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Northern Ireland Devolution Monitoring Report

January 2007

Professor Rick Wilford & Robin Wilson

Queen's University Belfast (eds.)



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The Devolution Monitoring Programme

From 1999 to 2005 the Constitution Unit at University College London managed a major research project monitoring devolution across the UK through a network of research teams. 103 reports were produced during this project, which was funded by the Economic and Social Research Council (grant number L 219 252 016) and the Leverhulme Nations and Regions Programme. Now, with further funding from the Economic and social research council and support from several government departments, the monitoring programme is continuing for a further three years from 2006 until the end of 2008.

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Acronyms

BIC	British-Irish Council
BIIC	British-Irish Intergovernmental Conference
BIIPB	British-Irish Inter-Parliamentary Body
DUP	Democratic Unionist Party
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
PSNI	Police Service of Northern Ireland
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

As what had been affirmed by London and Dublin last spring as the final, final deadline for restoration of the Northern Ireland devolved institutions, 24 November, loomed, the parties were yet again assembled at a country retreat—this time St Andrews—in October. A deal was only secured after a raft of concessions to the Democratic Unionist Party by the prime minister, fearful of the next day's headlines, following the threat of a DUP walkout.

The backdrop proclaiming the 'St Andrews agreement' had been pre-prepared, and it was apparent that this was – just like the 'comprehensive agreement' of December 2004 – an accord to which only London and Dublin had signed up. In particular, there was no agreement by SF at that stage to hold the special *ard fheis* (conference) required for the *bouleversement* of supporting the Police Service of Northern Ireland, successor to the Royal Ulster Constabulary, essential for any participation in renewed power-sharing. While republicans reported 'considerable' hostility to any such move, DUP figures said they couldn't envisage the devolution of policing and justice – which SF treated as a precondition of movement – in their 'political lifetimes'.

The government blinked first once more, with the Northern Ireland (St Andrews Agreement) Bill now allowing of a 'transitional' assembly after 24 November, to be dissolved on 30 January for an election on 7 March, with yet another devolution deadline of 26 March. And, during the debate on the bill, the Northern Ireland secretary, Peter Hain, said that the DUP and SF would now have only to 'indicate' their candidates for first and deputy first minister – rather than making formal nominations – on 24 November, to save the DUP's blushes, and that when SF called the *ard fheis* on policing was a matter for that party.

On the fateful day, the SF leader, Gerry Adams, nominated Mr McGuinness as DFM, but the DUP leader, Rev Ian Paisley, insisted he could not yet nominate himself as FM, invoking Martin Luther as he declared 'here I stand'. Bizarrely, this was interpreted by the assembly speaker, Eileen Bell, as a positive 'indication', though 12 DUP MLAs later explicitly rejected her interpretation. It was, commented the *Irish Times*, 'Alice in Wonderland politics'.

Meantime, just as it seemed matters could not become more surreal, the assembly was suddenly adjourned after an assault on Parliament Buildings by the maverick loyalist paramilitary Michael Stone, released early from prison as a result of the Belfast agreement. It emerged he had planned to assassinate Messrs Adams and McGuinness. In another huge irony, Stone was halted at the door by an alert female security official – a former member of the RUC.

After yet further private negotiations between Mr Adams and the prime minister, Tony Blair – including while the latter was on his swansong middle-east tour – the SF *ard chomhairle* (executive) met and agreed to hold a special *ard fheis* in January. But a new-year statement from Mr Paisley claiming SF's approach was 'begrudging' and awaiting actions rather than words discommoded the republican leadership, amid evident unease in the movement. The prime minister rushed back from his controversial holiday at the Miami home of a former rock star to try to rescue the St Andrews package.

The survey period ended with SF saying there was a 'big question mark' over the *ard fheis* unless the DUP offered more, which the latter refused to do. At heart what was at stake was who had 'won' the decades-long conflict which inflamed Northern Ireland, even as the International Monitoring Commission reported that only embers were left.

A poll for BBCNI after St Andrews had found two thirds of the public did not believe the 24 November deadline would be met. On that, the two thirds were proved right. A similar proportion did not believe the March deadline for the renewal of devolution would be met either.

Chronology of Key Events

- 13 October 2006 London and Dublin announce 'St Andrews agreement' after talks in Scotland with Northern Ireland parties, but without latter assenting; agreement affirms 24 November deadline now only for nomination of first and deputy first minister (rather than all ministers as envisaged in Northern Ireland Act 2006), with 'transitional assembly' to be dissolved in January and an election in March to lead to renewed power-sharing devolution; parties to be required to assent by 10 November
- 1 November 2006 Parties meet chancellor to discuss financial package for Northern Ireland aired in agreement but what is spun as a '£50 billion' plan turns out to involve little, if any, new money
- 10 November 2006 SF and, in particular, DUP fall some way short of assenting to St Andrews but government elects to proceed nonetheless
- 24 November 2006 In 'transitional assembly', Sinn Féin nominates Martin McGuinness as deputy first minister designate, but there is confusion as speaker interprets *non-possumus* statement by Rev Ian Paisley as a positive 'indication' to nominate himself eventually as first minister, and building is attacked by maverick loyalist; twelve prominent Democratic Unionist members dissociate themselves from speaker's interpretation
- 29 December 2006 SF *ard chomhairle* (executive) agrees to mount special *ard fheis* (conference) on support for police in January 2007, after private negotiations with prime minister
- 1 January 2006 New-year statement by Mr Paisley says SF approach to policing has been 'begrudging' and DUP will judge SF on policing by 'actions', not 'words'
- 3 January 2006 Amid evident unease within 'republican movement', SF says special *ard fheis* now in jeopardy, forcing Tony Blair to return early from US holiday with former rock star to try to prevent post-St Andrews process unravelling

1. The 'Peace Process'

Rick Wilford and Robin Wilson

1.1 The last-chance saloon

The passage of the St Andrews Act at Westminster represented the most recent – and perhaps final foreseeable – push by the UK government to restore devolution to Northern Ireland. The act, based upon the St Andrews agreement between London and Dublin unveiled on (Friday) 13 October (detailed in the next section), set out a series of explicit deadlines for the re-transfer of powers. But, before the passage of the act, the government required that the leaderships of the two main parties, the Democratic Unionist Party and Sinn Féin, would respond positively to the proposals by 10 November, indicating that they represented the basis for progress.

In the event, the two parties were less than explicit. On 6 November, SF issued a statement following a meeting of its *ard chomhairle* (executive) in Dublin, indicating that the proposals 'have the potential to deliver the full implementation of the Good Friday Agreement',¹ while three days later the DUP neither backed nor endorsed them but rather indicated that 'aspects of the proposals require further work'.²

The equivocation of the statements did not deter the governments from pushing on, most immediately in terms of the publication of the St Andrews Bill which set out a series of further milestones. By 22 November a 'transitional assembly' would be established (the May 2006 assembly would cease to exist on that date), whose sole statutory purpose was 'to take part in preparations for the restoration of devolved government in accordance with the St Andrews Agreement'.³

However, the DUP and SF were required – initially – to nominate their candidates for, respectively, the posts of first and deputy first minister designate on 24 November, thereby paving the way for the implementation of the St Andrews proposals. This was itself a dilution of the arrangement enshrined in the Northern Ireland Act only the previous May, which had set the 24 November deadline in law but associated it with the nomination of *all* ministers, not just the FM and DFM, on pain of dissolution of the

¹ SF news release, 6 November 2006.

² DUP news release, 9 November 2006.

³ For a brief summary of the timetable see 'Commentary', at: www.niassembly.gov.uk/transitional/info_office/commentary.htm. A much fuller explanation is available from the House of Commons Library Research Paper 06/56.

2003 assembly and indefinite postponement of the 2007 election. Thereafter, the Transitional Assembly was to embark on a programme of work designed to agree standing orders for a new assembly, to draft a ministerial code and, more generally, to prepare the ground for a nascent Executive Committee.

There was, however, a set of new key dates in the legislation. The Transitional Assembly would meet until 30 January and then be dissolved in anticipation of the third assembly election on 7 March 2007, with the new executive formed on 26 March. But the St Andrews Act also provided arrangements should there be non-compliance. These enabled the Northern Ireland secretary once more to dissolve the Northern Ireland Assembly (and now to terminate the Transitional Assembly) and postpone the election indefinitely, Direct rule would thus be reinstated *sine die* – though with the threat, as repeated⁴ in the St Andrews agreement, of enhanced ‘partnership’ between London and Dublin.

This was a process enveloped in uncertainties. Progress hinged, essentially, on two factors: the explicit preparedness of the DUP to share power with SF and the latter’s support for the Police Service of Northern Ireland and the rule of law. To that end St Andrews set out a revised pledge of ministerial office, supplementing that contained in the Northern Ireland Act 1998 which implemented the Belfast agreement. There were four new commitments in the revised pledge, *viz* it would require all ministers to:

- promote the interests of the whole community represented in the Northern Ireland Assembly towards the goal of a shared future;⁵
- participate fully in the Executive Committee, North/South Ministerial Council and British-Council;
- observe the joint nature of the Office of the First Minister and Deputy First Minister; and
- uphold the rule of law based as it is on the fundamental principles of fairness, impartiality and democratic accountability, including support for policing and the courts as set out in paragraph 6 of the St Andrews agreement.

⁴ R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Report: September 2006*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Sept06.pdf, p. 10.

⁵ It is notable how the phrase from the title of the policy framework on ‘community relations’ launched by government in March 2005, *A Shared Future* (www.asharedfutureni.gov.uk) has entered public and political parlance more generally.

Paragraph 6 of the agreement reads: 'We believe that the essential elements of support for law and order include endorsing fully the PSNI and the criminal justice system, actively encouraging everyone in the community to co-operate fully with the PSNI in tackling crime in all areas and actively supporting all the policing and criminal justice institutions, including the Policing Board.'

However, before any of its ministerial nominees could take such a pledge, the SF leadership would need the endorsement of its *ard chomhairle* and of the party via a ratifying vote at a special *ard fheis* (conference) to affirm support for the police and the wider criminal justice system. Although due dates for each of these steps were not included in the St Andrews timetable, the view quickly formed that they would have to occur before the dissolution of the Transitional Assembly, ie 30 January.

Yet, on the very day that Rev Ian Paisley of the DUP and Martin McGuinness of SF were to indicate their preparedness to assume the roles of first and deputy first minister, 24 November, a report in a Swiss newspaper quoted an SF MLA, Francie Brolly, to the effect that the *ard fheis* would take place 'sooner rather than later, provided we get a good set of election results, perhaps during the marching season'.⁶ This pushed the date well beyond the St Andrews timetable, certainly far beyond the end of January, and was clearly unacceptable to all other key players, including the republic's government. The furore which erupted in the wake of the interview with Mr Brolly who had, according to a senior Dublin official, 'spilled the beans',⁷ constrained the SF leader, Gerry Adams, to placate his party's critics by indicating that the necessary meetings of the *ard chomhairle* and party members would occur within the timeframe set out at St Andrews.⁸

While the SF leadership embarked on a process designed to cohere the party around support for the police (see below), the DUP leadership was betraying palpable signs of stress and strain around the issue of entering a power-sharing administration alongside SF, not least in the OFMDFM where Mr McGuinness would be effectively the co-equal of Mr Paisley. At St Andrews, following publication of the agreement, Mr Paisley spoke of Ulster being at a 'crossroads' – the very term used by Terence O'Neill, then UUP prime minister of Northern Ireland in the 60s, under threat from the young fundamentalist firebrand – while at the same time reassuring unionists that

⁶ *Le Temps*, 24 November 2006.

⁷ Private information.

⁸ SF press release, 30 November 2006.

they could 'have confidence that [their] interests are being advanced and democracy is finally winning the day'.

Only in September the Northern Ireland secretary, Peter Hain, had insisted that deadline was immovable.⁹ Yet Mr Paisley said the DUP had 'busted through' it¹⁰ and insisted SF had to give 'full support for policing, and be credibly tested, before any move to devolution'.¹¹ And, during the passage of the St Andrews Bill, Mr Hain further watered down the requirement that the DUP and SF nominate their candidates for first and deputy first ministers on 24 November: now the nominating officers (respectively, Mr Paisley and Mr Adams) were required only to provide an 'indication of intention' so to do. He also said the timing of an SF *ard fheis* on policing was a matter for that party.¹²

The veteran *Belfast Telegraph* columnist Barry White commented: 'Let's call a spade a spade. The fudge that has enabled Tony Blair and Peter Hain to avoid closing the Stormont Assembly on Friday is a farce, which can only add to the cynicism that is the prevalent mood in Northern Ireland today.'¹³ But worse was to come.

On the fateful Friday morning at Stormont, Mr Adams had no hesitation in nominating Mr McGuinness as DFM, but Mr Paisley issued a much more equivocal statement on the floor of the assembly. Remarking that it was 'one of the most important statements that I have made in this chamber since I was first elected to the old Northern Ireland Parliament', he continued:

When SF has fulfilled its obligations with regard to the police, the courts, the rule of law and other commitments, then – and only then – can progress be made ... [T]here can be no movement until it [SF] faces up to and signs up to, its obligations ... The circumstances have not been reached in which there can be a nomination or a designation this day. I have made clear my aim, hope and desire for the future. Throughout the DUP's consultations, we stated that if and when commitments are delivered, the DUP would enter government. At that time there will fall to me a judgement consistent with delivery on the ground, as a basis for moving forward. Here I stand.¹⁴

⁹ G. Moriarty, 'IMC to publish positive report on IRA', *Irish Times* (6 September 2006).

¹⁰ N. McAdam, 'I can still shut Assembly: Hain', *Belfast Telegraph* (17 November 2006).

¹¹ G. Moriarty, 'Formula for nomination of NI ministers sought', *Irish Times* (17 November 2006).

¹² F. Millar, 'Pressure on SF as Westminster debates St Andrews legislation', *Irish Times* (22 November 2006).

¹³ B. White, 'Anything goes for the vote winners', *Belfast Telegraph* (21 November 2006).

¹⁴ *Official Report*, 24 November 2006.

Although Mr Paisley had said that his statement would be 'solemn, short, simple and straight', it met only the first two criteria. It was more elliptical than linear, more convoluted than straightforward. Nevertheless, its intent was decipherable. When the Speaker, Eileen Bell, rose to state that 'Dr Paisley and Mr McGuinness have indicated, subject to the outcome of the election and other necessary conditions being satisfied, their intention to be nominated as first minister designate and deputy first minister designate', she met a loud chorus of 'no' from some on the DUP benches. The uproar in the chamber was stoked by the obvious enjoyment of the DUP's discomfiture by the UUP leader, Sir Reg Empey, and the dismissal of the proceedings as 'hollow farce' by his SDLP counterpart, Mark Durkan. Yet all this was to be overshadowed by the pathetic attempt by the maverick loyalist Michael Stone to storm the assembly.

Hobbled by arthritis, supported by a walking stick and armed with a number of improvised explosive devices and a replica handgun, Stone became stuck in the revolving doors at the entry to Parliament Buildings and was quickly overpowered by two unarmed security guards, one a female former police officer. Though Stone succeeded in bringing the plenary session to a halt, it was the true hollow farce of the morning.¹⁵

Briefly distracted by the event, the discontented within the ranks of the DUP quickly came back to dominate the day. While the two governments fell on Mr Paisley's statement with the alacrity of a hungry dog snapping at a bone – insisting it was sufficient to proceed with the St Andrews plan and timetable – twelve of the DUP's MLAs issued their own statement. They insisted that nothing uttered by their party leader could be construed as implying that the DUP had participated in a designation process, nor that it was involved in nominating a team to lead a future devolved administration.

Later that afternoon, Mr Paisley issued his own statement in response seeking to settle any nerves, not least in London and Dublin. It noted: 'I have always said, as I said today in the assembly, what my intention will be if policing and all of the other outstanding issues that are before us are settled. Everyone already knows that in

¹⁵ G. Moriarty, D. Keenan and M. Hennessy, 'Stone attack overshadows day of confusion at Stormont', *Irish Times* (25 November 2006). The bathos of the event was deepened when Stone, who dabbles in art, subsequently applied for bail: his defence lawyer claimed that the planned incursion had been 'a piece of performance art replicating a terrorist attack' and that the explosive devices were not viable – BBC News Online (19 December 2006).

those circumstances, after they are delivered, I would accept the first minister's nomination provided the election results are favourable'.¹⁶

While the qualms of the taoiseach, Bertie Ahern, the prime minister, Tony Blair, and, not least, the Northern Ireland secretary, Mr Hain, may have been assuaged, considerable disquiet was apparent in the DUP at the prospect of power-sharing with SF in general, and Mr McGuinness in particular: there are those in the party who really do not want a 'taig' about the place at any price. Moreover, there are those in Mr Paisley's own Free Presbyterian Church who cannot contemplate an administration that encompasses republicans, whether or not they are reconstructed. Such eruptive discontent led to a closed meeting of the DUP executive on 6 December, designed to ensure that the party remained united in the critical period ahead. And, to provide a signal that unity would prevail, Mr Paisley led a four-man delegation to Downing Street which included two of the twelve signatories to the dissenting statement.¹⁷

The efforts to steady the ship had some effect, although the party's MEP, Jim Allister, was outspoken in pointing out what he perceived as 'fundamental negatives' in the St Andrews proposals: the absence of a mechanism for the sole exclusion of SF, if it defaulted on any commitments to adopt exclusively peaceful and democratic means, and of any requirement that the IRA's army council be disbanded; the commitment to bring forward an Irish language act which, in his terms, threatened to erode Britishness in Northern Ireland; the provision for applicants from elsewhere in the EU, most notably the republic, to apply for jobs in the Northern Ireland civil service; and the absence of a determinate period to test the *bona fides* of 'SF/IRA'. Mr Allister insisted that if the army council were not disbanded by the time of the next report from the Independent Monitoring Commission (scheduled for January 2007) or the 26 March deadline for executive formation, then the St Andrews proposals should be rejected: 'We cannot even consider going into government with SF in a situation where the IRA Army Council still exists and the IRA military structures are, therefore,

¹⁶ BBC News Online (24 November 2006).

¹⁷ The two were the party chair, Lord Morrow MLA, and Nigel Dodds MP, MLA who accompanied Mr Paisley and Peter Robinson, MP, MLA to the meeting with the prime minister. The other ten signatories were William McCrea MP, MLA, David Simpson MP, MLA, Gregory Campbell MP, MLA and seven further MLAs: Diane Dodds, Paul Girvan, Stephen Moutray, Nelson McCausland, Mervyn Storey, Tom Buchanan and Jim Wells. The 12 were dubbed by the regional press as 'the apostles' or, less kindly, 'the dirty dozen'.

still intact. We cannot countenance government with SF in those circumstances. That's the litmus test. The IRA has to go.¹⁸

While these were much more than rhetorical flourishes and betrayed deep disquiet within the DUP, there was little doubt that the leadership of the party was, all other things being equal, set on a path that could produce an inclusive power-sharing administration, encompassing a loveless political cohabitation in the OFMDFM with SF, were the latter party to 'deliver'. At the same time, mainstream republicanism was committed at least rhetorically to the same end, notwithstanding considerable antipathy towards the policing and criminal-justice systems within republican ranks – to the extent that key figures in SF's leadership, including Mr Adams, were notified of death threats from dissident republicans.¹⁹

There was, then, a delicate balance. On the one hand, the DUP refused to take the first step towards the actual formation of a power-sharing administration unless its preconditions, adumbrated by Mr Allister, had been met. On the other, SF insisted that there had to be a precise date set for the transfer of policing and justice powers – which DUP figures predicted would not happen in their 'political lifetimes'²⁰ – before it could sign up to the implementation of the St Andrews agreement. In addition, it was seeking the exclusion of MI5 from any role in 'civic' policing and agreement on the nature, form and composition of a policing and justice department, prior to executive formation.²¹

There were straws in the wind. On 13 December a four-member SF delegation, including Mr Adams, met the chief constable, Hugh Orde, a meeting recorded on camera for the first time. Meanwhile, seventeen SF councillors and two TDs in the republic took their seats on the new policing committees established as liaison groups advising on law enforcement.²² This was a signal event, not least because SF has never formally endorsed the legitimacy of the Garda Síochána, any more than the old Royal Ulster Constabulary or the PSNI.

¹⁸ *News Letter* (17 October 2006).

¹⁹ BBC News Online (12 December 2006).

²⁰ C. Thornton, 'I'll have to bite my lip if we share power with Sinn Fein', *Belfast Telegraph* (27 October 2006).

²¹ F. Millar, 'SF prepared to call ard fheis in January', *Irish Times* (27 November 2006).

²² *Irish News*, 30 November 2006.

'National security' is especially troubling for nationalists and republicans, since it bears directly on the relationship between the PSNI and the intelligence services – particularly MI5, which is to be housed in a new, extensive facility on the site of Palace Barracks, Holywood, about eight miles east of Belfast. As an 'excepted' matter, national security will not, of course, be devolved. But the interface and joint working between the police and intelligence services raises key issues of accountability, not least because of the demonstrated linkages between serious and organised crime and paramilitary organisations, including the IRA, and the history of collusion between paramilitaries and the police, as well as the penetration of loyalist and republican paramilitary organisations by the police and intelligence services – which, among other things, led in April 2006 to the murder of the senior SF figure Denis Donaldson, a long-term British agent, by a person or persons unknown. Though the government insisted in an annex to the St Andrews agreement that there would be no diminution of police accountability as the result of new arrangements for the handling of national security intelligence in Northern Ireland, this was not accepted by the SDLP or SF.

In mid-December, the Policing Board published the most recent 'quality of service survey' that measures satisfaction with the PSNI among victims of crime.²³ It showed that 81 per cent of respondents were satisfied with the overall level of the PSNI's service during 2005-06 (it was 82 per cent the previous year), a figure that included 80 per cent of Catholic respondents. This was a relatively healthy result (though it fell below the board's target of 83 per cent) and suggests that any new devolved minister(s) would start from a solid basis of 'user satisfaction' with the police.

The board was one of the many critics of government's willingness to countenance 'community restorative justice' schemes established by republican and loyalist paramilitaries (as adverted to in successive Devolution Monitoring Reports in 2006²⁴). In September the NIO minister responsible, David Hanson, tacked further towards the critics on a protocol for such schemes – which would now be required, if they were to receive public funding, to have direct relationship with police and a panel to decide on the suitability of employment of staff.²⁵ The capacity of such schemes to

²³ Available at: www.nipolicingboard.org.uk.

²⁴ All devolution monitoring reports are available at: www.ucl.ac.uk/constitution-unit/research/devolution/devo-monitoring-programme.html.

²⁵ NIO news release, 20 September 2006

employ 'their' people raises fair-employment issues, about which a senior figure in the Equality Commission confided concern.

The evidence of Catholic attitudes should not detract from the significant uneasiness among the republican sub-culture about any embrace of the police. It was reported in August that disillusioned members of the IRA and dissident fragments were regrouping to challenge what they were representing as a Provo 'dictatorship'.²⁶ There were a number of fitful attacks by dissidents²⁷ and the authority of the republican leadership was not strengthened when the Metropolitan Police commissioner, Sir Ian Blair – playing up the contemporary threat from Islamist groups – spoke of how the IRA had been 'heavily penetrated'.²⁸ In the conspiratorial dissident world, the 'peace process' was authored by MI5, not the IRA.

But there was also mounting disquiet within SF itself. A republican source told the *Belfast Telegraph*: 'The degree of hostility to any move on policing is considerable.'²⁹ One SF MLA, Kathy Stanton (North Belfast), elected not to seek re-nomination at the planned election, in large measure because of her opposition to the leadership's anticipated move on policing. Another party MLA, Davy Hyland (Newry and Armagh), was de-selected despite long service because of his belief that the party was moving too quickly; he subsequently resigned from the party. In the same constituency, the sitting member Pat O'Rawe was also de-selected. A further MLA, Geraldine Dougan (Mid-Ulster) said she too would not be seeking re-election, and would also resign if the party backed the police.³⁰ Yet another MLA said he would not be standing again, though he insisted he supported the leadership on policing. And a former SF MLA joined a former IRA hunger striker in writing a highly critical letter to the mainly-Catholic *Irish News*, claiming the leadership was trying to silence criticism.³¹

While not over-egging the pudding, the results of the survey – consistent with those in previous years – were an indication of the normalisation of society in Northern Ireland. Another was the launching by the secretary of state of Northern Ireland's first purpose-built mixed housing scheme in Enniskillen, Co Fermanagh, and the warm

²⁶ S. Breen, 'IRA dissidents join forces in new challenge to the peace process', *Sunday Tribune* (27 August 2006).

²⁷ D. Keenan, 'Dissidents blamed for firebombs', *Irish Times* (2 November 2006).

²⁸ T. Branigan, 'Islamic threat greater than IRA ever posed, says police chief', *Guardian* (23 December 2006).

²⁹ B. Rowan, 'Dissident threat to new deal, says Orde', *Belfast Telegraph* (27 October 2006).

³⁰ C. Thornton, 'Policing debate: SF *ard fheis* in doubt as dissent deepens', *Belfast Telegraph* (4 January 2007).

³¹ C. Simpson, 'Sinn Fein "threatens" objectors to policing', *Irish News* (3 January 2007).

media response this announcement received.³² Another was new legislation³³ that signalled the government's intent to replace the 'Diplock' (non-jury) courts for 'terrorist' offences with a new system in which the presumption would favour trial by jury, while the ultimate aim remained to adopt jury trial for all criminal cases. The bill, which also furnished the Northern Ireland Human Rights Commission with additional powers, represented another incremental step in the process, begun with the Belfast agreement, of the easing of oppressive security arrangements.

The monitoring of that process, and of the activities of paramilitary organisations, has fallen to the Independent Monitoring Commission, which published its twelfth report in the run-up to St Andrews on 4 October.³⁴ A year on from the IRA's (ostensibly) final act of decommissioning, its contents were music to the ears of most, not least the two governments. In respect of the IRA, the four-member commission concluded that the organisation had no wish to go back to violence, no longer had the capacity to mount a sustained campaign, was 'clamping down' on criminal activity by its members and had dismantled key parts of its internal structure.³⁵

The report was 'broadly welcomed' by the chief constable, who informed the Policing Board that the IRA was 'winding down'. He was, however, cautious in relation to alleged criminal activities by its members, given the extensive black economy in which paramilitarism is mired: 'The grey area will be activities undertaken by people who are members of the PIRA which we would class as criminal. And the question is, as always, was that for the organisation or was that for the individual?'³⁶

The legitimacy of the IMC had been challenged from the outset by the 'republican movement' and this unrelenting opposition took a new form in December when SF sought a judicial review of the Northern Ireland secretary's suspension of funding to the party between April 2004 and November 2005 on the basis of the IMC's 'flawed and unfair' reports.³⁷ The IMC, which is immune from prosecution, had, the party argued, levelled accusations that the paramilitary activities of the IRA were

³² D. McGinn, 'New estate to "break down" walls of hate', *News Letter* (30 October 2006).

³³ The Justice and Security (Northern Ireland) Bill received its first reading on 27 November 2006; explanatory notes can be accessed *via* the NIO and Commons websites. See for instance the NIO press release, 27 November 2006.

³⁴ Available at:

www.independentmonitoringcommission.org/documents/uploads/IMC%2012th%20Report%20pdf.pdf.

³⁵ It was not, however, in a position to state which organisation was responsible for the murder of Denis Donaldson in Co. Donegal in April 2006..

³⁶ BBC News Online, 5 October 2006.

³⁷ See UTV News Online, 12 December 2006.

connected to SF – claims it ‘strongly rejected’. The party also claimed that one or more members of the commission were ‘biased’ and that it was ‘acting and continuing to act unlawfully and unfairly’. A ruling was expected early in 2007.

As far as loyalist paramilitaries are concerned, the IMC’s October 2006 report pointed to a catalogue of continuing criminal activity and to at least two attempted murders it believed to have been sanctioned by their leaderships. The lack of cohesion within and among loyalist paramilitary organisations, which pale by comparison with the ‘discipline’ of the PIRA, renders a definitive judgement about their intentions difficult. But a respected security correspondent, Brian Rowan, reported that the Ulster Volunteer Force, linked to the Progressive Unionist Party (which has one MLA, David Ervine), was engaged in preparing its members for a significant change of direction.³⁸ The organisation was predicating such a change on the prospect that St Andrews would be implemented and that a durable political settlement would take root – thereby kicking the British-Irish ‘Plan B’, of joint stewardship, into the dustbin of history. To that end, the UVF renewed contact with the IMC for the first time in two years.

As yet none of the loyalist organisations, including the largest, the Ulster Defence Association, has engaged in decommissioning. But the UDA too might be on the verge of a new orientation. Some of its members, at least, launched an initiative designed to transform it into a ‘community development body’ and via the Ulster Political Research Group, which gives ‘political analysis’ to the UDA, were seeking £8.5 million from government to facilitate the transformation.³⁹ This was greeted with a widespread horse-laugh across Northern Ireland – in some measure because the UDA was understood to have made the threat to the life of a diplomat from the republic, resident in Northern Ireland, who was forced to return to Dublin.⁴⁰

Acceptance of policing by former paramilitaries remained, however, the nub of the issue as the survey period closed. Unless SF, via a special *ard fheis*, signalled endorsement of the PSNI by the end of January, as preferred by London, Dublin and Washington, there would be no assembly election in March and consequently no restoration of devolution. Even then, it remained unclear whether the DUP would

³⁸ *Belfast Telegraph*, 14 November 2006.

³⁹ BBC News Online (5 October 2006). In September, the Northern Ireland secretary announced a £135,000 grant to the UPRG to fund a ‘conflict transformation’ initiative in north-west Belfast – BBC News Online (20 September 2006).

⁴⁰ *Daily Ireland* (27 September 2006).

allow of the renewal of power-sharing – and that very uncertainty was a major factor in SF’s calculation. During the debate on the Northern Ireland (St Andrews Agreement) Bill, the UUP’s sole MP, Sylvia Hermon, had warned of the worst-case scenario after an election in March 2007: a ‘deadlocked assembly’.⁴¹

After days of private negotiation over Christmas with the UK government, including talks by phone with the prime minister, Mr Blair, while on his tour of the middle east, Mr Adams announced on 28 December that the *ard chomhairle* would meet the next day to discuss a proposition on policing, but he made clear that the special *ard fheis* would depend on DUP reaction. The Northern Ireland secretary, Mr Hain, spoke, in what had become by now somewhat clichéd terms, of the potential for ‘a historic breakthrough’ – indeed one ‘even more historic’ than the end to this IRA campaign announced in 2005.⁴²

Mr Adams duly held sway at the six-hour meeting in Dublin, after which it was announced that the *ard fheis* would be held in January, though the motion to be put by the leadership was not published. Various DUP figures express scepticism, however about whether words would be followed by actions and whether concessions had been offered by government.⁴³

What was particularly uncertain was the issue of a date for devolution of policing and justice. The UUP leader, Sir Reg Empey, revealed that Mr Hain had sent a letter to the assembly’s policing and justice committee – which had been trying to square this political circle – indicating he would nominate a policing and justice minister, and a deputy, in 2008 if the parties did not agree to do so.⁴⁴ The DUP deputy leader, Peter Robinson, warned this could wreck the devolution plan.⁴⁵

As 2007 dawned, Mr Paisley issued a new-year statement in which he claimed the republican initiative had been ‘begrudging’ – ironically, a word beloved of his adversary, Mr Adams – and repeated that the DUP judgement would depend on

⁴¹ F. Millar, ‘Pressure on SF as Westminster debates St Andrews legislation’, *Irish Times* (22 November 2006).

⁴² W. Woodward, ‘Adams tries to break policing deadlock with “historic” motion’, *Guardian* (29 December 2006).

⁴³ D. Keenan, ‘SF move “of historic importance”’, *Irish Times* (30 December 2006).

⁴⁴ N. McAdam, ‘Plan in place to meet St Andrews deadline’, *Belfast Telegraph* (30 December 2006).

⁴⁵ G. Moriarty, ‘Policing deal “a challenge”’, *Irish Times* (2 January 2007).

actions rather than words.⁴⁶ There was no immediate reaction from SF, but it emerged two days later that the prime minister, Mr Blair, was returning early from his widely-criticised Miami holiday with a former Bee Gee, following a phone call from Mr Adams warning that the special *ard fheis* might not go ahead.⁴⁷ A vitriolic interview on Radio Ulster the next morning, in which the North Belfast DUP MP, Nigel Dodds, accused republicans of ‘whining’ and chasing Mr Blair’s ‘apron-strings’, seemed guaranteed to achieve precisely that outcome.⁴⁸

After a round of telephone conversations with the principals, Mr Blair reaffirmed the twin goals of DUP acceptance of power-sharing with SF and support by the latter for the police, and warned that the March assembly election would not otherwise go ahead. But statements in response by Mr Paisley and Mr Adams were devoted to professing the responsibility they themselves had purportedly shown and criticising the other side for lack of progress. Nevertheless, the NIO issued a subsequent statement which chose to interpret these latter as welcoming and endorsing what the prime minister had said.⁴⁹

Another welter of critical statements from DUP representatives provoked Mr McGuinness of SF to tell the SF at the end of the survey period that there was now ‘a big question mark’ against the mounting of the *ard fheis*.⁵⁰

1.2 St Andrews agreement

The agreement⁵¹ published on 13 October represented the outcome of three days of negotiations, orchestrated by Messrs Blair and Ahern. The churches and trade unions had urged the parties to make progress⁵² but the DUP had been dragged unwillingly to the talks, having disdained any more ‘grand tours of stately homes’.⁵³ The Northern Ireland secretary had warned that failure now would mean any return to devolution would be put off until after the next Westminster election.⁵⁴ And, after a stock-taking meeting between the two premiers at Chequers, Mr Ahern said it might

⁴⁶ G. Moriarty, ‘Paisley indicates he could sign up for policing move timetable’, *Irish Times* (3 January 2006).

⁴⁷ G. Moriarty, ‘Blair cuts short holiday to deal with tensions in North’, *Irish Times* (4 January 2007).

⁴⁸ BBC News Online (4 January 2007).

⁴⁹ ‘What they said: statements of the principals’, *Irish Times* (5 January 2007).

⁵⁰ BBC News Online (5 January 2007).

⁵¹ Available at: www.nio.gov.uk/st_andrews_agreement.pdf.

⁵² W. Graham, ‘Politicians urged to move “beyond division” at talks’, *Irish News* (7 October 2006).

⁵³ N. McAdam, ‘DUP’s Dodds rubbishes “grand tour” prospect of fresh talks’, *Belfast Telegraph* (30 August 2006).

⁵⁴ G. Moriarty, ‘Hain warns of consequences if North deal fails’, *Irish Times* (11 September 2006).

take 'far, far more time'.⁵⁵ Mr Hain subsequently told the assembly's Preparation for Government Committee that devolution might not otherwise be restored for ten years.⁵⁶ Yet such tough talk was to be undermined by the revelation, the week before the talks, that the governments were now prepared to accept a 'contingency' deal – ie one dependent on further developments.⁵⁷

The Scottish first minister, Jack McConnell, welcomed the talks participants to St Andrews, saying afterwards of his view of devolution that he had 'left them in no doubt that it has been good for Scotland'.⁵⁸ Nevertheless, a threatened DUP walkout on the night of 12 October was reportedly only prevented by a raft of concessions by the prime minister, fearful of the next day's headlines.⁵⁹ In the small print of the agreement, these would provide the DUP with a veto in a new devolved executive, as well as proposing a cap on rates, the reopening of local-government reform and an apparent opportunity to reverse the end to academic selection for post-primary education, were devolution to be realised. Conversely, there were no commitments from SF on support for policing at that stage, though DUP figures had made clear the previous month this was a breaking point, even if the Northern Ireland secretary was minded to fudge it.⁶⁰

It would thus be a mistake to construe St Andrews as an agreement among the parties.⁶¹ Rather, it represented the best estimates of London and Dublin as to the way forward – indeed, the backdrop and podia for the prime minister and taoiseach at the close, advertising the 'St Andrews Agreement', had clearly been prepared in advance. In effect, it set out a working agenda for the Northern Ireland parties, much of which was taken forward in the assembly and subsequently in the Transitional Assembly, via a set of committees and sub-committees (see assembly section).

The document itself comprised a three-page preamble and five annexes. Four of the annexes were produced by both governments and dealt with: institutional reform;

⁵⁵ F. Millar and B. Roche, 'Ahern and Blair want clarity on North deal in October', *Irish Times* (16 September 2006).

⁵⁶ N. McAdam, 'Hain warns parties on failure to broker deal', *Belfast Telegraph* (18 September 2006).

⁵⁷ G. Moriarty and D. Keenan, 'Ahern and Blair finalising proposals on North', *Irish Times* (5 October 2006).

⁵⁸ N. McAdam, 'Day of destiny', *Belfast Telegraph* (11 October 2006).

⁵⁹ H. McDonald, 'Blair's last-ditch deal saved Irish talks', *Observer* (15 October 2006).

⁶⁰ 'SF backing of law and order essential for autumn talks', *News Letter* (6 September 2006); D. Keenan, 'SF stance on PSNI "main blockage"', *Irish Times* (8 September 2006).

⁶¹ During the talks, there was no face-to-face meeting between the DUP and SF delegations, recalling the manner in which the negotiations that led to the 1998 agreement were conducted by the UUP and SF, via interlocutors.

human rights, equality, victims and other issues; a financial package for the restored executive; and a timetable for the implementation of the proposals. The fifth, prepared by the UK government, referred to future 'national security' arrangements. While inevitably St Andrews was to be understood by reference to the 1998 agreement – the 'full implementation' of which was demanded by SF and the SDLP, whereas the DUP had sought a new agreement – it also has to be compared with the failed 'comprehensive agreement' of December 2004.⁶²

As in 2004, the preamble set out a timetable for the devolution of policing and criminal justice, albeit within a one- rather than two-year timeframe, ie by March 2008, twelve months after the formation of a new executive. But in relation to the reform of the devolved institutions the proposals represented new and, in some respects, rather questionable thinking.

