, the *Irish Times*, in a dolorous editorial, complained that 'it is a standing affront, surely, to all democrats that Irish and British citizens live on a part of this island in a near-apartheid state of separate track development'.<sup>151</sup> A report in January had indicated that over 4,000 first-year students leave Northern Ireland every year to attend universities in Britain but that only one third return after graduation.<sup>152</sup> Without an end to sectarian antagonism, it is unlikely that many more will be attracted back in 2006.

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<sup>149</sup> *Irish Times* (6 March 2006).

<sup>150</sup> *Irish Times* (7 January 2006).

<sup>151</sup> 'Eight years of the Belfast Agreement', *Irish Times* (10 April 2006).

<sup>152</sup> *Irish Times* (6 January 2006).

## 11. Public Policies

*Rick Wilford and Robin Wilson*

### 11.1 Education

The NIO's determination to end the '11+' in 2008 remains undiminished and to that end in January it published its plans for the future of post-primary education.<sup>153</sup> Between 11 and 14 all secondary pupils will receive a comprehensive education; thereafter, post-primary schools will have to offer 14-year-olds up to 24 courses, of which up to one third will be vocational, and parents and children will select their courses based on a 'pupil profile'. At 16, pupils will choose from among 27 courses, again one third of which will be vocational. To facilitate access to the range of courses, partnerships will be formed between grammar and secondary schools and further-education colleges. The planned single-tier education authority, proposed as an integral part of the RPA, will have a strategic role across education from 14 to 19.

Alongside this announcement, the Northern Ireland secretary, Mr Hain, launched a 'year zero' comprehensive spending review, covering all departments, and an independent root-and-branch review of education spending, the schools estate and the effect of falling rolls on provision.<sup>154</sup> There are almost 50,000 spare school places in Northern Ireland, a figure that is projected to rise to 80,000 by 2015.<sup>155</sup>

Despite widespread, mostly unionist, opposition to the abandonment of the '11+', Mr Hain was blunt in defending this and other changes to the educational system. To secure an 'entire workforce of the best', not just a grammar-school educated 'elite', he insisted that 'no matter how well our education system has served us in the past, it is not good enough to overcome the challenges of the future'.<sup>156</sup> Thus, he re-affirmed the end of the transfer test, implementation of 'specialist' schools, the introduction of the new curriculum, transformation of schools into community centres open from 8am until 6pm, and a commitment to the non-school sector, including further education and apprenticeships.<sup>157</sup>

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<sup>153</sup> 'Delivering the Entitlement Framework', NIO press release, 31 January 2006.

<sup>154</sup> Sir George Bain, the former vice-chancellor of Queen's University, will chair the review.

<sup>155</sup> 'Hain announces root and branch look at public spending and independent review of education', NIO press release, 31 January 2006.

<sup>156</sup> 'Education reforms non-negotiable', NIO press release, 8 March 2006.

<sup>157</sup> The under-utilisation of the school estate caused by falling school rolls, and the NIO's determination to share facilities across sectors, was the rationalisation for the rejection by the education minister, Ms Smith, of development proposals for four new integrated schools. 'Education minister decides on new

Shortly before Mr Hain's speech, there were hints from Northern Ireland's elite grammar schools, including Methodist College Belfast, that they might go private in response to the abolition of the transfer test.<sup>158</sup> Government hinted in return that it could claw back the very considerable public subsidy such schools had secured over the years, and no more was heard of the opt-out suggestion. Meanwhile, survey evidence indicated middle-class parents were already moving or planning to move home to allow them to claim local residence and so privileged access to 'good' schools after the changeover.<sup>159</sup>

Shortly after the reintroduction of direct rule in 2002, the NIO had abandoned the devolved government's cross-departmental 'Executive Programme Funds', including that earmarked for children—provoking outrage among children's charities.<sup>160</sup> So it almost reinvented the wheel, or at least part of its rim, when Mr Hain announced a forthcoming 10-year strategy for children and young people,<sup>161</sup> having earlier announced the investment of £15 million in voluntary-sector children's projects, several of which had been threatened with closure.<sup>162</sup> Two days later, and in the wake of the budget statement, he said that the bulk of the schools' Barnett consequential (£26 million) would be directed to this 'Children and Young People Fund', bringing its total over 2006-08 to £100 million.<sup>163</sup>

## 11.2 Health

The health minister, Mr Woodward, announced in January a new strategy for the estimated 185,000 carers—predominantly female—in Northern Ireland, comprising about 11 per cent of the population.<sup>164</sup> The document noted that 68 per cent of carers experienced financial constraints that limited their activities, yet only 9 per cent were receiving Carers' Allowance. It endorsed a range of responses to the needs of carers, including information, support, training and employment.

The carers' strategy originally emerged from an interdepartmental working group, established in 2002, which also embraced voluntary organisations and carers

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integrated schools', NIO press release, 2 March 2006. The previous day Ms Smith had announced a £380 million investment in school building.

<sup>158</sup> S. Doyle, 'Leading grammar could turn "private"', *Irish News* (28 February 2006).

<sup>159</sup> 'Families on move to secure school places', *News Letter* (28 February 2006).

<sup>160</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: November 2004*, at: [http://www.ucl.ac.uk/constitution-unit/monrep/ni/ni\\_november\\_2004.pdf](http://www.ucl.ac.uk/constitution-unit/monrep/ni/ni_november_2004.pdf), p.16.

<sup>161</sup> Written ministerial statement, HC, 20 March 2006, cols. 7-11W.

<sup>162</sup> G. Murray, 'Hain: £15m to be invested for young people', *News Letter* (7 March 2006).

<sup>163</sup> NIO press release, 22 March 2006.

<sup>164</sup> *Caring for Carers: Recognising, Valuing and Supporting the Caring Role* (Belfast: DHSSPS, 2006), at [www.dhsspsni.gov.uk/publications/2006/caring\\_for\\_carers.pdf](http://www.dhsspsni.gov.uk/publications/2006/caring_for_carers.pdf) [accessed 21 April 2006].

themselves. This was one of a number of thematic working groups established under the 'promoting social inclusion' strand of the 'New Targeting Social Need' programme which New Labour introduced, as a successor to 'old' TSN, shortly after coming to power in 1997. While the programme overall has been very negatively evaluated, and is to be replaced eventually by an anti-poverty strategy, the thematic (rather than departmental) focus of the PSI working groups, and their engagement of non-governmental representation, has led to positive policy proposals.

Also in January, the minister announced the introduction of 'Integrated Clinical Assessment and Treatment Services' (ICATS), to help stem the growing out-patient waiting list—at 187,000, equivalent to one in nine of the population. ICATS is designed to speed-up referrals from GPs to specialists to, eventually, three days.<sup>165</sup> With regard to waiting lists for in-patients and day-case patients, Mr Woodward announced that the figures were at their lowest since 1994, such that those waiting 12 months or more had halved over the previous quarter.<sup>166</sup>

By the beginning of April, the minister felt able to trumpet the realisation—though ahead of publication of the figures—of his pledge in July 2005 that by March 2006 no one would be waiting for in-patient treatment for longer than a year.<sup>167</sup> When he made the promise, there were 4,000 excess waiters, of whom some had been waiting for as long as six years. Emboldened, Mr Woodward now promised that inpatient and day-case waiting times would be reduced to a maximum of six months by March 2007.<sup>168</sup> Apparently inexorably growing waiting lists had been a feature of devolution before its suspension in 2002.

The long-running battle over the retention of accident and emergency services at Tyrone County hospital in Omagh—dramatised by the 1998 Real IRA bomb and leading in 2003 to a local GP, Kieran Deeny, topping the assembly poll in the West Tyrone constituency—reached its conclusion in March. A&E services were transferred to Eniskillen, more than 30 miles away, although Omagh will retain a 24-hour urgent-care treatment centre. Elsewhere, the Southern Health and Social Services Board announced an investment plan (£228 million over 20 years) for new

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<sup>165</sup> 'Minister launches new system ...', NIO press release, 16 January 2006. ICATS represents an investment of £35 million by 2007-08.

<sup>166</sup> NIO press release, 2 March 2006.

<sup>167</sup> 'Minister keeps promise on waiting lists', Department of Health, Social Services and Public Safety news release, 8 April 2006.

<sup>168</sup> 'Dramatic new cuts in waiting lists to six months', DHSSPS news release, 8 April 2006.

hospital and primary-care services, developed as part of the regional programme of investment in health and social services, costed at £2.2 billion over the coming decade.<sup>169</sup>

In the arena of public health, the minister launched for consultation in March the draft order in council implementing a ban on smoking in public places,<sup>170</sup> a measure which—because of the campaigning efforts of the professional bodies and the example of the Republic of Ireland—has come to enjoy wide support. More difficult challenges loomed, however, later in the month.

A taskforce on obesity among young people reported that increasing fat content in food and falling exercise meant that, even though children were not consuming more calories, obesity rates were rising rapidly year on year. Among those aged between 4½ and 5½, rates had increased among boys from 13 per cent in 1997-98 to 19 per cent in 2003-04, and among girls over the same period from 20 per cent to 27 per cent.<sup>171</sup>

The taskforce recommended a ‘joined-up’ approach covering public procurement, ‘healthy schools’, community interventions and so on—an approach which the system of ten departments plus OFMDFM bequeathed by devolution hardly facilitates. Mr Woodward echoed the ‘joined-up’ language in launching the report and promised a cross-departmental response from the longstanding Ministerial Group on Public Health within three months. But it was a measure of the scale of the challenge, or of the weakness of the governmental apparatus at his disposal, or both, that the target he set was merely to stop obesity levels rising, by 2010—echoing the commitment for England made by the Department of Health in 2004—rather than to reverse the trend.<sup>172</sup>

At the end of March, the minister launched for consultation a suicide-prevention strategy, following another taskforce report.<sup>173</sup> Suicide, particularly among young working-class males, has been rising up the media agenda. And Mr Woodward described as ‘clearly shocking’ an increase of nearly 50 per cent in suicides over the

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<sup>169</sup> DHSSP news release, 20 January 2006.

<sup>170</sup> DHSSP news release, 6 March 2006.

<sup>171</sup> *Fit Futures: Focus on Food. Activity and Young People* (Belfast: DHSSPS, 2006), at: [www.dhsspsni.gov.uk/ifh-fitfutures.pdf](http://www.dhsspsni.gov.uk/ifh-fitfutures.pdf) [accessed 21 April 2006].

<sup>172</sup> DHSSPS news release, 10 March 2006.

<sup>173</sup> *Protect Life: A Shared Vision* (Belfast: DHSSPS, 2006), at: [www.dhsspsni.gov.uk/suicide-consultation-main-report.pdf](http://www.dhsspsni.gov.uk/suicide-consultation-main-report.pdf) [accessed 21 April 2006].

last year, to 213. He promised to double planned expenditure on the strategy in this financial year—albeit from the infinitesimally small base of £1 million.<sup>174</sup> He also announced a new senior post in the department to act as a champion for mental health,<sup>175</sup> pilot schemes offering a helpline and buddying/mentoring for those at risk<sup>176</sup> and a long-delayed training programme in ‘depression awareness’ for GPs.<sup>177</sup>

But the minister warned: ‘Evidence from Scotland, England or the United States also suggests that whatever approaches are adopted do not necessarily even produce a turnaround in the figures.’ And, this time, Mr Woodward offered no target at all.

### 11.3 Environment

In February, Mr Hain announced a greener—environmentally speaking—Northern Ireland, with a scheme to encourage householders to adopt renewable energy to heat their homes. A £59 million ‘Environment and Renewable Energy’ package is to include grant assistance of up to 50 per cent to private householders wishing to instal solar panels and the like. The NIO is to act as a model for the scheme, such that the Stormont estate will be powered by a biomass plant, while solar energy will be harnessed on other government buildings. The package also earmarked new monies for the warm-homes scheme initiated by the devolved administration.<sup>178</sup>

In March, the environment minister, Lord Rooker, savaged by environmentalists after an early decision by him—a ‘no-brainer’, he said—to give the planning go-ahead to another out-of-town superstore, won their affections by announcing action to stem the soaring growth of one-off rural housing. In 1994-95, approval was granted for 1,845 such developments; in 2005-06 more than 12,000 were permitted. The loophole has been that Northern Ireland, unlike any other part of the UK, has had a presumption of development outside of the green belt. Lord Rooker said green-belt restrictions would now apply throughout.<sup>179</sup> Reaction from the Ulster Farmers’ Union was hostile, and it is certain that, had the Ulster Unionist Party retained the environmental portfolio they held between 1999 and 2002, such a measure would not have seen the light of day. Indeed, as environment minister, Dermot Nesbitt of the

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<sup>174</sup> ‘Minister to fund strategic taskforce in full’, DHSSPS news release, 30 March 2006.

<sup>175</sup> ‘New senior post for mental health announced by Woodward’, DHSSPS news release, 30 March 2006.

<sup>176</sup> ‘New telephone helpline and mentoring scheme piloted in suicide prevention strategy’, DHSSPS news release, 30 March 2006.

<sup>177</sup> ‘GPs and the public—help prevent suicide’, DHSSPS news release, 30 March 2006.

<sup>178</sup> NIO press release, 27 February 2006.

<sup>179</sup> D. Gordon, ‘Clampdown on new homes: farmers to fight tighter rules on rural planning’, *Belfast Telegraph* (16 March 2006).

UUP gave the go-ahead to housing developments for which sewage provision was inadequate.

Lord Rooker also launched a new waste management strategy, updating that from 2000. It emerged a week after the excoriating attack on the department's handling of waste from the Public Accounts Committee (see 'devolved'-government section). The strategy notes how evaluations of its predecessor had invoked the need for strong government leadership, and the minister promised he would chair a Strategic Waste Board, tasked with overseeing delivery of the new version.<sup>180</sup>

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<sup>180</sup> *Towards Resource Management: The Northern Ireland Waste Management Strategy 2006-2020* (Belfast: DoE, 2006), at: [www.ehsni.gov.uk/pubs/publications/wms.17.pdf](http://www.ehsni.gov.uk/pubs/publications/wms.17.pdf) [accessed 21 April 2006], p. 7.

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**Acronyms**

BIC	British-Irish Council
BIIC	British-Irish Intergovernmental Conference
BIIPB	British-Irish Inter-Parliamentary Body
DUP	Democratic Unionist Party
FDI	Foreign Direct Investment
IMC	Independent Monitoring Commission
MLA	Member of the Legislative Assembly
NICVA	Northern Ireland Council for Voluntary Action
NIO	Northern Ireland Office
OFMDFM	Office of the First Minister and Deputy First Minister
PUP	Progressive Unionist Party
RPA	Review of Public Administration
SDLP	Social Democratic and Labour Party
SF	Sinn Féin
UDA	Ulster Defence Association
UUP	Ulster Unionist Party
UVF	Ulster Volunteer Force

## **Executive Summary**

The sunny official optimism in London and Dublin that has defied every cloud over Northern Ireland since the paramilitary ceasefires of 1994 has faded at last.

The prime minister, Tony Blair, and the taoiseach, Bertie Ahern, buffeted domestically and battle-scarred by their failures in 2003 and 2004 to restore the fragile institutions established by the Belfast agreement of 1998, paid yet another joint visit to the region in June. Nearly four years on from the demise of the post-agreement institutions, they insisted that 24 November represented a final—really final—deadline for their renewal.

Mr Ahern warned bleakly that failure this time would mean devolution would be ‘light years away’. And the Northern Ireland Secretary, Peter Hain, spoke gloomily of a ‘deep freeze’. The two governments’ repeated disdain for any contingency ‘Plan B’ over the years had left them bereft of an alternative to ‘implementing the agreement in full’—despite the evidence of public support for a more nuanced approach, willing to revisit the architectural detail.

London and Dublin were thus reduced to repeatedly pressing the Democratic Unionist Party, in the face of its deep-seated sectarianism, to accept a power-sharing arrangement including Sinn Féin. Carrots and sticks were blandished—the carrots including the potential sacrifice of a long-overdue abolition of the ‘11-plus’ in the region, and the sticks vaguely defined ‘partnership’ arrangements which conjured up a return to the old approach of the Anglo-Irish Agreement of 1985.

The two governments thus also talked down the concerns expressed by all parties on the Northern Ireland Affairs Committee about continued republican, as well as loyalist, involvement in the region’s huge black economy and SF’s continued hostility to the police—suggesting republicans had eschewed criminality and that support for the police should not be a ‘precondition’ of their renewed access to government. And they finessed demands from republicans that their ‘community restorative justice’ schemes be officially supported, in the face of robust opposition from the SDLP, the Policing Board and a former taoiseach.

The assembly was convened in May to 'prepare for government', as the Northern Ireland Secretary heroically tasked a cross-party committee. But the committee could not even agree on a chair and its proceedings were acrimonious, the DUP entering a raft of communalist political claims. Meanwhile, on the assembly's opening day, the move by the overshadowed Ulster Unionist leader, Sir Reg Empey, to align himself, for partisan advantage, with the political representative of the Ulster Volunteer Force provoked widespread outrage.

There were tactical differences between pragmatists and fundamentalists in the DUP, with the former on best political behaviour at the British-Irish Interparliamentary Body. However, the party leader, Rev Ian Paisley, delved deep into popular-Protestant tradition, invoking the Battle of the Somme to define a contemporary 'war' against republicanism from which there would be 'no discharge'. The assembly was discharged for the summer with no tangible progress, recalling the sterile Prior assembly of the early 80s, when DUP support was at a previous peak.

Meantime, there was little evidence that the review of public administration would lead to a new modelling of power-sharing in the rationalised local authorities due to go live in 2009. A key working group avoided the issue of what flags, if any, would fly over the new town halls and provided only models for the division, not sharing, of local power.

So a return to the pre-1994 political *status quo*—direct rule with a degree of joint, London-Dublin authority—appeared to loom, as all the 'historic' initiatives of the last decade and more receded into history. Yet large-scale paramilitary violence is now inconceivable, and a certain 'normality' has been spontaneously emerging as the skies have slowly cleared from decades of 'troubles'. Continued policy innovation at the NIO, including a sustainable-development strategy, was testament to it.

But sectarian murder in Ballymena, firebombs in Newry stores and a bomb alert on the Dublin-Belfast railway line were reminders of how frail—in the absence of any widely politically endorsed vision of 'a shared future'—that emergent normality remained.

## **Chronology of Key Events**

- 20 April 2006 Bill introduced at Westminster to reconvene assembly and establish 24 November deadline for agreement on renewed devolution.
- 9 May 2006 Bill becomes law after being fast-tracked through both houses.
- 15 May 2006 Assembly meets for initial plenary.
- 22 May 2006 Democratic Unionist leader, Rev Ian Paisley, rejects nomination as first minister by Sinn Féin president, Gerry Adams.
- 19 June 2006 Chancellor, Gordon Brown, visits Northern Ireland and demurs on business leaders' demand for regional corporate-tax breaks.
- 29 June 2006 Prime minister, Tony Blair, and taoiseach, Bertie Ahern, visit Northern Ireland, stressing immovable nature of 24 November deadline, setting out a corresponding 'workplan' and promising a new 'partnership' deadline if not met.
- 7 July 2006 Assembly goes into recess, with little progress made in 'preparation for government' committee.
- 25 July 2006 Meeting of British-Irish Intergovernmental Conference at Hillsborough reaffirms devolution deadline and refers to preparatory work on intergovernmental relationships in case it expires without agreement.

## 1. The 'Peace Process'

*Rick Wilford and Robin Wilson*

### 1.1 Squaring the DUP

At time of writing it was almost four years since Northern Ireland could boast a devolved administration. The assembly, which had been re-elected in November 2003, was recalled in May 2006 by the Northern Ireland Secretary, Peter Hain, with the express purpose of paving the way to the restoration of devolution—but with a sting in the tail. If the parties failed to achieve a restoration by 24 November, the assembly would be wound up, members' salaries and allowances would cease and London and Dublin would embark on a new phase in British-Irish relations, which would include an undefined 'step-change' in north-south relationships.<sup>1</sup>

Thus, yet another deadline had been set in the continuing attempt to achieve the return of self-government. Confirmation that the 24 November deadline was immovable came with the visit of the taoiseach and the prime minister, Bertie Ahern and Tony Blair, to Northern Ireland towards the end of June. Mr Ahern warned that if no agreement was reached by 24 November then none was likely 'in this decade'. Devolution could then be 'light years away', he said.<sup>2</sup>

Following a series of meetings with party leaders, the two premiers insisted that they would not 'tolerate a political process which stretches out indefinitely' and that November was 'the outer limit of an acceptable timeframe'. Failure to reach agreement by that date would lead, they said, to new British-Irish 'partnership arrangements ... to ensure the effective joint stewardship of the Good Friday Agreement'.<sup>3</sup> The exact nature of this new partnership, interpreted widely as a 'greener' form of direct rule, was not clear, but the threat or the promise, depending on one's preference, was.

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<sup>1</sup> The recall of the assembly required fresh legislation, the Northern Ireland Bill (Bill 169), introduced on 20 April 2006. Besides stipulating the 24 November deadline, the bill provided for the indefinite postponement of the third assembly election, scheduled for May 2007, if the parties failed to nominate an executive by that date. If an executive were nominated, the election would be postponed for 12 months to enable the institutions to operate on a stable basis for a reasonable period. The bill was fast-tracked through both houses at Westminster in 18 days. B. Walker, 'Assembly Can Now Elect an Executive', *Belfast Telegraph* (9 May 2006).

<sup>2</sup> G. Moriarty, 'Pessimism as Ahern, Blair visit North', *Irish Times* (29 June 2006).

<sup>3</sup> NIO news release, 29 June 2006.

The shared objective of both governments, 'Plan A', remained to restore devolution and, to that end, the statement incorporated a 'workplan' up to the last week of November. This set out what needed to be achieved during the three months, beginning on 4 September, when the assembly was due to return for its second six-week session.

A key event during that period would be the publication in the first week of October of the eleventh report of the Independent Monitoring Commission. It would be the litmus test of the IRA's commitment to an exclusively political process and all would wish to see it confirm the continuing cessation of paramilitary activities and the end of the organisation's alleged criminal activities. As before, the IMC would prove to be the acknowledged legislator of the political process.

The principal political stumbling-block to the plans of London and Dublin remained the Democratic Unionist Party, emboldened ever since it decisively defeated its historic rival for support within the Protestant community, the traditionally dominant Ulster Unionists, in the failed assembly election of 2003. That gap widened to a gulf in the Westminster election of 2005—when first past the post allowed the DUP to trounce the UUP by nine seats to one.

During the opening of the assembly on 15 May, the DUP leader, Rev Ian Paisley, did address the question of renewed power-sharing devolution. Doubtless fully appreciating the irony, he said his party would not share power *with the UUP*—because that party's assembly group associated itself on the opening day with the single assembly member from the Progressive Unionist Party, the political wing of the paramilitary Ulster Volunteer Force (see assembly section).<sup>4</sup>

The fitful exchanges in the 'preparation for government' committee and in the assembly chamber (see assembly section) betrayed the strain within the DUP over the prospect of power-sharing with Sinn Féin. On the one hand, the DUP leader appeared at times to veer in the direction of 'Never-Never-land',<sup>5</sup> while his deputy, Peter Robinson, on occasion appeared to adopt a significantly more pragmatic posture.<sup>6</sup>

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<sup>4</sup> D. Keenan, 'UUP signs up Ervine and incurs wrath of Paisley', *Irish Times* (16 May 2006).

<sup>5</sup> At the huge Protestant protest at Belfast City Hall in November 1985 against the Anglo-Irish Agreement, Mr Paisley notoriously said the accord would 'never, never, never' be acceptable to unionists.

<sup>6</sup> See for instance, Mr Robinson's speech to the British-Irish Inter-Parliamentary Body, 24 April 2006.

Indeed, Mr Paisley himself at times seemed to countenance the realisation of a mixed if loveless political marriage. When asked by the Speaker if he would accept Mr Adams' nomination of him as first minister, his initial response was 'Certainly not', rather than 'Never'—a small point, perhaps, but for some rather telling. Nevertheless, there are internal strains within the DUP such that it is not inconceivable to assume—should it embark on a power-sharing relationship with SF—that the party could split over the issue in the future.

In late June, an official document was leaked showing that the potential loss of income to the DUP if the assembly were scrapped would be £1.5 million.<sup>7</sup> Mr Paisley made clear he had no intention, as he would see it, of selling his political soul for any mess of potage. He put the ball back in the prime minister's court, demanding to know whether Mr Blair still stood by the requirements of SF he had previously set out.<sup>8</sup>

But there are some straws in the wind suggesting a certain flexibility on the part of some within the DUP. Its decisions to end its boycott of the British-Irish Inter-Parliamentary Body by sending a delegation to its most recent meeting in Killarney (see intergovernmental-relations section) and to attend the Battle of the Somme commemoration in Dublin in July were modest signals but nevertheless noteworthy—as was the decision by the republic's government's to host the first state commemoration of the battle. In addition, a DUP delegation met the leaders of Fine Gael and the Labour Party, Enda Kennedy and Pat Rabbitte respectively, at Stormont for what was described as 'a very beneficial and constructive meeting'.

The delegation, led by Mr Paisley, reiterated the party's fundamental position and its consistency with the official Dublin view: the taoiseach, he said, had 'made it perfectly clear that he is unprepared to share power in the south with Sinn Féin. Our position is that what is unacceptable in the Republic is equally unacceptable in Northern Ireland.'<sup>9</sup>

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<sup>7</sup> D. Keenan, 'November deadline for North accord stressed', *Irish Times* (27 June 2006).

<sup>8</sup> S. Dempster, 'Paisley: we will never bow knee' and "'All eyes are now on Blair'", *News Letter* (27 June 2006).

<sup>9</sup> DUP news release, 1 July 2006.

There was some succour for this view in the acceptance by the republic's foreign minister, Dermot Ahern, that he would not sit in government with a party that did not support the Garda Síochána. But he drew a distinction between the situations north and south, claiming that 'in the former, you're dealing with the very strong suggestion that over 35 years people in the security services had been involved in some criminal activities. You haven't got that in the Republic, you're dealing with a normal democratic society and I think it's unfair to equate the two.'<sup>10</sup>

## 1.2 Circling the Shiners

There, however, lay the rub. If one accepts that the republican movement's 'long-war' strategy is over—certainly the view of Mr Ahern and many others—the path to power-sharing with SF turns not only on the judgment of the IMC with regard to the IRA's abandonment of criminality, but also SF's preparedness to support the reformed police service. It may also entail that the IRA will have to be seen to become, in Mr Ahern's words, 'an old boys' society'—which, he insisted, is 'what's happening'.

His namesake, Bertie, the taoiseach, who shares this view, also gave the IRA a clean bill of health in relation to its alleged criminal activities. At the news conference following his joint visit with Mr Blair on 29 June, he remarked that he was expecting the forthcoming IMC report to confirm that the IRA was eschewing criminality and paramilitarism. Furthermore, he said that 'on criminality there is no link whatsoever, that we have traced a long, long, way back, of IRA involvement in criminality of any kind in the Republic of Ireland'.<sup>11</sup>

But the taoiseach's remarks sat uneasily alongside the recent report by the Northern Ireland Affairs Select Committee on organised crime. Among other things, this pointed to the scale of illegal fuel smuggling and the extensive involvement of loyalist and republican paramilitaries and former paramilitaries in organised crime—including, most recently, the growth of human trafficking.<sup>12</sup> Commending the extent of cross-border police co-operation, the report noted that the fight against organised crime was a responsibility shared by, among others, political leaders but that 'the efforts of the PSNI will be limited as long as Sinn Féin withholds its support for, and recognition of, the legitimacy of the PSNI'.<sup>13</sup>

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<sup>10</sup> *Irish Times* (9 May 2006).

<sup>11</sup> *Irish Times* (30 June 2006).

<sup>12</sup> Third Report of the 2005-06 session, HC 886, 5 July 2006.

<sup>13</sup> NIAC news release, 5 July 2006.

As the former SDLP deputy first minister, Séamus Mallon, noted some years ago, policing would be likely to be the crunch issue in hastening the outcome of Northern Ireland's long political journey—albeit Dermot Ahern did not regard SF's active support for the police as a precondition for a deal by 24 November.<sup>14</sup>

The DUP has been able to capitalise on this official uncertainty as to what is or is not required of SF, as both governments have oscillated between principle and pragmatism. In his 'acts of completion' speech in Belfast after the suspension in 2002 over revelations of IRA spying at Stormont, Mr Blair indicated that ambiguity over the republican attitude to the rule of law was no longer tolerable—the DUP frequently quotes these demands as 'Blair necessities' which it is happy to endorse. But the prime minister has been simultaneously convinced that any devolved government in Northern Ireland must embrace SF—on the unspoken assumption that otherwise all political bets would be off. In July he reiterated before the Liaison Committee at Westminster the idea that SF had, in effect, a political veto on devolution: no devolved government could be formed without it, he said.<sup>15</sup>

In May, however, the NIO minister of state, David Hanson, reassured the DUP that there would, in effect, be a unionist veto on the devolution of policing and justice—which for SF would be a *sine qua non* of its acceptance of renewed devolution *tout court*. During the report stage of the Northern Ireland (Miscellaneous Provisions) Bill, Mr Hanson said the transfer would have to be supported by a 'parallel consent' vote in the assembly, in which a motion requires a majority of *soi-disant* 'unionists' as well as a majority of 'nationalists' to pass. The North Belfast DUP MP, Nigel Dodds, indicated the view of the majority unionist party when he said that the idea of SF members being allowed 'anywhere near' justice and policing matters was 'extremely unlikely'.<sup>16</sup>

Confidence was not built by material extracted from the government by the DUP MP for Upper Bann, David Simpson. A parliamentary answer by the minister responsible for security, Paul Goggins, revealed that information on fully 2,195 people had been 'compromised' by the IRA spy ring before it had been exposed in 2002: 1,583 prison officers, 77 police officers, 13 army personnel and 37 politicians.<sup>17</sup>

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<sup>14</sup> *Irish Times* (9 May 2006).

<sup>15</sup> P. Wintour, "There's no easy fix on immigration", *Guardian* (5 July 2006).

<sup>16</sup> "Triple lock" law safeguards against security devolution", *News Letter* (19 May 2006).

<sup>17</sup> M. Hookham, 'Details of 2,195 people stolen in "Stormontgate"', *Belfast Telegraph* (10 June 2006).

Also corrosive during the reporting period was the continuing row over 'community restorative justice' schemes. These have been initiated by republican and loyalist paramilitaries in recent years, as a means to maintain social control over working-class neighbourhoods without resorting to 'punishment' beatings and shootings—no longer in line with the image their besuited representatives want to purvey—and were until recently supported by an Irish-American philanthropist who also bankrolled SF in the States.

The principle of restorative justice is widely accepted as a useful way to deal with low-level crime, though it is only one of a number of such community justice approaches. Indeed the police and the courts themselves have been using it very positively in dealing with young offenders in Northern Ireland since it was advanced in the 2000 report of the criminal-justice review issuing from the Belfast agreement.<sup>18</sup>

But there was an outcry, led by the SDLP, after the justice minister, Mr Hanson, published draft guidelines in December 2005 for the recognition of the 'community' schemes, which would not have required them to co-operate with the police—while the loyalist ones do, the republican ones don't—and would have allowed them to employ (as hitherto) members and ex-members of the respective paramilitary groups.<sup>19</sup>

All parties, bar SF, were opposed to this accommodation of local paramilitary power, and in May, the Policing Board (which SF boycotts) rejected the guidelines. The board, which includes independent members as well as party nominees, said any schemes not giving 'unqualified acceptance' to the Police Service of Northern Ireland should not receive 'the imprimatur of the state'.<sup>20</sup> At Westminster, the Northern Ireland Affairs Committee had taken a similar view, rejecting in its organised-crime report paramilitary-controlled schemes.