Unlike the 'comprehensive agreement', which would have required the assembly to endorse as a whole a new twelve-member executive, via a cross-community vote, the proposals no longer required a vote for *any* ministerial nominee. This was a signal departure from 2004 and, indeed, from the 1998 agreement, which required a cross-community, 'parallel consent' vote, initially for David Trimble and Séamus Mallon as FM and DFM respectively, subsequently for Mr Trimble and Mark Durkan in the same roles. In effect, there would be a joint coronation of, prospectively, Messrs Paisley and McGuinness, while the remaining ministers would, following the 1998 model, be anointed via the d'Hondt proportionality rule. However, each minister would have to take the revised pledge of office (see above), albeit its specific reference to policing and justice as expressed in the St Andrews Act might be interpreted as an aspiration rather than a solemn and binding commitment.⁶³

The pledge itself betrayed the impression of both DUP and SF demands. The new commitment in relation to support for policing, the courts and the rule of law was inserted at the behest of the DUP, as was the requirement that all ministers would promote the interests of the whole community. At the same time, the requirements to observe the joint nature of the OFMDFM and to participate fully in the executive, the

⁶² Available at: http://news.bbc.co.uk/nol/shared/bsp/hi/pdfs/08_12_04_british_irish_proposals.pdf.

⁶³ While this may be a moot point, the relevant paragraph in the agreement which is reproduced in the ensuing act begins 'We believe', rather than, for instance, 'We undertake to ensure' or some such binding form of words. In any event, when the DUP and SF gave their respective notifications of intent to nominate a first and deputy first minister on 24 November, neither nominee was required to take the pledge: that requirement would only arise on 26 March, the target date for the formation of the executive, if attained.

NSMC and BIC were insisted upon by SF to prevent the DUP from boycotting those institutions, as it had done during the first phase of devolution.⁶⁴

In addition to a revised pledge, the St Andrews proposals included a commitment to a statutory ministerial code, which unusually was to be concerned primarily with the matter of individual ministerial responsibility rather than simply a declaration of ministerial interests and commitment to the ethical standards of public service. It was intended, in effect, to bridle ministers minded to embark on solo runs, as between 1999 and 2002, most notably when Mr McGuinness, as education minister, announced the ending of the '11-plus' transfer test on the eve of the final suspension – in effect, to engineer some semblance of collective responsibility within the executive, which has been a key concern of the DUP.

But what was perhaps most arresting about the institutional proposals were the new opportunities that they provided for gridlock. For instance, it was proposed that where there was no consensus within the executive on a decision and a vote was required, any three ministers could require such a vote to be taken on a cross-community basis. It could, in effect, be a recipe for continual blocking by one community's representatives of another's initiatives. In addition, a new amendment to the Northern Ireland Act 1998 would enable referrals to the executive to be made by 30 MLAs in respect of 'important ministerial decisions', a proposal initially flagged up in the 'comprehensive agreement'. Given that, on the basis of the 2003 assembly election, only the DUP would be likely to return upwards of 30 members, this would provide its bloc with the opportunity to frustrate such decisions – albeit such a referral could only be made once in respect of the same matter.

Elsewhere the proposed institutional reforms did carry the prospect of greater efficiencies in the operation of the executive. For example, the two governments recognised the widely shared argument that the OFMDFM was overloaded with departmental responsibilities⁶⁵ and that, subject to agreement between the first and deputy first ministers, certain of its functions could be transferred to other departments. In like vein, the proposals reflected the view, held most rigidly by the DUP, that the departmental structure should be subjected to a value-for-money

⁶⁴ To be strictly accurate, the DUP boycotted the executive and the NSMC between 1999 and 2002 and was blocked from formal participation in the BIC by the other executive parties by way of reprisal.

⁶⁵ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: August 2002*, at: www.ucl.ac.uk/constitution-unit/monrep/ni/ni_august_2002.pdf.

review, with the prospect of a reduction in the number of departments, subject to assembly approval.

The ten current departments (plus the OFMDFM) were decided upon by the former first and deputy first ministers, Messrs Trimble and Mallon, in December 1998, essentially to ensure SF would, under the prevailing electoral arithmetic, secure two ministerial seats. Such considerations are now redundant, with SF having overshadowed the SDLP electorally. And government has been privately exploring, in some detail, a reconfiguration which would see the number of departments reduced once again to six, as before the Belfast agreement, should devolution not be restored.

Similarly, according to St Andrews another review would be conducted of north-south implementation bodies – again a preoccupation of the DUP, dismissive of ‘north-southerly’. But the provision would allow the review to examine, in conjunction with the republic’s government, the case for additional bodies and areas of co-operation – salve to SF and the SDLP, though any changes would require the endorsement of the assembly and the Dáil.

St Andrews carried over commitments from its 2004 predecessor. The UK government’s power to suspend devolution would be repealed, an insistent demand of both nationalist parties. The Committee of the Centre, which emerged to scrutinise the sprawling OFMDFM, would be placed on a statutory footing like that of other assembly committees, a change welcome to all parties. Similarly non-contentious would be the proposed appearance before relevant assembly committees of the chairs and chief executives of all north-south implementation bodies, to enhance accountability.

Other proposed institutional changes included that a reconstituted Executive Committee would encourage formation of a north-south parliamentary forum and support establishment of a north-south consultative civic forum. The two governments would meanwhile encourage the creation of an ‘east-west’ inter-parliamentary framework⁶⁶ and establish a standing secretariat of the BIC, pending

⁶⁶ Unionists have boycotted the British-Irish Inter-Parliamentary Body arising from the Anglo-Irish Agreement of 1985, though the DUP did make a presentation to the body in April 2006. See E. Meehan in R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Report: September 2006*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Sept06.pdf.

agreement among its members.⁶⁷ In regard to the communal designation of MLAs as 'nationalist', 'unionist' or 'other', it was envisaged that by way of amendment to the Northern Ireland Act 1998 members would not be able to change community designation for the whole of an assembly term, except in the case of a change of membership of political party – a most unlikely occurrence.⁶⁸ In effect, this would copper-fasten communalism within the chamber.

On human rights, equality and victims of the 'troubles', the agreement committed the UK government to: produce in November its anti-poverty/social-inclusion strategy (see public policies section); publish legislation to establish a permanent victims commissioner (see 'devolved' government section); establish a forum on a bill of rights, scheduled to meet in December;⁶⁹ work 'rapidly' on a consolidated Single Equality Act;⁷⁰ introduce an Irish Language Act and enhance 'Ulster Scots'. It undertook to consult all parties on a new strategy for handling parades in Northern Ireland,⁷¹ and to co-operate with business, the trade unions and ex-prisoner groups in producing guidance for employers to enhance the re-integration of former prisoners.⁷²

The government further confirmed that the 50:50 (Catholic: non-Catholic) recruitment arrangements for the PSNI would lapse when the Patten target for Catholic officers (30 per cent) was achieved,⁷³ and it promised to legislate for the accretion of powers to the Northern Ireland Human Rights Commission.⁷⁴ It pledged to bring forward legislation before the end of 2006 to ensure access for EU nationals to the civil service, and to facilitate a meeting in Northern Ireland of the House of Commons Northern Ireland Grand Committee.⁷⁵ This was duly held in Belfast City Hall on 12

⁶⁷ The argument here was that the BIC was very much a creature of London and Dublin, rather than owned by its diverse participants across the islands, perhaps as a result meeting less frequently than it might.

⁶⁸ Here the background was the temporary redesignation by members of the Alliance Party and the Northern Ireland Women's Coalition, from 'other' to 'unionist', to secure enough unionist votes for the re-election of Mr Trimble as first minister in November 2001, which the DUP resented.

⁶⁹ The Northern Ireland Human Rights Commission had long been frustrated by the failure of government to stage a round table with the parties on the bill of rights, on which the commission had prepared detailed proposals.

⁷⁰ This was an issue on which the devolved government had itself made only slow progress.

⁷¹ Government had failed to act upon a 2002 review of communal parades (available at www.nio.gov.uk/quigley_review_of_the_parades_commission.pdf) which it commissioned from Sir George Quigley, a former permanent secretary, much to the latter's chagrin – only to see the controversy erupt in widespread rioting in Belfast in September 2005.

⁷² Employers in Northern Ireland have so far been reluctant to assist the prison service with the reintegration of prisoners.

⁷³ The Catholic proportion has reached 20 per cent.

⁷⁴ The NIHRC had also long sought extra powers from government, following an internal review of its initial years of operation.

⁷⁵ This had been resisted by the SDLP as a symbolically 'integrationist' move, rather than conveying (as with devolved accountability structures) Northern Ireland's autonomy from London.

December, much to the delight of the DUP and UUP, notwithstanding a boycott by SF's five MPs.⁷⁶

If there was one area where the parties could agree it was that Northern Ireland required an injection of new money, among other things, to address its ailing infrastructure. St Andrews was, however, rather vague about any commitment to furnish such additional resources. Instead, while stating that the UK government was committed to ensuring that an executive 'has the capacity to provide quality public services, continue necessary reform, and to plan for the future', there were no tangible proposals (see finance section).

⁷⁶ D. Keenan, 'Unionists hail meeting as success', *Irish Times* (13 December 2006).

2. 'Devolved' Government

Rick Wilford and Robin Wilson

2.1 Hain in hot water

In the continued absence of devolution, the Northern Ireland secretary was at the heart of controversy during the reporting period. In November 2006, a High Court judge, Mr Justice Girvan, accused Mr Hain of failing in his 'duty of candour' to the court over the circumstances surrounding the appointment of Bertha McDougall in October 2005 as 'interim victims commissioner'. More specifically, the judge ruled that the NIO had attempted to cover up the DUP's role in the appointment of Ms McDougall. While government had claimed it had not consulted the DUP over her appointment, it was disclosed that the party had been asked on two occasions to name a candidate. This, the judge ruled, meant that the NIO had sought to 'divert attention from the true course of events' and 'failed to reveal to the court the true factual situation prevailing'. He could only conclude 'that it was decided that correct information should not be placed before the court ... and that incorrect and misleading information would be supplied'.

According to Mr Justice Girvan, the head of the Northern Ireland civil service, Nigel Hamilton, had supplied an affidavit which had provided 'a less than full explanation of what had happened and sought to minimise the political considerations'. While the permanent secretary at the NIO, Jonathan Phillips, in a further statement to the court, had brought out the DUP's role in the affair, his affidavit, the judge concluded, was in part 'misleading'. Mr Justice Girvan called for 'an immediate and searching inquiry at a high level', because the Northern Ireland secretary had in effect jettisoned the merit principle in appointing Ms McDougall as a concession to the DUP, thereby breaching equality law.⁷⁷

The Northern Ireland secretary, when pressed by reporters on the Girvan judgment, appeared quite relaxed and said he was considering it. But this was superseded by a further adjudication, in which the judge stressed the seriousness of the matter as he saw it: he indicated he was sending fully 67 questions to the attorney general on the

⁷⁷ C. Thornton, 'Judge in call for top-level probe over cover-up bid', *Belfast Telegraph* (14 November 2006). No questions have been raised against the integrity of Ms McDougall, it should be stressed, but it would always have been very difficult to secure Catholic support for the appointment of a widow of an RUC officer to such a sensitive position.

affair, warning that there might have been an attempt to pervert the course of justice.⁷⁸

The background to the case was the concern in the NIO following the failure of the 'comprehensive agreement' of 2004, and the definitive electoral success of the DUP in May 2005, to woo Mr Paisley's party towards the embrace of power-sharing. Mr Hamilton is understood to be distressed by the affair, but one former senior civil servant suggested he should have safeguarded his position at the time by dissociating himself, in writing, from such a partial ministerial decision.

This concern was enhanced by the extensive rioting in Protestant working-class neighbourhoods of Belfast in September 2005, in response to the rerouting of an Orange parade in the west of the city. The following December, Mr Hain appointed two Orangemen to the Parades Commission, and the House of Lords has decided to re-open a legal dispute about these appointments, which seriously jeopardised the credibility of the commission in Catholic eyes in making impartial judgments about communal parades, as these are overwhelmingly organised by the Orange and other 'loyal' orders.

The Northern Ireland secretary's *Realpolitik* also raised fears in the Protestant community, when it emerged that, despite previous reassurances (and the embarrassing withdrawal of legislation at Westminster⁷⁹), he had not ruled out action to ease the return to Northern Ireland of IRA 'on the runs' (OTRs). Before the St Andrews talks began, he assured DUP MPs that the OTRs plan had been permanently scrapped.⁸⁰ Yet the *Belfast Telegraph* subsequently revealed he had privately told the US attorney general that the government was still 'committed to addressing' the issue, and Mr Hain wrote in the paper that OTRs would 'need to be considered as part of a much broader range of issues dealing with the legacy of the past'.⁸¹

It has been a rough few months for Mr Hain (see media section), who must now savour the role of deputy leader of the Labour Party even more – though these

⁷⁸ I. McMichael, 'Judge refers file on job appointment to British AG', *Irish Times* (21 November 2006).

⁷⁹ R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Report: May 2006*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_May06.pdf, p. 14.

⁸⁰ N. McAdam, 'Day of destiny', *Belfast Telegraph* (11 October 2006).

⁸¹ *Belfast Telegraph*, 14 November 2006.

events and the possible collapse of the St Andrews agreement would hardly provide a springboard for such a campaign.

2.2 More PAC pressure

There was more trouble for Northern Ireland public servants from the Public Accounts Committee at Westminster. A stream of negative reports has emanated from the committee since direct rule was reintroduced in 2002, and this survey period was no exception. This time, the target was a public body, Museums and Galleries Northern Ireland, which the committee challenged over the management of its assets. The chair, Edward Leigh, said MAGNI had 'not addressed its responsibilities'.⁸²

In a highly embarrassing comment just before this latest report was published, Ian Davidson, a PAC member, made a more general attack on Northern Ireland officials. Mr Davidson, who described the region as 'a sleepy hollow' in terms of best practice, accused them of using the 'troubles' as 'an alibi' for poor performance.⁸³

⁸² D. Gordon, 'Museums are told to sell off old stock', *Belfast Telegraph* (13 December 2006).

⁸³ D. Gordon, 'Officials "using the Troubles as an excuse"', *Belfast Telegraph* (12 December 2006).

3. The Assembly

Rick Wilford

3.1 'Hain' assembly

The period under review can conveniently be divided into pre- and post-St Andrews phases, though necessarily they are seamlessly joined. Before reflecting on the post-St Andrews phase, which includes the activities of the new Transitional Assembly whose agenda has been structured largely by the October agreement, we can examine the run-up to St Andrews by, among other things, reflecting on the operation of the former ('Hain') assembly, whose writ extended from May 2006.

In all, there were twelve plenary sessions of that assembly, including an abortive attempt by the SF leader, Mr Adams, to nominate the DUP leader, Mr Paisley as FM and his own party colleague Mr McGuinness as DFM on 22 May.⁸⁴ Only four of these plenaries took place during September and early October: two to debate reports from the Preparation for Government Committee on, respectively, the economic challenges facing Northern Ireland (11 September) and law-and-order issues (19 September), and two to hold take-note debates on motions from the Northern Ireland secretary concerning the committee's reports on rights, safeguards, equality issues and victims (26 September) and institutional issues (3 October).

It would be correct to infer from the dearth of plenaries that the bulk of the assembly's work was undertaken in the Preparation for Government Committee. In all, its (rotating) members met on 16 occasions between September and mid-November, producing six reports in the process: there were three on the economy and one each on law and order, on rights, equality and victims, and on institutional issues.⁸⁵ In addition, it produced a 'response' to the institutional proposals included in Annex A of the St Andrews agreement.⁸⁶ Both of the institutional documents betrayed a startling lack of consensus among the parties, especially in relation to the St Andrews proposals, indicating that there was much still to be accomplished on those matters.

⁸⁴ This was the only plenary session attended by SF MLAs: they boycotted all others on the ground that this assembly (as distinct from the functioning one suspended in October 2002) was little more than a talking shop summoned at the behest of the secretary of state.

⁸⁵ In addition to the 16 meetings of the full committee, its sub-group on the economic challenges facing Northern Ireland met on a further nine occasions between early September and mid-November.

⁸⁶ Each of the reports is available via the 'Committees' page of the assembly's website, www.niassembly.gov.uk.

An indication of the tenor of the Preparation for Government Committee might be gleaned from the fact that a meeting on 25 October was almost six hours long, yet was unable to agree even on a minute of a meeting two days earlier. And a meeting due the next day failed to take place at all.⁸⁷

3.2 Programme for Government Committee

Following St Andrews, the Northern Ireland secretary, Mr Hain, directed that a new *Programme* for Government Committee – not to be confused – be established within what would now be the Transitional Assembly. The initial meeting of the committee was to be held on 17 October, just four days after publication of the agreement, but the DUP refused to attend. In the event it was not until 27 November that it first met.

The committee differed in a number of respects from its immediate predecessor. First, its membership was not fully inclusive, but was limited to representatives from the four major and potentially executive-forming parties: three each from the DUP and SF and two from both the UUP and SDLP. Secondly, it was, for the most part, leadership-dominated: the leaders of the two nationalist parties, plus the UUP's leader, Sir Reg Empey, attended the first meeting, as did the DUP's deputy leader, Peter Robinson.⁸⁸ Thirdly, its remit was much more focused: it was charged by the Northern Ireland secretary 'to agree priorities for a restored Executive' while, like the Preparation for Government Committee, making 'preparations for restoration'. Finally, unlike the latter, which ordinarily met in public and published an official report of its proceedings, the new committee met in private, its members having decided not to allow Hansard reporters to attend meetings. The only records of its proceedings are the official minutes which note the decisions of its members – a matter about which the excluded Alliance Party complained.⁸⁹

This committee has been at the hub of the continuing efforts by the parties to restore devolution. Its agenda was signalled by the decision of its members to establish six sub-groups to take its work forward up to the end of January, when the Transitional Assembly was to be dissolved in advance of the hoped-for election in early March. These sub-groups were: economic issues (chaired by SF); the review of public

⁸⁷ N. McAdam, 'Moves to break deadlock on policing', *Belfast Telegraph* (27 October 2006).

⁸⁸ There is, as in the Preparation for Government Committee, provision enabling other members to substitute for each of their party's representatives. The ten initial members also included Martin McGuinness and Michelle Gildernew of SF, David McNarry (UUP) and Ian Paisley Jr and Edwin Poots (DUP).

⁸⁹ N. McAdam, 'Parties blasted for secrecy on key committee', *Belfast Telegraph* (15 December 2006).

administration and rural planning (chaired by the SDLP); schools-admissions policy (chaired by SF); policing and justice (chaired by the DUP); 'Workplace 2010'⁹⁰ and public-sector jobs location (chaired by the DUP); and the comprehensive spending review, Programme for Government, rates charges and water reform (chaired by the UUP).⁹¹ In addition, the full committee inherited aspects of its predecessor's agenda, including its work on the planned ministerial code, while it also questioned OFMDFM officials about the government's recently published anti-poverty strategy (see public policies section) and its strategy on victims and survivors of the 'troubles'.

The committee was able to achieve a predictable consensus on writing to the secretary of state requesting the deferment of legislation on water reform, while proposing that the public-spending gap caused by such a deferment and the capital backlog be made up by government.⁹² This tactic had previously been employed by the Preparation for Government Committee, and was equally unsuccessful this time. The legislation cleared the Commons on 28 November and the Lords on 11 December.⁹³ However, if devolution were to be restored, there is little doubt that the new assembly would revisit the issue as a matter of priority, since there is widespread opposition across Northern Ireland to water charges, which could yet lead to a concerted campaign of non-payment.

But the law-and-order sub-committee showed no sign of progress, not least in relation to the critical issue of the structure of a devolved department of policing and justice. Whilst the Preparation for Government Committee had agreed that there should be a single department, there was no agreement on whether it should have two ministers, a minister and a junior minister, or a single minister. A press report⁹⁴ suggested that the DUP proposed that a single ministerial nominee should be subject to a ratifying cross-community vote in the assembly, in the full knowledge that neither a DUP nor an SF nominee could attract cross-community support, thereby raising the prospect that the post could go to the SDLP, UUP or Alliance.

⁹⁰ This is a plan to sell off large amounts of the government estate, with departments and agencies renting property instead.

⁹¹ The minutes of the six sub-groups were also published and, while Hansard reporters were allowed to record the discussions in each of them, those official reports were only available to the full committee. The latter was chaired, on a rotating basis, by the two deputy Speakers, Francie Molloy (SF) and Jim Wells (DUP).

⁹² Committee press notice, 27 November 2006.

⁹³ Water and Sewerage Services (Northern Ireland) Order 2006 (London: The Stationery Office), at: www.opsi.gov.uk/SI/si2006/20063336.htm.

⁹⁴ *Sunday Times* (17 December 2006).

SF initially rejected the proposal *tout court*: its justice spokesperson, Gerry Kelly, speaking on UTV, remarked that he would not 'collude' in his own party's exclusion from office. But one unnamed source close to the sub-committee was quoted as stating: 'The main hope of resolving the policing issue lay around agreement that the ministry could go to a candidate from the smaller parties. Without that it looks intractable.'⁹⁵ It did seem that there was deadlock over this crucial matter which, if unresolved, would see the St Andrews plan run into the sand. The sub-committee had until 3 January to reach agreement, but its deliberations were overtaken by the private negotiations between the SF leader, Mr Adams, and the prime minister, Mr Blair, which continued over Christmas (see 'peace process' section). One possible option being considered was that the DUP proposal would only relate to the first assembly term following any re-establishment.

3.3 Plenaries

While the committees and sub-committees have been engaged in their bodies of work, there have been eight plenary sessions of the assembly – including the session on 24 November disrupted by the Stone episode, which was carried over to the following Monday. Its session of 4 December was on a motion moved by the UUP leader, Sir Reg Empey, deploring the interference of the Northern Ireland secretary in the proceedings of 24 November: Mr Hain had intervened to structure at least part of its business, thereby countermanding the agreement struck in the Business Committee, which is composed of the business managers of the parties and which is chaired by the Speaker.

In response, Sir Reg had called on 'the control freaks of the Northern Ireland Office to let go'.⁹⁶ It was, in effect, a plea for the Transitional Assembly to enjoy the autonomy that had been denied to the 'Hain' assembly convened on 15 May. SF laid an amendment to the UUP motion, deploring the interference by the secretary of state in general, ie without a specified date, but it was defeated and the main motion carried.

Other issues debated included the reform of public administration (5 December), on a motion tabled by the SDLP, in opposition to the NIO's proposed model of seven new councils – a proposal supported only by SF – which would allow the council arrangements to be decided by a restored assembly. This was agreed and an SF

⁹⁵ *Ibid.*

⁹⁶ N. McAdam, 'Row bubbling over control of assembly', *Belfast Telegraph* (29 November 2006).

motion supporting the seven-council model defeated. On 11 December, a DUP motion called on the government to withdraw the new equality legislation extending to gays and lesbians protection against discrimination in the supply of goods and services, and to allow a restored assembly to determine the regulations. It proved a stormy affair, which ended in a tied vote and thereby the defeat of the motion. Further debates were held on the introduction of the offence of corporate manslaughter and the funding of the planned police college (both on 12 December), water charges and mental-health provision (18 December), the appointment of an interim commissioner for the elderly⁹⁷ and a potential independent review, under renewed devolution, of the cost of, and resources required for, free personal care for the elderly (both on 19 December).

⁹⁷ The NIO junior minister David Hanson announced on 3 October that he was to take on the role of 'champion for older people' in addition to his other responsibilities – NIO news release, 3 October 2006.

4. The Media

Robin Wilson

In what was an uneasy period for the Northern Ireland secretary (see 'devolved' government section), the *Belfast Telegraph* – the most widely circulated Northern Ireland newspaper – elected to go for Mr Hain's jugular, producing a double-page (broadsheet) spread headed 'Hain's pain ... is it now all going wrong for Peter?'.⁹⁸

The paper's senior investigative and political staff put together the package, which covered a wide range of issues. The secretary of state was challenged over his appointments to the position of 'interim victims commissioner' and to the Parades Commission, his inflated representation of the chancellor's financial package (see finance section), his private revelation to the US administration that he was still 'committed to addressing' IRA 'on-the-runs' and evidence that the St Andrews agreement was unravelling.⁹⁸

Nor was his position strengthened by the bizarre events at Stormont on 24 November. The respected *Irish Times* editorialised the next day: 'The Assembly's credibility has been damaged by this kind of Alice in Wonderland politics. And Mr Hain's authority has been undermined.'⁹⁹

The good fortune of the Northern Ireland secretary was the insulation of the politics of the region from scrutiny by the Westminster village. Belfast journalists found it difficult to secure any interest from the London news media in the excoriating judgment by Mr Justice Girvan on the Bertha McDougall affair (see 'devolved' government section), which looked at face value to be a potential resigning matter.

Mr Hain is, of course, also Welsh secretary and a Plaid Cymru MP, who described the judgment as 'devastating', said he should consider his position.¹⁰⁰ But the shadow Northern Ireland secretary, David Lidington, while agreeing that this was 'a devastating indictment of the secretary of state and his advisers', stopped short of

⁹⁸ D. Gordon, N. McAdam and C. Thornton, 'Hain's pain ... is it now all going wrong for Peter?', *Belfast Telegraph* (14 November 2006).

⁹⁹ 'Sinn Féin needs to provide leadership', *Irish Times* (25 November 2006).

¹⁰⁰ M. Hookham, 'Welsh MPs join calls for probe into Hain conduct', *Belfast Telegraph* (17 November 2006).

calling for his resignation.¹⁰¹ And the prime minister backed Mr Hain over the McDougall row.¹⁰²

The main Northern Ireland media story of the survey period was the closure of *Daily Ireland*. The paper, which had a republican alignment, blamed the Northern Ireland Office for not placing public advertisements in it. But in reality *Daily Ireland* failed in circulation terms. With a propagandistic style, it was unable to make inroads into the market share held by its competitor for Catholic readers, the *Irish News*, which has won many regional-newspaper awards for its journalistic quality.¹⁰³ It was a reminder of how it is a misreading of the Catholic community, which is more politically pluralistic than its Protestant counterpart, to associate all its members in a stereotyped way with the republican position.

¹⁰¹ 'Hain faces top-level inquiry over "victims" appointment', *Irish Times* (21 November 2006).

¹⁰² M. Hookham, 'I'm backing Hain, says PM', *Belfast Telegraph* (22 November 2006).

¹⁰³ C. Regan, 'Republican newspaper closes with 15 jobs lost', *Belfast Telegraph* (7 September 2006).

5. Public Attitudes and Identity

Lizanne Dowds

Following the St Andrews agreement, *PriceWaterhouseCoopers* was commissioned to carry out a poll for BBC Northern Ireland's *Hearts and Minds* programme.¹⁰⁴ Interviews took place between 27 and 30 October 2006. Consistent with all surveys over recent years, the results revealed a public *still* broadly in favour of devolution as the way forward for Northern Ireland. And there was widespread support for St Andrews – yet the public was deeply sceptical that devolved government would reappear by March 2007.

Four years on from the suspension of the assembly, a majority (56 per cent) of respondents felt Northern Ireland had been worse off without devolution. A substantial proportion (38 per cent) felt the lack of devolution hadn't made much difference, but remarkably few (6 per cent), even among unionists, thought Northern Ireland had actually been better off with direct rule.

Figure 1: 'The Assembly at Stormont has been suspended for some time. Do you think that Northern Ireland has been better or worse off without devolution?' (%)

	Unionist	Nationalist	Other	All
Better off	7	3	14	6
Worse off	54	60	53	56
No real change	39	37	33	38

And even if negotiations following the St Andrews agreement were to fall through, the public still appeared reluctant to give up on devolution as the way forward. Fifty-five per cent overall felt that, if need be, the 24 November deadline should be extended – as it was (see 'peace process' section) – or that another attempt should be made to start devolution in 2007. There were differences in views between unionists and nationalists, however. Nationalists were fairly evenly divided between those who would push on to achieve devolution and those who would opt for joint, Dublin-London authority if the deadline could not be met, while the number of unionists who would opt for long-term direct rule was far outweighed by those who would persevere with devolution: about two thirds of unionists would favour the devolution route, compared with 28 per cent opting for long-term direct rule.

¹⁰⁴ M. Devenport, 'Poll indicates support for deal', BBC Online (9 November 2006).

Figure 2: 'If no deal is done by November 24th, what do you think should happen next?' (%)

	Unionist	Nationalist	Other	All
Another attempt to start devolution in 2007	37	19	34	29
Deadlines should be extended until Christmas to give politicians more time	30	20	29	26
Continuation of direct rule – long term	28	6	15	18
Joint authority over Northern Ireland by London and Dublin	4	36	8	17
Increased North/South cooperation	2	19	14	10

Support for the St Andrews agreement ran at 71 per cent (excluding people who said they didn't know or were unsure). This was fascinatingly identical to support for the Belfast Agreement of 1998, as expressed in the subsequent referendum. But differences with the latter were apparent under the surface: support for St Andrews broke down to 65 per cent of unionists and 76 per cent of nationalists, reflecting much greater support among the Protestant community and less among the Catholic community than was the case in 1998. When those who 'don't know' were included in the results, however, support was much more tentative, with just under half of unionists and 62 per cent of nationalists definitely in support of St Andrews; a greater proportion of the Protestant community than the Catholic community therefore reserved judgement.

But as to whether this agreement would bring renewed devolution, unionists and nationalists were united in their scepticism. Over two thirds did not believe that Ian Paisley and Martin McGuinness would be installed as ministers by the 24 November deadline.

Figure 3: 'Do you think that Ian Paisley and Martin McGuinness will be installed as shadow first minister and deputy first minister, respectively, by 24th November?' (%)

	Unionist	Nationalist	Other	All
Yes	33	28	32	31
No	67	72	68	69

Similarly, most people had no confidence that the assembly would be fully operational by 26 March 2007, though not in quite the numbers who found it so staggeringly hard to believe that the Paisley/McGuinness partnership would come to pass. Just under two thirds of unionists and 60 per cent of nationalists thought that the assembly would not be back by March 2007.

Figure 4: 'Do you believe that the Northern Ireland Assembly will be fully operational by 26th March 2007?' (%)

	Unionist	Nationalist	Other	All
Yes	35	40	39	37
No	65	60	61	63

By the time of writing, of course, the cross-sectarian majority had been proved correct on the first question. It remained to be seen whether it was also right on the second.

6. Intergovernmental Relations

Elizabeth Meehan and Rick Wilford

6.1 'East-west'

In addition to the meeting of formal bodies noted below, Northern Ireland hosted two 'east-west' meetings. The first of these was the 2006 Joint UK Agencies Bathing Water Conference, held in November, at which delegates from the republic were also present. Since it was also attended, unusually, by a member of the European Commission and its business was an EU directive, it is reported in more depth in the section on the EU.

The second was the December meeting (one in a regular series) of finance ministers: the chief secretary to the Treasury, Stephen Timms; the parliamentary under-secretary of state for Scotland, David Cairns (moved from the Northern Ireland Office shortly before; the Scottish finance and public services minister, Tom McCabe; the parliamentary under secretary of state for Wales, Nick Anger; and the Welsh finance minister, Sue Essex.¹⁰⁵ Welcoming them, the Northern Ireland finance minister, David Hanson, referred to the usefulness of such meetings for the exchange of information about good practice. He said this particular meeting would enable colleagues to learn about progress in the region, and to appreciate the need for a return to devolution in the light of the forthcoming Comprehensive Spending Review.

The only activity in this reporting period of the British-Irish Council involved meetings in sectoral format. The first, led by Wales, was on indigenous, minority and lesser-used languages, and took place in Galway on 27 October.¹⁰⁶ It was chaired by Alun Pugh, minister for culture, Welsh language and sport. The republic's delegation was led by Eamon O Cuiv, minister for community, rural and Gaeltacht Affairs. It seems from the communiqué that there was no representative from the UK government and, through it, from Northern Ireland – oddly, given the commitments on Irish (and 'Ulster Scots') given by the government at St Andrews, on which a consultation was opened in December.¹⁰⁷

¹⁰⁵ OFMDFM news release, 4 December 2006.

¹⁰⁶ Joint communiqué, ministerial meeting, Galway 27 October, indigenous, minority and lesser-used languages, British-Irish Council (www1.british-irishcouncil.org/).

¹⁰⁷ D. Keenan, 'Consultation on Irish Language Act for NI starts', *Irish Times* (14 December 2006).

The meeting considered three discussion papers, on: language transmission within the family; adult provision for the teaching and learning of the indigenous, minority and lesser-used languages; and information and communications technology in that context. Discussion of the first had been preceded by a workshop, commended by ministers. In all three discussions, ministers stressed the need, and the opportunity, provided by the BIC for exchange of good practice. They agreed that there should be workshops on adult education and ICT. They also agreed upon a further programme of work, including a focus on two new areas: planning and linguistic considerations; and research, data and language use surveys.

The second sectoral meeting was to discuss cocaine abuse. This meeting took place in Belfast and was hosted by Paul Goggins, parliamentary under secretary of state at the NIO. But Noel Ahern, minister of state at the republic's Department of Community, Rural and Gaeltacht Affairs, was in the chair.¹⁰⁸

A meeting of the British-Irish Intergovernmental Conference, which is confined to the two governments, unlike the more broadly-based BIC, was held in Dublin on 24 October 2006.¹⁰⁹ The republic's government was represented by the joint chair, Dermot Ahern, minister for foreign affairs. He was accompanied by the tánaiste (deputy premier) and minister for justice, equality and law reform, Michael McDowell. The UK government was represented by the other joint chair, Peter Hain, secretary of state for Northern Ireland. He was accompanied by Messrs Hanson and Goggins from the NIO.

The two governments professed appreciation of the work done by the parties at St Andrews and repeated their belief that all parties should be able to endorse what was agreed there. They restated their positions on policing and criminal justice and reiterated the timetable for the restoration of devolution. The governments also welcomed the co-operation between police services and the assets-recovery agencies north and south.

The governments reviewed the security situation and welcomed the progressive implementation of the normalisation programme, overseen by the Independent Monitoring Commission and expected to be finished by July 2007. By 31 July the UK

¹⁰⁸ DHSSPS news release, 7 December 2006.

¹⁰⁹ Joint communiqué, Northern Ireland Office, 24 October 2006 (www.nio.gov.uk/media-detail.htm?newsID=13678).

government is committed to repealing counter-terrorism legislation as it relates to Northern Ireland. In the meantime, a consultation has been launched on the abolition of the Diplock courts (see 'peace process' section). The conference commended the work of the Parades Commission, noting that the 'marching season' had passed off relatively peacefully in 2006. Having commended efforts being made (including a British government grant) to transform loyalist organisations, conference delegates may have been particularly disconcerted by the subsequent disruption by the notorious loyalist Michael Stone of the 24 November assembly meeting at Stormont.

Issues relating to equality and human rights were discussed, including the undertakings by the UK government to establish a forum on a bill of rights for Northern Ireland, to strengthen the powers of the Human Rights Commission, and to bring forward legislation to ensure access for EU citizens to posts in the Northern Ireland civil service (see 'peace process' section).

The conference welcomed a study on the benefits of an all-island economy, in the context of shared pressures from globalisation. The study (see below) sets out issues relating to infrastructure (science, technology and innovation), trade and investment, the labour market and skills, and enterprise and business development. The conference noted initial steps taken: joint work in the North West Gateway Initiative and creation of a cross-border North West Workforce Development Forum. The conference also welcomed the intention of the two governments to investigate joint strategic planning for investment and to develop co-operation in energy efficiency. The two governments noted that work by Dundalk Sustainable Development Zone could provide a basis for a cross-border approach to renewable energy resources.

The conference welcomed the intention of the two governments to expand co-operation in education and health. From 1 November, radiotherapy services in Belfast would be available to people in Donegal and a pilot scheme for cross-border out-of-hours GP services was to be launched.

In December, Messrs Hain and Ahern met again in BIIC format in London. Mr Ahern stressed January would be 'critical' in terms of political progress.¹¹⁰

¹¹⁰ M. Hookham, 'Plea for progress on policing by last month', *Belfast Telegraph* (13 December 2006).

In the September 2006 report, it was noted that the 33rd plenary of the British Irish Inter-Parliamentary Body would be held in October in Belfast. It was, but the record is not yet available. The UK government's response, provided for October, to one of the concerns raised at the 32nd plenary in April 2006 is however public.

Concerns had been raised in the report by BIIPB Committee A (Political and Sovereign Affairs) about the implications for the common travel area of the introduction of British identity cards. In a document¹¹¹ sent to the BIIPB chair, Paul Murphy, by the Home Office parliamentary under-secretary of state, Joan Ryan, the UK government expressed surprise that BIIPB members were sceptical about whether sensitivities had been properly considered. She noted that the government had consulted Dublin and Irish interests in the UK, and was continuing to do so.

The response reiterated the security concerns that were purportedly driving all countries to find more secure forms of identification, while also noting that the requirement for photographic proof of identity was something laid down by the airlines and airports rather than governments. It noted that this affected travel within the UK as much as between the UK and the republic. London was not persuaded that the need for some form of photographic ID undermined, in itself, the principle of free movement between the two countries: 'The effect [would] simply be that those who [held] an ID Card [would] have an additional means of satisfying requirements for photographic identification.'

The response accepted a number of BIIPB recommendations, which included due consideration of sensitivities in Northern Ireland of rights enshrined in the Belfast agreement and the situation of Irish residents in Britain. Of particular relevance here is the nationality that will appear on the ID card. In referring to 'a family' of UK ID cards, the government expressed its commitment to showing concern for residents in Northern Ireland. But it also said that it would not be possible to issue cards that were valid for travel in the European Economic Area bearing both nationalities. For other purposes, however, it would be possible for an ID card to be issued 'in the form of a Registration Certificate'.¹¹² It was also intended that the National Identity Register would be able 'to record more than one nationality', providing 'a means for the card-

¹¹¹ Letter from Ms Ryan, dated 29 September 2006, enclosing document entitled: *British Irish Inter-Parliamentary Body, Report from Committee A, Political and Sovereign Affairs, The Implications of the Introduction of British cards for the Common Travel Area – Response from the British Government.*

¹¹² This is a means by which 'the status and functionality of an ID Card can be incorporated into another document'.

holder to assert British or Irish citizenship, or not, irrespective of what nationality was displayed on the card’.