Revised guidelines were issued by the NIO in July, for further consultation, with an admission by the minister, Mr Hanson, that government 'did not get it right' first time

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<sup>18</sup> See the discussion during a round table organised by Democratic Dialogue and the Probation Board for Northern Ireland on approaches to punishment, at: [www.democraticdialogue.org/harmRT2.htm](http://www.democraticdialogue.org/harmRT2.htm) [accessed 10 August 2006].

<sup>19</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2006*, at: [www.ucl.ac.uk/constitution-unit/research/devolution/Monitoring%20Reports/Jan06/NI%20Jan06.pdf](http://www.ucl.ac.uk/constitution-unit/research/devolution/Monitoring%20Reports/Jan06/NI%20Jan06.pdf), pp. 14-15 [accessed 14 August 2006].

<sup>20</sup> F. Millar, 'Policing Board rejects British proposals', *Irish Times* (19 May 2006).

and an insistence that ‘any schemes which go ahead must be locked into policing and comply fully with the rule of law’.<sup>21</sup> But the SDLP continued to warn that such restorative justice could be ‘rough’ justice.<sup>22</sup> And a former taoiseach, Garret FitzGerald, vehemently argued that the protocol—which would only require formal contact with the police and would allow the employment of paramilitaries imprisoned for offences before the agreement—was still unacceptable.<sup>23</sup>

In a speech to the MacGill summer school in Co Donegal in July, the Northern Ireland Secretary, Mr Hain, aired what he described as the ‘troubling’ question of why SF would not say that it would endorse the PSNI, if it were back in government and if policing and justice were devolved. He expressed confidence nevertheless about the 24 November deadline being met.<sup>24</sup> But the DUP steadfastly insisted that devolution of policing and justice was ‘not on the political agenda’ while SF refused to support the police.<sup>25</sup>

A huge irony in all of this is that the reform of the police in Northern Ireland—from a Protestant-dominated, paramilitary-style force towards a non-sectarian policing service—has been the single biggest success of the Belfast agreement. This is not just because of the Patten report, arising from the agreement, which on the one hand unionists vehemently opposed and republicans treated as ‘a floor, not a ceiling’ of their ambitions.<sup>26</sup> It is also because, even before Patten, several key officers who have since taken up senior-management positions were privately engaged in a project with two respected NGOs with a substantial record in the arena of reconciliation. This process addressed in a frank and unprecedented way what had to change in the organisation.

The Catholic proportion of the police has risen since Patten to 20 per cent, from just 8 per cent in 1998.<sup>27</sup> And the crime clear-up rate, having been as low as one in five during the stresses of reform, has increased to 31 per cent.<sup>28</sup>

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<sup>21</sup> NIO news release, 25 July 2006

<sup>22</sup> G. Moriarty, ‘SDLP voices “profound concern” at CRJ schemes’, *Irish Times* (26 July 2006).

<sup>23</sup> G. FitzGerald, ‘Revised protocol is still unacceptable’, *Irish Times* (29 July 2006).

<sup>24</sup> NIO news release, 16 July 2006.

<sup>25</sup> ‘Sub-groups are dropped’, *News Letter* (25 July 2006).

<sup>26</sup> Private information.

<sup>27</sup> B. Fatogun, ‘20 per cent of police officers are Catholics’, *Irish News* (25 July 2006).

<sup>28</sup> PSNI statistics for 2005-06, at: [www.psni.police.uk/1\\_recorded\\_crime.pdf](http://www.psni.police.uk/1_recorded_crime.pdf) [accessed 10 August 2006].

### 1.3 Conclusion

Recent policy developments by the NIO ministerial team (see public-policies section) have confirmed the pattern of activism evident since the reintroduction of direct rule in 2002. A 'carrots and sticks' strategy seemed increasingly to animate the direct-rule approach. In effect, the secretary of state appeared to be saying: 'We are prepared to take the difficult decisions; if you don't like what we propose, you have the remedy in your own hands.' Whether it was budgetary allocations, the reform of public administration, education reforms, rural planning, the planned rates and water-charging regimes and/or the prospect of a new but undefined era in north-south relationships, the invitation seemed obvious.

There were also positive incentives, not least the overtures made to 'loyalists' via area-based investment in heartland Protestant communities, including a £10 million project for the Kilcooley estate in Bangor, Co Down, unveiled by Mr Hanson.<sup>29</sup> The project was one outcome of a wider scheme announced earlier this year, designed to ensure that such funding was used as effectively in working-class Protestant as working-class Catholic neighbourhoods. At the time the minister said the scheme would 'focus on how government can empower working class Protestant communities to tackle deprivation', as one means of 'encouraging confidence in the political process and to show that loyalist criminal activity is actually holding back the community'.<sup>30</sup>

Ironically, while the loyalists who made the paramilitary presentations to government had suggested 'their communities' were hard done-by, research commissioned by government confounded such claims. This was a politically unwelcome conclusion, however, and the research evidence had to be extracted from government, by the genuine voluntary sector, using the Freedom of Information Act.<sup>31</sup>

Loyalist criminality still bulked large, moreover, as was evident in the July report from the Northern Ireland Affairs Committee. But as far as IRA criminality was concerned, notwithstanding the report, London and Dublin took the view that the movement had abandoned centrally organised crime. Following a cross-border ministerial meeting at Stormont Castle, the secretary of state announced, with the full support of Dermot Ahern and the republic's justice minister, Michael McDowell—an unremitting and

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<sup>29</sup> BBC News Online (6 July 2006).

<sup>30</sup> BBC News Online, 10 January 2006.

<sup>31</sup> P. McGill, 'Weak Protestant areas—reality or myth?', *Scope* magazine (September 2005).

trenchant critic of republicans—that while ‘there probably is still some localised individual criminality by former and maybe existing PIRA members for their own private gain, what there is not is organised “from the centre” criminality any more’.<sup>32</sup>

Thus, as far as the two governments were concerned, the IRA was delivering on its commitments in respect of both paramilitarism and criminality, thereby clearing the path to the return of self-government. In effect, this conclusion ratcheted up the pressure on the DUP. Whether it would succumb to that pressure by 24 November was however moot: it might require a longer period to test the credentials of the republican movement and would certainly insist, before agreeing to re-enter government, that SF actively supported the PSNI and participated fully in the Patten-inspired system of police governance.

If the regional politicians needed any encouragement to see the return of devolution, it was provided by the Scottish first minister, Jack McConnell. At the invitation of Mr Hain, he addressed the recalled assembly in May and urged the MLAs to ‘keep their eyes on the prize’. Significantly, he also told them: ‘Devolution has proved to be the catalyst for tackling sectarianism in Scotland.’<sup>33</sup> Well-intentioned though his remarks were, they did not have an immediate effect: his address was followed by the vain attempt to elect Messrs Paisley and McGuinness to the top two jobs.

Mr Hain, meanwhile, continued to promote the value of devolution in two major speeches.<sup>34</sup> Indeed, with a nod towards the DUP in particular, he hinted strongly that there could be an unspecified reduction in the number of departments arising from the wider reform of public administration. The DUP, unlike SF or the SDLP, has long called for the streamlining of departments and the prospect of a slimmed down administration would appeal to it. Mr Hain was blunt: ‘Following implementation of the RPA, a number of departments will simply be unsustainable in their current form.’

He also dropped hints about how the restructuring might be effected. While he said that he wanted the regional parties to make the decisions, he cautioned them that ‘if they have not done so by 24 November, then I shall move ahead rapidly with the changes that I believe will improve the effective governance of Northern Ireland’.

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<sup>32</sup> BBC News Online (25 July 2006).

<sup>33</sup> D. McGinn, ‘Devolution “has helped Scotland tackle bigotry”’, *Belfast Telegraph* (22 May 2006).

<sup>34</sup> NIO news releases, 18 July 2006.

Thus, the take-it-or-leave-it approach of the NIO was restated. That the DUP might leave it had to be entertained. While Messrs Blair and Ahern were scheduled to return to the region in October, following the next IMC report, for one final heave, planning was proceeding for the step change in north-south relations referred to by Mr Blair during his April visit (see intergovernmental-relations section).

At the same time, the UK government announced, in a parliamentary answer to the Liberal Democrat spokesperson, Lembit Opik, in July that if devolution was not restored a reform of the way Northern Ireland laws are made at Westminster would be put in place.<sup>35</sup> It would mean that MPs and peers, including the three new DUP peers and the former UUP leader, Lord Trimble, would, thereafter, be enabled to move amendments to orders in council—a long overdue reform. In June, meanwhile, DUP members had walked out of a session of the Northern Ireland grand committee, over the continuing SDLP veto on the committee meeting within the region itself.<sup>36</sup>

So one could envisage a situation in which the development of cross-border relations would appeal primarily to nationalists and republicans, while modification of the direct-rule legislative process would nourish and to some extent placate unionists. Such a future would exemplify the careful balancing act that is required in Northern Ireland in the absence of any cross-community consensus.

At the end of July, the Northern Ireland Secretary penned a blunt 'open letter to unionism' via the unionist morning daily, the *News Letter*, in which he warned that, in the absence of a deal by 24 November, 'Devolution will go into deep freeze and, frankly, I cannot see the circumstances in which it will be revived in the foreseeable future.'<sup>37</sup>

The grim significance of the absence of accommodation, as well as a yearning for change, was evidenced during the survey period by events on the streets. Remarkably, it is only in the recent past that the police have gathered statistics on sectarian attacks in Northern Ireland. And figures for the first quarter of 2006-07 showed such attacks had increased by 35 per cent over the same period of the previous year.<sup>38</sup>

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<sup>35</sup> W. Graham, 'IRA committed to peace: McDowell', *Irish News* (26 July 2006).

<sup>36</sup> S. Dempster, 'DUP walks out of committee over meetings', *News Letter* (21 June 2006).

<sup>37</sup> 'It's time for reality', *News Letter* (31 July 2006).

<sup>38</sup> M. L. McGrory and B. McCaffrey, 'Sectarian attacks increasing despite quiet march season', *Irish News* (25 July 2006).

Particularly distressing was the murder of a 15-year-old Catholic by a Protestant mob in Ballymena, Co Antrim, in May. At his funeral, however, his football-mad friends turned up, as pre-arranged, wearing variously Celtic and Rangers tops. Usually symbols of sectarian rivalry, for once these represented a statement of cross-sectarian solidarity.<sup>39</sup>

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<sup>39</sup> S. McKay, 'Murdered Ballymena boy is buried', *Irish Times* (18 May 2006).

## 2. 'Devolved' Government

*Rick Wilford and Robin Wilson*

### 2.1 Another Botched Reshuffle

The Northern Ireland Secretary, Mr Hain, retained his post in the May reshuffle—much, it seems, to his delight.<sup>40</sup> There were, however, personnel changes further down the ministerial food chain. Shaun Woodward and Angela Smith were moved to junior jobs elsewhere and Lord Rooker, while remaining as the government's Northern Ireland spokesperson in the second chamber, was moved to DEFRA. Paul Goggins, Maria Eagle and David Cairns joined the NIO. Mr Cairns took over Lord Rooker's brief but retained his job as parliamentary under-secretary of state for Scotland.

The full list of ministerial responsibilities is:

- David Hanson (the sole remaining junior minister): political development, criminal justice, Office of the First and Deputy First Minister, Department for Social Development, Department of Finance and Personnel, the development of the former Maze prison site and victims;
- Maria Eagle: Department of Employment and Learning; Department of Education; Department of Enterprise, Trade and Investment; Department of Culture, Arts and Leisure, and minister for children;
- Paul Goggins: security, policing, prisons and the Department of Health, Social Services and Public Safety; and
- David Cairns: Department of Agriculture and Rural Development, Department for Regional Development and Department of Environment.

Bizarrely, the outgoing environment minister, Lord Rooker, appeared at the launch of the sustainable-development strategy in Belfast (see public-policies section), the day after the announcement of the new NIO team, confessing not to know his precise fate. He had retained his Northern Ireland role according to a statement of 8 May.<sup>41</sup> But during 9 May another statement was released reducing this to Northern Ireland spokesperson in the Lords, as he was moving to DEFRA, with his substantive Northern Ireland responsibilities being assumed by Mr Cairns.<sup>42</sup>

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<sup>40</sup> NIO news release, 9 May 2006.

<sup>41</sup> NIO news release, 8 May 2006.

<sup>42</sup> NIO news release, 9 May 2006.

It appears that Baroness Ashton had declined to go to DEFRA, forcing Lord Rooker's move. But that would have left no Northern Ireland spokesperson in the Lords, and so he was retained in that role. The Conservative Northern Ireland spokesperson, David Liddington, described this as 'a complete shambles', amid the fundamental changes taking place on foot of the review of public administration (see local-government section).<sup>43</sup>

An interesting coda to Lord Rooker's time in the region appeared in a judgment, the following day, in a judicial review challenging his June 2005 decision to allow, without a public inquiry, a £200 million retail development outside Lisburn. Mr Justice Gilmore described the minister's decision-making as 'flawed'—at the time, Lord Rooker had described it as a 'no-brainer'.<sup>44</sup>

## 2.2 Trouble for officials

Meanwhile, there was more trouble for Northern Ireland officials from the Public Accounts Committee, which has held the administration very firmly to account in the absence of its devolved counterpart, as indicated in successive monitoring reports. This time the Department of Enterprise, Trade and Investment was in its sights.

In 1996 the Emerging Business Trust had been set up to provide loans to fledgling firms. An EBT director, Teresa Townsley, was also deputy chair of the then Local Enterprise Development Unit (since absorbed into Invest Northern Ireland), one of EBT's main funders. She was meanwhile partner with her husband in the accountancy practice MTF, which received £1.4 million for the management of the trust's affairs. The PAC reported in what has become its typically superlative language about Northern Ireland departments: 'This is one of the worst cases of conflict of interest and impropriety that this Committee has seen.'<sup>45</sup>

Next up was the Department of Education. It was criticised over the failure of the literacy/numeracy programme in schools.<sup>46</sup>

The High Court in Belfast took the government to task over a decision taken under devolution in 2002. The then UUP environment minister, Dermot Nesbitt, had allowed

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<sup>43</sup> B. Walker, 'Rooker's switch a shambles: Tory MP', *Belfast Telegraph* (10 May 2006).

<sup>44</sup> A. Wallace and R. Morton, 'John Lewis defiant after judge quashes "no-brainer" scheme', *Belfast Telegraph* (10 May 2006).

<sup>45</sup> D. Gordon, 'Cash scandal pair face probe', *Belfast Telegraph* (18 May 2006).

<sup>46</sup> D. Gordon, 'Education chiefs told they "must do better"', *Belfast Telegraph* (22 June 2006).

housing developments to go ahead, affecting 57 sewage 'hotspots', without taking account of their impact on pollution. The court ruled this unlawful. Friends of the Earth had sought the judicial review, and it claimed the outcome as a victory for the environment and 'against the whole Government apparatus that has deliberately put the narrow economic interests of the construction industry ahead of both the environment and human health.'<sup>47</sup>

Finally, during this survey period, the executive also came under attack from the fourth estate. This time the target was civil servants' access to chauffeur-driven cars (see media section).

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<sup>47</sup> P. O'Hare, "'Sewage hotspots' go ahead was 'unlawful'", *News Letter* (29 June 2006). FoE news release, 28 June 2006.

### 3. The Assembly

*Rick Wilford and Robin Wilson*

#### 3.1 'Preparing for Government'

During the reporting period, the assembly met in plenary session on six occasions, albeit its debates were boycotted by SF on the ground that it was in effect the plaything of the Northern Ireland Secretary, who determined when it would meet and what items could be debated. The party did attend the third plenary, with the sole purpose of getting devolution under way—by nominating, courtesy of its president, Gerry Adams, of Rev Ian Paisley and Martin McGuinness as, respectively first and deputy first ministers.

To no one's surprise, the DUP leader declined the invitation:<sup>48</sup> 'The Belfast agreement is dead,' he insisted. Mr Adams responded by suggesting the government should dissolve the assembly.<sup>49</sup> Mr Paisley even rejected a proposal from the UUP leader, Sir Reg Empey, for a committee to discuss the establishment of devolution. But the Northern Ireland Secretary remained determinedly upbeat. 'Our focus remains on restoring devolution by November 24<sup>th</sup>,' he insisted.<sup>50</sup>

To try to move matters forward, Mr Hain decided to establish an optimistically entitled 'preparation for government' committee in the assembly, 'to identify the key issues that have to be resolved and debated by the Assembly to prepare for government'.<sup>51</sup> This was similar to the Empey suggestion, but the DUP agreed to it only after claiming to have 'pulled the teeth' of the committee by removing any sense it would play a negotiating role.<sup>52</sup> (It seemed to occur to no one it might play a deliberative one.)

The fourteen committee members, including three from each of the prospective executive parties, could not agree on a chair—given the refusal of the Speaker (Eileen Bell) to preside over its meetings—despite successive attempts.<sup>53</sup> The deadlock led to a series of increasingly angry statements from the Northern Ireland

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<sup>48</sup> See *Official Report*, 22 May 2006.

<sup>49</sup> W. Graham, 'Paisley's emphatic rejection of SF move', *Irish News* (23 May 2006).

<sup>50</sup> G. Moriarty, 'Hain plays down failure to elect First Minister', *Irish Times* (23 May 2006).

<sup>51</sup> See UTV Online (5 June 2006); Northern Ireland Office news release, 1 June 2006.

<sup>52</sup> F. Millar, 'DUP claims it neutered committee', *Irish Times* (25 May 2006).

<sup>53</sup> D. Keenan, 'DUP call to extend deadline refused', *Irish Times* (6 June 2006), and 'Assembly group may try again to agree on chair', *Irish Times* (7 June 2006).

Secretary. Their titles reflected the mounting tone of frustration: 'Preparation for government committee has a crucial role: Hain',<sup>54</sup> 'Parties must urgently resolve issue—Hain'<sup>55</sup> and 'Committee deadlock cannot rest—Hain'.<sup>56</sup>

A sign of the souring of the political atmosphere was that even the normally conciliatory SDLP and Alliance became annoyed with the Northern Ireland Secretary.<sup>57</sup> After much inter-party discord, Mr Hain intervened to appoint Francie Molloy (SF) and Jim Wells (DUP), earlier nominated by the secretary of state as deputy Speakers, as the rotating chairs of the committee.<sup>58</sup>

It was an inauspicious start to the reconvened assembly and the climate was not improved when Mr Hain rejected a call from its business committee for the assembly to be allowed to debate various items. These included automatic 50 per cent remission *vis-à-vis* sex offenders—this provision being a side-effect of pre-agreement arrangements to expedite politically-motivated prisoner releases, and now rendered topical by a high-profile murder by a released offender under supervision. One committee member, Kieran McCarthy of Alliance, said this was 'disgraceful'.<sup>59</sup>

In turn, the DUP refused to participate in three sub-committees of the 'preparation for government' committee proposed by Mr Hain: on the economy, reform of the agreement's institutions and devolution of policing and criminal justice.<sup>60</sup> This was, however, finessed by the DUP agreeing to discuss similar themes in nominally plenary committee sessions.

In one committee meeting, inevitably reported as 'acrimonious', the former SF minister of education, Mr McGuinness, accused DUP members of attempting to inspire a plot to have him killed by labelling him a British spy. Rumours to this effect, backed by the former intelligence figure 'Martin Ingram' but otherwise officially pooh-poohed, had started from a comment in the Commons, under privilege, by the DUP MP for South Antrim, William McCrea. The North Antrim DUP MLA Ian Paisley Jnr demanded in return that Mr McGuinness repeat *this* allegation outside of

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<sup>54</sup> NIO news release, 5 June 2006.

<sup>55</sup> NIO news release, 7 June 2006.

<sup>56</sup> NIO news release, 8 June 2006.

<sup>57</sup> N. McAdam, 'Hain comes under fire as committee deadline looms', *Belfast Telegraph* (12 June 2006).

<sup>58</sup> 'Assembly body meets following Hain intervention', *Irish Times* (13 June 2006).

<sup>59</sup> N. McAdam, 'No debate in Assembly on sex offences', *Belfast Telegraph* (15 June 2006).

<sup>60</sup> *Belfast Telegraph* (20 July 2006).

parliamentary privilege.<sup>61</sup> The committee was, however, charged by the Northern Ireland Secretary to continue to meet over the summer, notwithstanding the assembly going into recess on 7 July after the first of its three scheduled six-week sessions came to an end.<sup>62</sup>

### 3.2 Plenary Sessions

Besides the initial plenary meeting on 15 May, at which the MLAs signed the roll—designating themselves as ‘nationalist’, ‘unionist’ or ‘other’ in the process—and the third, when SF tried unsuccessfully to move its nomination of the first and deputy first ministers to a cross-community vote, members convened on four further occasions to debate matters stipulated by the secretary of state. These were the economy (16 May), rural planning policy (23 May), industrial derating (6 June) and the implications of the current comprehensive spending review, including the priorities for the next Programme for Government (7 July).

The first plenary, which should have been purely formal, was however overshadowed by the decision by the PUP MLA, Mr Ervine, to sign the roll as a member of the UUP’s assembly group, following an invitation to do so by the UUP leader, Sir Reg Empey. Mr Ervine’s decision increased the group’s size by one to a new total of 25, thereby surpassing SF’s 24 MLAs. *Ceteris paribus*, this meant that the UUP would come second in the d’Hondt-governed pecking order if an executive were to be nominated, depriving SF of a ministerial portfolio.

As things stood, the DUP had 32 MLAs,<sup>63</sup> the UUP 25, SF 24 and the SDLP 18.<sup>64</sup> This meant that in a new Executive Committee there would be three DUP, three UUP, two SF and two SDLP ministers, together with the first (DUP) and deputy first (SF) ministers—in effect, a seven-five unionist-nationalist ratio, in small but symbolic contrast to the six-six balance in the prior assembly term. While this ministerial share-out would be utterly consistent with the initial outcomes of the 2003 assembly election, Mr Ervine’s links with the UVF caused outrage and dismay in all quarters, including within the UUP (see political-parties section).

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<sup>61</sup> A. Murray, ‘McGuinness lashes out at “DUP plot”’, *Sunday Independent* (19 June 2006); D. Keenan, ‘Brown to visit Stormont for talks’, *Irish Times* (20 June 2006).

<sup>62</sup> I. Graham, ‘Assembly set to take two-month holiday’, *Irish News* (5 July 2006).

<sup>63</sup> Paul Berry, elected as a DUP MLA in 1998 and again in 2003, resigned from the party following allegations in a Sunday tabloid about his personal life. He currently sits as an Independent Democratic Unionist.

<sup>64</sup> At the first meeting of the reconvened assembly, Peter Robinson (DUP) raised a point of order about the standing of the Ulster Unionist Parliamentary assembly group as a political party. The Speaker, Eileen Bell, took counsel on the point of order but before the recess had not ruled on the matter.

Moreover, the Miscellaneous Provisions (Northern Ireland) Bill was amended in the Lords to provide that MLAs could change their party affiliation up to an hour before they took their seats in a fully restored and devolved assembly. Thus, it was not beyond the bounds of possibility that there could be further changes in those affiliations, including those relating to the DUP, which could alter the eventual ministerial outcomes—if, that is, powers were to be restored.

The 7 July debate was of some note. It offered members the opportunity to air their views about the way forward and to berate the secretary of state for what many regarded as his cavalier attitude towards the assembly, summoning it at short notice and dictating its agenda. It was an offer many members seized with some relish. Mr Paisley described the motion as a ‘Dan to Beersheba’ one, enabling MLAs ‘to walk over the whole land’.

One response by the DUP leader to an intervention by Tommy Gallagher (SDLP) aroused considerable interest. Invited by the mild-mannered Mr Gallagher to agree that the ‘best way to address the many serious issues he has raised ... is to have devolved government’, Mr Paisley exhibited his customary robustness in contemplating the inclusion of SF in a future executive:

There is no place for the people that the Member wants in a future government of Northern Ireland. The gunman will not be there, and neither will the people who carry out criminal activities. Those who are associated with terrorism, from whatever side of the country, will not be there with my vote, or the vote of my party ... We will not be working with those people.

SF boycotted this and all other debates but Mr Paisley’s comments did not pass unremarked. Mr McGuinness, SF’s prospective deputy first minister, interpreted them as meaning that the DUP would ‘refuse to do the deal’.<sup>65</sup> On 21 July, Mr McGuinness delivered a speech in Co Donegal in which he reiterated SF’s view that the Belfast agreement was ‘non-negotiable’ and ‘must be implemented, come what may’, while claiming that ‘the DUP remains implacably opposed to the restoration of a locally elected and accountable Assembly’.<sup>66</sup>

His cue for this aside, in addition to Mr Paisley’s comments during the 7 July debate, was the DUP leader’s speech five days later commemorating the 90<sup>th</sup> anniversary of

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<sup>65</sup> BBC News Online (7 July 2006).

<sup>66</sup> SF news release, 21 July 2006.

the Battle of the Somme. The lessons learned from the battle, in which 'the cream of a generation was skimmed off by a cruel war', included, Mr Paisley insisted, that 'liberty can only be obtained at a stupendous price ... has to be maintained by paying the same awful price ... and must be retained'.

To those ends, and with an implied parallel between those slain in France and those killed during the course of the 'troubles', the speech was vintage Paisley:

The liberty which Ulster enjoys was bought by the men of the 1 July 1916. It was a heavy price indeed. The price was nothing less and nothing more than the supreme sacrifice itself ... The blood of dedication and sacrifice alone can maintain and retain for us the liberty which the heroes of the Somme won for us and our children and our children's children. The liberty obtained must be maintained. That can only be if we walk the way our fathers walked. Compromise, accommodation and the least surrender are the road to final and irreversible disaster ... There can be no weakness or capitulation. There is only one way we can walk and it is the safe path of No Surrender to the enemy. Ulster has surely learned that weak, pushover unionism is a halfway house to republicanism. There is no discharge in this war.<sup>67</sup>

It would be a mistake to regard the speech as no more than a sustained rhetorical flourish, and it was not one made by Mr McGuinness, who characterised it as another instance of the 'sectarian and religious extremism churned out by Ian Paisley for decades'. That said, he reiterated SF's commitment to the political process and political dialogue, the achievement of 'accountable, democratic government for our shared constituencies' and continuing engagement with unionists, 'regardless of the disposition of the DUP'.

It was a placatory speech, certainly different in tone from some of the spirited exchanges that occurred in the 'preparation for government committee',<sup>68</sup> and one in which Mr McGuinness emerged as a champion of pluralism and diversity: 'The New Ireland [*sic*] that we are all part of needs to reconcile Orange and Green, but it also needs to embrace new cultures and people. We all need to acknowledge and accept difference—to celebrate the enriching diversity of our modern, multi-cultural Ireland.'

The absence of SF MLAs from the assembly debates did not prevent members from essaying the future and, in the case of the former deputy first minister Mark Durkan,

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<sup>67</sup> DUP news release, 12 July 2006.

<sup>68</sup> Seán Farren (SDLP) referred to the tone of some of the exchanges during the assembly debate of 7 July. A member of the committee, Mr Farren remarked on the 'considerable degree of vindictiveness and strident allegations, almost personal abuse, on the part of both the DUP and Sinn Féin'. He also noted that 'their ways are contradictory and exclusive of each other' and that 'matters cannot be progressed in the Committee'.

engaging in something of a *post mortem* on the lessons, positive and negative, to be drawn from the 1999-2002 devolved period. Nor did it prevent the SDLP leader from attacking the Northern Ireland Secretary, whom he accused of humouring the DUP and conveniencing SF, by 'weaving between two vetoes on whether to grant debates and the terms on which such debates are to take place'.

Mr Durkan also took the opportunity to upbraid the DUP deputy leader, Mr Robinson, when the latter remarked—to the surprise of many, including Mr Durkan—that his party had not endorsed the failed 'comprehensive agreement' advanced by London and Dublin in December 2004. He reminded Mr Robinson that he had described the document as 'a remarkable achievement by the DUP'. But the DUP deputy leader insisted that 'it was not an agreed document', albeit his party supported 'many aspects' of it.<sup>69</sup>

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<sup>69</sup> *Official Report*, 7 July 2006.

## 4. The Media

*Robin Wilson*

As successive reports have noted, there has been palpable, and growing, public annoyance about the cost of keeping the whole apparatus of devolution in being, despite little confidence in its imminent re-establishment, outside of the Northern Ireland Office and the republic's Department of Foreign Affairs. MLAs' salaries were an obvious target, and the Northern Ireland Secretary, Mr Hain, bowed to public opinion when he insisted assembly members would receive nothing if they were still under-employed by 24 November (see 'peace process' section).

The liberal-unionist *Belfast Telegraph* has led the charge. In May, the paper worked out that the assembly would have cost £100 million since its suspension in October 2002 by the expiry of the governments' devolution deadline.<sup>70</sup>

Even more damagingly, in a splash towards the end of the period, the *Telegraph* revealed that the pension pot for assembly members had risen to over £6 million. It reported that the five assembly pension trustees were still meeting several times a year, to supervise the fund, even though three were no longer MLAs. One trustee, John Dallat of the SDLP, described it as 'hugely embarrassing'. The headline spared no blushes: 'Q: What Stormont body kept on working despite the political impasse? A: The one that deals with the MLAs' pensions, of course'.<sup>71</sup>

Finally, during this survey period, the *Telegraph* had a go at the Northern Ireland civil service—and, in particular, the use by civil servants of chauffeur-driven cars. This is to some extent a legacy of the security requirements of the 'troubles', but government insisted to the paper that it was necessary to keep the devolved institutions in 'warm storage'. This did not, however, explain why usage should be greater than in Scotland and Wales, where the facility is only available to ministers and permanent secretaries. The perk could also go if the November deadline is missed.<sup>72</sup>

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<sup>70</sup> N. McAdam, '£100m—for what?', *Belfast Telegraph* (10 May 2006).

<sup>71</sup> D. Gordon, 'Q: What Stormont body kept on working despite the political impasse? A: The one that deals with the MLAs' pensions, of course', *Belfast Telegraph* (8 August 2006).

<sup>72</sup> M. Hookham, 'Mandarins defend their car parks', *Belfast Telegraph* (7 August 2006).

Officials in the NIO and the DFA would doubtless have felt that retaining public optimism about the restoration of devolution was an occupational requirement. But after the failures of 2003 and 2004, a significantly more downbeat tone was evident in the coverage of the two governments' latest efforts to establish stable power-sharing. This extended to the moderate-nationalist *Irish News*, which has been strongly pro-agreement and supportive of accommodation.

In June, the paper's veteran political correspondent, William Graham, reported the travails at the assembly thus:

The 'preparation for government committee' at Stormont has stumbled at its first hurdle as yesterday's meeting broke up without agreement on who should chair the proceedings.

This is the latest setback following hard on the heels of last week's farce over whether the interim assembly would meet for business this week.

The question was raised last night that if the political parties were unable to agree on chairing a committee, what chance was there for restoring a power sharing executive by November 24[?]<sup>73</sup>

The *Irish Times* cartoonist, Martyn Turner, who lived in Northern Ireland during the worst of its 'troubles', is a longstanding sceptic. With the classic skill of his craft of combining two topical stories, he responded to the final formation in Iraq of the power-sharing government, after months of wrangling, by depicting the new prime minister amid his colleagues, answering reporters' questions against a backdrop of destruction: 'No, it wasn't difficult forming a government ... It's not like we're Northern Irish or anything ...'<sup>74</sup>

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<sup>73</sup> W. Graham, 'Parties fail to agree on meeting chair', *Irish News* (6 June 2006).