A second form of ID card would also have to denote nationality. This would not be valid for travel outside the common travel area and was intended to demonstrate the holder’s right, deriving from citizenship of a member state, to exercise treaty rights anywhere in the EEA – such as the right to vote in European Parliament elections.

A third category would be the ‘plain card’, without nationality. This, too, would not be valid for travel outside the common travel area but would be available to any British citizen or person with the right of abode (including Irish citizens irrespective of their holding a passport in one nationality or both) who did not want a UK passport or an ID card of the first type. The record of the proceedings of the 33rd plenary of the BIIPB, when available, may indicate how this response was received.

A further ‘east-west’ development during the period came during a visit to Dublin by the Scottish first minister, Mr McConnell. Reiterating his view (see ‘peace process’ section) that there was a ‘devolution dividend’ for Northern Ireland, he issued a joint statement with the taoiseach, Mr Ahern, envisaging co-operation between the two parts of Ireland and Scotland in the new EU Territorial Co-operation programme.¹¹³

6.2 North-south

The ‘groundbreaking’ study on the all-island economy published by the two governments in October 2006 was designed to strengthen cross-border economic co-operation in four specific areas: further collaboration in research and development including maximising access to EU funds; a targeted approach to enterprise training and identifying labour market needs across the island; joined-up planning in the delivery of infrastructure; and trade missions led by both Enterprise Ireland and Invest NI to be made available to companies on each side of the border.¹¹⁴

The initiative was welcomed by business leaders north and south and by SF and the SDLP, but rejected by the DUP and UUP. For the DUP, Gregory Campbell, while endorsing efforts to develop the infrastructure of Northern Ireland, warned Dublin: ‘if your understanding of this arrangement is that this is designed to build-up an all-

¹¹³ L. Reid, ‘Devolution can benefit North, says McConnell’, *Irish Times* (14 November 2006).

¹¹⁴ Available at: www.nio.gov.uk.

Ireland economy, we are not going there.’¹¹⁵ The UUP leader, Sir Reg Empey, was even more explicit: ‘This document is based on a false premise that somehow there is an all-island economy. We do not accept that. There is a case for co-operation in business and trade and that is what we support. However, Northern Ireland’s economy is part of the UK economy. This document seems intent on turning the Northern Ireland economy from being a region of the UK into a region on the island of Ireland ... and has the potential to poison relations between Northern Ireland and the Republic’.¹¹⁶

There does seem to be something of a contradiction in unionist thinking on fiscal and wider economic matters. On the one hand, both unionist parties favoured fiscal harmonisation with the republic in relation to corporation tax and fuel excise duty (see finance section). On the other, they recoil from concerted efforts to promote generalised economic co-operation with their southern neighbours. Equally, it seems to have occurred to no one in Dublin that there might be a contradiction between an official commitment to Irish unity and a beggar-my-neighbour approach to tax issues on the part of the republic.

Ironically, behind the ideological posturing on the issue, it may be that the moment for north-south economic integration has been missed, as the southern economy has now globalised and the north’s faces the challenge of engendering some regional economic dynamism, given the decline of traditional industries and the enervating effects of the ‘troubles’. The leading southern economist who has worked on this issue for many years, Prof John Bradley, responded to the report thus: ‘For both regions, the North-South economic dimension is now a secondary factor. It may have some modest power to boost island performance, but could never replace either the primary focus on the quality of internal policies, institutions and business characteristics, or the dominating external factors.’¹¹⁷

In early December the north’s rural development minister, Mr Cairns, launched a new cross-border rural-development strategy, in addition to a pilot project to support isolated Protestant communities in border areas.¹¹⁸

¹¹⁵ BBC News Online, 26 October 2006.

¹¹⁶ UTV News Online (26 October 2006). The party’s deputy leader was equally dismissive, claiming that the study threatened to transform Northern Ireland into ‘an economic colony of the Republic’ – UUP new release, 26 October 2006.

¹¹⁷ J. Bradley, ‘North-South economies far apart’, *Irish Times* (27 October 2006).

¹¹⁸ NIO news release, 4 December 2006.

7. Relations with the EU

Elizabeth Meehan

If the political waters remain muddy, Northern Ireland's sea waters are now much clearer. Seven further bathing sites were identified to be put to the test of EU standards, bringing the total to 23. Of the existing sixteen, all met the mandatory standards of the European Bathing Water Directive and, as the environment minister, Mr Cairns, was pleased to announce in October, fourteen of them met new, more stringent standards in the revised European directive BWD 2006/7/EC, agreed in February 2006.¹¹⁹

At the 2006 Joint UK Agencies Bathing Water Conference in November, Richard Rogers, chief executive of environment and heritage services, was able to refer back to Mr Cairns' announcement.¹²⁰ He also welcomed the European Commission official Helmut Bloech, noting that it was the first time that a member of the commission had attended the joint conferences. The UK agency delegates (from the central and devolved governments) were also joined by five scientists and bathing-water quality managers from the republic. The purpose of the conference was to cover all aspects of implementation of the revised directive.

A few days before the announcement about Northern Ireland's bathing standards, there had been another occasion for celebration. In welcoming the International Regeneration Conference to Belfast, the minister for social development, Mr Hanson, outlined a vision for Belfast as 'a major European regional capital' and told delegates that it was 'an exciting time to be visiting Belfast which is firmly on the international map as a hot spot for urban regeneration.'¹²¹

If Belfast is to be a European regional capital, Northern Ireland, as a whole, is to become 'a preferred region of choice for partnership working', according to Mr Hanson – this time as minister for Europe. This was in his speech on 16 October at an international conference on Competitive Cities,¹²² hosted by Belfast, which he used to launch Northern Ireland's first European strategy: *Taking Our Place in*

¹¹⁹ Department of the Environment news release, 27 October 2006.

¹²⁰ DoE news release, 21 November 2006.

¹²¹ Department for Social Development news release, 9 October 2006.

¹²² This conference marks two years of co-operation in the CONNECT project, via a network which links the Belfast metropolitan area with the city-regions of Stockholm, Valencia, Vilnius and Rybnik.

Europe.¹²³ The minister outlined the contribution made to Northern Ireland by the EU but went on to note that the balance had to be redressed, in the sense that Northern Ireland had to stop being too preoccupied with internal matters and to start engaging more proactively with the outside world. He noted global changes, including the doubling of in-migration to Northern Ireland, which meant that 'a region's place in Europe' was no longer 'a matter of geography' but a question of 'how it relates to and integrates with the broader European community'.

He outlined the first steps that Northern Ireland had taken to be more outward-looking – networks and exchanges of best practice – and commended the strategy as a plan for further collaborative developments. It is, perhaps, indicative of the ambition of the strategy – though one suspects that it is more because of the audience – that *Taking Our Place in Europe* was published in Lithuanian, Polish, Spanish and Swedish, as well as English. It will be recalled from previous reports that the initial version was the subject of consultation, during which it attracted criticism for a lack of ambition or, at least, being ambitious in an aspirational rather than a concrete way.

In the final version, there were some concrete action points – for example, that Northern Ireland should join the Conference of European regions with legislative Power (Regleg); planning for Belfast to develop further as a city-region, serving as a catalyst for the engagement and development of the whole region; and investment support for new air routes for trade and migration. But it still seems a bit aspirational – aimed at 'continuing to build on/support', to do more to 'exploit the potential of' etc.

As the introduction explains, the document is 'a high level, overarching strategy that maps out a framework' and is 'intended to guide the work of regional and local government, setting out what needs to be done in partnership with civil society'. And it touches the right notes, but outcomes will depend a lot on 'the senior civil service policy group' that is to monitor 'progress towards achieving the aims and objectives' of the strategy.

¹²³ OFMDFM news release, 16 October 2006.

8. Relations with Local Government

Robin Wilson

During the monitoring period the boundaries for the seven new local authorities, to replace by 2009 the 26 district councils following the review of public administration, were demarcated by the boundary commissioner, Dick Mackenzie.¹²⁴ All parties bar SF remained hostile to the seven-council configuration, however, favouring instead a more modest rationalisation to fifteen.¹²⁵

Inevitably, the assembly also opposed the new model,¹²⁶ but to no avail. The Northern Ireland secretary rejected the assembly's position. One frustrated UUP MLA responded: 'It is patently obvious that the settled view of the Assembly could not change a lightbulb in the Great Hall.'¹²⁷

¹²⁴ N. McAdam, 'New-look Ulster', *Belfast Telegraph* (7 November 2006).

¹²⁵ N. McAdam, 'Little enthusiasm for the new map of Ulster', *Belfast Telegraph* (8 November 2006).

¹²⁶ G. Moriarty, 'Assembly sub-group to monitor DUP, SF standoff', *Irish Times* (6 December 2006).

¹²⁷ C. Gordon, 'Hain ignores call to shelve restructuring of councils', *Belfast Telegraph* (4 January 2007).

9. Finance

Rick Wilford and Robin Wilson

9.1 Empty package

As in the run-up to the ‘comprehensive agreement’, there was continued hope among the parties that Northern Ireland might enjoy a ‘peace dividend’ from the Treasury associated with renewed devolution. The former finance minister, Seán Farren, was button-holed on the subject at the railway station in Derry in late 2004, with talk of £1 billion widely aired in the media – a figure of whose provenance he had no knowledge whatsoever.

The chancellor, Gordon Brown, not known for unguarded largesse, might be forgiven for thinking he had already distributed two ‘peace dividends’ to Northern Ireland: the Chancellor’s Initiative of May 1998, to oil the wheels of devolution following the Belfast agreement, and the Reinvestment and Reform Initiative of May 2002, offering the then faltering devolved executive a unique borrowing capacity for public investment.¹²⁸ These came on top of the EU ‘Peace’ fund for the region and the border counties of the republic, introduced following the 1994 paramilitary ceasefires, renewed under devolution in 2000 (‘Peace II’) and more recently extended under direct rule (‘Peace II+’).

In September 2006, a leaked letter from the chief secretary to the treasury, Mr Timms, to the Northern Ireland secretary, Mr Hain, suggested a rather different disposition. Indeed, the letter threatened swingeing cuts across the public services.¹²⁹ Meantime, a spanner was placed in the works of the demand from business in the region – uncritically endorsed by the parties – for corporation tax to be reduced to the 10 per cent level prevailing in the republic, by an adverse European Court of Justice ruling on differential taxation in the Azores. The ruling implied that corporation tax could not be reduced for Northern Ireland, unless tax-varying powers were devolved and the reduced revenue was not made up by central government – neither of which responsibilities the parties had addressed.¹³⁰

¹²⁸ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: May 2002*, at www.ucl.ac.uk/constitution-unit/monrep/ni/ni_may_2002.pdf.

¹²⁹ D. Gordon, ‘Brown’s secret plans to grab millions from Ulster’, *Belfast Telegraph* (7 September 2006).

¹³⁰ J. Simpson, ‘Lower company taxation could definitely go ahead’, *Belfast Telegraph* (18 September 2006).

The Northern Ireland secretary, Mr Hain, made a devolutionist pitch to the business community at a CBI Northern Ireland lunch, including suggesting there could be movement on corporation tax if the initiative came from a devolved administration. But a Northern Ireland Chamber of Commerce and Industry survey published the same day found 73 per cent said suspension had made no difference to business prospects.¹³¹

This didn't prevent a 'Business Alliance' from urging, on the eve of the St Andrews talks, the priorities of lower taxes and more public investment¹³² – which only appears a contradictory agenda outside of Northern Ireland. While the St Andrews agreement (see 'peace process' section) thus included reference to a new financial package for Northern Ireland, the small print made clear this was only something the chancellor would 'consider'. And the signs were not propitious.

The NIO minister Paul Goggins responded later that month to a call from the Northern Ireland Affairs Committee for the lowering of fuel duty to the level in the republic by referring to 'the established principles of unitary taxation' across the UK.¹³³ And it was reported that anticipated negative reaction from Scotland meant Mr Brown would not support the call for corporation tax cuts.¹³⁴

So it was, when the chancellor met representatives of the parties in Downing Street on 1 November, rebuffing them on corporation tax.¹³⁵ Mr Brown left it to his junior minister Dawn Primarolo to declare in a written answer the following month that a regional cut in corporation tax would be illegal and likely to lead to intra-UK distortions.¹³⁶

The meeting was heavily spun, however, with the next day's media reporting that an extraordinary £50 billion package had been agreed upon. Yet it emerged that this expenditure was over 10 years, and that the figure represented the *total* government expected to spend over that period, rather than new money. Indeed, neither on the current nor the capital side did the announcement seem to signal significant

¹³¹ R. Morton, 'Hain urges business community to press for devolution'; N. Tilson, 'Private sector businesses "are thriving"', *Belfast Telegraph* (21 September 2006).

¹³² 'Business Alliance calls for talks to focus on the economy', *Irish News* (11 October 2006).

¹³³ S. Dempster and A. Erwin, 'Plan to cut tax on fuel is rejected', *News Letter* (24 October 2006).

¹³⁴ H. McDonald, 'Scottish revolt halts tax cut for Ulster', *Observer* (29 October 2006).

¹³⁵ D. Keenan, 'NI pledged €79bn to underpin St Andrews Agreement', *Irish Times* (2 November 2006)

¹³⁶ M. Hookham, 'Treasury scorns lower Ulster tax rate call', *Belfast Telegraph* (21 December 2006).

resources, over and above what had previously been projected.¹³⁷ A not particularly grateful CBI dismissed it as little more than ‘nuisance money’ and as ‘very little more than is needed to keep our economy afloat’.¹³⁸

On rates, Mr Goggins’ colleague David Hanson did tell the Lords, during passage of the Draft Rates (Northern Ireland) (Amendment) Order 2006, that there would be improved relief for the elderly on low incomes and a cap at values of £500,000 under the proposed capital-value arrangements – though only if the parties restored devolution.¹³⁹ In the face of all-party opposition during the run-up to St Andrews, the government had insisted that the new system was ‘fair and wouldn’t be changed’.¹⁴⁰

But the Northern Ireland secretary, Mr Hain, had to admit in a letter to party leaders that the chancellor’s package had essentially confirmed ‘that the current level of spending will be sustained in real terms over the period to 2011’ (this makes the heavy presumption, of course, that Labour secures a fourth term in 2009).¹⁴¹ Standing alongside Mr Brown after his meeting with the parties, Mr Hain had described the outcome for Northern Ireland then as ‘extraordinary’.

The rather more modest sums which appeared in the chancellor’s pre-budget report, unveiled on 6 December, were greeted with less hyperbole by Mr Hain – not least the increase in direct payments to schools which, via the Barnett consequential, would mean an additional £6 million in the next financial year. Equally, he welcomed the commitment to expand and refurbish the schools estate over the 2008-09/2010-11 period, which would provide £94 million to support the implementation of the Bain review (see public policies section). In total the PBR unveiled £26 million of Barnett consequentials for 2007-08.¹⁴²

Indeed, the irony remains that the ten Northern Ireland departments still find it impossible to spend all that they are allocated. And in December the Northern Ireland Audit Office attacked departments for borrowing £163 million since the introduction of the RRI, though they had been underspending increasingly – from £64 million in 2001-02 to £227 million in 2005-06. With 23 per cent of the 10-year, £16 billion

¹³⁷ D. Gordon, ‘Open the package and what’s new?’ *Belfast Telegraph* (14 November 2006).

¹³⁸ BBC News Online (2 November 2006).

¹³⁹ Department of Finance and Personnel news release, 8 November 2006.

¹⁴⁰ NIO press release, 15 September 2006.

¹⁴¹ D. Gordon, ‘The big hype’, *Belfast Telegraph* (17 November 2006).

¹⁴² For fuller details, see NIO news release, 6 December 2006.

Strategic Investment Programme being pursued under the Private Finance Initiative rather than conventional public expenditure, liabilities of over £1.5 billion have been incurred by the public purse.¹⁴³

9.2 Water charges

The NIO has argued that water charges are needed in Northern Ireland on two grounds: the disparity in 'fiscal effort' with taxpayers in Britain and the need for investment in the region's creaking Victorian sewage system. In September, Mr Hanson announced the allocation of a major, £100 million, sewage contract for Belfast, where severe rains during devolution led to the flooding of the low-lying lower Ormeau part of the city.¹⁴⁴ The following month he stressed the reliefs on offer for the 'asset rich income poor' on water charges and rates.¹⁴⁵

In December, the Northern Ireland secretary, Mr Hain, told the assembly's Programme for Government Committee that he could not defer introduction of water charges further, as there would be an £85-90 million shortfall in revenue in 2007-08 otherwise.¹⁴⁶ If the assembly election slated for March were to go ahead, one should not discount the prospect that a number of independent candidates might stand on the basis of opposition to water charges and the new rating system.

Antipathy to water charges was stoked when the General Consumer Council won an aspect of a judicial review in the High Court, on the basis that it had not been adequately consulted about their introduction.¹⁴⁷ Undaunted, the NIO pressed ahead with the legislation, which was duly enacted, despite pleas for its deferment from the assembly and Northern Ireland MPs and peers.

¹⁴³ D. Gordon, '£227m underspend by Government, yet £163m is borrowed', *Belfast Telegraph* (7 December 2006).

¹⁴⁴ Department for Regional Development news release, 5 September 2006.

¹⁴⁵ Department of Finance and Personnel news release, 3 October 2006.

¹⁴⁶ C. Thornton, 'Water charges to go ahead despite lack of Assembly', *Belfast Telegraph* (5 December 2006).

¹⁴⁷ D. Gordon, 'NIO defiant on 'tap tax' despite High Court ruling', *Belfast Telegraph* (22 November 2006).

10. Political Parties and Elections

Duncan Morrow

10.1 Introduction

The deadline for an agreement (24 November 2006) may have come and gone, but over four years on from the collapse of Northern Ireland's devolved executive the endgame, either way, was unmistakably in sight. Even Tony Blair – who, for reasons of legacy, has invested more than any other politician in the establishment of a devolved executive including both the DUP and Sinn Fein – seemed to have concluded that January 2007 was the make-or-break month in determining whether power-sharing on this basis was a real political option.¹⁴⁸ In pursuit of agreement – and in contrast to his studied silence on the more widely publicised matter of the execution of Saddam Hussein – Mr Blair returned from his Christmas holiday in Florida one day ahead of schedule.

The result in Northern Ireland is a curious mix of extreme weariness and frustration spread across the electorate (as well as much of the remaining international political audience) and frenetic bargaining among a cast apparently reduced to three people, Messrs Blair, Adams and Paisley – with the script conveyed by these latter to their anxious, and apparently divided, political parties.

At the time of writing, it remained impossible to be certain of the outcome. What was clear, however, was that the time taken to turn the decisions on policing and power-sharing, required by the optimistically named St Andrews agreement, into a viable devolved administration meant that any executive formed on 26 March would lack any real reconciliation or generosity between the largest parties of the tribes of Ulster. Devolution under these circumstances would likely be a bumpy ride.

10.2 St Andrews

Whatever the outcome, the final attempts to restore devolution defined what counts for political life in Northern Ireland during the period. In the lead-up to what were billed as 'final' talks in Scotland, most of the public emphasis was on the 'absolute deadline' to restore devolution by 24 November. The governments, which originally set the date in the spring of 2006, vied with one another to promise dire

¹⁴⁸ BBC News Online (4 January 2007).

consequences if it were missed. In September, the Northern Ireland secretary, Mr Hain, warned failure would mean direct rule until 2009 at the earliest,¹⁴⁹ while the republic's minister for foreign affairs, Mr Ahern, sought to warn all parties against any sabotage of the governments' plans.¹⁵⁰ Well-placed sources suggested that meeting the deadline depended on agreement at St Andrews in October.¹⁵¹

Before the talks, the parties jostled for position. From the perspective of the governments, however, a clear and positive report by the Independent Monitoring Commission on paramilitary activity was essential if the DUP were to overcome its powerful instinctive hostility to power-sharing with SF. The IMC confirmed that the IRA had ceased all paramilitary activity and that the leadership no longer sanctioned any criminality.¹⁵² The DUP, anxious not to be boxed into any political corners, underlined the fact that acts of criminality by members of the IRA continued and IRA internal structures remained.¹⁵³ But there was a distinct feeling of clutching at straws and, with various party figures apparently putting different estimates on the prospects for agreement with SF, the DUP was already being forced to declare publicly that it was 'totally united'.¹⁵⁴

Setting aside the nebulous, though ultimately defining, obstacle of fundamental antagonism and lack of trust, the drawn-out political process of the last decade in Northern Ireland had already reduced the effective agenda at St Andrews to two matters: support by republicans for the rule of law, symbolised by full co-operation and engagement with the PSNI, and a commitment to power-sharing, including with SF, on the part of the DUP. Both parties had sought to give positive signals as to their own *bona fides* as they arrived in Scotland. In a historic *volte-face*, the DUP arranged a face-to-face meeting with its traditional enemy – the hierarchy of the Catholic Church.¹⁵⁵ In a similarly unusual speech in west Belfast, Mr Adams spoke of the republican belief in policing, if not in the police.¹⁵⁶

With the media largely excluded, what happened precisely at St Andrews remains unclear. As the discussions centred solely on the question of restoring the institutions

¹⁴⁹ *Irish Times* (11 September 2006).

¹⁵⁰ *Irish News* (3 October 2006).

¹⁵¹ *Irish Times* (22 September 2006).

¹⁵² *Irish News* (4 October 2006).

¹⁵³ *Irish Times* (6 October 2006).

¹⁵⁴ *Belfast Telegraph* (3 October 2006).

¹⁵⁵ *News Letter* (10 October 2006).

¹⁵⁶ *Irish Times* (10 October 2006).

foreseen by the Belfast agreement of 1998, the focus was entirely on the parties with the potential to prevent progress – what Mark Durkan, leader of the SDLP, has labelled the ‘problem’ parties. In effect, the governments sought to identify the conditions under which those two commitments could be given, with the institutions of the agreement and the arrangements for devolution of policing and justice the likely areas for renegotiation and compromise. Under these circumstances, there was inevitably a danger that the overwhelming governmental desire for devolution would be pursued through reducing the politically difficult necessity to co-operate and share, so as to make devolution more palatable for the defining political groups in Northern Ireland.

With the media reporting the possible collapse of the talks, the governments conjured an apparent victory from the jaws of defeat.¹⁵⁷ They did so by breaking their own hitherto-absolute deadline and by promoting their own consensus on the essential way forward to the status of a new, ‘St Andrews’, agreement. On the basis that both SF and the DUP agreed to proceed on an agenda with defined milestones, the governments accepted devolution would not now be restored until 26 March 2007, following an electoral test, initially defined as a referendum or an election.¹⁵⁸ As a fig-leaf to cover the nakedness of their abandonment of the deadline, they said the assembly would designate the first and deputy first ministers at a special meeting on 24 November.

The governments agreed critical changes in the working of the executive, including an end to the requirement that the first and deputy first ministers be agreed by cross-community consensus, as well as a new pledge of office and concessions allowing the assembly to revisit controversial aspects of direct-rule policy (see ‘peace process’ section). Continuing tough talk that failure to achieve the new deadlines would result in the immediate dissolution of the assembly was widely derided, though repeated nonetheless.¹⁵⁹

That derision became noisier when the extent of the governments’ determination to exhaust every possibility before giving up on devolution emerged within four days. In full media glare, the first milestone – a meeting of all parties at Stormont as part of the re-constituted Programme for Government Committee, with the leaders of all

¹⁵⁷ *Irish Times* (13 October 2006).

¹⁵⁸ *News Letter* (14 October 2006).

¹⁵⁹ *Irish Times* (14 October 2006).

parties in attendance – was missed (see assembly section).¹⁶⁰ The DUP insisted, against the position of SF, that the pledge of office, including an unambiguous commitment to policing and the courts, be taken by the first and deputy first ministers designate on 24 November. While the governments played the issue down, it was clear that, unresolved, it had the potential to turn future timetabled events into a similar farce.¹⁶¹

Opposition to a referendum in the republic on the St Andrews agreement was also immediately apparent.¹⁶² Against this backdrop, the UK government settled on the DUP's demand for an election before devolution. While it was clear that there was no real agreement, the DUP and SF embarked on formal consultations on the deal with their own memberships.¹⁶³

Both parties found considerable internal resistance, most visibly within the DUP. The MP for North Belfast, Nigel Dodds, warned that policing powers would not be devolved to a Northern Ireland executive within 'a political lifetime'¹⁶⁴ while the MEP, Jim Allister, appeared to be positioning himself as the leader of the DUP's rejectionists from an early stage.¹⁶⁵ Inevitably, their public positions made life increasingly difficult for the SF leadership. As the weeks went by, it was clear that the special *ard fheis* necessary for SF endorsement of the PSNI would not take place before 24 November.¹⁶⁶

The second milestone outlined at St Andrews, formal agreement by all parties to the proposals by 10 November, also passed amidst considerable ambiguity.¹⁶⁷ While neither party said no, the governments were forced to accept the qualified yes of both the DUP and SF (see 'peace process' section) as sufficient to allow progress.

The issue of policing was increasingly coming to dominate the debate. In the face of a rejection of any timetable for the devolution of policing to the assembly by members

¹⁶⁰ *Irish News* (18 October 2006).

¹⁶¹ *Irish Times* (18 October 2006).

¹⁶² *Irish Times* (24 October 2006). In terms of the north, a plausible report claimed the referendum option was ruled out by government because of fear that it would indicate lower support for St Andrews than for the Belfast agreement and/or that turnout would be lower than in the 1998 referendum (see public attitudes section) – S. Breen, 'Poor support for St Andrews agreement', *Sunday Tribune* (29 October 2006).

¹⁶³ *Irish News* (20 October 2006), *News Letter* (28 October 2006).

¹⁶⁴ *Belfast Telegraph* (31 October 2006).

¹⁶⁵ *Irish Times* (3 November 2006).

¹⁶⁶ *Irish News* (7 November 2006).

¹⁶⁷ *Belfast Telegraph* (10 November 2006).

of the DUP, SF was becoming increasingly irritated. At the same time, the DUP made clear that Mr Paisley would not accept designation as first minister in the absence of a commitment to policing by SF. In an attempt to avoid disaster on the key deadline of 24 November, the governments urgently sought a formula to allow for designation.¹⁶⁸

As assembly members met, nobody was entirely sure of what would happen in the chamber – as it turned out, in more ways than one (see ‘peace process’ section). As expected, SF nominated Mr McGuinness as deputy first minister. In an uncharacteristically unclear statement, Mr Paisley appeared to refuse nomination but declare that in the event of SF ‘delivering on their commitments’ to policing, he would become first minister at a future date. On this basis, the Speaker, Ms Bell – on the basis of a speech pre-agreed with the Northern Ireland secretary – announced there was sufficient here to proceed. Enter the released UDA killer Michael Stone, complete with home-made explosives and a revolver, and apparently intent on killing the SF leadership, to bring an abrupt end to proceedings.¹⁶⁹

The chaos and uncertainty around the DUP’s position took a further turn when the twelve members released their press statement insisting nothing said could be taken as indicating willingness by the DUP leader to be designated.¹⁷⁰ Later in the afternoon the DUP leadership appeared to undermine this by reiterating that first-minister status would be acceptable, but only after agreement by SF fully to support the PSNI.¹⁷¹

By early December three things were increasingly clear. First and foremost, the determination of the governments to devolve responsibility for Northern Ireland was paramount. At every stage, London and Dublin continued to accept ‘maybe’, or even less, as a positive response to apparently straightforward, yes-or-no questions. In consequence, the plausibility of deadlines largely collapsed. Nonetheless, the result was that the process outlined at St Andrews remained a show still on the road.

In the absence of any indication to the contrary, elections for a new assembly would take place on 7 March, and would inevitably result in changes in personnel. Selection

¹⁶⁸ *Irish Times* (17 November 2006).

¹⁶⁹ *Belfast Telegraph* (24 November 2006).

¹⁷⁰ *Irish Times* (25 November 2006).

¹⁷¹ *Irish News* (25 November 2006).

conventions for candidates took place in most constituencies during the period, and the well-known figures David Trimble (UUP), Seán Farren and Patricia Lewsley (SDLP), Seamus Close (Alliance) and Eileen Bell (Alliance) all announced their retirement from political life.

Secondly, serious splits have emerged within the DUP in particular, but also within SF, both of which threatened to make progress difficult. The two broad groups within the DUP, aligned around Peter Robinson and Jeffrey Donaldson on one side and Jim Allister and Nigel Dodds on the other, seem to be arbitrated by Mr Paisley alone. Within SF, a number of sitting MLAs announced their decision not to seek re-election or were de-selected by party conventions (see 'peace process' section). In each case, the issue of policing was cited in the subsequent commentary, though formally denied by the party.¹⁷²

Thirdly, and critically, the issue which currently divides the parties has been reduced to policing – including, specifically, the speed with which policing would be devolved to a Northern Ireland executive and the conditions attached to such a devolution.

The immediate cause for concern was the looming deadline for dissolving the current (not sitting) assembly at the end of January. For there to be any prospect of restoration of devolution on 26 March, SF needed to finalise its position on policing. For party policy to be formally changed on this touchstone issue of republican theology, it needed to convene a special, single-issue *ard fheis*, requiring at least two weeks' formal notice. Without such a conference, the DUP made clear it would not enter a devolved administration with SF.

On the other hand, SF made clear that support for policing could only come if responsibility for justice was devolved to the Northern Ireland Assembly by an agreed date. At St Andrews, the governments proposed May 2008, a date never accepted by the DUP. Over Christmas and new year, there were frantic attempts to resolve the matter (see 'peace process' section).¹⁷³

There was government jubilation that a deal had been reached when SF's executive agreed to call an *ard fheis* during January.¹⁷⁴ But a response by Mr Paisley, asserting

¹⁷² *Irish News* (5 January 2007).

¹⁷³ *Irish Times* (21 December 2006).

¹⁷⁴ *Irish Times* (30 December 2006).

that the DUP would meet its obligations in the event that SF gave unequivocal support for the PSNI and courts, and calling on nobody to put obstacles in SF's way, was regarded as insufficient by republicans. Within days, they were putting question-marks over the viability of a January *ard fheis* – a task made more difficult as various DUP spokespersons made clear they had not agreed to any notional timetable for the devolution of policing powers.¹⁷⁵

10.3 Conclusion

The future of this generation of the political class in Northern Ireland could be defined by events over the coming weeks and months. The issue of policing, while apparently simple, contains within it the question of defeat and victory in the decades-long Northern Ireland conflict as a whole. As such, it may be more difficult to resolve than it might appear. For the DUP, unequivocal support for law and order *before* devolution represents final acceptance by SF that IRA activity is, and was, incompatible with democracy. It is also the political cover required by the party to demonstrate that it has achieved more than the UUP through negotiations, even while entering coalition with SF.

For that party, the devolution of policing is critical to its assertion that the British state is leaving Ireland, and that republicans have not signed up to British law run from a 'colonial' parliament. Agreement to administer Northern Ireland under the Belfast agreement, as a 'partitionist' settlement, is predicated on this ideology and is essential political cover for the SF leadership in its march away from paramilitarism.

While both parties appeared, begrudgingly, to accept the necessity of sharing power, the conditions of so doing continued to have political resonance for both sides. There were, still, big decisions to be taken.

¹⁷⁵ *Irish News* (5 January 2007).

11. Public Policies

Rick Wilford and Robin Wilson

11.1 Education

December 2006 saw the publication of a report¹⁷⁶ by the former Queen's University Belfast vice-chancellor, Sir George Bain, tasked by the NIO to conduct a strategic review of the schools estate as government embarks on a £3.4 billion programme of investment in education, part of the overall Strategic Investment Programme running for the decade till 2016. Amid increasing Treasury concern about value for money from public spending in Northern Ireland (see finance section), with some 53,000 surplus school places and enrolments continuing to fall, and with the new curriculum to require a broader range of options from age fourteen – not forgetting the government policy on community relations, *A Shared Future* (which ministers sometimes do seem to forget) – there are strong grounds for rationalising a system with substantial inefficiencies. These arise from the determination of vested interests to maintain its fragmentation on religious (via denominational segregation) and social (via the grammar/secondary split) grounds. Even teacher training is conducted at separate campuses for the 'controlled' (de facto Protestant) and 'maintained' (Catholic) sectors.

The report did not pull any punches:¹⁷⁷

In the course of consultation, it became evident to the Review that Northern Ireland's educational structure – based almost entirely on institutional independence, and its preservation, within a competitive system – is also at a significant cost to some children's and young people's experiences and opportunities; it is at a cost too, in certain contexts, to the well-being, effectiveness, all-round development and experience of teachers and principals; and last of all, it is at a cost to the efficient use of the schools' estate in terms of duplication and overlaps, empty places and inadequate accommodation. It follows, therefore, that it is a cost to the economic well being, and the integration and health of our society more generally.

Sir George found that a third of schools, more than 440, did not have the minimum pupil number for an adequate educational experience and that such schools could face closure or amalgamation. He deemed that the minimum enrolment should be

¹⁷⁶ G. Bain, *Schools for the Future: Funding, Strategy, Sharing* (Bangor: Department of Education, at: www.deni.gov.uk/review_of_education.pdf).

¹⁷⁷ *Ibid.*, p. 163

140 pupils for urban primary schools and 105 for rural primaries (the current minimum is 60). In relation to post-primary schools, the report recommended a minimum of 500 pupils in years eight to twelve, and that those with a sixth form should have a minimum of 100 pupils in lower and upper sixth.

The thrust of the review was towards the integration of facilities, with schools planned to serve a geographical area – rather than Catholic, state, integrated and Irish-language schools vying within a small area – and greater collaboration among schools, as well as between schools and further education. This was not just to save money but to improve the educational experience and promote a culture of tolerance.

The report was welcomed by the education minister, Maria Eagle, who supported the key recommendations of area-based planning and the linking of investment to sharing and collaboration.¹⁷⁸ Perhaps to ease travel to at least some of the potentially amalgamated schools, Ms Eagle had earlier announced £37 million of new investment to improve the standard and safety of school buses.

The SDLP was broadly favourable to Bain, though the party insisted on a sensitivity to the 'ethos' of different sectors. The Irish National Teachers' Organisation, whose members work mainly in the Catholic sector – and whose leader in Northern Ireland, Frank Bunting, has been courageous in backing *A Shared Future* – was also supportive, though not unreasonably concerned about members' jobs.¹⁷⁹ The Council for Catholic Maintained Schools however issued a terse response, and later launched a generalised attack on civil servants of 'a mindset that has little understanding of or empathy with Catholic ethos'.¹⁸⁰

One of the tensions addressed by the review was between the establishment of new integrated schools – now attended by 5 per cent of Northern Ireland pupils – and integrating the education system more widely. Concerned about the excessive number of small schools and the lack of co-ordinated planning, the review favoured the latter rather than the former route. But this meant that when Ms Eagle denied the go-ahead to five integrated schools later in the month, the Northern Ireland Council

¹⁷⁸ Department of Education news release, 12 December 2006.

¹⁷⁹ K. Torney, 'Our schools must learn lesson of working together', *Belfast Telegraph* (5 December 2006).

¹⁸⁰ A. McCreary and S. McBride, 'Civil servants attacked over school plans', *Belfast Telegraph* (7 December 2006).

for Integrated Education inevitably accused her of paying 'lip service' to shared schooling.¹⁸¹

Meanwhile the future of the planned abolition of the '11+' was thrown into some uncertainty by the St Andrews agreement. Earlier the subject of tensions¹⁸² as to how far unionist opposition on the issue might be propitiated, between the Northern Ireland secretary and the prime minister (whose opposition to selection many in the Labour Party doubt), there was speculation after St Andrews about a side-deal with the DUP and confusion as to its status.¹⁸³ It emerged that the Council on the Curriculum, Examinations and Assessment had not been asked to devise any new transfer test, even though the assembly elected in March could theoretically decide to reverse the end to academic selection due in 2008.¹⁸⁴

In other educational initiatives, Ms Eagle announced a new religious-education syllabus.¹⁸⁵ This, like its predecessor, was delegated to the four main Christian churches – which, in what was presented as a triumph for ecumenism, unsurprisingly presented Christianity as an authoritative belief system. The revised version does at least nod towards the existence of other world religions, but this hardly keeps up with Northern Ireland's rapid demographic transformation owing to recent migration. Moreover, while Christianity is to be taught from both a Protestant and Catholic perspective at key stage four, this takes no account of the fact that 14 per cent of the adult population professes no religion or refused to declare one in the 2001 census.¹⁸⁶

Ms Eagle also announced a nuancing of the decision by the devolved education minister, Martin McGuinness of SF, to abolish school league tables. The problem with this decision was that it threw out the baby of school performance data with the bathwater of social hierarchy with which it was associated. Ms Eagle said that the data would now be made available on the web, but not in league-table form.¹⁸⁷

¹⁸¹ S. McBride, 'Shared schools policy "just lip service"', *Belfast Telegraph* (21 December 2006).

¹⁸² Private information.

¹⁸³ M. Connolly, 'DUP makes deal on academic selection', *Irish News* (16 October 2006).

¹⁸⁴ K. Torney, 'Ulster's 11-+ limbo', *Belfast Telegraph* (23 November 2006).

¹⁸⁵ DE news release, 15 November 2006.

¹⁸⁶ Northern Ireland Statistics and Research Agency (2002), *Northern Ireland Census 2001: Key Statistics* (The Stationery Office), p. 20.

¹⁸⁷ DE news release, 30 November 2006.

11.2 Social inclusion

Ever since a widely-criticised consultation document appeared in 2004 on an anti-poverty strategy,¹⁸⁸ its successor has long been awaited. It finally appeared, following a pledge in the St Andrews agreement, in November 2006. The Northern Ireland secretary, Mr Hain, launched the document,¹⁸⁹ *Lifetime Opportunities*, at the Northern Ireland Council for Voluntary Action, which had led the criticism of its predecessor, but the NGOs were again annoyed when the OFMDFM gave only a few days notice of the early Monday event.

The preparation of *Lifetime Opportunities* had been bedevilled by the difficulty that besets any cross-departmental strategy in Northern Ireland. Even though over four years have passed since devolution, the structure of ten departments has so far been retained. Worse, they still operate as if they had the autonomy envisaged under devolution in their allocation to the parties by the d'Hondt rule. The combined effect is that such policies – as with those on 'community relations' and sustainable development (see below) – emerge as the result of a protracted and painful process of negotiation with OFMDFM, in which the 'centre' has no authority to direct. The result tends to be 'strategies' which mainly summate policies and practices to which departments are already committed.