<sup>74</sup> M. Turner, *Irish Times* (23 May 2006).

## 5. Public Attitudes and Identity

*Robin Wilson*

Whatever the governments in London and Dublin think about the Belfast agreement, what conclusions have the citizens of Northern Ireland arrived at? The latest iteration of the Northern Ireland Life and Times Survey, conducted in late 2005, provides a more nuanced response than the official mantra 'implement the agreement in full' which has been tested, arguably to destruction, in recent years.<sup>75</sup>

Respondents were offered four ways of interpreting the agreement, as indicated in Figure 1. This allowed of a more considered reaction than the simple pro- or anti-agreement alternatives.

**Figure 1: Attitudes to the Agreement**

**'There are a number of different opinions on the Agreement. Please read these four statements and tell me which one is closest to your own opinion'**

	%
The Agreement is basically right and just needs to be implemented in full	22
The Agreement is basically right but the specifics need to be renegotiated	41
The Agreement is basically wrong and should be renegotiated	14
The Agreement is basically wrong and should be abandoned	9
Don't know	15

These results would reinforce the uncertainty among officials, which became evident this year,<sup>76</sup> as to whether the first option, 'Plan A', would finally succeed. But they also indicate that fundamentalist opposition to the agreement is quite limited. The gap is filled by the striking support for the second perspective, which is philosophically pro-agreement but sceptical about its outworking hitherto. The view that 'the agreement is basically right but the specifics need to be renegotiated' commands a clear plurality of 41 per cent, well ahead of any other option on the way ahead. This is up from 35 per cent, when the question was previously asked in 2003.<sup>77</sup>

<sup>75</sup> See tables in this section and others related, at: [www.ark.ac.uk/nilt/2005/Political\\_Atitudes/VIEWGFA.html](http://www.ark.ac.uk/nilt/2005/Political_Atitudes/VIEWGFA.html) [accessed 15 August 2006].

<sup>76</sup> Private information.

<sup>77</sup> See tables at: [www.ark.ac.uk/nilt/2003/Political\\_Atitudes/VIEWGFA.html](http://www.ark.ac.uk/nilt/2003/Political_Atitudes/VIEWGFA.html) [accessed 15 August 2006].

A more positive inference to draw would thus be that there is a groundswell of sympathy for the basic aspiration behind the agreement—a stable political accommodation, built around power-sharing devolution with institutional links to the rest of Ireland and the rest of the UK (and the wider Europe)—allied to a recognition that details of the architecture have proved to be flawed. For instance, there is now little dispute that there is a serious problem about the absence of collective responsibility in a government formed by the individualised automaticity of the d'Hondt mechanism. This conclusion would be reinforced by the evidence already adverted to in the 2005 survey of remarkably robust support for devolution in Northern Ireland, despite its recent travails.<sup>78</sup>

**Figure 2: Results by Religion**

	%		
	Catholic	Protestant	No religion
<b>The Agreement is basically right and just needs to be implemented in full</b>	38	10	22
<b>The Agreement is basically right but the specifics need to be renegotiated</b>	41	42	34
<b>The Agreement is basically wrong and should be renegotiated</b>	4	23	7
<b>The Agreement is basically wrong and should be abandoned</b>	2	14	13
<b>Don't know</b>	15	12	24

The agreement appeared to herald an end to political polarisation, and so a basis for reconciliation, because it offered a new, yes/no, alignment to replace the unionist-nationalist antagonism. But as nationalist support and unionist opposition came increasingly to define positions on the agreement, the old sectarian divide re-emerged intact. What in that context is interesting about this result is that the knowing, 'yes, but', disposition towards the agreement is precisely shared across the divide. While many Catholics still remain gung-ho about the accord and many Protestants take a dog-in-the-manger view of it, the more popular view in both camps is the perhaps more subtle one (Figure 2).

Uneasiness about being pigeon-holed into one or other communal camp also emerges, as in previous years—this question has been asked since 1998—in the

<sup>78</sup> L.Dowds in R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: May 2006*, at: [www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI\\_May06.pdf](http://www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_May06.pdf), pp. 35-7.

answer to the question as to how respondents identify themselves. Figure 3 shows that 35 per cent reject either of the unionist or nationalist affiliations. Among women, a plurality favour the 'neither' view. And among those aged 18-24 year-olds, a majority give this response.<sup>79</sup>

### Figure 3: Identity

'Generally speaking, do you think of yourself as a unionist, a nationalist or neither?'

	%
<b>Unionist</b>	40
<b>Nationalist</b>	22
<b>Neither</b>	35
<b>(Other please specify)</b>	1
<b>Don't know</b>	2

A clear 'Plan B' suggests itself from the opinion data, which would not involve the two governments simply removing the political football after 24 November in favour of quasi-joint authority, should they not have their way. It would explore precisely what, in a defused, technical fashion, should be changed in Northern Ireland's 'constitutional engineering' for an outward-looking, stable devolution to be established.<sup>80</sup> A *de facto* return to the 1985 Anglo-Irish Agreement would, by contrast, be an odd way to promote 'a shared future'.

<sup>79</sup> See this tables and others related, at: [www.ark.ac.uk/nilt/2005/Political\\_Atitudes/UNINATID.html](http://www.ark.ac.uk/nilt/2005/Political_Atitudes/UNINATID.html) [accessed 15 August 2006].

<sup>80</sup> The conclusions suggested by the evidence of the Northern Ireland leg of this research project since 1999 are distilled in R. Wilford and R. Wilson, *The Trouble with Northern Ireland: The Belfast Agreement and Democratic Governance* (Dublin: TASC at New Island, 2006).

## 6. Intergovernmental Relations

*Elizabeth Meehan*

### 6.1 'East-West'

The British-Irish Council held its eighth summit meeting in London on 2 June 2006.<sup>81</sup> The two governments were represented by the republic's minister for foreign affairs, Dermot Ahern, and the deputy prime minister, John Prescott. The UK delegation included NIO ministers: the secretary of state, Mr Hain, and the parliamentary under-secretary of state David Cairns. It also included the former NIO minister Ian Pearson, now UK minister of state for climate change and environment.

The meeting welcomed the joint statement of 6 April 2006 by the taoiseach and the prime minister about the resumption of devolution and called on the parties in Northern Ireland to take advantage of the opportunity. It dealt with the work of the sectoral groups of the council: environment, where the UK leads; misuse of drugs (Republic of Ireland leads); e-health and telemedicine (Isle of Man); knowledge economy (Jersey); indigenous, minority and lesser-used languages (Wales); tourism (Guernsey); transport (Northern Ireland); and social inclusion (Scotland). A proposal from Scotland to add a new work area, demography, was accepted and will be led by Scotland.

The main focus was on climate change. There was much common ground on how to mitigate emissions and the need to examine how to adapt to unavoidable climate change. Participants agreed on further areas for examination: the impact on the marine environment, the increased likelihood of extreme weather events, the implications for energy and transport, and the potential effects on the economies of council members. Officials were asked to pave the way for the taking up of the summit's recommendations by the next meeting of the BIC environment sectoral group. This, its seventh meeting, was held in Guernsey on 26 July 2006.<sup>82</sup>

The republic's delegation was led by the minister of state for the environment, heritage and local government, Batt O'Keeffe, and the UK delegation by Mr Pearson, supported by Mr Cairns and officials from the Northern Ireland Department of

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<sup>81</sup> British-Irish Council *Communiqué*, 2 June 2006, at: [foreignaffairs.gov.ie/Press\\_Releases/20060602/2084.htm](http://foreignaffairs.gov.ie/Press_Releases/20060602/2084.htm).

<sup>82</sup> British-Irish Council (environment sectoral group) *Communiqué*, 26 July 2006.

Environment. Specific actions arising from the summit, such as workshops on predicting extreme events and national adaptation strategies, as well as the establishment of a specialist group on indicators of adaptation to climate change, were agreed. Other topics included aspects of integrated coastal zone management. The group welcomed the fact that the eighth meeting would take place in Belfast.

During the BIC discussion of the environment, the republic's government outlined its continuing concerns about the Sellafield nuclear reprocessing facility and the general issue of nuclear safety. These concerns were outlined more fully in the report of the British-Irish Inter-Parliamentary Body meeting of April 2006, in Killarney.<sup>83</sup> In a written answer to a question by John Carty TD, about the proposed sale of the British Nuclear Group, the republic's foreign affairs minister, Mr Ahern, said that his environment colleague, Dick Roche, had made several strong representations to the UK Nuclear Decommissioning Agency about the impact of privatisation on accountability and the higher safety risk potentially associated with the pursuit of profit.

Mr Ahern considered the NDA to be 'fundamentally compromised' by its engagement in commercial mixed-oxide manufacturing and the operation of the reprocessing plants at Sellafield (Thorp and Magnox). He expressed serious concern about the Thorp leakage, albeit contained, in 2005 and argued that, for economic, environmental and safety reasons, reprocessing at Sellafield should be brought to an end. His government's policy remained 'to pursue all legal, political and diplomatic options to secure its safe and orderly closure'.<sup>84</sup> Its concerns were reiterated at the BIC environment sectoral group meeting on 26 July 2006, where it was agreed that Sellafield and nuclear safety would remain on the agenda and be considered at the next meeting.

Dublin is, therefore, likely to have been alarmed by the response of Cumbrian politicians to the possibility of a new nuclear-power station on the site. This arises from a consultancy report commissioned by Cumbria County Council. It concluded that 'Sellafield was one of several potentially viable sites ... for new nuclear reactors'.<sup>85</sup> Local politicians welcomed the employment implications<sup>86</sup> of Sellafield

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<sup>83</sup> For the first time, there is a freely available official record rather than one for members only, *Official Report of Thirty-second Plenary Conference of the British-Irish Inter-Parliamentary Body*, 24 and 25 April 2006 (Dublin and Norwich: The Stationery Office, 2006).

<sup>84</sup> *Official Report*, pp. 77-8.

<sup>85</sup> Jamie Smyth, 'Sellafield site identified as possible new nuclear plant', *Irish Times* (10 April 2006).

becoming the location for one of the 'new generation of nuclear plants' which the prime minister favours. Jamie Reed, the local Labour MP and a former press officer at Sellafield, was pressing the government to start the new build in Cumbria as soon as possible. But the report also suggested Sellafield would not be the most economical choice: connection costs would be lower at other possible sites.

BIIPB and BIC business also overlapped on transport, where Northern Ireland takes the lead. At the April meeting of the body, it was noted that, although Committee A<sup>87</sup> had inquired into penalty points for driving misdemeanours and made recommendations for their 'interoperability',<sup>88</sup> it seemed not much had been done by the two governments since the 2005 Edinburgh plenary. The BIIPB was, however, told that, following the BIC sectoral meeting on transport in February 2006, letters were exchanged between transport ministers in Dublin and London, in which they agreed to enter into arrangements on mutual recognition of driving disqualifications (as envisaged in, but in advance of, an EU convention). It was also agreed to look at the feasibility of co-operation over penalties for lesser traffic infringements than those that led to disqualification.<sup>89</sup>

A similar report was recorded at the June BIC plenary. In addition, the BIC agreed that future work would include the promotion of sustainable travel and accessible transport strategies.<sup>90</sup>

Other BIIPB topics included: segregation and community relations in Northern Ireland; the review of public administration; policing and criminality; the possibility of an all-Ireland environmental protection agency; renewable energy resources, the island-wide energy economy and interconnectors; free travel for Irish pensioners in the UK; pardons for soldiers in the Great War; and the plight of an Irish prisoner in Gartree. Of particular relevance, given the much increased inward migration to

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<sup>86</sup> According to Smyth (above), a new plant would create 600 to 1000 new jobs. Current job numbers are expected to fall by 4,000 from 13,000 by 2020 as a result of continued decommissioning of the old plant.

<sup>87</sup> There are four committees: A is called Sovereign Matters, B European Affairs, C Economic and D is Environmental and Social.

<sup>88</sup> Considered of 'huge' concern, given the 'very high number of road deaths on the island of Ireland'—Official Report, p. 55.

<sup>89</sup> Foreign minister, Dermot Ahern, in reply to oral questions by Damien English TD and Seymour Crawford TD, *Official Report*, pp. 74-5.

<sup>90</sup> British-Irish Council *Communiqué*, 2 June 2006.

Northern Ireland, albeit less than in the republic, there were discussions of the common travel area.<sup>91</sup>

Responding to the address by the republic's foreign minister, Mr Ahern, some UK members spoke of becoming 'increasingly frustrated and annoyed ... that it appears that the common travel area no longer exists at Irish airports', whereas travellers from the republic entering airports in Britain were 'not subject to immigration controls'.<sup>92</sup> That Dublin has also reintroduced checks on southern-bound buses and trains is another matter of concern in Northern Ireland; anecdotal reports suggest that non-Caucasians are checked while white people are not, or if all are checked, the former are examined rigorously and the latter cursorily. Mr Ahern's response was that checks were the unwelcome but necessary response to smuggling and increased security risks.<sup>93</sup>

The matter arose again in a motion by Committee A asking the BIIPB to take note of its interim report on the implications of the introduction of identity cards in the UK.<sup>94</sup> During discussion, it was noted that the republic's government might also introduce cards—not for the purpose of recording identity but for access to public services.

It was pointed out that not all airports in Britain refrained from checking: at Gatwick (the principal airport linking with the Channel Islands), photographs were taken—though of everyone going in and out.<sup>95</sup> At airports in the republic, the need to show identification did not arise from a government requirement for a passport check but from the decisions of private airlines (as is the case, though not noted by the BIIPB, in the UK) to insist on a passport or photographic driving licence.<sup>96</sup> Strong feelings were evident. Andrew Mackinlay MP claimed that it had:

not crossed the radar screens of the architects of the [British] legislation [on identity cards] that the Irish Republic has a common travel area [with the UK] and that the United Kingdom has a land border with another country. It is manifest that this has been totally disregarded, and there [was] no recognition of the sensitivities of ...

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<sup>91</sup> A common immigration 'perimeter', enabling passport-free travel between the two islands, has existed since the foundation of the Free State in 1922 with a wartime interruption; see Meehan, E., *Free Movement between Ireland and the UK: From the 'common travel area' to The Common Travel Area*, Studies in Public Policy 4. (Dublin: The Policy Studies Institute, Trinity College, in association with the Department of Justice, Equality and Law Reform, 2000).

<sup>92</sup> This remark was made by Robert Walter MP; *Official Report*, pp.47-8.

<sup>93</sup> *ibid.*, p. 48.

<sup>94</sup> *ibid.*, pp. 54-8.

<sup>95</sup> Senator Paschal Mooney and Deputy Mike Torode. *ibid.*, pp. 55-6.

<sup>96</sup> Senator Martin Mansergh, who thought the driving-licence requirement could discriminate against older and/or younger people. *ibid.*, pp. 55-6.

people in Northern Ireland<sup>97</sup> who have the right under the treaty to identify themselves as Irish.<sup>98</sup>

The topic was welcomed as one with 'some meat in it' and of 'really core business' where the BIIPB could contribute.<sup>99</sup> The body intends to keep at it.

The status of the BIIPB emerged in both a quiet way and as a result of a well-publicised aspect of the conference—the 'historic' attendance of representatives of the DUP. Before their arrival, the body's relationship with the BIC<sup>100</sup> was touched upon when it was suggested that the council be made accountable to it.<sup>101</sup> This and the question of how the DUP would in future regard the status of the BIIPB arose during discussion of intergovernmental political developments.