Thus, *Lifetime Opportunities* contained little by way of policy innovation. It did, however, promise children's centres for disadvantaged areas – hitherto, childcare in Northern Ireland's conservative society has not kept pace with its development since Labour came into office on the other side of the Irish Sea. And it did signal a forum on poverty and social exclusion, which may give the voluntary sector opportunities to reinforce the strategy over time.

An independent report on social exclusion and poverty in Northern Ireland was published by the New Policy Institute, supported by the Joseph Rowntree Foundation, the same month.¹⁹⁰ Interestingly, the report showed that the above-average poverty experienced in Northern Ireland, as reflected in low pay and high dependence on social-security benefits, is offset by Labour's in-work benefits and low

¹⁸⁸ R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Monitoring Report: May 2004*, at: www.ucl.ac.uk/constitution-unit/monrep/ni/ni_may_2004.pdf.

¹⁸⁹ Office of the First Minister and Deputy First Minister, *Lifetime Opportunities: Government's Anti-poverty and Social Inclusion Strategy for Northern Ireland* (Belfast: OFMDFM, 2006, at: www.ofmdfmi.gov.uk/antipovertynov06.pdf).

¹⁹⁰ P. Kenway, T. MacInnes, A. Kelly and G. Palmer, *Monitoring Poverty and Social Exclusion in Northern Ireland 2006* (London: New Policy Institute, 2006; also at: www.jrf.org.uk).

house prices. The second of these cushions may be weakening, however. House prices are soaring in the region, as it appears clear the 'troubles' are, finally, at an end: a building-society survey of prices across the UK, published as the year ended, found the 10 towns with the biggest increases were all in Northern Ireland.¹⁹¹

11.3 Health and environment

Also in November, the health minister, Mr Goggins, announced the latest development in the NIO's determination to tackle the long hospital waiting lists bequeathed by the devolved government. He declared that no one was now waiting more than nine months for surgery, compared with 20,000 at the time of suspension in 2002.¹⁹² Further initiatives from the minister were the publication for consultation of a cancer framework¹⁹³ and a new dental strategy, with local commissioning supposedly filling gaps in NHS provision (though there are more dentists per head than in Britain).¹⁹⁴

Meanwhile, the legislation to ban smoking in public places in Northern Ireland completed its passage at Westminster, with effect from the end of April 2007.¹⁹⁵ Publicans complained of inadequate guidance as to what would constitute legal smoking areas, with a view to making exterior adjustments.

Also in November building regulations were updated, in line with England and Wales, introducing a requirement for a 40 per cent reduction in CO₂ emissions for new buildings.¹⁹⁶ This followed the launch by the Northern Ireland secretary of a sustainable-development action plan,¹⁹⁷ pursuant to the strategy launched earlier in the year.¹⁹⁸ As of 31 March 2007 public authorities will have a Welsh-style statutory duty to promote sustainable development.

¹⁹¹ O. Bowcott, 'Trouble-free Newry top for property price increases', *Guardian* (23 December 2006).

¹⁹² Department of Health, Social Services and Public Safety news release, 7 November 2006

¹⁹³ DHSSPS, *Regional Cancer Framework: A Cancer Control Programme for Northern Ireland* (Belfast: DHSSPS, 2006, at: www.dhsspsni.gov.uk/csf-2.pdf).

¹⁹⁴ DHSSPS news release, 16 November 2006.

¹⁹⁵ DHSSPS news release, 16 November 2006.

¹⁹⁶ DoE news release, 30 November 2006.

¹⁹⁷ Available at: www.ofmdfmi.gov.uk/implementation_plan_16_11_06.pdf.

¹⁹⁸ DoE, *First Steps Towards Sustainability: A Sustainable Development Strategy for Northern Ireland* (Belfast: DoE, 2006), at: www.ofmdfmi.gov.uk/sustain-develop.pdf.

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The **Constitution** Unit

**DEVOLUTION
MONITORING
PROGRAMME
2006-08**

Northern Ireland Devolution Monitoring Report

April 2007

**Professor Rick Wilford & Robin Wilson
Queen's University Belfast (eds.)**



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The Devolution Monitoring Programme

From 1999 to 2005 the Constitution Unit at University College London managed a major research project monitoring devolution across the UK through a network of research teams. 103 reports were produced during this project, which was funded by the Economic and Social Research Council (grant number L 219 252 016) and the Leverhulme Nations and Regions Programme. Now, with further funding from the Economic and social research council and support from several government departments, the monitoring programme is continuing for a further three years from 2006 until the end of 2008.

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Northern Ireland Devolution Monitoring Report

April 2007

Rick Wilford & Robin Wilson (eds.)

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Acronyms

APNI	Alliance Party of Northern Ireland
ARA	Assets Recovery Agency
BIC	British-Irish Council
BIIC	British-Irish Intergovernmental Conference
BIIPB	British-Irish Inter-Parliamentary Body
CID	Criminal Investigation Department
DARD	Department of Agriculture and Rural Development
DCAL	Department of Culture, Arts and Leisure
DE	Department of Education
DoE	Department of Environment
DEL	Department of Employment and Learning
DETI	Department of Enterprise, Trade and Investment
DFP	Department of Finance and Personnel
DHSSPS	Department of Health, Social Services and Public Safety
DRD	Department for Regional Development
DSD	Department for Social Development
DUP	Democratic Unionist Party
IMC	Independent Monitoring Commission
MLA	Member of the Legislative Assembly
NICVA	Northern Ireland Council for Voluntary Action
NIO	Northern Ireland Office
NSMC	North/South Ministerial Council
OFMDFM	Office of the First Minister and Deputy First Minister
PIRA	Provisional Irish Republican Army
PSNI	Police Service of Northern Ireland
PUP	Progressive Unionist Party
RUC	Royal Ulster Constabulary
SDLP	Social Democratic and Labour Party
SOCA	Serious Organised Crime Agency
SB	(RUC) Special Branch
SF	Sinn Féin

STV	single transferable vote
UDA	Ulster Defence Association
UDR	Ulster Defence Regiment
UKUP	United Kingdom Unionist Party
UPRG	Ulster Political Research Group
UUP	Ulster Unionist Party
UVF	Ulster Volunteer Force

Executive Summary

Yet another ‘final’ Northern Ireland deadline came and went, but this time devolution looked set, at last, to be restored 55 months after it collapsed in October 2002, following revelations of an IRA spy ring at Stormont.

It was evident that devolution would not return until and unless the ambiguous relationship between Sinn Féin and the rule of law was resolved. After the belated announcement of an end to the IRA campaign in 2005 and associated decommissioning, the remaining step was to endorse the institutions of policing and justice in Northern Ireland, reformed following the Belfast agreement of 1998, as set out in the St Andrews agreement of October 2006. This duly took place at a special ard fheis (conference) called by SF in January 2007.

The ball was then in the court of the Democratic Unionist Party, whose electoral strength had advanced in lock-step with that of SF as Protestant insecurity grew since the ‘peace process’ began in the early 1990s. A combination of inducements in the St Andrews agreement—notably provision for deadlocking vetoes and the separation of the conjoined first and deputy first minister—and the threat of joint, British-Irish ‘stewardship’ over Northern Ireland impelled the DUP towards acceptance of a loveless marriage with SF.

The two parties duly prevailed in the assembly election on 7 March, eclipsing the former custodians of what passes for the centre ground in Northern Ireland, the UUP and the SDLP. A pre-election poll highlighted the sheer contempt of most Northern Ireland citizens for the politicians of the other ‘side’ and scepticism as to whether they could work together.

Despite the repeated insistence by ministers in London and Dublin that a devolved government must be formed by 26 March, or the assembly would be disbanded and MLAs put out of work, the DUP was able to spare its blushes and ease internal unrest by securing a postponement to 8 May. Meantime, however, there was another ‘historic’ Northern Ireland media moment to sustain momentum, with an appearance (almost) together at Stormont by the DUP leader, Rev Ian Paisley, and the SF president, Gerry Adams.

Soon thereafter, the parties indicatively divided the spoils by running the d'Hondt rule: the departments were distributed four to the DUP, three to SF, two to the Ulster Unionist Party and one to the SDLP. A bulging in-tray of controversial issues will confront the new ministers, including the future of academic selection, legislation on the Irish language and water charges.

The question remained as to whether the new leaders would become immersed in these practical problems and thrash out solutions together, or whether they would see them as trials of strength in the continuing ethnic power-struggle over their opposing ultimate constitutional goals.

Chronology of Key Events

- 22 January 2007 Police ombudsman releases damning report on collusion over several years between old RUC Special Branch and loyalist paramilitaries in north Belfast.
- 28 January 2007 Sinn Féin special conference gives support to policing and criminal justice system in Northern Ireland, conditional on restoration of power-sharing institutions and devolution of policing and justice.
- 30 January 2007 Independent Monitoring Commission welcomes SF conference decision as further evidence that republican leadership committed to democratic process.
- 7 March 2007 Third assembly election takes place under STV, revealing over subsequent days of count continued polarisation as Democratic Unionist Party and SF dominate.
- 12 March 2007 Another report from IMC underscores commitment of republican movement to political path.
- 26 March 2007 Deadline set by Northern Ireland secretary, Peter Hain, for 'devolution or dissolution' expires without formation of power-sharing executive, but he elects to introduce emergency legislation allowing of a delay until 8 May, following successful weekend negotiations involving two largest parties, leading to joint news conference at Stormont.
- 27 March 2007 The DUP's MEP, Jim Allister, resigns from the party in protest.
- 2 April 2007 DUP and SF agree to indicative running of d'Hondt rule, so that parties can prepare to run particular departments in interim: election result gives DUP four seats (as well as first minister), SF three (as well as deputy first minister), Ulster Unionist Party two and SDLP one. The ministers were named over the succeeding days and weeks.

1. The ‘Peace Process’

Rick Wilford and Robin Wilson

1.1 Introduction

The pivot on which this report turns is, of course, the (third) assembly election on 7 March 2007, which was intended to lead to the nomination of a new, inclusive, power-sharing administration on 26 March. As the electorate (more accurately, around two-thirds of it) trooped to the polls, however, there remained uncertainty about whether that deadline would be met—notwithstanding repeated statements by the Northern Ireland secretary, Peter Hain, the republic’s minister for foreign affairs, Dermot Ahern, and the London and Dublin premiers, insisting that if no Executive Committee was established by the due date ‘Plan B’ would take effect. The assembly would be dissolved and the two governments would thereafter engage, under direct rule, in the ‘joint stewardship’ of Northern Ireland.

The timetable for the election and putative post-election developments was set by the St Andrews agreement of October 2006,¹ and their context shaped by further reports from the Independent Monitoring Commission (on 30 January and 12 March) and, crucially, Sinn Féin’s special ard fheis (conference) on policing in Dublin on 28 January. Each of the IMC’s reports confirmed that the IRA had dismantled its operational structures, was not engaging in acts of violence, was not employing criminal methods to raise funds and was no longer ‘exiling’ from Northern Ireland those it deemed miscreants—and that its commitment to the strategy of a political path to Irish unification was firm and undiminished. As the more recent of the two reports concluded, ‘it is firmly committed to the political path ... terrorism and violence have been abandoned and PIRA does not pose a threat relevant to security normalisation’.²

1.2 SF and the rule of law

The IMC’s reports were in some measure influenced by the ard fheis of 28 January, at which SF delegates supported overwhelmingly the motion tabled by the party’s ard

¹ See R. Wilford and R. Wilson, *Northern Ireland Devolution Monitoring Report: January 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, pp. 21-7.

² Independent Monitoring Commission, *Fourteenth Report of the Independent Monitoring Commission* (London: HMSO, 2007), at: www.independentmonitoringcommission.org/documents/uploads/14th_IMC_Report.pdf, p. 11.

chomhairle (executive) expressing its 'critical' support for 'civic policing through a police service which is representative of the community it serves, free from partisan political control and democratically accountable'.³ In addition to support for the Police Service of Northern Ireland (and the Garda Síochána), the motion also expressed support for the criminal justice system, authorised SF's elected representatives to participate in the Policing Board and the district policing partnerships, endorsed the devolution of policing and criminal justice (by no later than May 2008, the date specified at St Andrews) and actively encouraged all in the community 'to co-operate fully with the police services (north and south) in tackling crime and actively supporting all criminal justice institutions'.

The path-breaking motion was, however, a conditional one. Its *coda* made plain that the motion would only be implemented by the SF executive 'when the power-sharing institutions are established and when the Ard Chomhairle is satisfied that the policing and criminal justice powers will be transferred. Or if this does not happen within the St Andrews timeframe, only when acceptable new partnership arrangements to implement the Good Friday Agreement are in place.'⁴

There had been some fancy footwork by ministers in advance of the ard fheis, with a view to smoothing the path for the SF leadership. The DUP fancied it had a veto over the devolution of policing and justice, since it could block a cross-community request in the assembly for the transfer of these functions, but this is a *sine qua non* of progress for SF. The Northern Ireland secretary, Mr Hain, told the assembly policing and justice committee that it would be a 'constitutional nonsense' for him to impose a minister on the assembly if there was no inter-party agreement on the devolution of these two functions by May 2008. But he said something very like that in indicating he could legislate to appoint such a minister, if he faced 'wilful obstruction' at that time.⁵

In February, the government was to table an amendment to the Justice and Security (Northern Ireland) Bill for devolution of policing and justice. This would allow the secretary of state to impose the structure of a single minister, with a 'transitional' deputy minister—a fudge between the unionist goal of one (unionist) minister and the

³ The motion is long: the full text is at www.sinnfeinonline.com/news/3189.

⁴ *ibid.*

⁵ C. Thornton, 'Hain will be able to name justice minister', *Belfast Telegraph* (10 January 2007).

nationalist alternative of a co-equal duo—if there were no agreement among the parties by May 2008.⁶

The prime minister, Tony Blair, also sought to save SF's blushes over involvement with a police service which the party has claimed to be in the service of 'securocrats' out to get it. In the Commons he affirmed that MI5 would be separate from what the SF president, Gerry Adams, has come to call 'civic policing', though there would be 'liaison' between them. His spokesperson was vague when later pressed on how this corresponded with the 'integrated' arrangements affirmed in Annex E of the St Andrews agreement⁷—integration which the republicans believe they have stopped.⁸

A key former member of the Patten commission which devised the post-agreement policing reforms, Maurice Hayes, was rather less sanguine about what 'civic policing' might mean than Mr Blair could afford to be from the distance of Westminster. Fearing it implied a police service which did not arrest anybody and had no intelligence capacity to tackle organised crime—the latter a major public concern in Northern Ireland—he affirmed: 'This is certainly not the police service envisioned by the Patten report.'⁹

Such concerns were exacerbated by news that the Assets Recovery Agency, which has pursued paramilitary-linked wealth, was to be dissolved into the Serious Organised Crime Agency¹⁰—particularly when it emerged that the news had broken in south Armagh days earlier, leading to concern that the ARA could have been a pawn in secret negotiations between SF and the government, with the prospect of pressure being lifted on the former IRA chief of staff Thomas 'Slab' Murphy, whose assets have been under investigation by the agency.¹¹ The chief constable expressed his doubts, as did the Ulster Unionist Party and the Social Democratic and Labour Party.¹²

These concerns were however allayed when the ARA issued a statement saying it had succeeded in a High Court application to freeze £11.8 million worth of property in

⁶ M. Hookham, 'Hain will have control of new justice body', *Belfast Telegraph* (7 February 2007).

⁷ F. Millar, 'Blair rules out MI5 role in civic policing in NI', *Irish Times* (11 January 2007).

⁸ G. Moriarty, 'Sinn Féin and SDLP clash over statement on MI5', *Irish Times* (11 January 2007).

⁹ M. Hayes, 'No North political party should accept soft core "civic policing"', *Irish Independent* (15 January 2007).

¹⁰ A. Travis, 'Agency which targeted criminals' assets to be axed', *Guardian* (12 January 2007).

¹¹ H. McDonald, 'Downing Street accused of pandering to Sinn Féin', *Observer* (14 January 2007).

¹² C. Thornton, 'Parties question motive behind abolition of assets recovery body', *Belfast Telegraph* (15 January 2007).

Manchester associated with the inquiry into monies allegedly generated from Mr Murphy's enterprises.¹³ In a written Commons answer, a junior Home Office minister, Vernon Coaker, told Gregory Campbell of the DUP that the merger with SOCA would not diminish the asset-recovery effort in Northern Ireland.¹⁴ Mr Hain also secured a letter of comfort from the home secretary, John Reid, to that effect.¹⁵

After a further ARA success, in which £8.2 million of assets—including 36 houses and plots of land and 11 bank accounts—were seized, belonging to the brothers of an alleged fuel smuggler in south Armagh,¹⁶ Alan McQuillan, deputy ARA director, expressed cautious optimism about the merger.¹⁷ Mr McQuillan was subsequently named acting director, pending the merger; welcoming his appointment, the junior Northern Ireland Office minister Paul Goggins once more insisted there would be 'no diminution' in tackling organised crime in the region.¹⁸

The IMC's thirteenth report appeared two days after the SF ard fheis, commending the outcome as 'a very major development'. It continued: 'That decision and the efforts invested by the leadership of the republican movement in presenting the arguments in favour of the change were further substantial evidence of their commitment to the democratic process.'¹⁹ Ironically, less than a fortnight earlier, SF had been denied in a court ruling a judicial review of the role of the IMC, which it had all along insisted was part of the 'securocrat' agenda.²⁰

Mr Hain seized on the IMC report and the ard fheis outcome. Of the latter, he said that 'what had always been a massive impediment to stable and lasting government has been removed' and that the way was now clear for the restoration of devolution. It was a message reinforced by his reaction to the former, of which he said that 'this report is further proof, if proof is needed, that Northern Ireland is a much different place to what it was only 18 months ago. It is now up to the politicians to show courage and grasp the historic opportunities before them in the coming weeks.'²¹

¹³ ARA news release, 18 January 2007.

¹⁴ M. Hookham, 'Assets recovery costs us a fortune', *Belfast Telegraph* (27 January 2007).

¹⁵ Northern Ireland Office news release, 12 February 2007.

¹⁶ ARA news release, 5 March 2007.

¹⁷ BBC News Online (6 March 2007).

¹⁸ NIO news release, 16 March 2007.

¹⁹ Independent Monitoring Commission, Thirteenth Report of the Independent Monitoring Commission (London: HMSO, 2007, at: www.independentmonitoringcommission.org/documents/uploads/Thirteenth_per cent20Report.pdf).

²⁰ 'SF refused permission for judicial review of IMC', *Belfast Telegraph* (19 January 2007).

²¹ NIO news releases, 28 and 30 January 2007.

Hailed in London and Dublin as, respectively ‘an historic’ and a ‘landmark’ decision, and by the leaders of the UUP and the SDLP as inevitable and long-overdue, even Sammy Wilson of the DUP acknowledged that the republican movement ‘had taken a step forward’. But he also insisted that the acid test for SF was ‘delivery’ of its commitment—a term that became a constant DUP refrain before, during and after the election campaign.

Behind all the thunder over policing, another related issue referred to in reports over the past year continued to bubble away under the surface: the status of ‘community restorative justice’ schemes, established as an alternative to paramilitary ‘punishment’ attacks on those deemed guilty (in the absence, of course, of due process) of ‘anti-social behaviour’ and drug-dealing. A protocol to give official legitimacy to such schemes, following the ending of private support from an Irish-American funder, had been the subject of prolonged controversy, as other parties expressed concern at the light-touch regulation originally envisaged, which would not even have required the schemes to co-operate directly with the police—as the ‘republican’ schemes in particular had refused to do.

In February, the NIO security minister, David Hanson, published the final version of the restorative-justice protocol, claiming it ‘has the police at the centre of the process’.²² It is much tighter than the initial proposals, but the SDLP said it was still unhappy about the ‘culture of paramilitary control’ associated with the schemes.²³

1.3 Collusion

As if the issue of policing wasn’t difficult enough, the publication by the police ombudsman’s office of its report²⁴ into the death of Raymond McCord in north Belfast in 1997 reignited the charge of collusion between the old Royal Ulster Constabulary and loyalist paramilitaries, more specifically between Special Branch officers and the Ulster Volunteer Force in that area of the city.

The report supplied a sobering glimpse into a very dark corner of the dirty war that extended far beyond the murder of Mr McCord, covering the period 1991-2003. It said that during those years UVF informants were responsible for 10 murders

²² NIO news release, 5 February 2007.

²³ D. Keenan, ‘Protocols will lead to rough justice, says SDLP’, *Irish Times* (6 February 2007).

²⁴ Police Ombudsman for Northern Ireland, *Statement by the Police Ombudsman for Northern Ireland on her investigation into the circumstances surrounding the death of Raymond McCord Junior and related matters*, Belfast, 22 January 2007, at: www.policeombudsman.org/press.cfm?Press_ID=153&action=detail&year=2007&month=4.

(including that of Mr McCord), 10 attempted murders, 10 'punishment' shootings, 13 'punishment' beatings, a bomb attack across the border in Monaghan, and 72 other instances of serious crime, including drug-dealing, extortion, intimidation and criminal damage.

According to the report, one UVF informant, known to be Mark Haddock—currently serving 10 years for his part in an assault—received almost £80,000 for his work as an informer, and he and his fellow informants were protected by some Special Branch handlers from other RUC officers investigating the relevant crimes. The report, which also alleged that the informants were implicated in up to five further murders, upheld the complaint of Mr McCord's father that 'over a number of years police acted in such a way as to protect informants from being fully accountable to the law' and that 'junior officers [within Special Branch] could not have operated as they did without the knowledge and support at the highest levels of the RUC and PSNI'.

The police ombudsman, Nuala O'Loan, insisted that a 'culture of subservience' to Special Branch had developed within the RUC—a charge made back in the 1980s by Sir John Stalker, following his investigation of alleged 'shoot-to-kill' episodes involving the RUC²⁵—and that this had created a 'form of dysfunction'. The effect was that 'whilst SB officers were effective in preventing bombings, shootings and other attacks, some informants were able to continue to engage in terrorist activities, including murder, without CID having the ability to deal with them for some of these offences'. In addition, informants were reportedly subject to 'baby-sitting' during interviews to avoid incriminating themselves, false notes were generated and searches of houses and of an arms dump were blocked, while misleading information was prepared for the director of public prosecutions and vital intelligence likely to have assisted in the investigation of crimes, including murder, was withheld from investigating teams.

The three-and-a-half year investigation ('Operation Ballast') was, according to Ms O'Loan, impeded by documents missing, lost or destroyed, including sections from murder files, decision logs and intelligence material, which prevented senior officers being held to account. In her view, this was a deliberate stratagem to ensure there could be no prosecutions. She reported that when questioned the former chief

²⁵ J. Stalker, *Stalker* (London: Harrap, 1988).

constable, Sir Ronnie Flanagan,²⁶ was unable to assist the investigation, that two retired assistant chief constables refused to co-operate and that other police officers (including some still in the PSNI) 'gave evasive, contradictory and, on occasion, farcical answers to questions', which 'indicated either a significant failure to understand the law, or contempt for the law'.

Political reaction to the report was uniform. Downing Street described it as 'deeply disturbing', as did the taoiseach, Bertie Ahern, who said that its findings were 'of the utmost gravity' and painted 'a picture of despicable past behaviour'. The Northern Ireland secretary echoed the current chief constable, Sir Hugh Orde, in saying that the report made for 'extremely uncomfortable reading' but, mindful of the then impending SF *ard fheis*, insisted that the catalogue of documented behaviour 'could not happen today not least because of the accountability mechanisms that have been put in place over recent years'.²⁷ SF's reaction was to claim vindication. As Martin McGuinness said, 'for 25 years we argued that there was collusion ... causing the deaths of over 1,000 people. There is no doubt whatsoever, in my view, that the most senior people imaginable within the RUC were involved in this. This was institutional practice.'

No officers (or informants) were named in the report but Mr Hain, among others, noted that it created 'all sorts of opportunities for prosecutions to follow'. But Jimmy Spratt, a DUP assembly member and former chair of the Northern Ireland Police Federation, dismissed the report: 'If it had had one shred of credible evidence then we could have expected charges against former police officers. There are no charges, so the public should draw their own conclusion.'

Mr Spratt cited the report as 'another clear example why both serving and former police officers have no confidence in the Police Ombudsman or her office', a sentiment that was later reinforced by the federation. In the considerable wake of Operation Ballast it published a letter to Ms O'Loan, announcing that it would no longer issue invitations to her office for attendance at any of its committees or conferences and that it was withdrawing from working parties or fora led by or on

²⁶ Sir Ronnie, currently the head of Her Majesty's Inspectorate of Constabulary, said in response: 'I utterly refute any suggestion ... that I was in any way evasive or unhelpful ... at no time did I have any knowledge, or evidence, of officers at any level behaving in the ways described. I would find such conduct abhorrent and if such behaviour took place my hope would be that it would be the subject of criminal or disciplinary proceedings'—BBC News Online (23 January 2007).

²⁷ For a summary of political reaction, see BBC News Online (22 January 2007).

behalf of her office. It claimed the ombudsman's office 'was destructive to the reputation of the RUC and if continued in its present form ... would inevitably undermine public confidence in the PSNI'.²⁸

An extensive rebuttal was subsequently furnished by the Northern Ireland Retired Police Officers' Association, a body representing more than 3,000 ex-officers, including former Special Branch personnel criticised in the report.²⁹ It described the latter as error-strewn, including in claiming—this dismissed as 'a lie'—that senior officers had refused to co-operate with the inquiry, which had allegedly decided its conclusions first and then organised evidence to support those presumptions, treated hearsay as evidence and compromised the current safety of officers and informants by 'virtually' identifying them. A copy of the rebuttal was sent to the Northern Ireland secretary and its authors demanded a public apology from Ms O'Loan—which was not forthcoming.³⁰

The publication of the police ombudsman's report just days before SF's *ard fheis* caused consternation in some quarters, where it was believed that it would bolster those within 'mainstream' republicanism opposed to endorsement of the PSNI. Any such apprehension turned out to be largely unfounded as delegates overwhelmingly endorsed the executive's motion. Indeed, the SF leadership turned the report to its advantage in advance. Acknowledging that republicans would 'not be surprised or shocked by the revelations', the party president, Gerry Adams, added that 'it's an incentive that the mechanisms which were put in place for accountability [of the PSNI], which we put in place and which we have argued for, now need to be deployed, not only to make sure that this does not happen again, but if it does, that those who are guilty will be dealt with properly'.³¹

Notwithstanding the decisive outcome of the *ard fheis*, nor the encouragement by senior figures in SF that nationalists should assist the police in criminal investigations, simmering doubts about its commitment flared in the light of remarks by its MP (and assembly member) for Fermanagh / South Tyrone, Michelle Gildernew. She said during a TV interview that she would not report to the police

²⁸ See www.policefed-ni.org.uk.

²⁹ See, for example, *News Letter* (21 March 2007), for extensive coverage. The rebuttal formed the basis of an adjournment debate in the Commons, tabled by the DUP MP Jeffrey Donaldson, during which he roundly dismissed the report as 'crucially flawed'. HC Deb, 21 March 2007, cols. 313-320WH.

³⁰ For Ms O'Loan's reaction, see BBC News Online (21 March 2007).

³¹ BBC News Online (22 January 2007).

'dissident' republicans who had been, or were, involved in criminal activities. Her remark was seized upon by the DUP as evidence of SF equivocation on policing, despite assurances to the contrary from the party's leaders, including its spokesperson on police and criminal justice, Gerry Kelly. For those in the DUP who harboured fundamental doubts about the wisdom of entering an executive alongside SF, at least in the short run, her reported remarks were a godsend, and presented those of its number reconciled to power-sharing with a further obstacle to overcome.

While the reaction to the publication of the Operation Ballast report continued to reverberate, another investigation was under way by the police ombudsman—this time into alleged collusion between the former senior IRA figure Freddie Scappaticci, alias 'Stakeknife', and the army. The investigation was triggered by a complaint from the parents of John Dignam, murdered by the IRA along with two other men, all alleged to be informers, in July 1992. The claim was that the three men were killed to protect Mr Scappaticci as head of the IRA's internal security unit, and that he was safeguarded by army 'handlers'. Now in hiding, the expectation is that he will be revealed to be the republican equivalent of Mr Haddock, albeit that he was run by military intelligence rather than the RUC. Thus far, Mr Scappaticci has avoided the grisly end suffered by Denis Donaldson, murdered in Donegal in April 2006, most likely by members of the IRA, after he admitted to having long acted as an agent for the intelligence services.

1.4 Election and after

The issue of SF's support for policing and criminal justice seemingly resolved, the remaining matter of the DUP's readiness to enter an inclusive, power-sharing administration was still uncertain as the election campaign got under way. The campaign itself was widely deemed somewhat lacklustre, given that it focused more on 'bread-and-butter' issues than the wider drama of the constitutional status of Northern Ireland (see political parties and elections section).

In a sense, this was symptomatic of the normalcy of the new politics in the region, with electors animated by the impending introduction of water charges, the new rating system, the proposed ending of academic selection and, to a lesser extent, the proposed reforms of public administration. Notwithstanding the prominence given by the parties' manifestos to economic and social issues—a pre-election poll (see

public-attitudes section) put health at the top of the electorate's agenda³²—few doubted that, as ever, when the results were calculated voters would shepherd themselves into mutually exclusive communal voting blocs.

And so it largely proved. This did not, however, stop the government leaking the result of an exit poll to the *Belfast Telegraph* indicating 82 per cent of voters wanted the DUP and SF to agree an executive by 26 March, and prioritising water charges as the main issue of concern.³³

Should the election lead to the restoration of devolution, which seemed certain at time of writing, and a fully inclusive executive, then on the basis of the results it would, *via* application of the d'Hondt rule, yield a 7:5 unionist:nationalist balance around the 'cabinet' table. There would be five DUP ministers, including Mr Paisley as first minister; four SF ministers, including Mr McGuinness as deputy first minister; two UUP ministers and one SDLP minister.

With the electoral die cast, the key question became: would the DUP countenance a power-sharing administration alongside SF, and on what terms, by the 'deadline' of 26 March? Initially, the answer seemed to be 'definitely maybe' and then became 'yes, but not quite yet', ie not by the deadline stipulated in the St Andrews Act.³⁴

The parties put on a common front to press the chancellor to give Northern Ireland a further 'peace dividend' (see finance section). And, with the clock ticking towards 26 March, separate meetings and telephone calls between Messrs Paisley and Adams and Mr Blair, between the latter and Mr Ahern, and between all of the key players and the Northern Ireland secretary continued—the context shaped by Mr Hain's apparent insistence that unless devolution occurred on the scheduled day, the assembly would be dissolved, the salaries and expenses of the MLAs would cease, and London and Dublin would implement the (undefined) default option of 'joint stewardship'.

³² Thirty per cent say or respondents said health was the most important issue, as against 13 per cent who said strengthening the union with Britain or moving to a united Ireland—C. Thornton, 'Health is biggest issue on doorstep', *Belfast Telegraph* (2 March 2007).

³³ C. Thornton, 'DUP/SF deal "backed by 82% of voters"', *Belfast Telegraph* (16 March 2007).

³⁴ The apparent readiness of the DUP's MLAs to enter a power-sharing administration was signalled by a survey of 27 of its 36 members. It found that almost all believed there would be an executive that included SF, though only one believed it would be in place by 26 March—*Belfast Telegraph* (15 March 2006).

Yet few, if any, believed that 26 March would prove to be ‘D’ day in either sense—devolution or dissolution—in large part because the ‘peace’ and political processes have been characterised by the breaking of deadlines, from the original 1998 agreement to date. Yet in mid-January, Mr Hain could not have been more pellucid: ‘The people of Northern Ireland will not stand for politicians dragging this out any longer. They, like me, believe that now is the time for politicians to go into devolved government together or Stormont closes down.’³⁵

In mid-February, briefing the US administration, he said there was not a ‘cat in hell’s chance’ of the government extending the deadline.³⁶ After a British-Irish Intergovernmental Conference meeting in Dundalk exactly one month before the fateful day, his Dublin counterpart, Mr Ahern, said it was the ‘absolute, cast-iron position’ of both governments that 26 March was ‘set in stone’.³⁷ And with just a week to go, Mr Hain insisted a delay to May to form an executive—as sought by the DUP—was an ‘absolute non-runner’.³⁸

Yet, as the deadline approached, the Northern Ireland secretary began to give coded messages that the government would in effect provide a soft landing (in the form of emergency legislation) to extend the deadline if the two major parties were within touching distance of an agreement. And so it was to be.

It was later reported that, in the wake of the election, the home secretary (and former Northern Ireland secretary), Mr Reid, had been in touch with the region’s key politicians assuring them that what mattered was less the date by which a deal was concluded than the fact that a deal was secured on Mr Blair’s watch as prime minister. If true, this undermined Mr Hain’s seemingly muscular insistence on the 26 March deadline—and, presumably, Dr Reid would only have intervened with the (at least) tacit knowledge of No. 10. The report was however denied by the DUP deputy leader, Peter Robinson, during the Commons debate on the emergency bill.³⁹

On 22 March, DUP officers drew up a resolution to be presented to the party’s 120-member Executive Council two days later, which acknowledged ‘that a significant

³⁵ C. Thornton, ‘Deadline for Stormont is final: Hain’, *Belfast Telegraph* (19 January 2007).

³⁶ D. Staunton, ‘“Gesture” on Croke Park killings considered’, *Irish Times* (15 February 2007).

³⁷ D de Bréadún, ‘Cost of cross-border roads to be shared’, *Irish Times* (27 February 2007).

³⁸ G. Moriarty and M. Donahoe, ‘London, Dublin stand firm over North deadline’, *Irish Times* (20 March 2007).

³⁹ HC Deb, 27 March 2007, col. 1328.

opportunity exists to have devolution returned in a context which can make real and meaningful improvement in the lives of all the people in NI'. Thus, it recommended that the DUP 'would support and participate fully in a NI Executive if powers were devolved to it on an agreed date in May'. It continued: 'We are willing to bridge the short gap between now and then with preparatory work including departmental pre-briefings and finalising a Programme for Government. This firm commitment is offered within an environment where no one, including the government, goes back on any of the advances and commitments made.'⁴⁰ Mr Hain now suggested there could be a 'breathing space' for a 'settling-in' period after 26 March.⁴¹

The next day, a 'tough' meeting took place between the prime minister and Mr Paisley. Mr Blair was still refusing the latter's demand to introduce emergency legislation at Westminster so that the devolved executive would in effect be suspended on 26 March as soon as formed, amid fear on the government side that Mr Blair's legacy was slipping away.⁴²

Following a four-hour meeting of the DUP executive on 24 March, the leadership's resolution was endorsed, reportedly by more than 90 per cent of its members. In the course of a brief statement after the meeting, Mr Paisley said the 'Ulster people'—ie Protestants—'will be persuaded, they will not be driven' to acceptance of the terms upon which his party would enter an inclusive administration.⁴³ Thus, the scene was set for the restoration of devolution.

On 25 March, Mr Hain signed the devolution restoration order, still promising collapse the next day if the parties couldn't agree a way ahead.⁴⁴ And, on the morning of 26 March, the *Guardian* reported that in light of the DUP decision the government was to back down on the deadline, with emergency legislation to be drafted revoking the dissolution requirement following the legislation implementing the St Andrews agreement, if Messrs Paisley and Adams were to agree during a meeting that day.⁴⁵

⁴⁰ DUP news release, 25 March 2007.

⁴¹ N. McAdam, "'Breathing" space idea mooted', *Belfast Telegraph* (22 March 2007).

⁴² F. Millar, 'DUP may have plan to break Monday deadline', *Irish Times* (24 March 2007); O. Bowcott, 'Paisley faces DUP rebellion over power sharing deadline', *Guardian* (24 March 2007).

⁴³ BBC News Online (24 March 2007).

⁴⁴ BBC News Online (25 March 2007).

⁴⁵ P. Wintour and O. Bowcott, 'Paisley and Adams to meet for first time to break deadlock', *Guardian* (26 March 2007).

Thus, for the first time, Mr Paisley and his team sat down for an hour-long, face-to-face meeting with Mr Adams and his senior SF colleagues in the unlikely, but neutral, setting of the members' dining room in Parliament Buildings at Stormont. That meeting was preceded by proximity talks over the weekend between the DUP and SF teams, led, respectively, by Mr Robinson and Mr McGuinness. The talks were held at Stormont Castle, base of the Northern Ireland Office, and laid the groundwork for Monday's events. Shortly afterwards the two leaders appeared together, flanked by colleagues, to confirm that devolved power-sharing would resume on 8 May.⁴⁶

1.5 Devolution redux

It was a remarkable occasion: indeed, one had to pinch oneself to check that it wasn't a dream, or that there wasn't something wrong with the TV (see media section).⁴⁷ Though there was no handshake and little if any eye contact, the shared commitment to the return of a power-sharing administration was evident. The two leaders, first Mr Paisley, then Mr Adams, read prepared statements, the former saying: 'We as a party have agreed the timing, the setting-up and working of the institutions. Today we have agreed with Sinn Féin that this date will be Tuesday 8 May.' For his part, Mr Adams remarked: 'I believe the agreement reached between Sinn Féin and the DUP, including the unequivocal commitment, made by their party Executive and reiterated today, to the restoration of political institutions on May 8th, marks the beginning of a new era of politics on this island.'

To enable the agreement to be implemented and provide for the six-week delay, Mr Hain confirmed that a two-clause emergency bill would be rushed through Parliament on 27 March: so much for his, Mr Blair's and Mr Ahern's, insistence that 26 March was utterly immovable. Yet none could countenance other than that the space and time be found to usher in what could yet turn out to be a truly historic administration.

One of the first, effectively joint, acts between the DUP and SF was to call on the government to halt the planned issue of the new water bills—a request that was accepted. Was this a sign of collectivist things to come? Possibly. Between the end of March and early May the DUP would, according to its leader, 'participate fully with the other parties to the Executive in making full preparations for the restoration of

⁴⁶ The full texts of Dr Paisley's and Mr Adams' statements are available on UTV News Online (26 March 2007).

⁴⁷ The SDLP leader, Mr Durkan, during the debate on the emergency bill, captured the incredulity of many: 'I have observed before that our peace process has carried more people on more roads to Damascus than the Syrian bus fleet, and we saw that again yesterday.'—HC Deb, 27 March 2007, col. 1331.

devolution', a process that would 'include regular meetings between the future First and Deputy First Ministers'. Thus, and for the first time, Messrs Paisley and McGuinness would co-operate face-to-face—though, as Mr Paisley reportedly put it, 'it will be a work-in not a love-in'.

The surprise of 26 March was compounded when, a week later, the parties announced an effective indicative running of d'Hondt. Both the DUP and SF indicated who their ministerial teams would comprise and on 2 April they announced which of the departments each would take, a set of decisions that signalled the intense and swift negotiations over the division of the ministerial spoils. The departmental allocation was:

- DUP: finance and personnel (DFP); enterprise, trade and investment (DETI); environment (DoE); culture, arts and leisure (DCAL);
- SF: education (DE); regional development (DRD); agriculture and rural development (DARD);
- UUP: health, social services and public safety (DHSSPS); employment and learning (DEL); and
- SDLP: social development (DSD).

On 2 April, SF announced that its team would be Martin McGuinness (as deputy first minister), Conor Murphy, Michelle Gildernew, Gerry Kelly and Caitriona Ruane.⁴⁸ It emerged that Ms Ruane was to take DE, Mr Murphy DRD, Ms Gildernew DARD and Mr Kelly one of the two junior ministries in OFMDFM. The SDLP meanwhile indicated Margaret Ritchie would assume its sole post at DSD.⁴⁹

It was notable that unlike their unionist counterparts, neither of the leaders of the nationalist parties, Mr Adams and Mark Durkan of the SDLP, was to be in government. The UUP eventually announced that its leader, Sir Reg Empey, would take DEL, while the former DCAL minister, Michael McGimpsey, would have DHSSPS—leaving in the cold Alan McFarland, who was narrowly defeated by Sir Reg for the leadership when David Trimble stepped down in the wake of the previous electoral debacle for the party in 2005.

⁴⁸ G. Moriarty, 'Progress in north continues as parties agree ministries', *Irish Times* (3 April 2007).

⁴⁹ 'Sinn Fein reveals ministerial posts', 'SDLP's Ritchie first to be attached to a department', *Belfast Telegraph* (4 April 2007).

It was not until 16 April that the DUP revealed its team. Apart from Mr Paisley as first minister, the party's deputy leader Mr Robinson would assume the reins at DFP, with Nigel Dodds taking over DETI, Arlene Foster the DoE and Edwin Poots DCAL. Ian Paisley Jr would become the other junior minister in OFMDFM.⁵⁰ It is more than likely, however, that during the assembly's mandate the party will rotate its ministers, as in 1999-2002.

With that issue resolved, the prospective cabinet could ready itself fully in advance of 8 May. The business of drawing up the Programme for Government would, no doubt, prove troublesome, not least because of yawning and seemingly unbridgeable policy gaps between the DUP and SF on a very broad agenda, extending from academic selection to the reform of public administration (see public policies section)—a fact acknowledged by Mr Adams in the run-up to the election. Anticipating a DUP/SF-led administration, he rehearsed his claim that it would be characterised by 'a battle a day'. It was an opinion wryly shared by the Mr Robinson of the DUP: 'it is the one thing we agree on'.⁵¹

In January, the Northern Ireland Council for Voluntary Action had issued its periodically updated 'policy manifesto', the product of consultation among the 4,500 associations affiliated to it. The director of NICVA, Seamus McAleavey, complained of the 'limbo land' of 'caretaker government', looking forward for the first time in years to the prospect of devolution. The manifesto called *inter alia* for a ban on corporal punishment, the raising of the minimum wage for young people, an independent environmental protection authority, and improvements in public transport such that 80 per cent of all households could live within 10 minutes' access to it.

One item on the DUP's shopping list to be resolved before it would contemplate entering into government with SF was a new exclusion mechanism, one that would target the offending party (SF!), rather than one that entailed the punishment of the (purportedly) innocent as well as the (allegedly) guilty, as was hitherto the case, by the collapse of the entire executive.⁵² The party deputy leader, Mr Robinson, insisted that mandatory power-sharing could not be 'enduring'.⁵³

⁵⁰ N. McAdam, 'Paisley the Younger to be a junior minister at Stormont', *Belfast Telegraph* (16 April 2007).

⁵¹ BBC News Online (3 March 2007).

⁵² While under the previous period of devolution SF was *prima facie* in breach of its obligation to non-violence under the Belfast agreement's pledge of office, for failing to bring about IRA decommissioning by May 2000, a similar charge could be laid at the door of the DUP, as the pledge also required

This, however, was not conceded by the two governments in the run-up to 26 March. So, while the DUP, together with the other three major parties, made some modest headway on the financial package, should a future crisis threaten the survival of the executive, as things stood all parties would once more be jettisoned from office, including the DUP. One could, however, expect the DUP to revisit this.

The absence of such a discrete mechanism was one reason for the decision of the DUP's MEP, Jim Allister, to resign from the party on 27 March. Mr Allister, who had also resigned from the party in the late 1980s over a UUP-DUP electoral pact, had campaigned assiduously against what he saw as a premature decision to enter an administration alongside SF and had voted against the resolution endorsed by the DUP executive three days earlier.⁵⁴ Speaking at a news conference convened to publicise his resignation, he said:

To continue as the DUP's MEP, it would be my obligation to accept the party executive policy decision to usher SF into government in a few short weeks. This in conscience I cannot do. Thus, I must resign from the party. SF, in my view, is not fit for government. Nor can it be in a few weeks. I just cannot comprehend how the DUP can contemplate government, particularly where it will be joined at the hip in OFMDFM, with an organisation which clings to an illegal army council of an illegal army. It seems to me that, sadly, the lure of office has clouded the party's judgment.⁵⁵

The departure of Mr Allister, who intends to hold on to his European Parliament seat until 2009, did not prompt a flurry of other resignations, although a number of DUP councillors had deserted in the run-up to the election, as did others afterwards, including the Ballymena councillor and DUP founder member Roy Gillespie. Jim Wells, the only MLA to vote against the party's resolution on 24 March, made public his reservations. But, like David Simpson MP, MLA and Stephen Moutray MLA, who issued a joint statement indicating that they believed the decision, 'ahead of any credible testing period', was 'premature',⁵⁶ Mr Wells chose not to fall on his sword.⁵⁷ It

ministers to work with colleagues on the Programme for Government and the party refused to attend executive meetings.

⁵³ *Inside Politics*, BBC Radio Ulster (3 March 2007).

⁵⁴ Mr Allister set out his position well in advance of the election. See *Belfast Telegraph* (9 January 2007).

⁵⁵ BBC News Online (27 March 2007).

⁵⁶ BBC News Online (29 March 2007).

⁵⁷ *News Letter* (30 March 2007). William McCrea was another DUP MP who voiced his distaste at the deal: 'As far as I am concerned, the idea of Sinn Fein in government is obnoxious. It makes me sick to the pit of my stomach.' But he too remains in the party—HC Deb, 27 March 2007, col. 1346.

seems that the DUP's capacity to manage its membership is on a par with SF's: Stalinist ruthlessness doesn't only (allegedly) prevail at 11 Downing St.

1.6 Buying loyalty?

During the election period, the NIO was relatively inactive on the policy front, although of course its collective effort was bent towards the achievement of an agreement between the DUP and SF.

It was not, however, inert. One decision in particular demonstrated its capacity to surprise and anger the region's population, Catholic or Protestant⁵⁸—the announcement that it was to award £1.2 million to the Ulster Political Research Group for 'conflict transformation'.⁵⁹ The UPRG, which provides political 'analysis' to the largest loyalist paramilitary organisation, the UDA, had drawn up a business plan designed, over a three-year period, to move the UDA away from violence and crime so that it became a 'community' association rather than a terrorist group.

The monies are to be used in six areas where the UDA has a strong presence, will be administered by Farset Community Enterprises in west Belfast, and will employ up to a dozen staff. The NIO's decision attracted criticism from all quarters, not least because the UDA was subsequently described by a senior police officer as 'still up to their necks in extortion'.⁶⁰ And, of course, the UDA, like the other major (and minor) loyalist paramilitaries, is yet to decommission its arsenal.⁶¹

At the end of March one UDA 'brigadier' and his adviser, respectively Gary Fisher and Tommy Kirkham,⁶² were expelled, a move interpreted by some as an attempt to justify the award of the money by the NIO. This evident power struggle could yet deteriorate into a round of intra-organisational violence.

While internecine struggle raged within the motley and shambolic *demi-monde* of loyalist paramilitarism, the well-disciplined IRA was reportedly moving to disband its

⁵⁸ A stream of angry messages were sent to BBC Radio Ulster after it publicised the announcement, variously arguing that the money should have gone to hard-pressed public services and that this showed that crime paid.

⁵⁹ OFMDFM news release, 22 March 2007.

⁶⁰ BBC News Online (23 March 2007).

⁶¹ The Loyalist Volunteer Force, a splinter of the Ulster Volunteer Force, did surrender a small number of old/obsolete weapons and munitions in December 1998.

⁶² In October 2006 Mr Kirkham had sought £8.5 million from the NIO to assist in transforming the UDA's notorious 'south-east Antrim unit' into a 'community-development' body. He and Mr Fisher were expelled because they supported the Shoukri brothers, who had earlier been dethroned as the men in charge of the UDA in north Belfast—*Belfast Telegraph* (29 March 2007).

army council, possibly in advance of, or to coincide with, the planned restoration of devolution on 8 May. In some measure this impending decision was influenced by the run-down of the army presence towards a garrison strength of 5,000, planned since 2003. The run-down was, according to the IMC, ahead of schedule.

At the end of March a significant step was taken when the army base in Crossmaglen, Co Armagh—the heart of what soldiers once described as ‘bandit country’—was closed and its dismantling begun. At almost the same time another symbol of the ‘troubles’ years was also being demolished—the Maze prison, site of the ‘H-blocks’. Though some parts of the complex will be retained as a museum and a ‘conflict transformation’ centre, the demolition of most of the buildings will erase a scar from the physical and political landscape.

1.7 Conclusion

Barring accidents, it seemed assured at time of writing that from 8 May—for the first time since 15 October 2002—Northern Ireland would again be a devolved region of the UK, as well, of course, as one with a special relationship with the Republic of Ireland. The division of the ministerial spoils announced on 2 April augured well for a more business-like approach to the conduct of government. As things stood, the stated determination of both the DUP and SF to work together for the benefit of all was promising. One would have to postpone judgment, however, to assess the extent to which that promise is fulfilled.

2. Devolved Government

Robin Wilson

2.1 Rationalisation postponed

The tocsin is now chiming for the demise of direct rule. Its complement of secretary of state plus four junior ministers will find themselves with much less to do come 8 May. One can anticipate that the ministerial team will be reduced to a total of three (including the Northern Ireland secretary), as before the restoration of direct rule in October 2002.

But devolution will put off a rationalisation avoided when the previous devolved administration launched its review of sub-regional governance only in 2002 (see local-government section). With no sign of an imminent restoration, Mr Hain's special adviser, Phil Taylor, had produced a plan, which was leaked to the *Belfast Telegraph*, to reduce the number of Northern Ireland 'devolved' departments from 10 to six with effect from April 2008. Mr Hain had described the prevailing departmental arrangements as 'unsustainable' in the light of the review of public administration, while the former NIO minister Lord Rooker had said they were 'absolutely barmy'.⁶³

Under the plan, the Office of the First Minister and Deputy First Minister would incorporate the Department of Finance and Personnel. The Department of Education and the Department of Enterprise, Trade and Investment would each incorporate part of the Department of Employment and Learning. The already big Department of Health, Social Services and Public Safety would remain as was. And there would be two new departments: a Department for Sustainable Development and Energy, incorporating much of the Department of Agriculture and Rural Development and the Department for Regional Development, and a new Department for Communities and Inclusion, replacing the Department for Social Development.

This was not only with a view to saving money but to address the problem that the OFMDFM had 'little or no clout' over departments. One of the bizarre effects of the Belfast agreement, reflecting the mutual mistrust among the parties which agreed it, is that each minister is effectively independent of the others. Thus, whereas in Scotland, the permanent secretary, Sir John Elvidge, accountable to the first minister,

⁶³ D. Gordon, 'Blueprint to slash Ulster departments is revealed', *Belfast Telegraph* (10 January 2007).

can direct any member of the executive staff, in Northern Ireland each of the 10 departments has a permanent secretary, who can reject such requests from the OFMDFM permanent secretary if they have contrary ministerial cover. To add further complexity, each department now has an advisory 'board', mimicking private-enterprise structures and with many business members, being paid up to £500 a day for their services; the SDLP MLA John Dallat said the new assembly would want to 'take a cold, hard look' at this arrangement, which the OFMDFM defended as 'best practice' from the private sector.⁶⁴

The system of departmental fiefdoms creates real difficulty in the implementation of key cross-departmental strategies, such as *A Shared Future* (on 'community relations'), *Lifetime Opportunities* (on social inclusion) and *First Steps Towards Sustainability* (on sustainable development)—all of them introduced under direct rule. In each case the OFMDFM is the lead department.⁶⁵

Reform is, in such technocratic terms, unarguable. And, ironically, the 10-department structure was only agreed in 1998 between the then first and deputy first ministers designate, Mr Trimble and Séamus Mallon (SDLP) respectively, to secure two seats for SF when d'Hondt was run, implicitly because anything less might see republicans less committed to the 'peace strategy'. Such a calculation no longer applies, as SF, and the DUP, have gobbled up their ethnic rivals, but none of the parties even talked about biting on the bullet of reform before they ran d'Hondt indicatively to prepare the ground for devolution in May. Bums on seats triumphed over 'joined-up' government, without a contest.

Mr Taylor announced his departure during the period, to work with Mr Hain on his deputy Labour leadership campaign. He had been at the heart of the policy activism, which we had detected during this period of direct rule, since his arrival with the current Northern Ireland secretary. He tried hard to extract stronger commitments from senior officials on policies like *Lifetime Opportunities*, working against the grain of a conservative civil service, insulated by its separation from the rest of the 'home'

⁶⁴ D. Gordon, 'The execs paid £500 a day to oversee Ulster departments', *Belfast Telegraph* (16 February, 2007).

⁶⁵ Office of the First Minister and Deputy First Minister, *Lifetime Opportunities: Government's Anti-poverty and Social Inclusion Strategy for Northern Ireland* (Belfast: OFMDFM, 2006, at: www.ofmdfmi.gov.uk/antipovertynov06.pdf); *Taking Our Place in Europe* (Belfast: OFMDFM, 2006, at: www.ofmdfmi.gov.uk/taking_our_place_in_europe.pdf); *A Shared Future: Policy and Strategic Framework for Good Relations in Northern Ireland* (Belfast: OFMDFM, 2005, at: www.asharedfutureni.gov.uk).

civil service from policy stimulation in Britain, and insulated equally (by the absence of the north-south units found in every department in the republic) from initiatives south of the border.

And so his move was marked by anonymous recriminations. A civil-service source accusing Mr Taylor of being ‘bombastic’, while Mr Hain’s side replied that the Northern Ireland civil service was not used to a secretary of state who did not just ‘hold the fort’ and let departments run themselves.⁶⁶

The new ministers will feel no particular obligation to the big direct-rule policy initiatives. And whether they show any commitment to reconciliation, social inclusion and environmental sustainability—all of which imply a positioning on the secular liberal-left of the policy spectrum—rather than communalism and populism will remain to be seen. An obvious test will be the fate of the planning directive restraining one-off housing in rural areas on environmental grounds, which all the parties have opposed.

As expected, during the monitoring period the European Court of Justice ruled against the government in a case inspired by Friends of the Earth which concerned thirteen UK locations—nine in Northern Ireland—where there had been a failure to comply with the 1991 environment directive on waste treatment. The situation in Northern Ireland had arisen from the decision under devolution by the then environment minister, Dermot Nesbitt, to permit a number of housing developments, knowing sewage treatment arrangements were inadequate. FoE warned of huge fines.⁶⁷

2.2 Impartial treatment?

A Shared Future commits government to uphold the principle of impartial treatment, and the Northern Ireland Act 1998 implementing the Belfast agreement requires all public bodies, including government departments, to give due regard to equal opportunities along nine axes, including religion / political opinion, which translates into subjecting new policies to assessments of any potential differential effects.

But this apparently straightforward norm conflicts with the *Realpolitik* which New Labour has adopted towards Northern Ireland, which was evident in the decision to

⁶⁶ D. Gordon, ‘Hain’s right hand man off to campaign for his boss’, *Belfast Telegraph* (6 March 2007).

⁶⁷ D. Gordon, ‘Sewage system may cost Ulster huge fines’, *Belfast Telegraph* (6 February, 2007).

offer public funding to a UDA-linked group in the face of public bewilderment, and which the former deputy first minister Mr Mallon reflected upon so bitterly during the reporting period (see ‘peace process’ section). It was thus that the Northern Ireland secretary, Mr Hain, got himself in very hot water over the appointment of a DUP nominee as an ‘interim victims commissioner’—a matter on which the attorney general is still making inquiries at the behest of a High Court judge in Belfast—and of two Orangemen to the Parades Commission, both in the wake of loyalist riots following the rerouting of an Orange march in Belfast in September 2005.⁶⁸

In this period, Mr Hain took no chances. When a further appointment arose to the Parades Commission, which determines whether (mainly Protestant-communal) marches go ahead, and if so under what conditions, under the 1998 Public Processions Act, he went for a squeaky-clean approach. Kelly Andrews, being co-leader of the Green Party in the region and a feminist, thereby counts in the odd political culture of Northern Ireland as manifestly impartial.⁶⁹

Shortly afterwards, the Interim victims’ commissioner, Bertha McDougall, reported at the conclusion of her role, as the NIO advertised publicly for a permanent replacement.⁷⁰ Her report called for a new £8 million compensation fund (in the first year) for victims. She specifically recommended, however, a fund for widows of murdered members of the Ulster Defence Regiment, an almost entirely Protestant force which suffered large losses at the hands of the IRA before it was disbanded / integrated into the army because of the engagement of some of its members in harassment of Catholics and collusion with loyalist paramilitaries. This proposal was predictably backed by the DUP and—equally predictably—rejected by SF.⁷¹

A continuing sore, and again in sharp contradiction to *A Shared Future*, has been the ‘Renewing Communities’ scheme run by the Department for Social Development. The anodyne title conceals its origins as a response to a ‘taskforce’ on *Protestant* working-class communities, which it was suggested lacked the collective efficacy of their Catholic counterparts and so merited differential treatment⁷²—a position

⁶⁸ R. Wilford and R. Wilson, *Northern Ireland Devolution Monitoring Report: January 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, pp. 28-9.

⁶⁹ NIO news release, 19 January 2007.

⁷⁰ NIO news release, 25 January 2007.

⁷¹ BBC News Online (25 January 2007).

⁷² Department for Social Development, *Renewing Communities: The Government’s Response to the Report of the Taskforce on Protestant Working Class Communities* (Belfast: DSD, no date, at www.dsdni.gov.uk/40708_action_plan.pdf).

sustained by government even when independent research it commissioned failed to justify this stereotyped conception, though the Northern Ireland Council for Voluntary Action could only extract that intelligence via a Freedom of Information request.⁷³

During the survey period, Dolores Kelly wrote on behalf of the SDLP to Mr Hain to demand an explanation for the 'blatant injustice and inequality' of the scheme. Ms Kelly insisted that it was a case of 'No Catholics need apply'. The government's defence was to claim that Renewing Communities was not in breach of section 75 of the Northern Ireland Act, as it was supporting piloting projects and thus not yet 'mainstream policy'.⁷⁴

⁷³ P. McGill, 'Weak Protestant communities?', *Scope* (NICVA magazine), September 2005, pp. 16-17.

⁷⁴ C. Thornton, 'Grants aimed at Protestant areas are breaking the law, claims SDLP', *Belfast Telegraph* (9 April 2007).

3. The Assembly

Rick Wilford

3.1 Debates

Following the election, the assembly—which retained its ‘Transitional’ status⁷⁵—met on two plenary occasions with the acting Speaker, Eileen Bell, in the chair.⁷⁶ The first, on 13 March, was to enable the MLAs to sign the membership roll and to designate themselves as ‘unionist’, ‘nationalist’ or ‘other’.

Prior to the signing-in, the Alliance leader, David Ford, announced that his seven MLAs, plus the Independent Kieran Deeny and the Green Party’s Brian Wilson, would register as the ‘United Community’ group. As Mr Ford put it, ‘It makes sense to work with those closest to us. People have said that they expect politicians to cooperate. We have taken the first step by forming a strong, coherent and constructive opposition. [It] signals our intent to take on the tribal parties, and deliver a new brand of politics which works for everyone’.⁷⁷ While it may prove coherent and constructive, its strength—other than moral—in the face of the four major parties which took 98 of the 108 seats, is somewhat questionable, though it is capable of punching above its weight.

The second plenary occurred a week later, to debate the draft statutory ministerial code and draft standing orders. Both had been considered under the aegis of the Programme for Government Committee, which had continued to meet until the end of January and which renewed its work on 13 March.⁷⁸

Before its pre-election dissolution, the assembly had met during January to debate a variety of issues, including, on a more local agenda, the proposed closure of post offices, road safety, autism, affordable housing, the Bain report on the rationalisation

⁷⁵ See R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Monitoring Report: January 2007*, at www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, p. 9-10.

⁷⁶ Ms Bell, the former Alliance deputy leader, had acted in that capacity since April 2006 when she was appointed by the secretary of state to preside over the ‘Hain’ assembly. She did not contest the March 2007 election and would stand down when the new devolved assembly elects her successor on 8 May.

⁷⁷ APNI news release, 13 March 2007.

⁷⁸ The committee’s report on the draft statutory code (No. 7/06R) was published on 15 March 2007. To date the Committee has produced six other reports. See ‘Committee’ page of the Transitional Assembly at www.niassembly.gov.uk.

of the schools estate,⁷⁹ rural schools, social disadvantage and educational attainment, rates reform and water charges and, on a more expansive plane, the comprehensive spending review, north-south co-operation and the welfare reform bill.

At its last session, on 29 January, one of the items for debate was liquor licensing—on the face of it, not a notably contentious matter. But the vote of the assembly Business Committee to include it (and ‘tie-up aid’ for farmers) instead of the police ombudsman’s report on collusion, as proposed by SF, prompted the republican MLAs to withdraw from the chamber in protest.

The assembly did not resolve before the election the stand-off between the parties on the devolution of policing. The six sub-groups of the Programme for Government committee reported, but there was no agreement on whether policing and justice should have two co-equal ministers or one, whether it or they should be appointed by d’Hondt or require a supportive 70 per cent assembly majority, or when powers should be devolved.⁸⁰

3.2 MLA changes

During January there was some turnover in assembly members. Marietta Farrell (SDLP) was nominated to replace Patricia Lewsley, who had resigned to take up the post of Northern Ireland commissioner for children and young people. Ms Farrell did run at the election in Lagan Valley but was unsuccessful. Dawn Purvis replaced the deceased PUP leader, David Ervine, and retained the seat in East Belfast on 7 March. Geraldine Dougan (SF) replaced the also-deceased Michael Ferguson (West Belfast) but chose to sit as an Independent Nationalist from 15 January, as a token of her opposition to the impending support by SF for the PSNI; Ms Dougan did not contest the election. One disaffected former SF MLA, Davy Hyland, had been deselected by the party in the run-up to the election and he did choose to stand, unsuccessfully, as an Independent Republican in Newry & Armagh (he had adopted the designation as an Independent Nationalist with effect from 19 December 2006).

At the 2007 election 77 incumbent MLAs—that is, elected in November 2003—were returned to the assembly. But that was not a fully functioning assembly and the

⁷⁹ See R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Monitoring Report: January 2007*, at www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, pp. 61-3.

⁸⁰ N. McAdam, ‘War of words over ministry make-up’, *Belfast Telegraph* (2 February 2007).

members were unable to cut their legislative or scrutinising teeth. Of the 108 MLAs returned on 7 March, just 48 had also served in the first assembly. In effect, there is a limited pool of corporate experience available for the new mandate, which will mean most members will be fresh to the extensive repertoire of roles they must perform.

Given that there will be 12 ministers and two junior ministers in the executive, each of whom is precluded from a role in the assembly's committees, the pool of tried and tested members will be shallower still. As in the 1999-2002 devolved period, most members will have to embark on a steep learning curve to come to terms with their varied and extensive responsibilities.⁸¹

Departing MLAs were each entitled to a 'resettlement allowance' of £15,900 and an additional £16,000 to cover 'winding-up' expenses. And, as if a politics-weary Northern Ireland public needed any reminder, they were updated by the *Belfast Telegraph* in April as to just how much the mainly mothballed assembly had cost the taxpayer since October 2002. Until the end of February, 53 months after it was put into suspension, the tally had reached £108.1 million. According to figures provided by the NIO, that broke down into £47.7 million for assembly members' salaries, allowances and expenses and £60.4 million for 'running costs'.⁸²

⁸¹ *Belfast Telegraph*, 13 March 2007.

⁸² N. McAdam, '£110m: That's what the suspension of the Assembly for 53 months has cost Ulster's taxpayers', *Belfast Telegraph* (12 April 2007).

4. The Media

Robin Wilson

4.1 'The big picture'

The media event of the reporting period was the joint appearance at Stormont on 26 March of the DUP and SF leaderships, announcing their agreement on the formation of a devolved executive.

For the occasion of the news conference, the two party teams did not sit facing each other—still less shaking hands—but at a right angle. The two veteran leaders, Messrs Paisley and Adams, were perched within a few feet of each other at the corner. It hardly compared with the image of Bono holding the arms aloft of David Trimble and John Hume, then respectively UUP and SDLP leaders, now both eclipsed by their ethnic outbidders, at the Waterfront Hall in Belfast during the 'yes' campaign for the agreement that had been reached on Good Friday in 1998—and not just because then the public, literally, felt much more part of the show.

Indeed, under the revisions to the Belfast agreement secured by the DUP at St Andrews in October 2006, there was no longer the symbolically significant requirement that the first and deputy first ministers be jointly elected by the assembly. That provision had itself been inspired by the joint offer of condolences by Mr Trimble and Mr Mallon to two families (one Catholic, one Protestant) bereaved by loyalist killers in Poyntzpass, Co Armagh, in the run-up to the original Stormont deal.

Still, the photo of the grinning Mr Adams and the more wanly smiling Mr Paisley winged around the world—appearing, for example with the *New York Times* story on the development.⁸³ It provided the basis, too, for an *Irish Times* editorial claim—'The big picture says it all'—although the paper warned that events or dissidents could derail the plan.⁸⁴ Most of the UK coverage was effusive,⁸⁵ though the *Guardian*, which placed the story on page 4 (with the picture) rather than on the cover, cautioned: 'It was a day to remember, but still a day for two hearty cheers rather than the full-throated three.'⁸⁶

⁸³ E. Quinn and A. Cowell, 'Ulster factions agree to a plan for joint rule', *New York Times* (27 March 2007).

⁸⁴ 'The big picture must win through', *Irish Times* (27 March 2007).

⁸⁵ See summary in M. Coleman, 'What the papers say', *Belfast Telegraph* (27 March 2007).

⁸⁶ 'The day Dr No said yes', *Guardian* (27 March 2007).

Government, however, was very aware of the utility of the image, given the international community's investment in the Northern Ireland 'peace process' for more than a decade, and the sense of *ennui* in recent years with an endlessly baffling and introverted region and the inertia of its political class. When it emerged that the St Andrews talks had cost the public purse £400,000—which sounded more like prize money for a golf tournament there than reasonable bed and board for a few days—Mr Hain was unapologetic:

The progress made at St Andrews was the catalyst which brought us to the truly historic events of this week. The pictures of Ian Paisley and Gerry Adams sitting together will resonate around the world and these two leaders have demonstrated a shared future for Northern Ireland.⁸⁷

A Shared Future, the title of the policy framework on community relations agreed by the direct-rule administration—following the failure of the devolved government to act on a review of the issue—aims at the transformation of Northern Ireland into a 'normal', civil society. Mr Hain was thus putting something of a spin on the words of the two communal principals. At the news conference, Mr Paisley had claimed that the period since the DUP had become the largest Protestant party in 2003 had 'seen our strategy deliver very significant advances for the *unionist* people', while Mr Adams had said the agreement marked 'the beginning of a new era of politics *on this island*'.⁸⁸

It subsequently emerged that choreography of the Stormont imagery had, among other things, been resolved in inter-party talks between SF and DUP subalterns over the previous weekend.⁸⁹ But not everyone was persuaded that this occasion was quite so profound a coming together as was being suggested. Under the cover headline 'Ulster: historic meeting', *Private Eye* pictured a smiling Adams with a hurley stick saying 'I come in peace' with, in a separate frame, a smiling Paisley saying 'and I'm the Pope'.⁹⁰

And there were grounds for skepticism, if not such cynicism. Ironically, in one sense this was precisely a rerun of the previous apparent Northern Ireland political

⁸⁷ NIO news release, 28 March 2007.

⁸⁸ 'Statement: Ian Paisley', 'Statement: Gerry Adams', *Irish Times* (27 March 2007) [emphasis added].

⁸⁹ F. Millar, 'How the deal was done', *Irish Times* (31 March 2007).

⁹⁰ *Private Eye* cover (30 March 2007).

miracle—the Belfast agreement. In the zero-sum constitutional game, for once in 1998 the communal protagonists *both* thought they were winning.

The weekend after Easter that year, Mr Trimble and Mr Adams told specially convened party conferences, in Belfast and Dublin respectively, that the Good Friday agreement had, in the UUP leader's version, left the union intact and—contradictorily—in the view of the SF president, begun a transition to a united Ireland.⁹¹ Both could not be right, as would inevitably emerge over time.

As successive iterations of the Northern Ireland Life and Times Survey were to show, it was Mr Adams' view which gradually gained ground. Protestants increasingly saw themselves as the communal losers: by 2005, 68 per cent had concluded that the agreement had benefited nationalists more than unionists, with only 1 per cent believing the contrary and 20 per cent still thinking it had benefited both equally.⁹²

Mr Trimble meanwhile progressively distanced himself from the post-agreement institutions, which collapsed following the revelations of an IRA spy ring at Stormont in October 2002, though even that did not save his electoral bacon in 2005. His once-bitten, twice-shy successor, Sir Reg Empey, acerbically claimed in a BBC Northern Ireland interview that on 26 March Mr Paisley had been gulled into taking part in a 'Sinn Fein photo-fest'.⁹³

That was not, of course, how the DUP leader saw it. On the contrary, he wrote a gloating opinion piece for a Protestant audience in the *News Letter* the following weekend:

Monday, March 26, was a day of great victory for the unionist people of Northern Ireland. That was the day that republicanism accepted the strength of unionism; that was the day that Irish republicanism adhered to our demands. That was the day that unionism secured its future.⁹⁴

A few days later, Mr Paisley told the *Belfast Telegraph* that SF had, in effect, surrendered:

⁹¹ R. Wilford and R. Wilson, 'A "bare knuckle ride": Northern Ireland', in R. Hazell (ed.), *The State and the Nations: The First Year of Devolution in the United Kingdom* (Thorverton: Imprint Academic Press, 2000), p. 81.

⁹² See results at www.ark.ac.uk/nilt/2005/Political_Attitudes/GOODFRI.html.

⁹³ 'Paisley accused of SF propaganda', BBC News Online (14 April 2007).

⁹⁴ I. Paisley, 'We can lay the foundation for a better future', *News Letter* (31 March 2007).

They may not admit it, but it is a fact that today they have had to bow the knee to the Northern Ireland that they sought to destroy and accept that if they want a political role in it they must also accept the parameters of Ulster's place in the Union.⁹⁵

But the SF leadership was unmoved. Its teleological belief in a unitary Irish state parallels the old Stalinist faith in the inevitability of the Dictatorship of the Proletariat and renders it—and its constituency, as the electoral defeat of the 'dissidents' proved—immune to such sectarian triumphalism. The future deputy first minister, Mr McGuinness told a Co Donegal rally of the faithful commemorating the Easter rising: 'We are on a countdown to a united Ireland.'⁹⁶

Mr McGuinness later insisted in an RTE interview, in which he looked forward to SF being in government in the republic also, that the next two assembly terms would be critical.⁹⁷ That would take us to 2015—the SF political elite made clear during the 90th anniversary of the 1916 rising last year that it expected that the centenary would be marked in a unitary state.

The issue of whether Fianna Fáil, dominant party in the current coalition in the republic, would countenance coalition with SF had been raised by the former Fine Gael taoiseach Garret FitzGerald, who now has a weekly column in the *Irish Times*, with the next Dáil election looming in May. At the turn of the year, the current taoiseach and FF leader, Mr Ahern, reiterated in response that he would not go into government with SF (though, critically—and this was Dr FitzGerald's key point—not refusing to accept SF votes for his re-election as taoiseach when the new Dáil convenes if, as expected, FF and its current coalition allies, the Progressive Democrats, fall short of a majority).

The *Irish Times* cartoonist, Martyn Turner, drew caricatures of Messrs Blair and Ahern trying to woo Mr Paisley into a power-sharing government in the north. He had Mr Ahern saying: 'If you go into government with Sinn Fein you would be strengthening partition ... 'cos nobody this side of the border would do such a thing ...'⁹⁸

⁹⁵ N. McAdam, 'Republicanism "is being strengthened by DUP quitters"', *Belfast Telegraph* (3 April 2007).

⁹⁶ 'Countdown on for unity—McGuinness', *Irish Times* (9 April 2007).

⁹⁷ *This Week*, RTE Radio 1 (15 April 2007).

⁹⁸ *Irish Times* (9 January 2007).

Mr Paisley, in any event, begged to differ with his prospective partner in government. The conservative *Washington Times* quoted him as saying: 'It is quite clear to everybody there is going to be no united Ireland for 100 years, at least.'⁹⁹

Somebody, once again, is going to find out that they were wrong about the shifting ethnic power balance. Mr Adams' position, ironically, was underpinned during 1998-2002 by his party's failure to comply with the decommissioning obligations of the agreement. This gave him 'leverage' with Downing Street, as Mr Blair admitted in his speech in Belfast after the 2002 collapse, in the competitive game between the two sets of communalist leaders to extract concessions from the prime minister.¹⁰⁰

But with the end to the IRA's campaign and the decommissioning of its weapons, that 'leverage', which undid Mr Trimble—and, indeed, the SDLP leader, Mr Durkan, incensed by the prime minister's repeated private suggestion that his party's problem was it didn't have any guns¹⁰¹—has gone. Conversely, Mr Blair prevented the St Andrews talks collapsing in the face of a threatened DUP walk-out, fearing the next day's headlines, by a raft of concessions to that party.¹⁰²

4.2 The Blair legacy

Around St Patrick's Day, the *Guardian* ran a series of reflections on the Belfast agreement and subsequent developments. In it, Mr Mallon, the former deputy first minister, was excoriating towards the prime minister, whom he clearly personally blames for the polarisation of recent years. Asked if he saw Mr Blair as an honest broker, he replied:

Here was a guy with a moral dimension to everything. And I'm not sure at what point I began to realise that in his political dealings he was amoral and didn't know the meaning of the word 'honesty'.

... In reality his whole strategy in terms of resolution of the Northern Ireland problem—I don't use the term peace process—was 'who do I buy and who do I sell?'¹⁰³

Asked if peace could have been delivered any other way, Mr Mallon responded:

⁹⁹ M. Canning, 'DUP leader to name ministers for Assembly executive', *Irish Times* (17 April 2007).

¹⁰⁰ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: November 2002*, at: www.ucl.ac.uk/constitution-unit/monrep/ni/ni_november_2002.pdf, p. 38.

¹⁰¹ *Hearts and Minds*, BBC2 Northern Ireland (6 November 2003); see also *Fortnight* 407, October 2002.

¹⁰² R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2007*, p. 22.

¹⁰³ O. Bowcott, "I wouldn't have taken his word for anything", *Guardian Unlimited* (14 March 2007, at: www.guardian.co.uk/Northern_Ireland/Story/0,,2033062,00.html).

Yes. There was a fundamental misjudgment ... Anyone who knows the north of Ireland would not have contemplated actions which sold middle unionism to Paisley, just as the same way in which our party [the SDLP] was treated.

That was not, of course, the prime minister's view. He said of the 26 March events:

In a sense, everything that we've done over the last 10 years has been a preparation for this moment. This won't stop republicans or nationalists being any less republican or nationalist, or making unionists any less fiercely unionist. But what it does mean is that people can come together, respecting each other's point of view, and share power, make sure politics is only expressed by peaceful and democratic means.¹⁰⁴

Yet the strategic decision by the republican leadership to move to a political approach long predated Mr Blair's ascent to power: Mr Adams was developing the 'peace strategy' from the late 80s.¹⁰⁵ And absent any commitment on either side to devolution *per se*, rather than the antagonistic projects for communal assimilation, it will indeed be 'a battle a day' until it is again clear which 'side' is prevailing—at which point there is the real concern that the other will defect. The evidence of the NILTS (see public attitudes section), conducted in the aftermath of St Andrews, suggests that Catholics are already moving back towards a view which associates devolution not with a shared future but with unionist political advantage.

A fortnight after the Stormont event, it emerged that Mr Blair planned to leave Downing Street after the Scottish and Welsh elections. It would not, however, be directly after those elections, given the anticipated drubbing for Labour, particularly in Scotland. It would be a week later, just after the expected re-establishment of devolution in Northern Ireland¹⁰⁶—from his point of view, an altogether more media-friendly association for his retirement.

¹⁰⁴ O. Bowcott, 'Northern Ireland's arch-enemies declare peace', *Guardian* (27 March 2007).

¹⁰⁵ E. Moloney, *A Secret History of the IRA* (London: Allen Lane, 2002).

¹⁰⁶ W. Woodward, 'Blair to wait until week after May elections to quit', *Guardian* (7 April 2007).