Though, in this opening discussion, the determination of the two governments to restore devolution was welcomed, concerns were expressed. These included that their actions excluded Alliance and other smaller parties, as well as citizens (especially working-class citizens) more broadly. These were 'closed door' talks, unreported to others involved in securing the Belfast agreement. And they were based on the hope that a deal could be worked out between two parties, one of which had not signed up on Good Friday morning but only after consultation with the IRA Army Council and the other of which had excluded itself from the negotiations leading up to the agreement.<sup>102</sup>

Liz O'Donnell TD suggested that the DUP's self-exclusion from the 1996-98 talks meant that it was further behind than other parties in building political relationships of trust; this had induced the perception that the party's visit to the body was a 'big deal'.<sup>103</sup> Indeed, it had 'taken a great deal of persuasion and encouragement from many people to make the DUP visit come about'.<sup>104</sup> The UUP, let alone the DUP, had continued its boycott of the BIIPB, originating with its source in the 1985 Anglo-Irish Agreement, even after this had been superseded by the Belfast agreement of 1998.

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<sup>97</sup> Mr Mackinlay feared that something like a British identity card might be smuggled into Northern Ireland under arrangements to prevent personation at elections, while a range of concerns about Northern Ireland citizens were expressed by Iain Smith MSP; *ibid.*, pp. 56-7.

<sup>98</sup> *ibid.*, p. 57.

<sup>99</sup> *loc. cit.*

<sup>100</sup> The value of the BIC was warmly affirmed by the republic's foreign minister, Mr Ahern; *ibid.*, pp. 38-9.

<sup>101</sup> Senator Brendan Ryan. *ibid.*, pp. 13-4.

<sup>102</sup> Liz O'Donnell TD, Baroness Blood, Eddy McGrady MP, Andrew Mackay MP and Chris Ruane MP. *ibid.*, pp. 8, 12, 14, 21.

<sup>103</sup> *ibid.*, p.7.

<sup>104</sup> BIIPB co-chair Pat Carey TD. *ibid.*, p. 64.

The *Belfast Telegraph* argued that ‘the lack of unionist representation has diminished any influence [the BIIPB] might have had on Northern Ireland matters’.<sup>105</sup>

On a lighter note, the *Irish Times* noted that a sign of the welcome extended to the DUP delegation could be seen in ‘the Union Jack fluttering in the breeze outside [Killarney’s] Brehon Hotel’; ‘if that [in the home of Irish tourism] was not enough to put them in a good mood, they were ushered into the Ulster Room ... to be greeted by their Irish and British parliamentary hosts’.<sup>106</sup> The delegation was led by the party deputy leader, Mr Robinson, who was accompanied by fellow MPs Nigel Dodds, Jeffrey Donaldson and Iris Robinson. A private lunch was held with the co-chairs of the body, Pat Carey TD and Paul Murphy MP, who were also joined by the republic’s foreign minister, Mr Ahern.

According to one listener, Mr Robinson’s address put the DUP position ‘firmly but courteously’ and, during questions and answers, Iris Robinson ‘spoke movingly’ of how the threat of violence had affected the lives of her and her family—lived behind bullet-proof glass, with panic buttons, TV monitors and police protection.<sup>107</sup> From the BIIPB’s written record, the DUP seems to have appreciated its attendance as much as the members.

The party thought a British-Irish Interparliamentary Body was a very good thing—but only if it were ‘perched on the right tree’. In the DUP’s view, it was not yet so ‘perched’ because circumstances continued to prevent the party from having ‘complete confidence’ that the ‘republican campaign was over’. When it was, the DUP would be a willing participant. But, since it seemed unlikely that the ‘right tree’ would be in place by October, it was improbable that party MPs would be able to attend, as full members, the next plenary that month in Belfast.<sup>108</sup>

There was also a meeting during the survey period of a third member of the ‘east-west’ institutional alphabet soup: the British-Irish Intergovernmental Conference. A product of the Belfast agreement, this is a rebranding to save unionist blushes of the old Anglo-Irish Intergovernmental Conference established under the Anglo-Irish Agreement—to sustain exclusive London-Dublin contacts while still allowing of the

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<sup>105</sup> ‘Cross-border move a huge leap for DUP’, *Belfast Telegraph* (12 April 2006), p. 8.

<sup>106</sup> S. Collins, ‘DUP find the flag flying on jaunt to Killarney’, *Irish Times* (25 April, 2006).

<sup>107</sup> *Ibid.*

<sup>108</sup> *Official Report*, pp. 27 and 31.

broader British-Irish Council unionists demanded, as a counterweight to the North/South Ministerial Council, in 1998.

The BIIC met in late July at Hillsborough, Co Down. The Northern Ireland Secretary, Mr Hain, and the republic's foreign minister, Mr Ahern, who were accompanied by the NIO junior minister Paul Goggins and the republic's justice minister, Michael McDowell, unsurprisingly reaffirmed the 24 November deadline for devolution. But they also referred to preparatory work on a post-deadline partnership between the two governments—just in case it was not met.<sup>109</sup>

## 6.2 North-south

In line with the longstanding argument of the former Northern Ireland permanent secretary Sir George Quigley, who became a significant business figure as head of the (all-Ireland) Ulster Bank, and recent speeches by the Northern Ireland Secretary, Mr Hain, the BIIC meeting stressed the 'island economy' dimension of north-south co-operation, in the context of intensified global competition.

The conference agreed that all future trade promotions would be open to companies north and south and that skills gaps would be identified island-wide.<sup>110</sup> International collaboration in science and technology, including with an eye to EU funding for research and development, would be pursued on an all-Ireland basis. And a similar approach would be taken (as the implementation body InterTradeIreland is already encouraging) to the development of business clusters and networks.<sup>111</sup>

Ministers also reviewed progress on a 'comprehensive study' of the island economy. Pointedly, they agreed the final report would be 'comprehensive and ambitious with proposals for specific actions and initiatives'.

In a related development, the north's enterprise minister, Ms Eagle, and the republic's minister for communications, Noel Dempsey, announced the establishment of a second cross-border electricity interconnector.<sup>112</sup> The Northern Ireland

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<sup>109</sup> *Joint Communiqué British-Irish Intergovernmental Conference Hillsborough 25 July 2006*, at: [www.nio.gov.uk/media-detail.htm?newsID=13391](http://www.nio.gov.uk/media-detail.htm?newsID=13391) [accessed 8 August 2006].

<sup>110</sup> Two professional engineering bodies have produced a report arguing for a step-change in the supply of engineers and scientists across Ireland if the economy of the island as a whole is to become one of the world's top performers—Irish Academy of Engineering and Engineers Ireland, *Engineering a Knowledge Island 2020* (Dublin, 2005), at: <http://www.engineersireland.ie/Home/docs/KI2020.pdf> [accessed 8 August 2006].

<sup>111</sup> *Joint Communiqué*.

<sup>112</sup> Department of Enterprise, Trade and Investment news release, 30 May 2006.

Secretary, Mr Hain, and Mr Dempsey agreed that in November 2007 a single electricity market would operate at wholesale level across the island. Mr Hain said this was a 'groundbreaking arrangement', the first of its kind in the EU.<sup>113</sup>

Meanwhile, the NIO minister of state, Mr Hanson, and the republic's justice minister, Mr McDowell, reviewed progress following a July 2005 agreement on co-operation in criminal justice.<sup>114</sup>

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<sup>113</sup> NIO news release, 8 August 2006.

<sup>114</sup> NIO news release, 31 May 2006.

## 7. Relations with the EU

*Elizabeth Meehan*

EU matters during the reporting period were somewhat serendipitous and some issues overlap with the 'east-west' exchanges above. To begin, a rather lurid headline from the *Belfast Telegraph* in June 2006: 'EU bid to keep sex perverts out of Ulster'.<sup>115</sup> The article drew attention to a proposal being considered in the European Parliament for a directive on an EU-wide system of exchange of information about people with a record as sex abusers. This would enable the authorities in Northern Ireland to stop offenders entering the region from other EU countries, whether EU nationals or people from elsewhere arriving via another EU state. The article noted that there was already a memorandum of understanding between the UK and the republic on recognition in either state of restrictions imposed in the other.

A less lurid but more material challenge to the region had come with the revelation at the end of May that up to £100 million in EU support was threatened. The fear was that the money, from the European Regional Development Fund to cover expenditure on past programmes, would be withheld from the Department of Finance and Personnel. This was because of unhappiness in Brussels about how the paperwork had been handled.<sup>116</sup>

In the last survey period, it was reported that the outcome of the December 2005 Fisheries Council had been 'disappointing' for Northern Ireland.<sup>117</sup> Subsequently, the UK signed a new EU agreement on the funding of the fisheries industry which, this time, was welcomed by the fisheries minister, Mr Cairns, as 'a positive step forward' which would 'help to bring long-term benefits to the Northern Ireland fishing industry and the marine environment'.<sup>118</sup>

The new scheme was said to be capable of bringing about a better and more transparent system of aid for the industry, helping to conserve the marine

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<sup>115</sup> M. McHugh, 'EU bid to keep sex perverts out of Ulster', *Belfast Telegraph* (12 June 2006), p. 7. As is common in the UK, the author treated 'Europe' as a different place rather than a continent of which the UK is a part. One sentence referred to 'offenders from Europe who come to Northern Ireland to seek work or escape their past'.

<sup>116</sup> D. McAleese, '£100m "black hole" looming for taxpayers', *Belfast Telegraph* (31 May 2006).

<sup>117</sup> E. Meehan in R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: May 2006*, at: [www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI\\_May06.pdf](http://www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_May06.pdf), p. 42.

<sup>118</sup> Department of Agriculture and Rural Development news release, 20 June 2006.

environment and dealing with the sustainable development of coastal fishing areas. It would 'help to achieve a stable and enduring balance between fishing capacity and fishing opportunities, reduce the impact of fishing activities on the environment, and promote environmentally friendly production methods'. Meetings were being held over the summer between officials of the Department of Agriculture and Rural Development and fishing representatives to identify the funding priorities in Northern Ireland.

The minister for Europe, Mr Hanson, visited the Louvain Institute and the Office of the Northern Ireland Executive in Brussels in June 2006.<sup>119</sup> The institute used to be the Irish College in the University of Louvain. It passed from its last Franciscans into secular hands in the 1980s and, with British, Irish and private support, was renovated and became a place for study visits by those interested in the EU. It has now been further refurbished, again jointly funded—this time involving Northern Ireland rather than London. Northern Ireland's investment amounted to 16 per cent of the total cost, the republic's government provided 41 per cent of the funding and the remaining 43 per cent was raised from private sponsorship. From the Northern Ireland point of view, the institute is to be 'an active resource contributing [along with the Brussels Office] to Northern Ireland's strategic European policy objectives and ... raising the region's profile in Europe'.<sup>120</sup>

Europe also provided a backdrop for the *A Shared Future* community-relations policy during the period. The minister for community relations, again Mr Hanson, attended the official opening on 7 June 2006 of the Island of Ireland Peace Park, established by the International School for Peace Studies, at Messines. The Minister noted that 'a measure of how far Northern Ireland [had] travelled [was] that the sombre events at Messines [could] be recognised as a shared memory for both communities on both sides of the border'.<sup>121</sup>

EU and 'east-west' relations intertwined at the 32<sup>nd</sup> BIIPB plenary (see intergovernmental-relations section).<sup>122</sup> In his address, the republic's foreign minister, Mr Ahern, referred to an Ireland-Wales programme and to a new rule about sea

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<sup>119</sup> A new director, Evelyn Cummins, was appointed to the Brussels Office in February 2006 and it continues to exercise its roles of ensuring that Northern Ireland interests are known about in EU institutions and that EU policies are monitored from a regional perspective.

<sup>120</sup> Office of the First Minister and Deputy First Minister news release, 8 June 2006.

<sup>121</sup> OFMDFM news release, 7 June 2006.

<sup>122</sup> *Official Report of Thirty-second Plenary Conference of the British-Irish Inter-Parliamentary Body*, 24 and 25 April 2006 (Dublin and Norwich: The Stationery Office, 2006).

distances between regions that permitted an Interreg programme with Scotland to be considered. This provoked concern among some members, especially those from the National Assembly for Wales, that such agreements, ‘hammered out’ by the two governments, ‘by-passed’ parliaments. Mr Ahern was told that his observation that the sums involved were very small did not obviate the need for democratic transparency.<sup>123</sup> The situation in Wales contrasted with that in Scotland where, as reported previously, the Parliament’s External Relations and European Affairs Committee was conducting an enquiry into the proposed Interreg programme linking Scotland, Northern Ireland and the republic.

BIIPB members also heard that an investigation by Committee B into comparatively fewer applications for EU funding from Protestant community groups than from Catholic ones in Northern Ireland had not yet been completed.<sup>124</sup> In discussing the work of Committee C on challenges facing small farms, members considered the possibility of a common north-south approach to the Common Agricultural Policy but were told that differences in systems of farm subsidies precluded this.<sup>125</sup> In what was otherwise a very constructive meeting, it was claimed by Seymour Crawford TD that committee work on agriculture, unlike other business, was seriously hindered by the fact UK members had ‘no interest in the farming situation whether good, bad or indifferent’<sup>126</sup>—a symptom of the different significance of agriculture to the two economies.

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<sup>123</sup> *ibid.*, pp. 43-4, 48-9, 61.

<sup>124</sup> *ibid.*, p. 58.

<sup>125</sup> *ibid.*, p. 65.

<sup>126</sup> *ibid.*, p. 68.

## 8. Relations with Local Government

*Robin Wilson*

Behind the scenes during the survey period, there was hectic activity to flesh out the proposals for the reorganisation of local government, following the review of public administration. A senior official involved said a 'ferocious' amount of work was entailed in this 'huge programme of change', but it was backed by unprecedented 'political will'.

Nine sub-groups of a Local Government Taskforce, chaired by the Department of Environment permanent secretary, were established to look at how the seven councils, due to replace the existing 26 in 2009, would operate. The working groups were given just May and June to report, in a timetable working back from elections to the new local authorities in 2008. This required work to begin in September 2006 on the enabling Westminster legislation. On 1 June a boundary commissioner was appointed under legislation already introduced.

The sub-groups addressed, *inter alia*, issues of governance, how the new councils would exercise their power of community planning and how they would relate to the regional government. On the second and third of these, the sub-groups recommended something close to the Scottish version of community planning and the Welsh partnership between local government and Cardiff. But the highly politically contested nature of governance in Northern Ireland meant that this critical sub-group did not readily have a model—except the mothballed assembly and power-sharing executive—to follow.

The sub-group failed to face one key challenge, flags—even though an obvious solution exists in local civic symbolism. Unionist-dominated councils, including Belfast, have tended to fly the Union flag all year round. Nationalists have at least sought to have this restricted to the statutory days on which it is flown by government departments, following the Flags Order of 2000—introduced in the absence of agreement among the parties in the assembly—but they have preferred to have no flag flown at all if possible.

A number of disputes have been inconclusively registered with the Equality Commission, and a vote on the flag would be likely to be moved by unionist

representatives at an early stage in the life of the new councils. It has considerable potential to sour relations at the beginning of a new dispensation. Indeed, a significant reason why all main parties bar SF opposed the seven-council model was that, demographically, it looked set to secure the 'Balkanisation' of Northern Ireland between three Orange councils in the north and east and three Green authorities in the south and west, with Belfast on an ethno-political knife edge. The Union flag would symbolise the Orange redoubts.

If the governance sub-group avoided the new councils' external symbolism, it did address their internal power-sharing. But discussions were restricted to the political representatives. And the group's recommendations, following the Stormont model, stressed the *division* of power, in terms of its proportionate allocation, rather than parties potentially co-operating in local cabinets. At least there was no appetite for replicating the system of communal designation in the assembly—the basis for its 'parallel consent' decision-making on certain votes. Instead, the sub-group proposed a secular 75 per cent weighted-majority requirement for a motion that had been subject to a 'call-in' by 20 per cent of members.<sup>127</sup>

The official quoted earlier spoke optimistically of the potential of community planning and local government more generally in 'normalising politics' in Northern Ireland and 'renewing our political class'. But she said government was 'in deep difficulty with the DUP' over 'a statutory system of power-sharing'. Officials were holding on to political involvement in the process 'by the skin of our teeth', she said.