5. Public Attitudes and Identity

Lizanne Dowds and Rick Wilford

5.1 Devolution DUPed?

The Northern Ireland Life and Times Survey regularly includes a question on the constitutional preferences of the public, and the 2006 survey allows us to gauge public opinion after the St Andrew's agreement and before the March 2007 assembly election. The question includes various constitutional possibilities for Northern Ireland, from independence to unification with the republic, and asks respondents about their own views.

As noted in the May 2006 report,¹⁰⁷ between 2001 and 2005 public opinion surrounding basic constitutional preferences was remarkably stable. Support for devolution grew, while independence for Northern Ireland remained unpopular. The greatest support among the Catholic community was for a united Ireland, but this dropped as support for devolution steadily increased. By 2005, nearly as many Catholics favoured devolution as unification.

¹⁰⁷ See 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, pp. 35-7.

Figure 1: Changing Constitutional Preferences 2001-2006

	2001	2003	2005	2006
All	%	%	%	%
Northern Ireland should become...				
Independent	10	9	11	6
Devolution	43	52	52	57
Remain part of the UK with own Parliament	(31)	(30)	(31)	(42)
Remain part of the UK with own Assembly	(12)	(22)	(21)	(16)
Remain part of the UK with no Assembly	13	12	10	5
Unify with the Republic of Ireland	21	17	17	23
Don't know	13	11	10	9
Protestants				
Northern Ireland should become...				
Independent	8	6	10	5
Devolution	65	68	66	81
Remain part of the UK with own Parliament	(47)	(37)	(39)	(59)
Remain part of the UK with own Assembly	(18)	(31)	(27)	(22)
Remain part of the UK with no Assembly	17	17	15	6
Unify with the Republic of Ireland	1	2	1	2
Don't know	9	7	8	5
Catholics				
Northern Ireland should become...				
Independent	13	12	12	7
Devolution	18	27	35	29
Remain part of the UK with own Parliament	(14)	(18)	(23)	(22)
Remain part of the UK with own Assembly	(4)	(9)	(12)	(8)
Remain part of the UK with no Assembly	7	7	3	3
Unify with the Republic of Ireland	49	38	39	48
Don't know	13	15	10	13

The most popular choice for Protestants was always devolution, with about two-thirds of Protestant respondents over the 2001-05 period consistently endorsing the option in some form. Only 15 per cent of Protestants at the end of 2005 would have opted for direct rule as their first choice.

But the results from the 2006 survey reveal interesting changes. Possibly public opinion perceives some 'tweaking' of political arrangements in favour of the Protestant community 'over' the Catholic community. Certainly Catholic support for

unification with the republic has risen, just as support for devolution has suddenly waned. Among the Protestant community, support for devolution has strengthened further to a massive 81 per cent, with support for independence or direct rule negligible.

Among the population overall, this balances out to a slight to moderate increase in support for devolution, with a moderate increase in support for unification. For the time being at least, support for independence and direct rule is at an all-time low. Devolution remains the most popular option and not since 2001 has it had less than 50 per cent support across Northern Ireland.

One final point worth mentioning is that among both communities, and across the entire period, the option of devolution with Northern Ireland having its own parliament has always been much more popular than devolution with only an elected assembly. Consensus such as this is rare.

5.2 Mood of *méfiance*

Only one poll was published during the election campaign.¹⁰⁸ This forecast a 25 per cent vote share for the DUP, 22 per cent for SF, 20 per cent for the SDLP and 16 per cent for the UUP. The poll was accurate only in so far as the rankings were right. It did exert some effect, however, especially on the DUP.

Pointing to the narrow 3 per cent gap between that party and SF (within the margin of error), its election supremo, the deputy leader, Mr Robinson, warned Protestant voters that staying at home or supporting 'maverick' unionist candidates could gift the role of first minister to SF, since the post would fall to the largest party, rather than the largest party in the largest 'designation' ('unionist'/'nationalist'/'other'), as had been the case in 1998 and at the 2003 virtual election:

It is obvious that if the traditional pattern of a higher percentage of nationalists than unionists coming out to vote were even to marginally increase it would have dire consequences. Adams and McGuinness would travel the world purporting to speak on behalf of NI; Martin McGuinness would be proposed as First Minister; and nationalists would be in a majority in any Executive ... It is vital that unionist voters turn out ... and support the DUP... and make sure that SF does not become the largest party.¹⁰⁹

¹⁰⁸ Ipsos/MORI poll, *Belfast Telegraph* (1 March 2007).

¹⁰⁹ DUP news release, 2 March 2007.

However highly motivated the poll's respondents were, only one in four believed that the prospective Paisley/McGuinness pairing as first and deputy first ministers would work either 'well' or 'very well' (a view held by 23 per cent of Protestants and 27 per cent of Catholics). Overall, 64 per cent of respondents said that the DUP and SF figures would work together not very well (37 per cent) or not at all (27 per cent), a view shared by Protestants (63 per cent) and Catholics (62 per cent).

Respondents were also ambivalent about the likelihood that the election would lead to the return of a working assembly and executive. Only half of all intending voters thought it likely (including 50 per cent of Protestants and 53 per cent of Catholics) while one in three (34 per cent) thought it unlikely, with a further 10 per cent undecided and 5 per cent who didn't know. Asked what should happen if devolution was not restored by the deadline of 26 March, respondents were unequivocal: by a margin of three to one (74 per cent to 23 per cent), they wanted the salaries of the MLAs to be halted immediately (including 73 per cent of Protestants and 74 per cent of Catholics).

As if to confirm the electorate's 'a plague on all your houses' mood, when asked how favourably they felt towards leading politicians, all registered a higher negative rating: ranging from -37 per cent for Mr Hain, to -35 per cent for Mr Blair, -34 per cent for Mr Adams and -30 per cent for Mr Paisley. For the second time the British or Irish politician with the least negative rating was Mr Ahern (-8 per cent). Predictably, the ratings varied between Protestants and Catholics.

Among the latter, Mr Paisley emerged as the least popular with a rating of -69 per cent and Mr Ahern as the most popular with a positive rating of +25 per cent, ahead of Mr Adams (+18 per cent) and Mr Durkan (+8 per cent). Among Protestants, only Mr Paisley and Sir Reg Empey emerged with positive ratings, in the former's case a miserly +5 per cent, and in the latter's an even punier +1 per cent. Protestant voters know whom they dislike the most, however: Mr Adams, with a -72 per cent rating, well ahead of Mr Blair (-48 per cent) and Mr Hain (-43 per cent). They were less ill-disposed to the taoiseach, who emerged with a negative rating of -36 per cent.

6. Intergovernmental Relations

Elizabeth Meehan and Robin Wilson

6.1 'East-west'

The main 'east-west' events of the period were the high politics dealt with elsewhere in this monitoring report. This section includes a report on the British-Irish Inter-Parliamentary Body (BIIPB). While this took place in the previous reporting period, the record was not available at the time of the last report—though a response, tabled at that meeting, by the Home Office to the body's concerns about the common travel area and identity cards was available and reported upon. The now-published minutes of the October BIIPB meeting show that Committee A (Sovereign Matters) believes there are still issues that need to be followed up.¹¹⁰

A further BIIPB meeting was held in Dublin in March 2007 but the official record was not available at time of writing.¹¹¹ During that meeting, the presiding officer of the Scottish Parliament, George Reid, gave a very well received address to the Royal Irish Academy about the external roles of the devolved institutions.

The meeting held on 23-24 October 2006 at the Waterfront Hall in Belfast was another historic occasion (the previous one being the DUP's attendance at Killarney in April 2006). In opening the October meeting, the British co-chair, Paul Murphy, noted that it was the first time the body had met formally in Northern Ireland. He remembered being in the Waterfront Hall, as a very new minister, for its inauguration by Prince Charles in 1997. During the opening symphony, he was told a bomb had gone off in the law courts opposite and he was 'whisked away'. He drew attention to the enormous changes, not only since 1997, but also since the time 'when Peter Brooke was here and started the whole the process off'.¹¹²

His fellow co-chair, Pat Carey TD, shared the sense of history and pleasure in the venue, noting that it was 'no secret that there [had] been a number of unsuccessful

¹¹⁰ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, p. 63.

¹¹¹ This will be covered in the next monitoring report.

¹¹² Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, p. 1. The sentiment was echoed by Senator Martin Mansergh, p. 25.

attempts to hold a meeting' in Belfast.¹¹³ Iain Smith, the Scottish MSP for the constituency that contains St Andrews, also drew attention to a historical contrast. When he attended his first BIIPB meeting in Donegal in 2000, he was 'taken aback' to find an armed guard outside his hotel bedroom door; in Belfast, just a few years later, there was 'barely a policeman to be seen'.¹¹⁴

The St Andrews agreement dominated the debate on a motion on economic regeneration and political progress and much of the discussion was, understandably, speculative. For obvious reasons, St Andrews was also the main topic of the address (later in the day) by the Northern Ireland secretary, Mr Hain.¹¹⁵

As to other significant matters discussed by the BIIPB, corporation tax figured heavily¹¹⁶ in the opening session, and in a later session on the economic situation, with addresses by the former Ulster Bank chair Sir George Quigley and Peter Bunting of the Irish Congress of Trade Unions. A young Northern Ireland entrepreneur, Adam Ewart, completed the discussion panel. Later in the day, during questions to the Northern Ireland secretary, the topic was again raised—by Lord Dubs. All the major parties in Northern Ireland are in favour of harmonising corporation tax with the lower rate (of 12.5 per cent) applied south of the border. But although, a few months later, the chancellor of the exchequer was to launch a commission on the topic (see finance section), the secretary of state responded negatively to the idea—less on the basis of EU rules and more in terms of equity in the UK, though he did leave open the possibility of an incoming executive presenting a powerful case.¹¹⁷

During discussion of the motion mentioned above, there was speculation about the future of the BIIPB under any new dispensation arising from St Andrews. Michael Mates MP, who opened the debate, noted that paragraph 24 of the St Andrews

¹¹³ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 2-3.

¹¹⁴ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, p. 24.

¹¹⁵ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 47-51.

¹¹⁶ Reservations were however expressed by Mr Bunting, supported later by some delegates. He said this was just one part of a whole range of socio-economic problems and inequalities—Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 9 (Bunting), 29 (Arthur Morgan, TD).

¹¹⁷ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 58-9.

agreement indicated the possibility of a new footing for the body.¹¹⁸ That is, the two governments, in consultation with the BIIPB, would encourage politicians of the new elected bodies to approve an East-West Parliamentary Framework that would operate on an inclusive basis. He looked to the DUP to begin to offer some concrete commitment, following its assurance at the Killarney meeting in April 2006 that it would be willing to participate in such a framework when it was 'perched on the right tree'.¹¹⁹ He also called upon the Steering Committee to bring forward proposals to the next meeting of the BIIPB on how to advance the suggestion in the agreement and to ensure inclusiveness.

The status of the body recurred in questions by several members to the secretary of state.¹²⁰ Mr Mates pressed Mr Hain about when a proposal would be likely and when consultation with the BIIPB would take place. Mr Hain lobbed the ball back into the body's court, suggesting that it should put forward ideas and proposals. Before that, Lord Smith, with previous discussions in mind about the relationship between the BIIPB and the British-Irish Council, had asked whether the body would be put on a statutory basis and its presiding officers enabled to attend meetings of the BIC.

The Northern Ireland secretary said that he had received no proposal to link the BIC and BIIPB and gave reasons for doubting whether a statutory footing would be helpful. He said it was not envisaged that the BIIPB would be mentioned in the forthcoming emergency bill to give effect to the St Andrews agreement. (This became the Northern Ireland (St Andrews Agreement) Act 2006 and, indeed, it does not refer to the BIIPB.) The relationship of the BIIPB to the BIC was presented in the next day's Report from Committee A (Sovereign Affairs) as a matter of urgency.¹²¹

A novel proposal was made by Andrew Mackinley MP, that the chairs¹²² of the BIIPB or reconstituted east-west parliamentary framework should be able to attend 'ministerial bodies on behalf of the parliamentary arm'. He noted that in the European

¹¹⁸ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 19-20. His views were endorsed by Senator Brendan Ryan, p.31, and Jim O'Keeffe, TD, p. 35.

¹¹⁹ E. Meehan in R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: September 2006*, at:

www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Sept06.pdf, p.40.

¹²⁰ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 54-56.

¹²¹ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, p. 63.

¹²² He also suggested abandoning the use of 'co-chairman', a formulation already abandoned in these monitoring reports in favour of 'c-chair(s)!

Union, the Council of Europe and the Organisation for Security and Co-operation, the heads of parliamentary arms attended on a party basis. He felt this would add to the status of the BIIPB by encouraging ministers in the north and south to see themselves as answerable to the body and by edging it out of the 'disproportionate influence' of the Northern Ireland Office— 'and probably the Irish Foreign Ministry'.¹²³

In the afternoon of the first day, plenary debate moved to the topic of civil society, during which the body was addressed by Patricia McKeown (ICTU), Duncan Morrow (Community Relations Council) and Michael Wardlow (Northern Ireland Council for Integrated Education). All gave very powerful presentations, greatly appreciated by BIIPB members.¹²⁴ Notable in the presentations and the questions, as well as in passing references elsewhere in the meeting, was a marked shift in perception of demography in Northern Ireland and its consequences.

In the past, observers of the conflict have sometimes sounded irritated by the 'narcissism of small differences' that has provided an 'excuse' for horrendous social and cultural relations. The recent inward migration has made Northern Ireland more similar to its neighbours. Its extent and diversity and the horrendous things that happen to migrants featured significantly in the discussions of both civil society and political mobilisation. Here, again, the EU figured. Helen Eadie MSP asked Ms McKeown whether she set much store by article 19 of the EU Public Procurement Directive for enhancing employment opportunities for the disabled. Ms McKeown said 'it was dear to her heart', enabling legislation in Northern Ireland to tackle inequality among nine categories of person, including the disabled.¹²⁵

A range of other issues was addressed by the body. That they are not all dealt with here is not a reflection of their importance (eg 'a shared future' and the difficulties facing young people in north and west Belfast¹²⁶) but arises because the report concentrates on those that are not exclusively internal or north-south. These other issues included: east-west transport links, which were raised in passing throughout

¹²³ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 21-22.

¹²⁴ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 36-47.

¹²⁵ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 45-6.

¹²⁶ Report on Life Chances from Committee D (Environmental and Social), Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 65-73. The report had been sent, with agreement, to Northern Ireland ministers prior to formal endorsement by the BIIPB in the light of a package announced by government earlier in the year.

the meeting and specifically in respect of Northern Ireland, Scotland and Wales;¹²⁷ harmonised conditions for free travel for the elderly, not only between north and south but also for Irish emigrants in Great Britain visiting Ireland;¹²⁸ student fees, not only in terms of a preference for north-south parity, but also raising the question of why Northern Ireland could not diverge from England as Scotland has;¹²⁹ ways of adapting the British census to measure the Irish community in Britain more accurately; and difficulties facing elderly Irish people living in Britain who wish to return to Ireland.¹³⁰

6.2 North-south

There were a number of technocratic developments in terms of north-south co-operation during the period. In January, the economy minister, Maria Eagle, and the republic's minister for communications, marine and natural resources, Noel Dempsey, reaffirmed their goal of achieving an all-island energy market by November, with the long-term aspiration of a 'these islands' market with an interconnector to Wales from 2012, as well as a second north-south one by the same date.¹³¹

Also that month, the republic's government published the latest iteration of its 'national development plan'. This devoted to north-south investment about €1 billion as part of what was a €184 billion, seven-year plan. The document mainly recapped the by now extensive capillary networks of co-operation straddling the border over a range of policy domains, rather than promising extensive new initiatives.¹³²

Shortly afterwards, the Northern Ireland secretary, Mr Hain, announced joint funding with the republic of £14 million runway works at Derry airport. And in February, the NIO junior minister David Hanson addressed an All Island Infrastructure Conference in Newcastle, Co Down. Mr Hanson said that, given the National Development Plan and the corresponding Strategic Investment Plan in the north, 'the necessity for a co-

¹²⁷ Report from Committee C (Economic), Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, p. 64.

¹²⁸ Questions to the Secretary of State, Peter Hain MP, Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 57-8.

¹²⁹ Questions to the Secretary of State, Peter Hain MP, Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 60-1.

¹³⁰ Report from Committee D (Environmental and Social), Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, p. 65.

¹³¹ Department of Enterprise, Trade and Investment news release, 17 January 2007.

¹³² Government of Ireland, *Ireland: National Development Plan 2007-2013* (Dublin: The Stationery Office, 2007, at www.ndp.ie/documents/ndp2007-2013/NDP-2007-2013-English.pdf).

ordinated and cohesive approach to infrastructure investment on the island has never been greater'.¹³³

The uneasy contradiction between the emphasis on roads and air travel in north-south co-operation on transport and the sustainable-development strategy to which the Northern Ireland administration is committed has not yet been noted. But the next day, the taoiseach, Mr Ahern, accompanied by Seamus Brennan, the republic's minister for social and family affairs, and David Cairns from the NIO, launched the all-Ireland free travel scheme for senior citizens on public transport at Connolly railway station in Dublin.¹³⁴

More politically contentious was a proposal by the republic's government to establish a committee on implementation of north-south co-operation in the context of the Belfast agreement, which would include MPs as well as members of the Oireachtas (the Dáil and Seanad). This raised concern not only in unionist quarters but among opposition parties in the republic. The UUP claimed this would breach the agreement's constitutional provisions, while the (Irish) Labour party noted that SF had heard about it first, and queried whether there had been a 'side deal' following the previous retreat by the government on the issue, pressed by SF, of Dáil speaking rights for northern MPs.¹³⁵

But the major political event on the north-south axis was the first public, indeed ebullient, handshake offered by Mr Paisley to any taoiseach when he met Mr Ahern in Dublin. It was a far cry from the occasion when he stood in the grounds of Stormont to throw snowballs at the then taoiseach, Jack Lynch, during a visit to the then Northern Ireland premier, Terence O'Neill, in the late 60s.¹³⁶ But the effect was somewhat undermined by a BBC interview later, in which he said he had been forced into power-sharing with SF on pain of 'joint government by the south of Ireland'.¹³⁷

¹³³ OFMDFM news release, 15 February 2007.

¹³⁴ OFMDFM news release, 16 February 2007.

¹³⁵ M. Hennessy, 'UUP criticises Oireachtas NI committee plan', *Irish Times* (2 February 2007).

¹³⁶ M. Lord, 'Ahern and Paisley's handshake melts away decades of suspicion', *Irish Times* (5 April 2007).

¹³⁷ 'No alternative to deal—Paisley', BBC News Online (4 April 2007).

7. Relations with the EU

Elizabeth Meehan

7.1 Introduction

The main news about the connections between devolution and the EU in this period came from Scotland rather than Northern Ireland, but there were implications for a restored Northern Ireland executive.

It has been reported previously that Scotland has been more assiduous than was the Northern Ireland executive while devolution was functioning about getting its voice heard in Brussels. To some surprise, however, a leaked report by Michael Aron, head of the Scottish Executive Office in Brussels (previously a UK official in Brussels), claimed that Scottish ministers and officials were regularly, sometimes deliberately, 'kept out of the loop' by the UK government. This sometimes had a 'disastrous' effect on Scottish Executive policy.¹³⁸ The Scottish experience implies the need for a new Northern Ireland executive to be stronger than it was, and stronger than Scotland is, in taking every opportunity to pursue its interests in Brussels.

Indeed, Mr Aron went so far as to recommend to the first minister, Jack McConnell, that he lobby the European Commission directly. Another implication lay in Mr Aron's observation that the 'diminishing role of the Secretary of State for Scotland has meant that there is no longer a hard hitting voice within cabinet meetings speaking out on behalf of Scotland's interests'. Add to this the further conflict of interests that could arise from the fact that Mr Hain is secretary of state for both Northern Ireland and Wales. Finally, the Scottish National Party claimed that the report vindicated everything it had ever said about 'Scottish misrepresentation in Europe'. At least in Northern Ireland there is the, as yet untried, provision of the agreement for the North/South Ministerial Council to think of alternative or additional ways for promoting Northern Ireland's interests in the EU.

In the meantime, constitutional questions were also at stake in the Northern Ireland issues for the period: crown employment and nationality, and EU funding.

¹³⁸ The report by Mr Aron was addressed to the first minister, Jack McConnell, and written in September 2006. It was leaked in January 2007 at the 300th anniversary of the events leading to the Treaty of Union, and reported and commented upon in the *Herald* (27 January 2007), pp. 1, 2 and 12.

7.2 Crown employment and nationality

Previous reports have referred to the complicated—and controversial—relationships among the different rules governing access to public-service positions for Commonwealth and Irish nationals in Great Britain, access to public-sector posts in Northern Ireland for people born outside the region (particularly Irish nationals) and access for all EU nationals to crown employment throughout the UK. Orders in the 1990s to secure compliance with EU regulations had the effect of reducing the rights of Irish and Commonwealth nationals in Great Britain, without enhancing the rights of Irish nationals in Northern Ireland.

The continued exclusion of Irish nationals from a range of posts in Northern Ireland was a matter of concern to SDLP members of the Northern Ireland Executive Committee before and after the suspension of devolution, and it was on the agenda of the British-Irish Intergovernmental Conference in 2006. The problem rumbles on. In October 2006, a question about it by a member of the BIIB to the Northern Ireland secretary, Mr Hain, was ducked.¹³⁹

In December, Andrew Dismore MP reintroduced—for the fifth time—his private member's bill to open or reopen a wide range of civil-service positions to non-UK nationals, save for particular posts to which a minister of the crown, or person to whom power had been delegated, might attach a nationality requirement.¹⁴⁰ Mr Dismore, as a London MP, is particularly concerned that 350,000 people—9 per cent of the city's working population—are excluded, 'not just from the higher ranks of the civil service, but from applying for even the most junior social security clerk's job'.¹⁴¹ But his bill is intended to apply to Northern Ireland, as well as Great Britain. It was due for its second reading on 29 June 2007.

In the meantime and in anticipation of an order-in-council which could pre-empt Mr Dismore's bill, the former UUP leader, Lord Trimble (allegedly a source of opposition during previous tablings), asked a question on 30 January 2007 about the government's obligations under European law. He told the minister, Lord Davies, that the NIO claimed that EU legislation required posts from which EU nationals were

¹³⁹ Senator Pascal Mooney—Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, p. 60.

¹⁴⁰ Crown Employment (nationality) Bill 38-EN.

¹⁴¹ See www.ePolitix.com, 18 December 2006.

excluded because of the requirement for 'special allegiance to the state' to be opened up to Irish nationals. He said that it had been agreed at St Andrews that this would not be the case in Northern Ireland:

The Northern Ireland Civil Service is small with little interchange with the rest of the United Kingdom, but it has nevertheless maintained its ethos and integrity during difficult times. As it now faces a unique challenge in its future political masters, this is not the time for competition with a larger body which does not share the same ethos, particularly on political independence. Nor would such a change be consistent with the Good Friday agreement.

He went on to invite the minister to agree that 'the parachuting in of Ministers with no organic connection with Northern Ireland society should not now be replaced by parachuting in similarly handicapped Permanent Secretaries with potentially conflicting interests'.¹⁴²

Lord Davies assured Lord Trimble that the post of permanent secretary would be a reserved one. But while he recognised the implications for Northern Ireland, what was at stake was the ability of the British civil service 'to tap into the pool of talent represented by those from other countries who [had] the right to live and work here'. He noted that certain posts, such as those in the Security Service, would necessarily be reserved for British nationals.¹⁴³ While Lord Trimble's personal contribution to Northern Ireland was honoured, comments by other peers were, with one exception, at one with Lord Davies' sentiments—taking a UK-wide perspective.¹⁴⁴

7.3 EU funding

At the end of 2006, 'heavy lobbying by DARD [Department for Agriculture and Regional Development], Northern Ireland MEPs and other stakeholders', led the European Commission to agree to extend the Farm Nutrient Management Scheme (offering 60 per cent grant to assist compliance with the Nitrates Directive Action Plan) by two years until the end of December 2008.¹⁴⁵

¹⁴² HL Deb, 30 January 2007, col. 121. The opposite to the view expressed in the last sentence was offered by Seán Farren MLA, who, just before the fall of devolution, commissioned a review, and his SDLP colleague Brid Rodgers MLA. As reported previously, both pointed to the anomaly that they, born in the republic, could hold ministerial position while very many public-sector posts at all levels were barred to others born there. They also pointed out the right in the Belfast agreement of anyone born in Northern Ireland to identify as Irish, British or both.

¹⁴³ HL Deb, 30 January 2007, col. 121.

¹⁴⁴ HL Deb, 30 January 2007, cols. 122-3.

¹⁴⁵ DARD news release, 7 December 2007.

Agreement was also secured on a third phase of funding for the Special Support Programme for Peace and Reconciliation—‘Peace III’. This amounts to about €300 million, running from 2007 to 2013. It was achieved despite the fact of enlargement by twelve new member states in three years, which, as Brian Cowen, the republic’s finance minister, noted, included countries undergoing ‘significant political and economic change’.¹⁴⁶ On 15 January 2007, he and David Hanson, his direct-rule counterpart, welcomed the launch of a consultation to ask people in Northern Ireland and the border counties of the republic for their suggestions about how to spend the new money.¹⁴⁷ The consultation, which ended on 3 April 2007, was carried out by the Special EU Programmes Body, one of the north-south implementation bodies established after the Belfast agreement.

The European Parliament, however, is a little less happy about one aspect of funding for reconciliation in Northern Ireland and the border counties. A meeting of its Committee on Legal Affairs, on 26-27 February 2007, unanimously recommended to the parliament’s president that an action for annulment be lodged with the European Court of Justice against the Council of Ministers, for its failure to use the co-decision procedure in deciding to award a further €60 million to the International Fund for Ireland.¹⁴⁸

It is not yet clear if the recommendation will be followed by the president of the Parliament, but this would normally be the case according to Jamie Smyth of the *Irish Times*.¹⁴⁹ The same source also recorded that all members of the Council of Ministers, including the republic, had refused to accept a report on funding by the Fine Gael MEP Jim Higgins, which included a recommendation that MEPs should exercise co-decision powers over the IFI grant. Mr Higgins defended the action of the EP Committee on Legal Affairs. Nevertheless, neither he nor a Fianna Fáil member of the committee, Brian Crowley, nor the republic’s government thought the legal challenge would affect the timing of the funding commitment.

¹⁴⁶ Department of Finance and Personnel news release, 15 January 2007.

¹⁴⁷ DFP news release, 15 January 2007.

¹⁴⁸ This was one of two recommended actions; the other concerned a Decision on the Mandate of the European Investment Bank. The recommendations are recorded at item 11 in the Minutes of the Meeting of the Committee on Legal Affairs, held in Brussels on 26-27 February 2007, European Parliament, JURI_PV0226_2v01-00, available, not for the next meeting, but for that of 10 April 2007. The original decision on the IFI grant by the Council of Ministers is contained in Council Regulation 2006/1986/EC.

¹⁴⁹ Jamie Smyth, ‘Parliament to challenge €60m peace funds for NI’, *Irish Times* (28 February 2007).

7.4 Conclusion

With respect to Mr Cowen's comment about new member states that could be said to be needier, and bearing in mind the 'sweeteners' sought from the chancellor by Northern Ireland politicians to ease the path to renewed devolution, it is perhaps worth noting Andy Pollak's experience at a conference of cross-border co-operators at the end of 2006. There, most people thought what was happening on the island of Ireland was 'an inspiring example' but, to Mr Pollak, it was questionable whether the accolade was deserved. Between 2004 and 2006, he observed, Northern Ireland and the Irish border region 'received nearly seven times the amount received by our impoverished fellow-Europeans in the Baltic region'¹⁵⁰.

¹⁵⁰ A Note from the Next Door Neighbours (4), Centre for Cross Border Studies, 8 December 2006.

8. Relations with Local Government

Robin Wilson

One potential effect of the re-establishment of devolved government in May is the reopening of the review of public administration, launched by the previous devolved administration and associated with a reduction in the number of public authorities at sub-regional level, including councils. The RPA team had recommended, and the NIO accepted, a culling of the existing 26 district councils to seven.¹⁵¹

But this was an approach which only found favour, among the parties, with the instinctively centralist SF—though the others could have been accused of protecting the stratum of councillors under the banner of preserving ‘local identity’. In any event, the issue is once more up for grabs and is likely to be one of a number on which the DUP and SF quickly lock horns.

According to a Department of Environment insider, the expectation is of nothing emerging from government, even for consultation, until late this year. And this would put off the expected introduction of the new local authorities from 2009 to 2011.

Meantime, other aspects of the reforms arising from the review trundled on, including a reduction of the number of health trusts from 18 to five. In January 2007, the health minister, Paul Goggins, opened a consultation on legislation for the health aspect of the RPA,¹⁵² and in March he announced the new trusts would be operational as of 1 April.¹⁵³

The four area health-and-social-services boards are also to be replaced by one central authority. So the overall result is a significant loss of jobs in the region’s major employer. Indeed, during the reporting period, the Department of Health, Social Services and Public Safety permanent secretary, Andrew McCormick, said the number of clerical, managerial and executive jobs to be lost through health-service reorganisation would be about double the previous estimate at some 1,700. But he insisted this would mean £50 million would be diverted to service provision and said

¹⁵¹ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2006*, pp. 45-9.

¹⁵² Department of Health, Social Services and Public Safety news release, 16 January 2007

¹⁵³ DHSSPS news release, 22 March 2007.

the health service had long failed to address underlying problems of ill-health and health inequalities.¹⁵⁴

One goal of the review of public administration was to bring about coterminosity of public bodies, which will be critical to making a success of the new process of community planning, organised around the reformed local authorities. But if the number of councils is raised to eleven or fifteen, as the other parties would wish, not only will the powers to be transferred have to be revisited but they will no longer be coterminous with the local health and social care commissioning groups, whose number was set at seven precisely for that purpose.

Education, too, is affected by the reorganisation, with the abolition of the five education-and-library boards in favour, here again, of a single regional authority. The Catholic Church has campaigned against this change, associated with the removal of its employment role *vis-à-vis* teachers in 'maintained' (Catholic) schools. Adopting a courageous stance, the Irish National Teachers' Organisation, representing mainly maintained-school teachers, challenged the church's stance, calling instead for it to endorse 'a shared future' for the region's schoolchildren.¹⁵⁵

¹⁵⁴ C. Regan, 'Health service to axe 1,700 jobs', *Belfast Telegraph* (30 March 2007)

¹⁵⁵ K. Torney, 'Call off campaign against change, teachers urge bishops', *Belfast Telegraph* (13 January, 2007).

9. Finance

Rick Wilford and Robin Wilson

9.1 Asking for more

In the wake of the assembly election, the parties beat a path to the Treasury on the day after the budget, seeking a financial package from the chancellor to reward them (potentially) for swallowing the power-sharing pill, especially bitter for the DUP. It was an unedifying sight—to play fast and loose with Dickens, it was rather like a gaggle of Oliver Twists meeting Gradgrind.

The outcome was the offer of £1 billion or, rather, £600 million, supplemented by the promise of £400 million from the republic's government, designed to assist in bridging the infrastructural deficit created by the neglect of the direct-rule administrations—if, that is, the DUP and SF agreed to establish the executive. Indeed, on closer inspection, it was even less: £200 million was simply assumed to be obtainable from end-of-year flexibility,¹⁵⁶ and a further £200 million was to come from the sell-off of public assets.¹⁵⁷ These modest extra resources, just £200 million net, would complement the at-first-glance huge package of *£50 billion*, announced by the chancellor in the wake of the St Andrews agreement. But this turned out to be a combination of much smoke and some mirrors, and not to represent any new financial commitments at all.¹⁵⁸

Gordon Brown was even less receptive to the proposal, shared by the parties, to lower corporation tax in Northern Ireland to the same level as that applied in the republic, ie to vary UK fiscal policy, though he did offer to establish a review led by Sir David Varney, former head of Revenue and Customs. Given his background, it appeared unlikely that Sir David had been selected to propose a break-up of the unitary UK taxation system.

The Northern Ireland secretary, Mr Hain, was quick to insist that it would be impossible to vary corporation tax in Northern Ireland following the European Court of

¹⁵⁶ N. McAdam, 'Brown offers £1bn package to parties', *Belfast Telegraph* (22 March 2007).

¹⁵⁷ R. Morton, 'New doubts raised over Chancellor's £1bn package', *Belfast Telegraph* (16 April 2007).

¹⁵⁸ This was essentially a projection of existing expenditure plans, assuming Labour remained in office at Westminster. See R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Monitoring Report: January 2007*, at http://www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, p. 51.

Justice judgment on a case involving the Azores islands.¹⁵⁹ And, on this wider European canvas, it has gone entirely unnoticed in Northern Ireland that the republic is under increasing pressure from France and Germany to end its corporation-tax shelter, now that it is an affluent rather than an impoverished member state.

The parties were equally resolved to persuade the UK government to defer the introduction of water charges (with the bills planned to land on the doorsteps during the first week in April), if not reduce them, against the promise that if devolution was to occur final decisions on the charges would become a matter for the re-devolved assembly. The bills were duly postponed (see 'peace-process' section).

The immediate reaction among the parties to the meeting at 11 Downing Street was that the offer represented 'modest progress' but that much remained to be accomplished.

9.2 Taking decisions

Meantime, the direct-rule administration went on with making decisions. In March, the environment minister, Paul Goggins, announced a £122 million public-private partnership contract to upgrade a number of waste treatment facilities. He highlighted how Northern Ireland had not reached the 95 per cent compliance with EU standards achieved by England and Wales, and affirmed that water charges were necessary to do so.¹⁶⁰

The finance minister, David Hanson, had earlier announced the regional rate increases following the laying of the relevant order at Westminster.¹⁶¹ The first bills under the new system, based on capital value, would see a 6 per cent increase on 2006-07, continuing the above-average trend under devolution and since, making up for the poor 'fiscal effort' by the region in previous years.¹⁶²

Perversely, but following pressure from the DUP in particular, in the wake of the 26 March decision on the renewal of devolution, Mr Hanson announced a cap on rates for properties valued at more than £500,000, which will mean poorer ratepayers

¹⁵⁹ M. Hookham, 'Corporation tax will not be slashed', *Belfast Telegraph* (30 March 2007).

¹⁶⁰ Department for Regional Development news release, 12 March 2007.

¹⁶¹ DFP news release, 9 February 2007.

¹⁶² D. Heald, *Funding the Northern Ireland Assembly: Addressing the Options* (Belfast: Northern Ireland Economic Council, 2003, at: www.erini.ac.uk/Publications/PDF/Healdfinalpaper2.pdf).

paying more than they otherwise would. He also announced a 50 per cent easement for elderly people on low incomes.¹⁶³

The decision to cap rate payments for the owners of expensive homes looks even odder in the face of the windfall gains available to property owners—and the bigger the property, the bigger the potential windfall—following the rapid rise in house prices in Northern Ireland in recent years. The ‘peace dividend’ which European Union funding has sought to steer towards disadvantaged areas has been massively captured by the region’s established middle class.

Halifax data show the value of houses in Northern Ireland has risen by 165 per cent since 2001—the highest of any UK region.¹⁶⁴ Indeed, the Royal Institution of Chartered Surveyors European Housing Review found that the increases in 2006 had been the highest in Europe, at 36 per cent, raising affordability issues for first-time buyers.¹⁶⁵

Unsurprisingly, data from the Northern Ireland Housing Executive, which has strategic responsibility for housing in the region, revealed rising homelessness, as fewer could get on to the receding bottom rung of the housing ladder and nearly 16,000 households were in ‘housing stress’ on the social-housing waiting list.¹⁶⁶ Northern Ireland’s high poverty rate, arising from low employment and low pay, has hitherto been offset by low housing costs.¹⁶⁷

In March, the Department for Social Development announced that private tenancies deemed fit would no longer be subject to rent control. And the following month the Department for Social Development published a review of housing affordability by a former head of the civil service, Sir John Semple, which proposed a number of modest measures to tackle the problem.¹⁶⁸

But only a much greater investment in social housing than Sir John recommended would tackle the growing crisis for some very vulnerable people, who have also had

¹⁶³ DFP news release, 30 March 2007.

¹⁶⁴ A. Balakrishnan, ‘Property boom pushes value of homes to record £3.8 trillion’, *Guardian* (15 January 2007).

¹⁶⁵ H. Carson, ‘Ulster house price growth is the highest in Europe’, *Belfast Telegraph* (7 February 2007).

¹⁶⁶ H. Carson, ‘Shock rise in homeless’, *Belfast Telegraph* (3 April 2007).

¹⁶⁷ P. Kenway, T. MacInnes, A. Kelly and G. Palmer, *Monitoring Poverty and Social Exclusion in Northern Ireland 2006* (London: New Policy Institute, 2006), pp. 58-9.

¹⁶⁸ DSD news release, 4 April 2007.

to cope in recent months with rising fuel costs and who face the eventual prospect of water charges—albeit capped at 3 per cent of income for poor households—as well. In its absence, allowing the private sector to find its own rent level would be more likely to lead to profit-taking by existing landlords through rent inflation than investment in new properties adding sufficient supply to bring rents down.

Also in March, with the education brief, Maria Eagle appeared to accommodate conservative Northern Ireland interests when she gave the go-ahead for the vast majority of school-building schemes—84, costing £580 million—that had been held up by the independent Bain report, commissioned by the Northern Ireland secretary, Mr Hain, on the rationalisation of the schools estate.¹⁶⁹ Ms Eagle said eight projects would depend on congruence being established with the area-based approach to planning advocated by Bain, while six were put on hold because of ‘current uncertainties’.¹⁷⁰

Given that the building programme had been described by a source close to the Northern Ireland secretary as ‘a work of fiction’ in advance of Bain, this suggested the Department of Education, which has gone with the grain of segregated schooling in Northern Ireland for decades, had ensured its effects would be limited. In December, Ms Eagle had turned down five projects for new integrated schools.¹⁷¹

The post-Bain debate in Northern Ireland had, characteristically, taken the populist form of defence of small local schools, rather than focusing on the issues of segregation or the quality of education small schools can provide. The Northern Ireland secretary had promised full implementation of the review: ‘A Shared Future for education is the only way to make Northern Ireland world class and the only way to improve standards and ensuring all pupils have the life chances that flow from an excellent education.’¹⁷² But he met cross-party opposition, having rejected an assembly motion calling for deferral till after devolution.¹⁷³

¹⁶⁹ R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Monitoring Report: January 2007*, at http://www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, pp. 61-2.

¹⁷⁰ Department of Education news release, 21 March 2007.

¹⁷¹ R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Monitoring Report: January 2007*, at http://www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, pp. 62-3.

¹⁷² NIO news release, 23 January 2007.

¹⁷³ K. Torney, ‘Fury as Hain begins bid to close schools’, *Belfast Telegraph* (25 January, 2007).

10. Political Parties and Elections

Rick Wilford and Duncan Morrow

10.1 Introduction

In spite of all of the obstacles, Northern Ireland is, once again, on the threshold of devolution. Having agreed at St Andrews to move their 'absolute' deadline from 24 November 2006 to 26 March 2007, and having called an election in January without any guarantee that an executive could or would be formed, the governments agreed to one last delay at the eleventh hour. Barring unforeseen crisis, however, the unthinkable appears to be scheduled for 8 May—a devolved government based on a governing partnership between the DUP under the Rev Ian Paisley, the old warhorse for evangelical Protestantism, and Martin McGuinness of SF, a leading figure for decades in the IRA army council.

There are still many questions, not least the degree to which both parties can manage the expectations of their own constituencies and their reflex impulses towards historic antagonism and suspicion. Those looking for potential pitfalls can find them in policing, parades, social housing, education or cultural policy. The political strains of negotiating 'bread-and-butter' issues like the distribution of the rates/charges burden or the number of councils are not without their own dangers.

But the fact remains that, for whatever combination of reasons, the leaderships of organisations historically dedicated to the destruction of the political dreams of their opponents have now come to the conclusion that progress is only possible through 'permanent' partnership. The OFMDFM, the joint ministry at the apex of Northern Ireland's unique experiment in consociational power-sharing, has been dubbed the 'Office of the Free Presbyterians and the Army Council'. Whatever the final outcome—and, as Chou en Lai remarked of the consequences of the French revolution, 'it is too early to tell'—the fact of co-operation between mortal enemies without any kind of repartition or land-for-peace segregation is a remarkable British-Irish diplomatic triumph.

The triumph remains filled with unresolved paradoxes, however. On the threshold of power, both SF and the DUP recorded their largest ever share of the Northern Irish vote. The politics of ethnic segregation might be said to have won at the ballot box. Yet neither party can credibly claim that permanent power-sharing within Northern

Ireland, still part of the UK but with special institutional relationships with the rest of Ireland, represents a historic ideological triumph. In the battle of ideas, the proponents of power-sharing, civil rights, purely peaceful means and British-Irish institutional partnership have surely triumphed. But if inter-community power-sharing is the *sine qua non* of government in Northern Ireland, the parties which now make the political weather are those historically least dedicated to it.

While the rules of Good Friday 1998 and St Andrews 2006 bind parties together in mutual embrace, they also create the potential for deadlock across much of government. The times may be less interesting to a sensationalist media, but they have got more so for students of war and peace, state-building and institutional politics; on all three counts, Northern Ireland is embarking on a fascinating institutional experiment.

10.2 The election campaign

The question of whether to call an election was itself not finally clarified until the last minute. With the DUP refusing to declare itself ready to enter government with SF on the appointed date, Dublin was clearly uncertain whether the minimal preconditions for holding an election, agreed at St Andrews, had been met. Once more, the risk was ultimately taken by the prime minister. When history is written, the role of Tony Blair and his quest for a tangible legacy in Northern Ireland must be examined.

The campaign was strangely muted. Perhaps it was the still-dismal time of year; more likely, it was a general sense of political weariness. This was the third election since 1998 to an assembly which had been in operation *in toto* for little more than two years. In the meantime there were also two general elections, three local elections and two European elections.

There was a strong feeling that political momentum lay with the DUP and SF. Not only did they enter the election as the strongest parties, but almost all political activity since 2005 has been directed at creating consensus between these parties. Nonetheless, the DUP was visibly not at one on the issue of going into government with SF and faced vocal opposition from its fundamentalist wing in some quarters. SF appeared more relaxed following the leadership's triumph on policing at the party's special ard fheis (see 'peace process' section). But the possibility of dissident action was a regular refrain. Both parties faced candidates pledged to opposing the new orthodoxy of negotiation and possible compromise.

The SDLP ran into early trouble when its leader, Mr Durkan, was threatened with legal action by a former police chief for claiming that his party had determined the appointment of Hugh Orde as chief constable of the new PSNI. But, overall, the party ran a competent and confident campaign. The UUP, the dominant force of Ulster politics from 1920 until 2003, was still reeling from the splits following the Belfast agreement and the disastrous general election of 2005. But the party leadership was hopeful that its campaign on economic competence would at least stem the tide. The Alliance Party, which retained its six seats in 2003 by the skin of its teeth, was widely regarded as vulnerable to a general swing to the margins. In the days before the election, knowledgeable commentators predicted a reduction in its representation to two or three.

Above all, however, the talk was of the 'bread-and-butter' issues, of a disillusionment with political polarisation and of the potential for a further decline in turn-out. The difficulty remained determining how a vote in Northern Ireland on these issues, however salient, could be translated with any degree of certainty into policy outcome.

This time there were 257 candidacies, although the figure is slightly misleading as the outgoing North Down UKUP MLA, Robert McCartney, stood in six constituencies, 'Rainbow George' ran in all four Belfast constituencies' (on a 'Make Politicians History' platform) and William Frazer, long-time campaigner for victims of republican violence, stood in two constituencies as an independent unionist opposed, like Mr McCartney, to power-sharing with SF. In effect, there was thus a total of 248 candidates, the lowest number at the three assembly elections so far.

In addition, there were two fewer women candidates (47) than in both 1998 and 2003, a drop in part explicable by the absence of the Northern Ireland Women's Coalition, which has ceased to exist as a political party. The proportion of female candidates by party (Figure 2) ranged from 40 per cent (SDLP) to just 3 per cent (UUP) and, as at all elections since the passage of the Election of Candidates (Sex Discrimination) Act 2002, none of the parties took advantage of the opportunity to practise positive action in drawing up its candidate lists.

Figure 2: Election Candidates by Party and Sex

Party	Women	Men	Women (%)	% change on 2003
DUP	6	40	13	+3
UUP	1	37	3	-6
Alliance	7	11	39	+1
SF	9	28	24	-8
SDLP	14	21	40	+23
Others	10	72*	12	+1
Total	47	210	18	-1

* Includes multiple candidacies.

10.3 The results

Few expected other than the DUP to emerge as the leading party, followed by SF. But much hung on the extent of its victory and the degree to which the outcome consolidated the leadership of both parties. In the end, the results were relatively clear-cut—in relation to radical opponents and the parties which had been their electoral ‘big brothers’ for so many decades.

While the disappointment in the SDLP was tangible, given a further decline in the party’s performance relative to SF after an apparent stabilisation in 2005, the biggest loser in the election was undoubtedly the UUP, which saw its share of the first preferences collapse to 14.9 per cent—less than half that of the DUP and even less than the party achieved at the last European election. Perhaps even more importantly, the DUP out-pollled the UUP in 17 of the 18 constituencies and eliminated the party entirely from two seats in the north-west. The UUP, once the great gathering party of Protestants of every class and hue in Northern Ireland, limped back in fourth place—in terms of first preference votes received—still lacking any clear policy definition or single-minded purpose.

The post-election defection of the former UUP leader and only prior first minister, Lord Trimble, to the Conservatives—however rationalised in terms of the supposed completion of his constitutional project of 1998—could not but convey a steadily sinking ship. In the last decade, the UUP vote has fallen from 258,349 at the 1997 general election to just 103,145—a dramatic and probably irreversible decline.

Equally, the SDLP's vote over the same period has dropped from a high point of 190,814 to its present, almost identical, low of 105,164.

Clearly, the big winners were the DUP and SF, each of which has extended its lead over its ethnic rival. The DUP's proportion of the combined DUP/UUP assembly vote reached 66.8 per cent this time—compared with 46 per cent in 1998 and 53 per cent in 2003—while SF's share of the combined SF/SDLP vote rose from 44.5 per cent in 1998 to 58 per cent in 2003 and reached 63.2 per cent in 2007. For this assembly period at least, Northern Ireland now has a new dominant two-party system distinct in its institutions and tone from its late twentieth-century variant.

It is difficult to see how either the UUP or the SDLP can recover such lost ground in the absence of greater electoral and political definition, or of a broad dissatisfaction with the government performance of the two dominant parties. Already there is talk in SDLP circles of formal union with Fianna Fáil in the autumn—as with Lord Trimble's move to the British Tories, evidence of how political polarisation is even driving the 'moderate' parties towards their perceived national 'homes'. Lord Trimble said he wanted 'to persuade the Ulster Unionist Party, and others, to integrate themselves more fully into British politics'.¹⁷⁴

Figure 3: Results, Seats, First Preference Votes, Vote Share

Party	Seats	Seats +/-	Votes (N)	Votes (%)	+/- %
DUP	36	+6	207,721	30.1	+4.4
SF	28	+4	180,573	26.2	+2.6
UUP	18	-9	103,145	14.9	-7.7
SDLP	16	-2	105,164	15.2	-1.8
Alliance	7	+1	36,139	5.2	+1.6
Green Party	1	+1	11,985	1.7	+1.4
PUP	1	0	3,822	0.6	-0.6
Others	1*	0	31,312	4.5	+1.3
UKUP	0	-1	10,452	1.5	+0.7
Valid Vote			690,313	63.0	-0.1
Turnout			696,538	63.5	-0.5

¹⁷⁴ V. O'Hara, 'Trimble wants to re-establish UUP/Tory link', *Belfast Telegraph* (17 April 2007).

The clarity of the overall result hides important local and social variations. In general terms, the election represented a further segregation of voting in Northern Ireland. Bearing in mind that each of the eighteen STV constituencies has six seats, SF took five in West Belfast and three each in Mid-Ulster, West Tyrone and Newry & Armagh. Half of the party's representation in the assembly comes from those four constituencies. The DUP took nineteen seats from six constituencies, winning four in Strangford and three each in Lagan Valley, North Antrim, East Belfast, East Londonderry and East Antrim.

The SDLP consolidated its vote in two of its three Westminster constituencies: Foyle (where it achieved a swing against SF) and South Belfast (where it achieved its biggest positive swing of 3.9 per cent). The result in South Down, where SF is now within breathing distance of becoming the larger party—and for which the SF education minister, Ms Ruane, and the SDLP minister for social development, Ms Ritchie, will be engaging in an electoral beauty contest while in government together—makes the future of that constituency look less secure.

While some of this reflects the importance of name recognition and party organisation across many constituencies, some may be due to variable social trends. Across rural and small-town constituencies, there was a clear drift towards SF and the DUP. The same was generally true in urban or suburban areas with a strong working-class representation, such as North and West Belfast, Upper Bann, Strangford and South and East Antrim.

Yet in urban and suburban areas with strong middle-class elements, such as North Down, South Belfast and East Belfast, there was a (perhaps) surprising consolidation of the political centre. In South Belfast the Alliance Party and the SDLP were the primary beneficiaries of the absence of the Women's Coalition, leading to the election of Anna Lo, the first Hong Kong born MLA in Northern Ireland, for Alliance at the expense of Esmond Birnie of the UUP. In East Belfast, the DUP gained a seat while losing first-preference votes, largely as a result of a strong swing from the UUP to Alliance.

In North Down, Mr McCartney's political career came to an end, with most of his votes switching towards the DUP. The collapse in the UUP vote and the rise of the Green Party, which took Mr McCartney's vacant seat, suggests that Sylvia Hermon's tenure as sole UUP MP now depends on persuading Alliance and Green voters she

is sufficiently moderate to attract their tactical support. The one exception to this drift to the centre in middle-class suburbia was in Lagan Valley, where Jeffrey Donaldson underlined the extent to which his defection from the UUP has changed the terms of trade in this traditional bastion of Unionist respectability.

Amid the party results, there were personal achievements. Mitchel McLaughlin's decision to move from his native Derry to stand in South Antrim paid off spectacularly when he topped the poll. In general, the leading figures of SF and the DUP were returned with ease. More unnervingly, the SF team in West Belfast has now established such discipline in its voters that fewer than 500 votes separated four of its five candidates. Alasdair McDonnell (South Belfast) and Mr Durkan performed creditably for the SDLP and David Ford and Naomi Long of Alliance were rewarded for hard work and persistence by greatly increased votes.

Tellingly, there were few real personal successes for the UUP, although Danny Kennedy did better than most in Newry & Armagh. Among the other notable personal achievements were the election of Dawn Purvis as the sole Progressive Unionist Party candidate in East Belfast and the re-election of independent hospital campaigner Dr Kieran Deeny in West Tyrone, who took his seat at the expense of the SDLP.

10.4 The aftermath

Up until the end, Mr Paisley kept everyone guessing. Without formally acknowledging the decision to go into government, the DUP sought to press the Treasury into a new transitional 'peace dividend'. But, with an eye to his own succession and the Scottish and Welsh elections—matters on which unionists prove remarkably ignorant—Gordon Brown proved a tough interlocutor (see finance section).

Ultimately, the DUP sought its own choreography. Seeking to head off a party revolt, it announced that it would not establish a government on 26 March, as timetabled. Instead—though to what purpose remains opaque—Mr Paisley announced that the party would go into government in May. Not seeking to look a gift horse in the mouth, the governments swallowed their pride and the new timetable once it became clear that SF was prepared to accept a copper-fastened deal for May rather than an unseemly collapse in March.

SF's reward on 26 March was a news conference in which Mr Paisley appeared to throw away the script of 50 years (see media section). He and Mr Adams confirmed that a new government would be established on 8 May, and work on a Programme for Government would begin immediately.

The change in mood music was tangible. While no new policy agreements were reached, Mr Paisley, clearly learning from Lord Trimble, did not prevaricate. Smiling photo-shots were arranged, the joint letter to the secretary of state asking him to vacate his office was signed with Mr McGuinness and the hearty handshake with Mr Ahern was arranged for the cameras. Alone among senior DUP figures, Jim Allister, the party's MEP, resigned in protest. Members in Mr Paisley's own North Antrim constituency seemed most disillusioned, as six councillors resigned. But while some in the DUP clearly harboured reservations, party unity held impressively.

Co-operation was sufficient to allow for posts to be allocated by the d'Hondt proportional mechanism (see 'peace-process' section). With key issues such as the comprehensive spending review, the review of public administration, selection in schools and the introduction of water charges pending (see public-policies section), the executive will be tested early.

10.5 Conclusion

Prior to this period, the overarching question was whether a sustainable constitutional structure could be established in an atmosphere of political antagonism and mistrust. In the short run, that question has been definitively answered. The rhetoric of the moment is of shared, peaceful and equal futures. It will take some time to test.

11. Public Policies

Robin Wilson

11.1 A crowded in-tray

During the election campaign, it was made clear by ministers that failure to restore devolution would mean that the Northern Ireland secretary, Mr Hain, and his southern counterpart, Dermot Ahern, would press ahead with the 'joint stewardship' of Northern Ireland and implement a battery of unpopular measures, including water charges, the ending of academic selection and implementation of the seven-council model for local authorities. In the event, these and other controversial matters will fall to the incoming regional ministerial 'team'.

The most controversial promises to be the future of the transfer test. The head of the Queen's University Graduate School of Education, Prof Tony Gallagher, warned in January of 'chaos' if devolution returned and the politicians could not agree, with selection due to be abolished in 2008.¹⁷⁵ But an assembly sub-group on admissions to post-primary schools could not arrive at a consensus before the election.¹⁷⁶

The new education minister, as under the previous period of devolution, will be an SF representative—this time Ms Ruane, infamous in unionist eyes for her leading role in campaigning for the three republicans eventually convicted *in absentia*, after they had gone on the run, of assisting FARC guerrillas in Colombia. Scrutinising Ms Ruane will be Sammy Wilson of the DUP, who was allocated the chair of the education committee in the assembly doubtless with that in mind. Mr Wilson insisted his party could block any action by 'a rogue education minister' with which it did not agree.¹⁷⁷

The trouble is that while, legally, the '11+' has gone, academic selection *per se* has not. So the nightmare scenario is of schools developing their own admissions policies, with most Catholic schools complying with the arrangements for transfer guided by 'pupil profile' but controlled and voluntary (ie mainly Protestant) grammar schools developing a variety of procedures to select by perceived academic ability, for which somehow primary schools must prepare their children.

¹⁷⁵ K. Torney, 'New challenge over exam grades', *Belfast Telegraph* (17 January, 2007).

¹⁷⁶ Politicians still miles apart over 11-plus replacement', *Belfast Telegraph* (25 January, 2007).

¹⁷⁷ 'New Assembly cabinet takes shape', BBC News Online (2 April 2007).

The second obvious trial of strength will be over the Irish language. Having held a consultation on legislation to follow the commitment made to that effect at St Andrews, the culture minister, Ms Eagle, kicked for touch with just 13 days to go until 26 March. She told the Commons there would be a further consultation and that the assembly could decide on the issue if the executive was established. Unsurprisingly, the initial consultation had met a response polarised between nationalist advocates of rights-based legislation and unionists opposed to any legislation at all; the government favoured a middle way based on public authorities developing language schemes.¹⁷⁸

It was undoubtedly with this in mind that, when the d'Hondt rule was indicatively run (see devolved-government section), the DUP selected the small Department of Culture, Arts and Leisure, as the UUP had done in 1999. And when the party announced who would take up the positions, Edwin Poots was named as the putative DCAL minister, despite—as he readily confessed—having no expertise in the cultural/arts arena. His party leader, Mr Paisley, had meanwhile insisted the DUP would veto any Irish-language legislation.¹⁷⁹ It can safely be predicted that, if so, this would be interpreted by SF as a breach of the St Andrews agreement and an issue the party would raise with Dublin and London, over the heads of its executive colleagues.

Ironically, it can be assumed there would be far less inter-party conflict over the minor issue of economic policy. In January, the finance minister, Mr Hanson, launched for consultation the regional economic strategy requested by the Treasury in 2004.¹⁸⁰ The document follows the orthodox (New Labour) Treasury regional agenda, with the emphasis on infrastructure, skills, innovation and research and development, based on the claim that the macroeconomic goal is stability (rather than regional redistribution) and the microeconomic goal is 'reform' to allow markets to clear (rather than developing regional agglomerations). It thus assumes that poorer regions can effectively bootstrap themselves to bridge the gap with the wealthier ones.¹⁸¹

¹⁷⁸ DCAL news release, 13 March 2007.

¹⁷⁹ N. McAdam, 'Republicanism "is being strengthened by DUP quitters"', *Belfast Telegraph* (3 April 2007).

¹⁸⁰ Department of Finance and Personnel [note not DETI], *Northern Ireland Draft Regional Economic Strategy* (Belfast: DFP, 2007, at: www.ireland.com/focus/2007/NDP/index.pdf).

¹⁸¹ *ibid.*, p. 14.

It does get right the fact that the Celtic Tiger in the republic has been a product of many factors, and not just low corporation tax.¹⁸² And it does address north-south co-operation, though constrained by the same principle applied to the domestic economy—ie only intervene where there is ‘market failure’.¹⁸³ But given its ultimate Treasury provenance it is weak on the specific Northern Ireland challenge of sectarian division, despite the evidence from the US of a link between regional economic performance and tolerance of cultural diversity.¹⁸⁴

None of the parties made any public issue of this, arguably the most important factor determining the lives of their constituents day to day. All, including SF which once had radical pretensions, have bought into the tax-cutting, pro-business agenda.

11.2 Done and dusted

A number of other public-policy issues were moved to the out-tray in advance of the prospective renewal of devolution. As education minister, Ms Eagle banned the sale of goods high in fat, salt or sugar, as well as sugary fizzy drinks, from schools as of the next academic year.¹⁸⁵

Interestingly, while debate raged in Britain about Catholic adoption agencies and gay parents, the position was different in Northern Ireland because the regulations requiring agencies to comply with non-discrimination had been introduced on 1 January and a wider adoption review had been announced by the social-services minister, Mr Goggins. It seems inconceivable that this would have got through a devolved assembly, however, given the scale of evangelical-Protestant, as well as some Catholic, opposition it would have faced. Homosexuality was only decriminalised in Northern Ireland (and in the republic) as a result of a case taken to the European Court of Human Rights.

With the 7 March election looming, as in 2005 there was a rush of pre-‘purdah’ announcements by ministers. The Northern Ireland secretary, Mr Hain, announced that statutory minimum holidays in the region were to be extended to 30 days,

¹⁸² *ibid.*, pp. 15-16.

¹⁸³ *ibid.*, p. 31.

¹⁸⁴ R. Florida, *The Rise of the Creative Class—and how it’s transforming work, leisure, community and everyday life* (New York: Basic Books, 2002).

¹⁸⁵ DE news release, 26 January 2007.

including 10 bank holidays, two days more than in the rest of UK;¹⁸⁶ the DUP MP for Lagan Valley, Mr Donaldson, accused him of electioneering with an eye to the Labour deputy-leadership contest.¹⁸⁷ The minister for social development, Mr Hanson, announced charities legislation which would finally establish a charities commission and register of charities in Northern Ireland.¹⁸⁸ And, along with the health minister, Mr Goggins, he published a strategy to tackle sexual violence, including a plan for a sexual assault referral centre, like others in England and Wales.¹⁸⁹

After the election, Mr Goggins opened a consultation on a detailed strategy to ameliorate the situation of children in care (of whom there are more than 2,400 in Northern Ireland), aiming to reduce by one-fifth those in care and to double the proportion of care-leavers in education, training and employment at age 19.¹⁹⁰ And in his last such statement as health minister, he was able to trumpet the achievement that there was no longer anyone in Northern Ireland waiting more than six months for surgery or their first outpatient appointment—compared with 6,500 and 74,000 respectively a year earlier.¹⁹¹

Indeed, he set new targets of no one waiting more than 21 weeks for surgery and 13 weeks for that first appointment by March 2008—under the devolved administration, of course. Given how waiting lists rose inexorably in the prior period of devolution—to become the longest in Europe, the BBC Northern Ireland health correspondent charged—this could be challenging.

Finally, his environment colleague, Mr Cairns, backed a controversial major retail development at Sprucefield, outside Belfast.¹⁹² This followed a judicial review quashing the original decision to that effect by the then environment minister, Lord Rooker, which the latter had described as a ‘no brainer’ on the grounds that it represented a £100 million investment creating 2,000 jobs. Yet Mr Cairns’ announcement flew in the face of the sustainable-development strategy published in 2006, in for example providing for a 1,250-space multi-storey car park at the complex. A series of out-of-town shopping developments in recent years have seriously impoverished the ecology of retailing within the city itself.

¹⁸⁶ NIO news release, 29 January 2007.

¹⁸⁷ W. Woodward, ‘Extra holiday planned for Northern Ireland workers’, *Guardian* (29 January 2007).

¹⁸⁸ Department for Social Development news release, 29 January 2007.

¹⁸⁹ DHSSPS news release, 29 January 2007.

¹⁹⁰ DHSSPS news release, 22 March 2007.

¹⁹¹ DHSSPS news releases, 4 April 2007.

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The **Constitution** Unit

**DEVOLUTION
MONITORING
PROGRAMME
2006-08**

**Northern Ireland Devolution Monitoring Report
September 2007**

**Professor Rick Wilford & Robin Wilson
Queen's University Belfast (eds.)**



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The Devolution Monitoring Programme

From 1999 to 2005 the Constitution Unit at University College London managed a major research project monitoring devolution across the UK through a network of research teams. 103 reports were produced during this project, which was funded by the Economic and Social Research Council (grant number L 219 252 016) and the Leverhulme Nations and Regions Programme. Now, with further funding from the Economic and social research council and support from several government departments, the monitoring programme is continuing for a further three years from 2006 until the end of 2008.

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September 2007

Rick Wilford & Robin Wilson (eds.)

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Acronyms

APNI	Alliance Party of Northern Ireland
BIC	British-Irish Council
BIIPB	British-Irish Inter-Parliamentary Body
CCEA	Council on the Curriculum, Examinations and Assessment
CCMS	Council for Catholic Maintained Schools
DARD	Department of Agriculture and Rural Development
DCAL	Department of Culture, Arts and Leisure
DE	Department of Education
DoE	Department of Environment
DEL	Department of Employment and Learning
DETI	Department of Enterprise, Trade and Investment
DFP	Department of Finance and Personnel
DHSSPS	Department of Health, Social Services and Public Safety
DRD	Department for Regional Development
DSD	Department for Social Development
DUP	Democratic Unionist Party
HET	Historical Enquiries Team
IMC	Independent Monitoring Commission
JMC	Joint Ministerial Committee
MLA	Member of the Legislative Assembly
NICVA	Northern Ireland Council for Voluntary Action
NIO	Northern Ireland Office
NSMC	North/South Ministerial Council
OFMDFM	Office of the First Minister and Deputy First Minister
PSNI	Police Service of Northern Ireland
PUP	Progressive Unionist Party
RUC	Royal Ulster Constabulary
SDLP	Social Democratic and Labour Party
SF	Sinn Féin
UDA	Ulster Defence Association
UDR	Ulster Defence Regiment
UFU	Ulster Farmers' Union
UPRG	Ulster Political Research Group
UUP	Ulster Unionist Party
UVF	Ulster Volunteer Force

Executive Summary

After four and a half long years, devolution was finally restored to Northern Ireland on 8 May 2007. It was a personal triumph for the prime minister, Tony Blair, and he timed his resignation announcement to make the most of it—and the media images which winged around the world. The laughter of the new first and deputy first ministers, Rev Ian Paisley of the Democratic Unionist Party and Martin McGuinness of Sinn Féin, captured the celebration of the ending of direct rule and the reestablishment, after successive rounds of inter-party negotiations since 2002, of a power-sharing government.

There were further positive signs once the cameras had gone. The d'Hondt proportionality rule for the formation of the Executive Committee having already informally been run, on the basis of the party strengths established in the 7 March assembly election, ministers were quickly allocated their anticipated places and the executive got down to business. The committee chairs and deputy chairs were also appointed and the committees, ministers and officials addressed their policy agendas.

In further signs of a welcome normalisation, a British-Irish Council summit was held in Belfast, and the North/South Ministerial Council—which had been in cold storage, like the devolved executive—reconvened in Armagh. Meanwhile, a visit by the European Commission president, Jose Manuel Barroso, to Stormont, provided the opportunity to stress the EU's commitment to the region.

Under the surface, however, all was not quite so rosy as the carefully staged media events suggested. Graphically, it emerged that a new 'peace wall'—by the official count, the 47th—was to be built in north Belfast, on of all places land used as the playground of an integrated school. The assembly, meanwhile, found itself unable to endorse the direct-rule administration's policy on 'community relations', *A Shared Future*, electing merely to note it instead.

There was a stand-off between the DUP and SF over the commitments in the St Andrews agreement of October 2006, setting the framework for the renewal of devolution, to the devolution of policing and criminal justice by May 2008 and the introduction of an Irish Language Act. St Andrews had bequeathed a system of

governance even more replete with deadlocking vetoes, which threatened chaos in education after the expiry of the '11+' transfer test in 2008.

In particular, dealing with Northern Ireland's 'troubled' past had the potential to derail the new arrangements. As the army finally ended 'Operation Banner' after 38 years, a number of episodes excited neuralgic reminders, particularly in the Catholic community, of the unassuaged wounds left by decades of ethno-nationalist antagonism.

Chronology of Key Events

- 8 May 2007 Northern Ireland Assembly reconvenes, in presence of London and Dublin premiers, with Rev Ian Paisley and Martin McGuinness appointed first and deputy first ministers respectively and four-party Executive Committee formed
- 21 May 2007 European Commission president, Jose Manuel Barroso, visits Northern Ireland and pledges continuing EU support
- 17 & 18 June 2007 Scotland's first minister, Alex Salmond, visits Belfast and concludes agreement with first and deputy first ministers on future co-operation
- 28 June 2007 Shaun Woodward appointed Northern Ireland secretary, replacing Peter Hain, electing not to draw a salary; with Paul Goggins he comprises an NIO team reduced to two
- 16 July 2007 British-Irish Council meets in Belfast
- 17 July 2007 North/South Ministerial Council meets, in Armagh, for first time since suspension in 2002
- 31 July 2007 Army's 38-year 'Operation Banner' in Northern Ireland comes to end, and 'counter-terrorism' powers specific to Northern Ireland are repealed

1. The 'Peace Process'

Rick Wilford and Robin Wilson

1.1 Devolution restored

After almost 55 months of renewed direct rule, devolution was restored in Northern Ireland on 8 May 2007. The new administration, headed by the Democratic Unionist Party leader, Rev Ian Paisley, as first minister and the leading republican, Martin McGuinness, as deputy first minister, was ushered in by the prime minister, Tony Blair, and the taoiseach, Bertie Ahern, at Parliament Buildings in Belfast.

They stood amid a throng of 'luminaries' who included leading loyalist paramilitaries and members of the IRA's army council—the latter's attendance confirming to all intents and purposes that the 'long war' was indeed over—though notable absentees were the predecessors of Messrs Paisley and McGuinness, David Trimble and Séamus Mallon respectively. Yet—unlike in Wales and Scotland at the time—Northern Ireland appeared poised to experience a period of stable (four-party) coalition government, the membership of which had been agreed in advance, as had the allocation of ministerial portfolios¹ and the chairs and deputy chairs of the assembly's standing and statutory committees.²

It was an auspicious start. The first session of the new assembly took place that day, with the ministers and junior ministers in waiting being formally nominated and, in turn, taking the revised pledge of office before the newly elected Speaker, Willie Hay (DUP), and his three deputies: David McClarty (UUP), Francie Molloy (SF) and John Dallat (SDLP). The mood was upbeat, notwithstanding the announcement by the outgoing interim Speaker, Eileen Bell, that one of the DUP's MLAs, George Dawson (East Antrim), had died on the eve of the transfer of power.³

Following the necessary formalities in the chamber, Messrs Paisley and Martin McGuinness addressed the celebrants in the Great Hall of Parliament Buildings, each striking a note of optimism.⁴ In Mr Paisley's words, 'Today, at long last, we are

¹ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: April 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_April07.pdf, p. 24.

² *Official Report*, 9 May 2007. The membership of each of the committees was unveiled at the second plenary session—*loc. cit.*

³ Mr Dawson was replaced by Alastair Ross with effect from 14 May 2007.

⁴ The full texts of their speeches are available at BBC News Online, 8 May 2007.

starting upon the road—I emphasise starting—which I believe will take us to a lasting peace in our province.’ To steady the nerves of the doubters in his constituency, he insisted: ‘I have not changed my unionism, the union of Northern Ireland within the United Kingdom, which I believe is stronger than ever.’ He affirmed the collective goal ‘to build a Northern Ireland in which all can live together in peace, equal under the law and equally subject to the law’.

Recalling the ‘innocent victims’ of all denominations, including the bereaved and those maimed by violence, he assured the audience that none would be forgotten, implying that the new political order would be a fitting testament to their memory. Quoting the Song of Solomon, he remarked: ‘I believe that Northern Ireland has come to a time of peace, when hate will no longer rule. How good it will be to be part of a wonderful healing in our province. Today we have begun to plant and we await the harvest.’

Mr McGuinness avoided biblical references, preferring to draw on the poet Seamus Heaney to affirm his optimism: ‘He (Heaney) once told a gathering that I attended ... that for too long and too often we speak of “the others” or “the other side” and that what we need to do is to get to a place of “through otherness”. The Office of First and Deputy First Minister is a good place to start. This will only work if we collectively accept the wisdom and importance of Seamus Heaney’s words.’

Like the first minister, Mr McGuinness assured his supporters he was remaining true to his ideological lights—‘I am proud to stand here today as an Irish republican who believes absolutely in a united Ireland’—and pointed to an inclusive future, ‘a society moving from division and disharmony to one which celebrates our diversity and is determined to provide a better future for all our people’. This was one ‘which cherishes the elderly, the vulnerable, the young and all of our children equally; which welcomes those from other lands and cultures who wish to join us and forge a future together’. It was, he added, a society ‘which remembers those who have lost their lives.’

Mindful of the material challenges facing the new executive, he struck a pragmatic note in observing that to build the future ‘we need the tools and we look to our friends on these islands and beyond to provide the practical support we need’. This was, in effect, a further signal that the new administration would be re-extending its begging

bowl to London and Dublin and elsewhere, to 'make a real difference to the lives of all of our people'.

The event was remarkable, with the first and deputy first ministers sitting cheek-by-jowl alongside the London and Dublin premiers—to that extent, at least part of Mr Blair's legacy appeared secure, while Mr Ahern basked in the shared glow that he hoped would serve him well in the Dáil election later in the month.⁵ The Northern Ireland secretary, Peter Hain, did not fall short of hyperbole when he told the Commons they had 'witnessed the final resolution of what has been, for centuries, the most intractable source of political conflict in Europe' and shown 'the world how a "shared future" can emerge from even the most bitterly divided and blood-stricken past', with its 'age-old enmities'.⁶

It subsequently emerged that a grubby part of that outcome had been seats offered on the Privy Council to the leading DUP figures Peter Robinson and Jeffrey Donaldson—a 'party political contrivance' fumed Mark Durkan, the SDLP leader.⁷ Indeed it had just previously emerged that the former first minister, Lord Trimble, had secured knighthoods for two of his party colleagues, Reg Empey and John Gorman, in the run-up to the Belfast agreement.⁸ Neither revelation exposed the prime minister to a murmur of criticism, despite replaying the claims of abuse of honours albeit in a more minor key.

It was, of course, a time of political flux. The elections on 3 May to the Scottish Parliament and the National Assembly for Wales had created uncertainties about the composition of the new administrations. And the transition at 10 Downing Street between Mr Blair and the outgoing chancellor, Gordon Brown, was impending—as was the contest for the deputy leadership of the Labour Party, among the contenders for which was Mr Hain.

Irrespective of the outcome of that, many if not most believed, indeed hoped, that the secretary of state would be leaving Northern Ireland. And so it proved. After an

⁵ Mr Ahern's electoral cause was further served by a joint visit to the site of the Battle of the Boyne with Mr Paisley on 11 May and his address to both houses of the UK Parliament on 15 May, just two weeks before the general election. Indeed, this raised hackles in the opposition Labour Party, whose leader, Pat Rabbitte, claimed the 'peace process' was being 'manipulated for partisan electoral advantage'—M. Donahoe, 'Labour criticise Ahern for UK visit during campaign', *Irish Times* (30 April 2007).

⁶ G. Moriarty, 'Blair, Hain salute "final resolution" in North', *Irish Times* (10 May 2007).

⁷ N. McAdam, 'Fury as DUP joins Privy Council', *Belfast Telegraph* (10 May 2007).

⁸ G. Moriarty, 'Trimble claims Blair reneged on promise', *Irish Times* (25 April 2007).

ignominious showing in the race—Mr Hain came fifth of the six candidates—he was moved by Mr Brown as prime minister to Work and Pensions and was replaced by the ex-Tory MP and former Northern Ireland Office junior minister, Shaun Woodward. It transpired, however, that Mr Brown's zeal to construct a new government of all the talents had included the offer of the post to the former Liberal Democrat leader Paddy Ashdown—an offer that his the incumbent, Menzies Campbell, felt compelled to refuse.⁹

Mr Woodward's appointment was to a much reduced NIO. The return of devolution necessarily left the new secretary of state, who chose to forego a ministerial salary, with a depleted portfolio. He had just one minister of state, Paul Goggins, to assist his labours.¹⁰

Within weeks of the appointment of the new devolved executive (see devolved government section), a caravan of six ministers and one junior minister travelled to the US—to the chagrin of the 'opposition' leader, David Ford of the Alliance Party¹¹—to exploit the opportunities for attracting foreign direct investment afforded by Northern Ireland's participation in the Smithsonian Festival in Washington DC. They were accompanied by representatives of 12 companies, who spearheaded an Invest NI trade mission around the theme 'Rediscover Northern Ireland'.

Addressing the opening of the festival, the deputy first minister, Mr McGuinness, declared:

I am here not just as the representative of one part of the community, today I am proud, honoured and humbled to speak to you as the joint leader of an administration which represents our entire society. A society not just in transition but in transformation; a society moving from division to one united in our celebration of diversity. For decades, indeed centuries, our history was one of conflict, division and war. That part of our history is at an end. The war is well and truly over.¹²

⁹ Lord Ashdown, who had formerly served in Northern Ireland in the army during the early years of the 'troubles' and was brought up in the region, was earlier made chair of the Strategic Review of Parading set in train by Mr Hain—Northern Ireland Office news release, 18 April 2007. This was a concession to the DUP during the talks at St Andrews in October 2006 on the renewal of devolution, despite it being the third such review in little more than a decade.

¹⁰ This is the first time that the NIO has had just two ministers.

¹¹ D. Keenan, 'Call for pension deal for RUC Reserve', *Irish Times* (27 June 2007). The deputy first minister dismissed the criticism as 'small-minded' on his return—D. Keenan, 'McGuinness criticises "ignorant" critics of US trip', *Irish Times* (3 July 2007).

¹² UTV News Online (27 June 2007). During the visit the Democrat presidential candidate Hillary Clinton suggested the introduction of an 'Irish bond', as a means of providing the new executive with a means of securing international funding for economic expansion—*Belfast Telegraph* (28 June 2007).

His positive message was echoed by the DUP finance minister, Peter Robinson: ‘Our two traditions are serving together in a new government ... a government that is about change, about building, about progress ... I believe there is no limit to what we can achieve together.’¹³ It was a rousing performance for the external audience and acted as a compelling curtain raiser for two planned investment conferences (see public finance section).

The McGuinness and Robinson speeches epitomised the early buoyancy of the unlikely pairing of the DUP and SF as joint leaders of the new administration. While not yet cemented by a public handshake between Messrs Paisley and McGuinness—as the DUP leader repeatedly puts it, the partnership with SF is a ‘work-in not a love-in’—it has not stilled entirely the doubters within the DUP, nor indeed the mainstream of the party, who remain committed to the achievement of a purely voluntary coalition, in which the DUP’s dependence on SF for access to power would be removed.