None of this frantic activity in the engine room prevented the minister of state, Mr Hanson, from reporting a steady-as-she-goes 'good progress' to the Commons, on the overall reform of public administration in July. The other key elements are the planned replacement of the five education and library, and four health and social-services, area boards with single regional authorities, and the reduction of health and social-services trusts from eighteen to five. These are to be completed by April 2008.<sup>128</sup>

Meanwhile, his counterpart at health, Mr Goggins, announced the appointment of the head of the new health authority. David Sissling was previously head of an English

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<sup>127</sup> See report of the sub-group at: [www.doeni.gov.uk/uploads/LGRT\\_GOV\\_Final%20Report.pdf](http://www.doeni.gov.uk/uploads/LGRT_GOV_Final%20Report.pdf) [accessed 9 August 2006].

<sup>128</sup> OFMDFM news release, 20 July 2006.

strategic health authority.<sup>129</sup> And he subsequently announced the chief executives for the five trusts.<sup>130</sup>

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<sup>129</sup> Department of Health, Social Services and Public Safety news release, 26 June 2006.

<sup>130</sup> DHSSPS news release, 10 August 2006.

## 9. Finance

*Rick Wilford and Robin Wilson*

### 9.1 No More PFI Schools

The big public-expenditure story in this survey period was not trumpeted at all. A news release accompanying a £380 million school building programme noted without elaboration that, following an assessment by the Department of Education and the Strategic Investment Board, this would comprise conventional public expenditure.<sup>131</sup>

As devolved education minister, Mr McGuinness of SF—in contradiction to his party's left-wing pretensions—enthusiastically endorsed the Private Finance Initiative, though in this he was not matched by his more ideologically robust colleague, Bairbre de Brún, at the other big-spending department, health.

In September 2000, announcing the first PFI contract for a Catholic school, in west Belfast, Mr McGuinness described it as 'an innovative procurement method ... enabling us to secure much higher levels of capital investment overall'.<sup>132</sup> And in trailing a £107 million school-building programme in March 2002, he envisaged that half of the spending would go through the PFI route.<sup>133</sup> When, however, he was challenged on PFI by a journalist on a TV election panel before the 2003 assembly election—a rare moment when a 'bread-and-butter' issue surfaced in the media coverage—he shuffled off responsibility on to the prior direct-rule administration.<sup>134</sup>

One current direct-rule insider described the latest building programme as 'a work of fiction' in advance of the restructuring which the review by Sir George Bain would herald (see public-policies section). But he said that 'we've turned our back' on PFI. And indeed the scheme has been disastrous in education in Northern Ireland.

Only four PFI schools have been built, while contracts have not been agreed for a further 30 schools announced since 2001.<sup>135</sup> In addition, one of the PFI state (*de facto* Protestant) schools, Balmoral High in Belfast, is to close next year because it

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<sup>131</sup> Department of Education news release, 22 June 2006.

<sup>132</sup> DE news release, 14 September 2000. This, of course, is an economic *canard*. Private finance may allow investment to be brought forward, but it only allows that investment to be higher in the long run if efficiency savings outweigh the higher costs of borrowing the private sector faces.

<sup>133</sup> DE news release, 21 March 2002.

<sup>134</sup> *Insight*, UTV (20 November 2003).

<sup>135</sup> K. Torney, 'Shame of school-build shambles', *Belfast Telegraph* (16 May 2006).

has only attracted some 200 of the expected 500 pupils. This will leave the Belfast Education and Library Board and its successor body (see local-government section) still paying the contractor for two decades for a non-existent service.<sup>136</sup> At the opening of Balmoral in June 2002, the then UUP first minister, David Trimble, had described it as 'a visible sign of how the public and private sectors can work together to benefit our community'.<sup>137</sup>

The official source said the abandonment of PFI in education had led to conflict with the Treasury. The chancellor has traditionally been supportive of PFI—notably in his battle with the mayor of London over the Underground—because of its potential to move liabilities off balance sheet, however much this is an accounting fiction.

## 9.2 Business Tax Shelters Rejected

Gordon Brown visited Northern Ireland in June, and business leaders pressed on him their growing demand for cuts in corporation tax. While obviously self-interested, the case is based on a superficial attribution of the Celtic Tiger phenomenon in the republic to low corporation tax, acting as a magnet for foreign direct investment. The reality is more complex.

Protectionism was abandoned in the republic in the late 50s and early 60s, following mass emigration, but subsequent efforts to secure FDI were of limited success in generating employment and by the late 80s, with emigration once more burgeoning, social-partnership arrangements were introduced to confer macro-economic stability. The 1990s saw the coming on stream of prior *public* investment in human capital, notably *via* the institutes of technology which many third-level students attend instead of university. The decade also saw the entry into the workforce of large numbers of women, in line with the emergence of the 'liberal agenda' associated with the 1990 election as president of Mary Robinson. These three factors provided a favourable context for rapid growth which low corporate taxation had not previously achieved on its own.<sup>138</sup>

In any event, it was clear Mr Brown was unpersuaded by the tax-cutting call. The business advocates appear not to have factored in to their calculations how it would fit in a devolved UK. Mr Brown would doubtless be very aware of how it would go

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<sup>136</sup> K. Torney, 'Shock closure of school built with private funding', *Belfast Telegraph* (24 May 2006).

<sup>137</sup> Office of the First Minister and Deputy First Minister news release, 6 June 2002.

<sup>138</sup> F. O'Toole, *After the Ball* (Dublin: TASC at New Island, 2003), pp. 17-27.

down in Scotland, for instance, if he were to make a special tax-cutting case for attracting business to Northern Ireland.

One journalist covering his trip reported: 'Confidants of Mr Brown say he is very reluctant to make such a concession on corporation tax.'<sup>139</sup> And, opening the Northern Ireland Science Park in Belfast—a legacy of the special funding initiative for the region he announced after the agreement in 1998—the chancellor said: 'When I am talking to the business community, what we are talking about most is investment levels. Tax rates are only one aspect influencing businesses.'<sup>140</sup>

Later that month, the finance minister, Mr Hanson, rejected another demand for a business tax shelter—a cap on industrial rates when these are introduced as part of the wider rates reform.<sup>141</sup> After representations from the unions as well as business, however, Mr Hain later postponed a final decision on the industrial derating move until after the 24 November devolution deadline.<sup>142</sup>

### 9.3 Still Under-spending

Mr Hanson also announced, in July, the distribution of 700,000 valuation-notification letters, advising domestic ratepayers of the new capital-value assessments that will provide the basis for the 2007 rates bills. This is the next, and for many, unwelcome step in the shift to capital valuation set in train by the rates review instigated by the devolved administration in 2001.<sup>143</sup>

The regional-development minister, Mr Cairns, had meanwhile published the draft order introducing changes to the delivery of water and sewerage services.<sup>144</sup> It provides for the appointment of a wholly government-owned company to deliver the services, sets out a framework for the levying of service charges and establishes a new regulatory regime. Together with the changes to rates valuation, the legislation will exert a significant effect on household incomes, albeit that both include measures to alleviate the costs for the less well-off.

The rates reforms and water charges were introduced to allow an attack on Northern Ireland's dilapidated infrastructure, neglected during the 'troubles'. And Mr Hanson

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<sup>139</sup> G. Moriarty, 'Brown endorses Blair policy on North', *Irish Times* (20 June 2006).

<sup>140</sup> A. Clements, 'Brown agrees to push plight of Ulster economy', *Belfast Telegraph* (19 June 2006).

<sup>141</sup> A. McGill, 'Hanson is "living in a fool's paradise"', *News Letter* (30 June 2006).

<sup>142</sup> NIO news release, 26 July 2006.

<sup>143</sup> Department of Finance and Personnel news release, 3 July 2005.

<sup>144</sup> Department for Regional Development news release, 1 June 2006.

also announced during the survey period increased spending on public services of £385 million in 2005-06, including more than £50 million on infrastructure, taking the annual total for capital investment to over £1 billion for the first time.<sup>145</sup> He also announced funding of £120 million for the fuel poverty policy in 2006-07, representing a continuing commitment to a policy initiated by the devolved administration.<sup>146</sup>

Yet under-spending remains, as successive reports have indicated, a chronic problem for Northern Ireland departments. With the number of departments expanded from six to ten, plus the OFMDFM, in the wake of the agreement (merely to ensure SF received two ministries when the d'Hondt rule was first run in 1999), expertise was dispersed and expenditure proved harder to manage. The result was that at each year end a substantial spending shortfall remained—undermining particularly the devolved executive's calls for still more Treasury support than the Barnett formula supplied.

In 2005-06, under-spending once more approached £400 million.<sup>147</sup> Education was a particular offender. And it did not escape the notice of the teachers' unions that while the department was failing to spend £69 million that year, it was vehemently insisting that the five education boards make significant savings to stay within their budgets. The department's determination to achieve savings was amply demonstrated when it appointed four commissioners to carry out all of the South Eastern Education and Library Board's functions, following the board's failure to agree a plan which would enable it to live within its 2006-07 budget.<sup>148</sup>

At a meeting of senior civil servants in May 2006, chaired by the head of the civil service, Nigel Hamilton, the Department of Finance and Personnel had expressed 'some concern' about under-spending in 2005-06. According to a minute later leaked to the *News Letter*, 'It was emphasised that [monies] surplus [to] requirements must be declared as soon as possible in the financial year, to avoid large year-end underspends.' The minister, Mr Hanson, has ordered a review.<sup>149</sup> But it may well take the slimming down of departments that the Northern Ireland Secretary has threatened (see 'peace process' section) for this nettle to be grasped.

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<sup>145</sup> DFP news release, 20 July 2006.

<sup>146</sup> Department for Social Development news release, 4 July 2006.

<sup>147</sup> DFP news release, 20 July 2006.

<sup>148</sup> DE news release, 6 July 2006; 'Commissioners will make education budget cutbacks', *Irish News* (7 July 2006).

<sup>149</sup> M. McHugh, 'Civil servants demand underspending review', *News Letter* (3 August 2006).

## 10. Political Parties and Elections

*Duncan Morrow and Robin Wilson*

### 10.1 Once more unto the breach

Since the demise of the assembly in October 2002, there have been elections to every available level of government, including local government and the European Parliament. The recurrent message has been clear: Northern Ireland's electorate has become polarised by the issue of SF's participation in government, and an increasing number of people are disillusioned with the political process.

The period since 2002, when Stormont collapsed under the weight of an alleged IRA spy ring, also saw the beginning of IRA decommissioning in earnest. But it did so after a period in which the unionist leadership of David Trimble was routed following his failure to secure early disarmament and the UUP was replaced by the DUP as the majority voice of Protestant Ulster. By 2005, the IRA's own *bona fides* had come under enormous pressure following the bank robbery of Christmas 2004 and the murder of Robert McCartney the following month.

All of which underlines the fact that events—even previously unthinkable ones—only matter in a peace process if they are sufficiently inter-related to create the impression of consistent progress in the direction of an agreed, and increasingly mutual, goal. Instead, in Northern Ireland, the years since 2002 have, if anything, deepened the underlying political distrust between the potential partners and left the cupboard of 'confidence-building measures' and 'peace dividends' alarmingly bare.

The talks of 2006 have been billed as the final, last chance for the institutions agreed in 1998. Given that the destruction of the 1998 agreement represents a political goal of the DUP this on its own could hardly count as an incentive. On the other hand, government indications that the alternative to devolution would be ever-closer north-south co-operation have failed to stir the DUP or the Protestant electorate, now used to the practical utility of such arrangements. Devolution matters more to the governments than it does to SF or the DUP. Northern Ireland may thus be set to repeat the cliff-hanging set-piece negotiations that characterised the previous last-minute attempts to close a deal.

On the ground, the summer communal-Protestant ‘marching season’, with all of its dangers for community relations, passed off relatively peacefully. Yet there was still little evidence of real political engagement between SF and the DUP—let alone the emergence of a coherent inter-party agenda for resolving disputes in government.

The IMC’s report in late April painted a picture of progressive improvement in the quality of the IRA’s ceasefire.<sup>150</sup> But the DUP remained resolutely unimpressed: its strategy was to focus on the ambiguity of SF positions on policing and criminal justice.<sup>151</sup> On this it was largely of common mind with the UUP and the SDLP, and public unease was enhanced by the argument over ‘community restorative justice’ schemes.

The difficulty of resolving the issue before the devolution deadline clearly exercised minds in the republic’s Department of Foreign Affairs. The minister, Dermot Ahern, sought to downplay its importance by asserting that agreement would not be a precondition for a deal in November (see ‘peace process’ section).<sup>152</sup>

But the spectre of a further uncertain interim deal on devolution, in which policing remained unresolved between the partners, was reminiscent of the recurrent difficulties which emerged over the rule of law after 1998—holding out the prospect that any deal would have to be revisited in the light of continuing controversy. Mr Ahern’s comments drew criticism in Dáil Eireann and beyond, but it was certain in any event that arrangements for the devolution of policing would be one of the pivots on which the success of negotiations for devolution would depend.

While SF was under pressure to change its stance on policing, the DUP came under pressure in its leader’s own heartland of Ballymena, following the murder of Michael McIlveen.<sup>153</sup> The killing drew the attention of the media to the culture of sectarianism among young people in the area, and the apparent failure by political and community leaders to tackle the issue seriously. In the event, the murder did not spark a cycle of retaliation, but there was little doubt that the sectarian antagonism which it brought to the surface continued to poison the atmosphere.

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<sup>150</sup> *Irish News* (27 April 2006).

<sup>151</sup> *Irish Times* (27 April 2006).

<sup>152</sup> *Irish Times* (9 May 2006).

<sup>153</sup> *Belfast Telegraph* (13 May 2006).

In spite of the intergovernmental insistence that the region's politicians should continue to work on devolution over the summer, there was real scepticism in many parties, and within the media, that the deal could be delivered within the 'final, final' deadline.<sup>154</sup> By mid-summer, the DUP had made clear that it would not participate in sub-groups of the 'preparation for government' committee established to examine policing and justice or matters relating to the restoration of devolved institutions.<sup>155</sup> Given that these themes formed the core of the dispute, it was difficult to see how progress could be made before the beginning of negotiations in the autumn.

## 10.2 Moving the Deckchairs?

While the assembly convened, the political landscape itself continued to alter. Key figures in Irish political life, Charles Haughey and Mgr Denis Faul, died, while the most prominent Protestant cleric over many years in Ireland, Most Rev Robin Eames, announced his retirement. And, after 10 years and without MLAs since 2003, the Women's Coalition formally disbanded in May.<sup>156</sup>

While the coalition had latterly become associated with the personality of its leader, Monica McWilliams (now chief human rights commissioner in Northern Ireland), the party had enjoyed a publicity which belied its small size during the late 1990s. Although the rationale for a purely women's party was disputed from the outset, the coalition could claim a degree of success in raising the profile of the absence of female leadership in other parties. During the negotiations leading to the agreement in 1998, it enjoyed cordial relationships with the then Northern Ireland Secretary, Mo Mowlam, and made a measurable contribution to aspects of the accord. Unexpectedly successful in the assembly election of the same year, the strongly pro-agreement Ms McWilliams and her colleague Jane Morrice were pivotal to the attempt to re-elect Mr Trimble as first minister in November 2001. The collapse of the coalition left a vacuum for political and community-development activists attracted to the creative and unconventional dimension which the coalition, at its best, brought to Northern Ireland politics.

Paradoxically, one of Ms McWilliams' closest allies in the 1998-2002 assembly was David Ervine, who became the sole surviving MLA for the PUP after the 2003 election. The decision by the UUP leader, Sir Reg Empey, to cut a deal with Mr

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<sup>154</sup> *Irish Times* (3 July 2006).

<sup>155</sup> *News Letter* (22 July 2006).

<sup>156</sup> *Irish Times* (12 May 2006).

Ervine at the opening of the assembly in May created considerable anxiety and division within his party.<sup>157</sup>

Mr Ervine has had a high profile over the years, as an articulate representative of the 'loyalist' working class, with a strong association with the paramilitary UVF. As late as last year, the UVF broke its ceasefire as part of a dispute with the rival Loyalist Volunteer Force. Although Mr Ervine has had no military role since his emergence from a long prison sentence and was a strong advocate of the 'peace process' within unionism, his continuing links with paramilitarism proved controversial.

The new unionist alignment provoked understandable protests of hypocrisy from nationalists and angry letters in the *Belfast Telegraph* and *News Letter*, with the latter running a hostile editorial.<sup>158</sup> The UUP's sole Westminster MP, Lady Sylvia Hermon, holding a seat in strongly middle-class North Down, had already been driven to apoplexy by her party's *de facto* boycott of the Policing Board over the manner of its reconstitution.<sup>159</sup> She said she was 'deeply distressed' by the Empey move<sup>160</sup> and called for the party to sever its links with the PUP until the issue of paramilitarism had been resolved.<sup>161</sup> Two other Co Down UUP figures defected to the Tories.<sup>162</sup> At the end of the survey period, a face-saving party 'review' was announced by the deputy leader, Danny Kennedy.<sup>163</sup>

Within republicanism, meanwhile, frustration at the lack of political progress was becoming palpable during the period. Following the riots in working-class Protestant areas in September 2005, government policy seemed largely to be aimed at reducing 'loyalist' alienation and smoothing the way for the DUP to enter coalition. The succession of spy scandals hitting the republican movement undermined confidence. And when the police ombudsman broke convention and made public her conclusion that Jean McConville, abducted, murdered and buried in secret by the IRA in 1972, had not been a British agent, the IRA was rattled. While the SF president, Mr Adams, accepted that secret burial had been inhuman, the IRA felt obliged publicly to reiterate its view that Ms McConville had been working for the army.<sup>164</sup>

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<sup>157</sup> *Belfast Newsletter*, 16 May 2006.

<sup>158</sup> 'All parties should be unequivocal on rule of law', *News Letter* (17 May 2006).

<sup>159</sup> Private information.

<sup>160</sup> D. Keenan, 'Lady Hermon "distressed" at UUP decision on Ervine', *Irish Times* (18 May 2006).

<sup>161</sup> *Irish Times*, 10 June 2006.

<sup>162</sup> 'Tory numbers swell with another UUP defection', *News Letter* (13 June 2006).

<sup>163</sup> S. Dempster, 'UUP to review its links with PUP's Ervine' *News Letter* (14 August 2006).

<sup>164</sup> *Irish News* (11 July 2006).

None of this suggested that SF had lost its current electoral advantage over the SDLP. But there has been little political reward since the republican decision to decommission was announced in July 2005.<sup>165</sup> And, with devolution still a distant prospect, and difficulties over 'restorative justice' and policing ahead, there was evidence of increasing dissident republican activity in many areas. On the 35<sup>th</sup> anniversary of the introduction of internment, the Real IRA burned down several shops in Newry and blocked the main railway line from Belfast to Dublin, in actions reminiscent of the Provisional IRA until the 1990s.<sup>166</sup> The most significant change was the appearance of senior SF spokespeople on television deploring the action as an unwarranted attack on the local economy—but without being able to offer any delegitimising assertion of the immorality of violence or support for the rule of law.<sup>167</sup>

At the end of the quarter, the republican leadership adopted the same deep-digging approach to rally the faithful as Mr Paisley in his invocation of the Somme (see assembly section), investing heavily in its own tradition. Defying the national (i.e. all-Ireland) authority of the Gaelic Athletic Association, it mounted in Casement Park in west Belfast, before a crowd of approaching 20,000, a Soviet-style 25<sup>th</sup>-anniversary commemoration of the 1981 IRA hunger strikes—complete with an array of serried ranks of women dressed in sackcloth with fists aloft.

Behind the scenes, London and Dublin continued to make approaches to the main Protestant paramilitary group, the Ulster Defence Association (UDA), to encourage the still-active movement to stand down like its republican counterpart. In June, the maverick commander of the UDA's north Belfast 'brigade' was removed in an internal putsch.<sup>168</sup> Fears of a feud receded when key figures were expelled from north Belfast following a public show of strength by UDA members, unchallenged by the police, in early August.<sup>169</sup> The manner of this expulsion left many feeling queasy about the nature of the UDA, and its links to government—especially as the Northern Ireland Affairs Committee had confirmed the high level of paramilitary-associated crime (see 'peace process' section).<sup>170</sup>

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<sup>165</sup> *Irish Times* (28 July 2006).

<sup>166</sup> *Belfast Telegraph* (11 August 2006).

<sup>167</sup> *BBC Newsline* (11 August 2006).

<sup>168</sup> *Irish Times* (21 June 2006).

<sup>169</sup> *Belfast Telegraph* (2 August 2006).

<sup>170</sup> *Irish Times* (5 July 2006).

Amidst the political stasis, the silver lining to the cloud was the lack of appetite for direct confrontation over parades on the ground, leading to a series of localised deals, especially in Ardoyne in north Belfast.<sup>171</sup> Even where no accommodation was agreed, as in west Belfast, confrontation was largely avoided. And even the Orange Order appeared to be changing tactics, holding high-profile meetings with the SDLP and the leader of the Catholic Church in Ireland—if not the residents' groups to whom they are most directly opposed.<sup>172</sup>

While these local agreements held, the government was less successful in its interventions. An attempt to reassure unionists, after the September 2005 riots, by appointing two people with strong links to the Orange Order to the Parades Commission came unstuck, when one member resigned and another was forced into temporary resignation as a result of a court challenge.<sup>173</sup> While the government won its subsequent appeal, the case was widely held to have damaged the credibility of the body. The announcement that £100,000 would be given to the order over three years, to encourage the evolution of Orange parades from confrontation into an 'Orangefest', also met incredulity among nationalists, as well as liberals, as further evidence of 'appeasement'.<sup>174</sup>

### 10.3 Funding and Voting

In terms of the nuts and bolts of electoral politics, in May 2006 the Boundary Commission recommended modest changes to Northern Ireland's parliamentary constituencies. The Belfast seats would be expanded, taking account of the hollowing out of the city. But the overall number of 18 would be retained. Any other figure would, of course, have had knock-on effects for the—for the moment hypothetical—election of a future assembly, where the Westminster constituencies are the basis for the six-seater PR-STV system.<sup>175</sup>

PricewaterhouseCoopers meanwhile continued its research for the Electoral Commission around the trend towards falling voter registration—an apparent reflection of growing public disengagement from Northern Ireland's abnormal politics addressed in successive reports. A PwC report during this survey period called for

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<sup>171</sup> *Belfast Telegraph* (16 June 2006).

<sup>172</sup> *Irish Times* (6 June 2006).

<sup>173</sup> *Belfast Telegraph* (19 May 2006).

<sup>174</sup> *Irish Times* (1 July 2006).

<sup>175</sup> Boundary Commission for Northern Ireland announcement, 18 May 2006.

data-sharing between agencies and the targeting of potential registrants, if registration were to be raised in the wake of the end to the annual canvass.<sup>176</sup>

The longstanding exemption of Northern Ireland from the ban on foreign funding of political parties was meanwhile addressed at Westminster. The exemption, granted while Ms Mowlam was Northern Ireland Secretary, was hugely beneficial to SF, because of its Irish-American diasporic support. But legislation introduced to bring the region into line with the rest of the UK, as with the common travel area (see intergovernmental-relations section), did not envisage treating the republic as 'foreign' for these purposes. An amendment in the Lords removed that narrower exemption—of considerable value to the SDLP—but this was overturned in the Commons by the government majority, despite Tory and unionist protests.<sup>177</sup>

The legislation did not, moreover, remove the anonymity provisions for donors to parties in Northern Ireland. While the overhang of the 'troubles' could be detected in its retention, in the light of the peerages-for-sale claims at Westminster an obvious potential for corruption remained unaddressed.<sup>178</sup>

In theory at least, the ending of payments for MLAs and their political advisors, should the 24 November deadline expire without progress, could destroy public political life in Northern Ireland. The Northern Ireland Secretary, Mr Hain, has throughout repeatedly reminded the parties of the unpopularity of continuing to pay MLAs while the institutions of government remain inactive.<sup>179</sup> The DUP and SF would still draw financial support from their representation at Westminster and in Dáil Éireann. But while the SDLP reversed its financial deficit in the past year,<sup>180</sup> the UUP and Alliance have built up serious debts.

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<sup>176</sup> 'Electoral registration in Northern Ireland: summary of research update'—May 2006 (Belfast: Electoral Commission, 2006).

<sup>177</sup> 'Bid to ban donations beaten', *News Letter* (26 July 2006).

<sup>178</sup> N. McAdam, D. Gordon and M. Hookham, 'Mystery still surrounds the identities of donors behind our political parties', *Belfast Telegraph* (28 July 2006).

<sup>179</sup> *Irish News* (3 May 2006).

<sup>180</sup> *BBC News*, 18 July 2006.

## 11. Public Policies

*Rick Wilford and Robin Wilson*

### 11.1 Education

The education minister, Ms Eagle, inherited a troublesome brief from her predecessor, Ms Smith—with no item more so than the banning of academic selection at 11 years, which was placed on the policy agenda by then SF minister, Mr McGuinness, at the fag-end of devolution in 2002. On 12 June Ms Eagle laid the draft education order before Parliament, describing it as 'the blueprint for the creation of a world class education system'.

The NIO's view is that the current education system has failed Northern Ireland's children. The secretary of state, Mr Hain, echoed the arguments of progressive educationalists in the region that 14 should be the age of decision, with an eye to developing the broader range of technical skills which Northern Ireland's academic/non-academic divide (unlike the comprehensive secondary system in the republic) squeezes out.<sup>181</sup>

But Ms Eagle said provision had been made to enable regional politicians—if they agreed to restore devolution by 24 November—to take the final decision to implement the ending of academic selection. Conversely, if no such agreement were to be reached by the deadline, 'then the ban will become law immediately it has expired'.<sup>182</sup> This was critical to winning the support in the Lords of the Lib Dems, who had argued that this was properly a decision for a devolved assembly.<sup>183</sup>

It was a tantalising offer. The demise of the '11+' has been and remains a matter of profound controversy in Northern Ireland, because of its sheer familiarity particularly to the Protestant middle class, and the temptation to exert regional control over the decision is attractive. But while a necessary incentive, this was by no means sufficient. Moreover, the prospect of cross-community consent in an assembly for the decision to retain or abandon the transfer test would be by no means given: Catholic opinion is much more hostile to the system.

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<sup>181</sup> NIO news release, 12 June 2006.

<sup>182</sup> DE news release, 12 July 2006.

<sup>183</sup> 'Call to Lib Dems over U-turn on education', *Belfast Telegraph* (15 June 2006).

Elsewhere, the order provided for a revised curriculum—whose breadth, in reality, makes a nonsense of continuing selection at 11—and would enable some schools to retain the responsibility for expulsions. Taken with the streamlining of educational administration as part of the RPA (see local-government section), the schools system in Northern Ireland is braced for fundamental changes.

This was reinforced when Ms Eagle confirmed the terms of reference for the Strategic Review of Education announced earlier in the year by the Northern Ireland Secretary. Led by Sir George Bain, former vice-chancellor of Queen's University, the review is to examine the funding of the education system in the context of falling school rolls and the curriculum reforms. As the minister said, 'we have too many schools in NI with resources spread too thinly ... we need to achieve higher standards, better facilities and a better use of resources'.<sup>184</sup> Development work for 48 new schools is under way, at a cost of £380 million, albeit there is also a programme of school closures (see public-expenditure section).

Ms Eagle, wearing her hat as minister for children and young people (a brief she took over from Lord Rooker), launched a ten-year strategy intended to improve their lives, seeking to ensure that they 'are healthy, living in safety and stability and achieving economic and environmental well-being'.<sup>185</sup> To that end she subsequently announced 730 new pre-school places, one outcome of a meeting of the ministerial committee on children and young people, funded from the £100 million fund established to help deliver the wider strategy.<sup>186</sup>

## 11.2 Health

The new health minister, Mr Goggins, signalled the department's continuing (and overdue) activism by announcing a major reform of the health service. It is designed to increase significantly the number of people cared for at home and in their communities rather in hospital beds. This will entail new ways of joined-up working and service delivery across the relevant agencies, *via* new intermediate-care services designed to bridge the gap between hospitals and community care, the introduction of personalised care plans and more prescribing by district nurses and community pharmacists. The planned budget for the new generation of health and

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<sup>184</sup> DE news release, 30 June 2006.

<sup>185</sup> DE news release, 20 June 2006.

<sup>186</sup> DE news release, 4 July 2006. The other members of the ministerial committee are David Hanson and Paul Goggins.

care centres is estimated to be £500 million, funded from the investment strategy for the region announced in December 2005.

The minister also announced that a formal link would be made with the National Institute for Clinical Excellence. This should ensure that patients get similar access to specialist drugs as those in England—including, perhaps, Herceptin?

Mr Goggins is a confident man, or at least a risk-taker. Against the background of the latest monthly figures for the 12-month waiting time standard—which showed that all inpatient and day-case waiting time targets had been met—he set a new six-month target for outpatient appointments and for inpatient and day-case treatment. As an earnest of his commitment, he indicated his preparedness to take action against health trusts which did not so reduce waiting times.<sup>187</sup> Whether it was the zeal of a new broom or a case of blood rushing to his head, the minister also subsequently announced his ‘pledge’ to eliminate trolley waits in hospitals over the next two years.<sup>188</sup>

### 11.3 Sustainable Development

A sustainable-development strategy for Northern Ireland, which had been expected in the autumn of 2005, finally emerged in May 2006. One official at the launch described it as tentative—as its title, *First Steps Towards Sustainability*, and accompanying logo of little green feet indicated. But it was launched by the Northern Ireland Secretary, Mr Hain, and it located responsibility for implementation in the OFMDFM, rather than the Department of Environment—both suggestive of political commitment. The most eye-catching pledge was to a carbon-neutral civil service by 2015, while a Welsh-style statutory duty to promote sustainability would be placed on all departments and local authorities.<sup>189</sup>

While Mr Cairns acquired responsibility in the reshuffle for the Department for Regional Development, the announcement that senior citizens would benefit from the introduction of an all-Ireland free bus and rail travel scheme was also made by Mr

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<sup>187</sup> DHSSPS news release, 8 June 2006.

<sup>188</sup> DHSSPS news release, 26 June 2006.

<sup>189</sup> Department of Environment, *First Steps Towards Sustainability: A Sustainable Development Strategy for Northern Ireland* (Belfast: DoE, 2006), at: [www.ofmdfmi.gov.uk/sustain-develop.pdf](http://www.ofmdfmi.gov.uk/sustain-develop.pdf) [accessed 9 August 2006].

Hain.<sup>190</sup> The scheme will come into effect in April 2007, though somehow one doubts that the veteran DUP leader, Mr Paisley, will take advantage of it.

Mr Cairns did announce the five-yearly review of the Regional Development Strategy, unveiled in 2001.<sup>191</sup> The review stresses the need to maintain a balance of development between the Belfast metropolitan area and the rest of the region and underwrites the government's spatial-development strategy as the key driver of housing allocations across Northern Ireland.

The latter proved controversial over the reporting period. The review panel supported the NIO's recently announced proposal to curtail single dwellings in the countryside—much to the ire of rural, especially farming, households, which have traditionally earmarked plots of land for their children to build on. This proposal did, in fact, provide the basis for one of the few debates held in the assembly during this period.

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<sup>190</sup> NIO news release, 25 July 2006.

<sup>191</sup> DRD news release, 31 May 2006.

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