Pro tem, though, believing six impossible things before breakfast now seems the norm in Northern Ireland politics. Besides the loveless DUP-SF cohabitation, there has been the spectacle of unionists advocating fiscal harmonisation (on corporation tax) with the rest of Ireland and, together with their co-governing parties, seeking common cause with the Scottish National Party administration in Edinburgh and the Labour / Plaid Cymru coalition in Cardiff. Indeed, Alex Salmond’s first visit outside Scotland after becoming first minister was to Stormont, at the invitation of Mr Paisley (see intergovernmental relations section). The DUP leader had been among the first to ring his Scottish counterpart—whom he described as ‘a clever boy’—to congratulate him on the SNP’s electoral performance.

1.2 Political football

Each of the new ministers was quick to appear before the relevant assembly committee to set out his or her agenda for the term and to stress the need for partnership between committee and department. There were, though, many thorny issues ahead, some difficult to resolve on an inter-party basis. They included the future of academic selection (see public policies section), the reform of public administration (see local government section) and the proposed Irish Language Act

¹³ *Ibid.*

(agreed as part of the package at St Andrews), in addition to water charges and the new capital-value-based rating system. Notwithstanding the public demonstrations of co-operation and apparent harmony between, not least, the first and deputy first ministers, each of these had the capacity to rock the coalition boat.

Edwin Poots (DUP), who heads the Department of Culture, Arts and Leisure, quickly became one of the more beleaguered ministers. The direct-rule administration had effectively kicked for touch on the Irish language, by not only consulting on the proposal for legislation but then consulting on a legislative proposal itself. This conveniently moved what had clearly been an obligation accepted by the UK government at St Andrews into the in-tray of the devolved administration. And the DUP quickly made clear it saw no need for legislation at all—despite the very extensive opinion in favour revealed in the consultation. The SF leader, Gerry Adams, was moved to lead a party delegation to Mr Poots to press for action—to no immediate effect.

Besides the extremely tricky matter of Irish, one of the policy decisions Mr Poots inherited was the siting of a new sports stadium, to host football, rugby and Gaelic games—a proposal developed in conjunction with the Sports Council for Northern Ireland, partly with its conciliatory symbolism in mind. The outgoing direct-rule team had favoured the site of the former Maze prison—a proposal supported by SF on the ground that one of the ‘H-blocks’ and the prison hospital (where republican hunger-strikers died in 1981) would be retained and converted into an international centre for ‘conflict transformation’.

Mr Poots, who chaired the NIO’s Maze/Long Kesh Regeneration Panel charged to review proposals for its development, had long been an advocate of the site—in part, no doubt, because it sits in the middle of his constituency. But many football supporters opposed the idea, favouring Belfast because of the historic association between the game and urban working-class culture.

Mr Poots’ problems multiplied, however, when senior DUP colleagues, including the enterprise, trade and investment minister, Nigel Dodds, remarked that the retention of an H-block and the hospital amounted to ‘a shrine to IRA hunger strikers’. As far as Mr Dodds was concerned, ‘Whatever spin is deployed, the preservation of a section of the H-blocks would become a shrine to the terrorists who committed

suicide in the Maze in the 1980s. That would be obnoxious to the vast majority of people and is something unionist people cannot accept.¹⁴

It was subsequently reported that Mr Poots had been over-ruled by DUP colleagues when he was on the verge of releasing a statement endorsing the Maze. So controversial did the issue become that the culture, arts and leisure committee—chaired by the SF MLA Barry McElduff—interrupted its summer recess to convene a special meeting to address the matter on 24 July.¹⁵

A report commissioned by Belfast City Council meanwhile favoured an in-town location—although one possible venue, Ormeau Park, was ruled out by the first minister, who said it would be ‘inconvenient’. (Mr Paisley doubles as moderator of the Free Presbyterian Church and his Martyrs’ Memorial church overlooks the park.) To add to the mix, Mr Poots informed the assembly committee that the Gaelic Athletic Association opposed a Belfast venue (the GAA’s support is largely rural and the association would fear sectarian clashes if it brought big crowds to Belfast), whereas the Irish Rugby Football Union favoured it (the Ulster ground is in south Belfast), while the chief executive of the Irish Football Association had personally endorsed the Maze.

Pouring oil on troubled waters, Mr McGuinness entered the fray: ‘As DFM I am not arguing for any kind of shrine and the First Minister knows that. If we want a conflict transformation centre, then it has to concentrate on how we resolve conflict.’ He then added fuel to the flames, however: ‘But let us be clear: if there is no conflict transformation centre, then there is not going to be a stadium’.¹⁶ Mr Poots assured the committee that he would not submit a proposal that was incapable of achieving cross-community consensus. Thus far, the issue looked like a score draw.

1.3 Policing, paramilitaries and normalisation

Much occurred on policing and public order during the survey period, though the summer ‘marching season’ passed off almost without incident. Potential flashpoints were successfully defused by street-level efforts between ‘community leaders’ (often a euphemism for serving or former paramilitaries). Many fewer flags and emblems—certainly those celebrating various loyalist paramilitary organisations—were evident,

¹⁴ BBC News Online (22 June 2007).

¹⁵ The committee had agreed to hold this special meeting before the summer recess began.

¹⁶ UTV News Online (24 July 2007).

notably in Belfast, and there were fewer '11th night' bonfires, none accompanied by uniformed men firing off weapons.

Another sign of the changing times, following January's party conference vote to back the Police Service of Northern Ireland, was the attendance of SF's three representatives—Alex Maskey, Martina Anderson and Daithi McKay—at the Policing Board, newly reconstituted in line with d'Hondt proportionality in the light of the 2007 assembly election. Yet another signal change was the culmination of the security 'normalisation' process, whereby troop levels were reduced to around 5,000 (potentially even fewer), in line with the undertakings first set out in the Joint Declaration between London and Dublin of May 2003. From the end of July, the army ended its official support role for the PSNI ('Operation Banner'), after a total of 38 years. At the same time, provisions specific to Northern Ireland under Part VII of the Terrorism Act 2000 were repealed.

Further change was to come at the Office of the Police Ombudsman. It was announced that the incumbent, Nuala O'Loan, due to retire at the end of November, would be replaced by the ex-Mountie Al Hutchinson, who had served as the police oversight commissioner—an office established to oversee the implementation of the Patten reforms—since 2001. Ms O'Loan is no stranger to controversy and in her valedictory report she expressed concern about the transfer in October 2006 of primacy in 'national security' matters in Northern Ireland from the PSNI to MI5, because her office does not have a legal right of access to material held by the latter.¹⁷ More, she voiced concern that unless sufficient resources were made available by the NIO, she would not be able to carry out investigations into alleged police involvement in murders in the past.

Within days of the report's appearance, however, it emerged that Ms O'Loan was to re-examine the controversial John Stalker 'shoot-to-kill' inquiry into police killings in the early 1980s¹⁸ at the request of the UK government, following pressure from the Council of Europe. This inquiry will now be seen through by her successor.

There will be no change at the head of the PSNI: Sir Hugh Orde's contract as chief constable was extended earlier this year by the Policing Board for a further three

¹⁷ See www.policeombudsman.org.

¹⁸ See the account by the former Greater Manchester deputy chief constable in John Stalker, *Stalker* (London: Harrap, 1988).

years, i.e. until 2010. One of the issues on his agenda would, of course, be the proposed devolution of policing and criminal-justice powers. To that end, in May the Justice and Security (Northern Ireland) Bill completed its legislative passage in the UK Parliament, which paved the way for devolution by May 2008, the date set by the St Andrews Act.¹⁹ There was, however, no guarantee that it would be met, since unionist politicians remained unconvinced by the timetable. *Pro tem*, the matter was delegated to a new committee—the Assembly and Executive Review Committee—which began an inquiry into the timing, modalities and departmental arrangements for the transfer.

On the street, meanwhile, a number of (Protestant) ‘restorative justice’ schemes were finally accredited by the Northern Ireland secretary, Mr Woodward. Such schemes had proved hugely controversial, given their paramilitary inspiration on both sides, and the accreditation scheme (as discussed in successive recent devolution reports) was only finalised after a raft of safeguards had been introduced through successive accommodations of the critics by the NIO, *vis-à-vis* the schemes’ requirements to cooperate with the police and the criminal-justice system, regular inspection by the Criminal Justice Inspection and scrutiny of the suitability of those involved.²⁰ As things stood, however, the schemes in Catholic working-class areas had yet to be accredited, essential to secure official funding.

Sir Hugh sees himself very much as an agent of change and one sign of his commitment was a visit to one such area, Ballymurphy in west Belfast. This had been the site of a long-running feud between two well-known republican families, which led to the murder of a member of one of the families in February 2007. The chief constable attended at the invitation of Mr Adams, a native of the area, with whom he shook hands before addressing a private meeting of residents and representatives of crime and justice agencies. SF’s acceptance of the police has taken some of the sting out of the ‘restorative justice schemes’ issue—the biggest concern having been the potential of these to represent an alternative to formal policing and justice, lacking proper constraints in terms of human rights and public accountability.

This was another first—the most senior police officer in Northern Ireland invited to a republican stronghold by SF. The visit occurred alongside the publication of the most

¹⁹ Justice and Security (Northern Ireland) Act 2007, Chapter 6, at: www.opsi.gov.uk/acts/acts2007/ukpga_20070006_en.pdf.

²⁰ NIO news release, 3 August 2007.

recent six-monthly survey commissioned by the Policing Board into confidence in the PSNI. This showed 83 per cent confidence in the police, thereby reaching the target set by the board six months in advance.²¹

In his final report as oversight commissioner, Mr Hutchinson noted that 140 of the Patten Report's 175 recommendations had been implemented, that the PSNI was now fully accountable and that overall the changes wrought had amounted to an 'epic transition'.²² But he sounded a warning note over investigations into the past by the police ombudsman and the PSNI Historical Enquiries Team (HET), suggesting that they could undermine community confidence.

His view was, in effect, endorsed by Sir Hugh, who said that inquiries into alleged collusion between the Royal Ulster Constabulary, the army and loyalist paramilitaries could have a 'grinding effect' on the morale of PSNI officers. Moreover, he argued that the inquiries were posing a major threat to the force's crime-fighting capability. He disclosed to the Policing Board that 288 staff were sifting through files related to these investigations, at a cost in the current year of £14 million. In addition, the HET had a budget of £7.3 million for 2007-08 to fund its re-examination of more than 2,000 unsolved 'troubles' killings. Work had begun on about 500 cases, with 40 new cases being added each month. At that rate, according to Sir Hugh, the task would take five years to complete.²³

Following the publication by the NIO of the costs incurred thus far by the public inquiries into the murders of Rosemary Nelson (£15.1 million), Robert Hamill (£10.4 million) and Billy Wright (£7.2 million), in which official collusion or negligence had been alleged, the Northern Ireland Retired Police Officers' Association claimed such inquiries were no longer an appropriate means of dealing with the past. Its executive said: 'It would be immoral and illogical to sustain a system that reinforces a hierarchy of victimhood [and] which is intended to crucify our security forces.'²⁴ Earlier in 2007, the association had rejected the findings of the police ombudsman's enquiry into collusion between the RUC and loyalist paramilitaries in north Belfast.²⁵

²¹ See www.nipolicingboard.org.uk.

²² See www.oversightcommissioner.org.

²³ See UTV News Online (7 July 2007).

²⁴ *Belfast Telegraph* (17 June 2007).

²⁵ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: April 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_April07.pdf, p. 17.

The association was, however, gratified by the outcome of a class action taken by some 5,000 officers against the chief constable, claiming compensation for trauma suffered during the conflict. After a 102-day hearing, Justice Coughlin ruled in favour of the plaintiffs, to the effect that the RUC and the PSNI were liable from 1986 onwards, because there had been 'systematic failures in the management of the force' in relation to support for officers. They had, he ruled, suffered 'emotional damage as real as that caused by bomb and bullet'. The estimated cost of the compensation was £100 million.²⁶

One of the jagged pieces of the past that continues to rend the present is loyalist paramilitarism. Apart from a small contribution by the splinter Loyalist Volunteer Force, none of the loyalist alphabet soup of organisations has hitherto offered up any weapons to the Independent International Commission on Decommissioning. In early May, however, the Ulster Volunteer Force and its allied Red Hand Commando, responsible for 569 killings (the most recent in August 2005), announced that it was to assume a 'non-military civilianised role'. The UVF said: 'All recruitment has ceased; military training has ceased; targeting has ceased and all intelligence rendered obsolete; all active service units have been de-activated; all ordinance has been put beyond reach and the IICD instructed accordingly'.²⁷

This was a welcome development. Yet, the phrase 'beyond reach' rather than 'beyond use' in relation to its arsenal and the absence of a definition of what, exactly, 'beyond reach' meant gave pause for thought. It certainly did not meet the requirements of the decommissioning legislation, as the IICD made clear.²⁸ Nevertheless, it was an encouraging move and one that carried significant weight by being announced by the loyalist icon Gusty Spence.²⁹ Yet, in early June it emerged that 60 members of the UVF in mid-Ulster had been 'stood down' after questioning the leadership's decision to put weapons beyond reach. Such dissension may signal the readiness of some to continue their criminal activities for self-aggrandisement.³⁰

²⁶ BBC News Online (29 June 2007).

²⁷ The full statement is available at BBC News Online (3 May 2007).

²⁸ BBC News Online (3 May 2007). The UVF's announcement came less than three weeks after the PSNI had warned 117 individuals that their safety was at risk from the organisation—BBC News Online (17 April 2007). On the advice of the security services the UVF has still not been 'de-specified' by the NIO, i.e. its ceasefire has not yet been recognised formally. A review of its status was due to report in October—NIO news release, 27 June 2007.

²⁹ For insightful analyses, see David McKittrick, 'UVF "deactivates"', *The Independent* (4 May 2007), and Brian Rowan, 'What does beyond reach really mean?', *Belfast Telegraph* (28 June 2007).

³⁰ See Stephen Breen, 'Split fears', *Belfast Telegraph* (3 June 2007), and Ciaran McGuigan, 'Dissident loyalists', *Belfast Telegraph* (24 June 2007).

As for the Ulster Defence Association, the largest loyalist paramilitary organisation, it had yet to declare clearly on its future. Like the UVF it has to date given no indication that it is prepared to decommission. Yet in March 2007 the NIO announced that it was to provide £1.2 million to the UDA's 'advisory group', the Ulster Political Research Group, over three years. This was ostensibly to promote economic regeneration in six Protestant working-class areas³¹ and help transform the UDA into some sort of 'community' organisation. The continuation of that funding was to be contingent on clear evidence of a reduction in violence and criminality. The following month, however, the fifteenth report of the Independent Monitoring Commission said that while the IRA's capability had 'continued to deteriorate following the disbandment of paramilitary structures' and its involvement in crime 'continued to decline', the UDA remained 'heavily engaged in violence and crime'.³²

With devolution, responsibility for disbursing the funds became the responsibility of the SDLP's social development minister, Margaret Ritchie, who showed no evident wish to enter the NIO's moral maze. In early July she insisted that funding would only continue if the UDA affirmed that it had ended criminality and dealt with its arsenal: 'My message is quite simple: we are now in a new political dispensation, end all forms of criminality and bring forward decommissioning.'³³

This was, remarkably, interpreted by some in the UDA as a 'witch hunt' and drew a tart response from Jackie McDonald, the south Belfast 'brigadier' (and, bizarrely, confidant of the republic's president, Mary McAleese): 'You can't be seen to be selling your guns'.³⁴ His UPRG colleague Frankie Gallagher added: 'The UPRG wants to see the gun taken out of Northern Ireland politics as much as Margaret Ritchie does. But, as [the former SDLP leader] John Hume clearly knew, you cannot achieve peace and reconciliation through blackmail.'³⁵

The UDA resembles a cluster of rival, criminal gangs rather than a coherent and disciplined organisation and has been riven by deadly internecine warfare—including

³¹ This is of course a breach of the spirit of section 75 of the Northern Ireland Act 1998, which implemented the Belfast agreement. The section commits designated public authorities, which include the NIO, to non-discrimination by religion and political opinion (and eight other criteria). It has not, however, prevented government disbursing money in recent years, under its 'Renewing Communities' scheme, explicitly to Protestant disadvantaged areas. Giving such money to an offshoot of a paramilitary organisation is, however, even more difficult to square with the requirements of public probity.

³² See www.independentmonitoringcommission.org/documents/uploads/ACFAAB.pdf, pp. 8-10 and 14.

³³ See www.ireland.com (5 July 2007).

³⁴ See *Belfast Telegraph* (5 June 2007).

³⁵ UTV News Online (4 June 2007).

opposition on the part of the organisation's south-east Antrim 'brigade' to the attempts by the UDA to inch towards the political mainstream. In late July, violence erupted between rival factions in Carrickfergus, a town on the turf of the 'brigade', which led among other things to the shooting of a police officer. That spasm occurred three days after the UDA had issued a televised statement insisting that the organisation was united and that a new leadership had been appointed in south-east Antrim. While the UPRG issued its own statement in the wake of Carrickfergus condemning the violence and calling for support for the police, an extremely large question mark now hung over the continuation of funding by the Department for Social Development.

The scale of the paramilitary legacy a peaceful Northern Ireland still faces—and the volume of private funding to which paramilitaries retain access—was evident in the latest annual report from the Organised Crime Task Force. While paramilitaries do not constitute the only source of organised crime in the region they have been the main inspiration for its forbidding presence. The NIO junior minister, Mr Goggins, revealed in launching the report that in 2006-07 £37 million worth of assets, £22 million worth of drugs, £3 million of counterfeit goods and 7 million cigarettes had been seized.³⁶

1.4 Conclusion

Thus far, re-devolution has progressed relatively smoothly and the fully inclusive executive has shown some early signs of cohesiveness. For instance, in June a hastily convened meeting of ministers agreed a compensation package for households affected by flooding in Belfast and elsewhere, to be disbursed by the DUP's environment minister, Arlene Foster.³⁷ And, while the draft Programme for Government would not appear until September, there was early agreement on its initial priorities: high-quality public services; a competitive, outward-looking economy; the rebuilding of infrastructure; measures to tackle poverty, intolerance and racism; and improvements in key services, including education and health.³⁸ So far, so good.

But it would be unwise to be overly sanguine. Key matters in relation to the devolution of policing and criminal justice were by no means agreed, notwithstanding

³⁶ NIO news release, 18 June 2007. See report at: www.octf.gov.uk.

³⁷ See Executive Statement, 21 June 2007, available at www.northernireland.gov.uk/executive-statements.

³⁸ These indicative priorities were fleshed out in a speech by Ian Paisley Jr, one of the two junior ministers in the Executive, at the McGill Summer School. See DUP Press release, 24 July 2007.

the target date of May 2008. A row was definitely brewing over the introduction of an Irish Language Act. These and other items offered fissile issues that could destabilise the executive and impair inter-ministerial relations.

2. Devolved Government

Rick Wilford and Robin Wilson

2.1 Down to business

The new executive was established by the formal running of the d'Hondt rule after the appointment of the first and deputy first ministers. To the DUP and SF principals were added four DUP colleagues, three more from SF, two UUP figures and one SDLP member. As during the previous period, and given the sprawling character of the Office of the First Minister and Deputy First Minister—an unintended effect of the co-ordination deficit inscribed in the arrangements for executive formation and function established by the Belfast agreement³⁹—two junior ministers were appointed to the OFMDFM with the same political alignments as their superiors. On the DUP side, indeed, this was a father-son relationship.

The full executive thus comprised, with their portfolios:

- | | |
|---|---|
| • Rev Ian Paisley (DUP) | first minister |
| • Martin McGuinness (SF) | deputy first minister |
| • Ian Paisley Jnr (DUP) | junior minister, OFMDFM |
| • Gerry Kelly (SF) | junior minister, OFMDFM |
| • Nigel Dodds (DUP) | enterprise, trade and investment |
| • Arlene Foster (DUP) | environment |
| • Edwin Poots (DUP) | culture, arts and leisure |
| • Peter Robinson (DUP) | finance and personnel |
| • Michelle Gildernew (SF) | agriculture and rural development |
| • Conor Murphy (SF) | regional development |
| • Caitriona Ruane (SF) | education |
| • Sir Reg Empey (UUP) | employment and learning |
| • Michael McGimpsey (UUP) ⁴⁰ | health, social services and public safety |
| • Margaret Ritchie (SDLP) | social development |

³⁹ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: August 2002*, at: www.ucl.ac.uk/constitution-unit/monrep/ni/ni_august_2002.pdf.

⁴⁰ Alan McFarland, the liberal unionist narrowly defeated for the UUP leadership by Sir Reg Empey after the resignation of Lord Trimble, turned down the health ministry after a row with Sir Reg, whom he argued should not have taken a department himself but rather should focus on rebuilding the party—'UUP man "turned down health role"', BBC News Online (19 April 2007).

2.2 'Joined-up' government?

After devolution, the OFMDFM quickly issued and circulated a colourful eight-page brochure as a guide to the devolved administration, with joint warm words of introduction by Messrs Paisley and McGuinness, adopting the former administration's slogan of 'making a difference' by comparison with direct rule. But Mr Paisley broke with his predecessors in the office by taking first minister's questions separately from Mr McGuinness, so that they responded to MLAs' inquiries by rotation rather than together—a small sign that even the modest, and eventually threadbare, partnership which was to characterise the OFMDFM under David Trimble and Séamus Mallon would not prevail, regardless of the apparent *bonhomie*, in a regime in which Mr Paisley was very pointedly to call his colleague 'deputy'.⁴¹

The attraction of inward investment was at the top of the new executive's agenda. Hence the prominence given by all parties to the campaign to reduce corporation tax to the level in the Republic of Ireland (see public finance section).⁴² While unemployment remains low (4.2 per cent for the period March-May, below the UK and EU averages), Northern Ireland's working-age economic-inactivity (25.8 per cent) is significantly above the UK average (21.2 per cent) and the highest among UK regions.⁴³

Without the powers to determine its fiscal climate, unsurprisingly the four-party executive beat a path, primarily, to the UK Treasury arguing for more public funds—even if more than 40 per cent of public expenditure in the region is supported by the Westminster subvention. It was bound to seem an easier prospect than seeking to secure agreement, within an ideologically diverse and politically inexperienced coalition, for the complex policies designed to promote regional economic development.⁴⁴

⁴¹ G. Moriarty, 'Paisley emerges unscathed from dispatch box', *Irish Times* (12 June 2007). For a unionist first minister to refer to a Catholic deputy first minister as 'deputy', however formally correct, carries a huge sectarian charge in Northern Ireland because of the history of Catholic oppression under the unionist *ancien régime*.

⁴² One index of this consensus was the submission of two papers by the assembly's Finance and Personnel Committee to the Varney review (see public finance section), supporting the reduction of the tax. The Enterprise, Trade and Investment Committee, chaired by the former finance minister and ex-deputy first minister Mark Durkan (SDLP), added its voice to the clamour by submitting its own paper to the review team. See 'Committee' page of the assembly website, www.niassembly.gov.uk.

⁴³ Department of Enterprise, Trade and Investment news release, 18 July 2007.

⁴⁴ On this there is a very large literature, developed by the network which is the Regional Studies Association and showcased in its journal, *Regional Studies*, and associated volumes. Northern Ireland's disconnection from wider regional policy debates, however, means there is hardly any familiarity with this literature within the region itself. As a result, much economic debate falls at the first hurdle in Northern Ireland, taking as its model 'sovereign' states, like the republic, when the region lacks the

The first meeting of the Executive Committee, according to the subsequent news release, focused on the deferral of water charges and the continuing hope of a better package from Mr Brown.⁴⁵ The next meeting was not however followed by a collective statement, and it emerged that Messrs Paisley and McGuinness would not do post-executive press conferences,⁴⁶ in a further break with the joint idea of the OFMDFM. The latter was born as a partnership concept in the mind of the SDLP leader, Mark Durkan, having observed the impact of a joint visit by David Trimble and Séamus Mallon (who were to become the first incumbents) to console the victims—one Catholic household, one Protestant—of a loyalist killing in Poyntzpass in the month before the Belfast agreement.

One of the features of the 1999-2002 executive was its lack of an infrastructure: there was no cabinet system as such—at least not in the commonly understood sense of an underpinning set of ministerial sub-committees. Moreover, the DUP boycotted all executive meetings which, among other things, caused some operational difficulties, albeit not insurmountable.

This time, however, all 12 ministers plus both junior ministers attended the meetings from the outset and there was a ready acceptance of the need to delegate some matters to sub-committees.⁴⁷ Thus, while there were just two sub-committees during the whole of the first mandate, each of which appeared late in the day, two were established during this survey period: one on the future shape of local government (see local government section) and the other to agree the terms of reference of the comprehensive review of the financing of water and sewerage.

How 'joined-up' it would all be, though, would remain to be seen. The key challenges facing the administration—regionally, of sectarianism and social exclusion and, globally, of sustainable development—had all been the subject in 2005 and 2006 (as addressed repeatedly in recent monitoring reports) of what were necessarily cross-departmental direct-rule strategies: *A Shared Future*, *Lifetime Opportunities* and *First Steps Towards Sustainability* respectively.

associated macroeconomic powers, and failing to address key distributional issues within the UK itself—notably in ignoring the centrality of taxation to the challenge of poverty and social exclusion and in failing to make any literate contribution on the regional allocation of public expenditure, where Northern Ireland's beneficial treatment is often discussed as if it had been grossly unfair.

⁴⁵ OFMDFM news release, 10 May 2007.

⁴⁶ N. McAdam, 'McGuinness and Paisley shy away from press talks', *Belfast Telegraph* (25 May 2007).

⁴⁷ Only rarely did the two junior ministers attend executive meetings between 1999 and 2002.

On the first of these, the assembly passed an amendment to an Alliance motion which would have endorsed *A Shared Future*, merely noting it instead. On the second, nothing was heard during the period—except in the negative.

The Northern Ireland Council for Voluntary Action complained in August about what it described as ‘deeply worrying’ evidence, from Households Below Average Income data, that the proportion of children in poor families had risen from 51 to 56 per cent in two years, whereas in Great Britain the proportion was 49 per cent. NICVA called for the anti-poverty strategy, *Lifetime Opportunities*, to be taken ‘off the shelf’ and associated with tangible policies and targets. Save the Children also expressed ‘grave concern’. SF responded to the publication of the data by calling for a ‘genuine’ strategy on the part of the executive ... of which it was a part.⁴⁸

As to the third, a key issue in Northern Ireland is weak environmental governance—viz the absence of an independent environmental protection agency, unlike every other jurisdiction in these islands. This had been highlighted in a February 2004 report for a coalition of NGOs by Prof Richard Macrory.⁴⁹ The direct-rule administration responded sympathetically, by establishing an independent review of environmental governance, chaired by the noted environmentalist Tom Burke.

As expected, its report, *Foundations for the Future*, duly recommended an independent agency, in the context of a lack of confidence in a fragmented governance arrangement with a poor record of compliance with EU directives.⁵⁰ Interestingly, it delivered what was in effect a critique of the governance structures bequeathed by Belfast agreement: ‘The present fragmentation of responsibility for environmental policy has created a policy system that is not fit for purpose.’⁵¹

The review also called for strategic planning to be returned to the Department of Environment from the Department for Regional Development, to allow integration with environmental considerations, for an environmental-audit assembly committee to make a joined-up response to environmental issues (as against merely scrutinising

⁴⁸ D. Keenan, ‘NI poverty report prompts calls for new strategy’, *Irish Times* (3 August 2007).

⁴⁹ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: May 2004*, at: www.ucl.ac.uk/constitution-unit/monrep/ni/ni_may_2004.pdf, p.47.

⁵⁰ Review of Environmental Governance, *Foundations for the Future: Review of Environmental Governance—Final Report* (2007), at: www.regni.info/final_report-3.pdf, p.50

⁵¹ *Ibid.*, p.43

the DoE), for the three relevant consultative bodies (on conservation, buildings and monuments) to be merged into a single Advisory Council and for an Environmental Tribunal to replace the Water and Planning Appeals Commissions.⁵²

Neither the DUP nor SF had been moved to make a submission to the review. The new environment minister, Ms Foster of the DUP, admitted that this 'should not have happened'. But she now suggested the way forward was a round table between green groups and farmers—she has a rural constituency—although the latter had an obvious private interest in stemming public regulation. Indeed, the reaction of the Ulster Farmers' Union to the review was to warn its members of more 'bureaucracy' on the way.⁵³

⁵² *Ibid.*, pp. 65, 76, 82 and 96.

⁵³ D. Gordon, 'Minister to consult on eco watchdog', *Belfast Telegraph* (20 June 2007).

3. The Assembly

Rick Wilford and Robin Wilson

3.1 Debates

Following the formalities of 8 and 9 May, the newly elected assembly began its plenary business in earnest on 14 May, with a debate on the re-application of its membership to the Commonwealth Parliamentary Association, moved by Robert Coulter of the UUP. This was hardly a matter likely to commend itself to nationalists and republicans, but the motion was carried unopposed. Yet the dog that did not bark in this context was the 'RegLeg' network of regional assemblies with legislative powers in Europe, a far more important body which Scotland and Wales have joined yet which has failed to register on Northern Ireland's limited-horizon radar screen.

As between 1999 and 2002, the assembly met twice weekly (on Mondays and Tuesdays), rising for the summer recess on 6 July. During the session, members completed the legislative passage of the Budget Bill and the Welfare Reform Bill (the latter an example of parity legislation), each granted accelerated passage through the chamber, and began to debate the Health (Miscellaneous Provisions) Bill, the Libraries Bill and the Taxis Bill. The former was notable for the withdrawal, by the health minister, Michael McGimpsey, of the provision permitting actors to smoke on stage during performances in the context of the ban on smoking in public places.

Many debates dealt with matters left on the agenda by the direct-rule administration, including the review of the rating system, the severely under-supported child and adolescent mental-health services, the needs of looked-after children (all 15 May), single farm payments and community relations (both 4 June), the supply resolution for the 2007-08 main estimates (11 June), and the Racial Equality Strategy and victim support (both 3 July).

MLAs tended to demonstrate the observation by a former secretary of state, Jim Prior, that in Northern Ireland 'they're all Keynesians' by supporting the introduction, as in Scotland, of free personal care for the elderly (29 May) and, as in Wales, the abolition of prescription charges (15 May). Other members also sought increased spending on a rural health task force, a commissioner for older people (both 5 June), pay parity (with teachers) for further-education lecturers, a 'transformation fund' for

the childcare and early-years education workforce and pension provision for former members of the part-time RUC reserve (all 26 June).

The latter, according to John O'Dowd (SF), was tabled by the UUP 'for no other reason than to cause upset in the Chamber'—which it duly did. Another debate which divided along sectarian lines was on an SF motion (22 May) calling for a single equality bill, rationalising the various equal-opportunities provisions. The previous assembly had failed to make progress on this—despite it being a pledge in the first Programme for Government—and the motion was defeated by unionists, with the UUP claiming this showed power-sharing between the DUP and SF was not working.⁵⁴

Overall, however, the tone of debates was constructive, with relatively little of the bearpit atmosphere that characterised the first assembly.

3.2 Committees

The assembly's committee structure underwent modifications following the St Andrews agreement. The Committee of the Centre, which monitors the Office of the First Minister and Deputy First Minister, changed from a standing to a statutory committee and it was retitled the Committee for the Office of the First Minister and the Deputy First Minister. Its changed status meant that, like the remaining ten statutory committees, it now had 11 members whereas formerly it had 17. There was one new standing committee, the Assembly and Executive Review Committee, established to undertake a variety of tasks relating to institutional issues. These included the planned transfer of policing and criminal justice—top of its agenda—and the issue of multiple mandates.

The committees would be likely to experience further reform in the light of the Procedure Committee's inquiry into committee systems and structures. Among the issues on its agenda were their size, the number of members serving on multiple committees, the use of substitutes, the arrangements for quorums, the possible use of rapporteurs, and the introduction of standing orders to allow for joint committees. The committee was also conducting a simultaneous inquiry into the possible introduction of electronic voting in the chamber. Technologically, Stormont lags way behind the facilities in the Holyrood chamber for MSPs.

⁵⁴ G. Moriarty, 'NI Ministers to introduce equality bill', *Irish Times* (23 May 2007).

Each of the 11 statutory committees was briefed by its associated minister and officials about the policy agenda and, together with the six standing committees, improved communication with the wider world by publishing a work programme on a dedicated website. Two committees had already published reports by the end of this survey period: Finance and Personnel produced its report on 'Workplace 2010 and the Location of Public Sector Jobs',⁵⁵ while the Public Accounts Committee flexed its muscles by producing a scathing report on what it called the '£34m Belfast-Bangor Rail Fiasco'.

The committee chair, Mr O'Dowd (SF), summarised the findings in robust terms, arguing that 'there were serious key failures in the management of the project; a failure to produce a realistic economic appraisal; a failure to revisit the economic appraisal when it was clear that the project was seriously over budget; and perhaps most importantly, a failure of the Department [of Regional Development] to hold [the public transport holding company] Translink to account'. He concluded: 'I have to question Translink's ability to undertake major capital projects.'⁵⁶ Translink is understood by insiders to have benefited from a lack of public accountability in the past and this could be a sign of things to come from that quarter.

One token of the intention to develop the committee system was the decision to reconvene the unofficial liaison committee, comprising the chairs/deputy chairs of the standing and statutory committees. Its renewed existence, which unlike between 1999 and 2002, included DUP MLAs, suggested a disposition among members to develop the 'joined-up' scrutiny within the assembly which was a positive feature of the earlier devolution period.

Oral questions to ministers were resumed on 11 June. As in 1999-2002, three ministers appeared weekly to take questions from members, for half an hour each. No explanation was given for the new system with regard to the OFMDFM, whereby Mr Paisley took the first set of questions on 11 June and Mr McGuinness the second two weeks later.

⁵⁵ It emerged that the consultancy cost of 'Workplace 2010'—a programme to sell off the civil-service estate in favour of leasing office space for departments—was heading for £8 million—D. Gordon, '£8m consultancy fees for Stormont buildings sell-off', *Belfast Telegraph* (25 May 2007).

⁵⁶ Public Accounts Committee news release, 5 July 2007.

3.3 Payment by results?

While there was undoubtedly a broad public welcome for the restoration of devolution, resentment still smouldered over the cost of keeping the potential devolved political ship moored in the conditions to which its occupants had become accustomed over the previous five years—albeit on reduced rations.

The transfer of power not only saw MLAs' full salaries of £41,000 restored but also their allowances increased—by £22,000 to £70,000. The news provoked a stream of angry messages to BBC Radio Ulster, with listeners complaining about the politicians' failure to do their jobs since 2002 and suggesting alternative and more worthy causes for additional public expenditure.⁵⁷

Despite being in cold storage the whole time, the assembly managed to cost £8.7 million in 2006 and it was projected to cost £12 million in 2007.⁵⁸

⁵⁷ *Good Morning Ulster*, BBC Radio Ulster (15 May 2007).

⁵⁸ D. Gordon, '£12m: that's what our MLAs are really costing', *Belfast Telegraph* (1 June 2007).

4. The Media

Robin Wilson

4.1 Satellite vans return

The restoration of devolution on 8 May was the occasion for the latest—and possibly the last—‘historic’ Northern Ireland photo-opportunity for the world’s media, which once again camped at the foot of the steps to Parliament Buildings. Indeed, the proceedings had begun at Hillsborough Castle the previous evening. The Northern Ireland secretary, Mr Hain, not one to be camera-shy, invited the media to view his signing-off order ending direct rule.⁵⁹

It was claimed that even more representatives of the international media reported on the formation of the devolved executive on 8 May than had observed the run-up to the Belfast agreement.⁶⁰ Indeed, the media themselves became in part the story, as the *Belfast Telegraph*’s political correspondent reflected: ‘Images which would once have been unthinkable were being broadcast across the globe from the grounds of Stormont.’⁶¹

The news led BBC World Service bulletins throughout the day, represented as ‘bitter enemies’ coming together. And the picture of Messrs Paisley and McGuinness laughing (though not with each other) on the stair at Stormont winged around the world—like the predecessor Adams/Paisley shot when the parties reached agreement in March—appearing for example on the front pages of the *Guardian* and the *Irish Times* next day.

The new partnership was widely represented as a ‘miracle’, as in the *Independent*’s report, which opened: ‘It is the closest thing to a miracle that Belfast has seen: the sight of the two veterans, Protestant patriarch and iconic republican, standing shoulder-to-shoulder to vow that they will leave the past behind.’⁶² And there were hopeful vox pops in a *Belfast Telegraph* report from Belfast and Derry.⁶³

⁵⁹ N. McAdam, ‘Signing off’, *Belfast Telegraph* (8 May 2007).

⁶⁰ G. Moriarty and D. de Bréadún, ‘Significant ceremony marks end of Northern conflict’, *Irish Times* (8 May 2007).

⁶¹ N. McAdam, ‘World watches as power-sharing returns’, *Belfast Telegraph* (8 May 2007).

⁶² D. McKittrick, ‘The miracle of Belfast’, *Independent* (9 May 2007).

⁶³ ‘Your verdict: things can only get better after a “wonderful moment”’, *Belfast Telegraph* (9 May 2007).

But the *Irish News* had led on the morning of the re-establishment of devolution with a report based on a comment by the republic's foreign minister, Dermot Ahern, that 3,500 people had died unnecessarily, as power-sharing could have been agreed decades earlier.⁶⁴ And the day after the formalities, the *Irish Times* reporter asked rhetorically, given this was such an 'historic' moment:

So why was there an underlying sense of anti-climax about the occasion? At least that was the feeling some of us had. The principals—Ian Paisley, Martin McGuinness, Bertie Ahern, Blair—acted properly, they spoke well, they provided positive images, there were apposite quotes. Yet, somehow, the day didn't quite match the occasion.⁶⁵

The writer himself raised the question as to why so many had had to die for so little—which the paper felt obliged to spell out by listing the 3,722 killed as a result of the 'troubles' since 1966.⁶⁶

Mary Jordan of the *Washington Post* noted that Messrs Paisley and McGuinness 'appeared to avoid direct eye contact during the day's celebration and bonhomie',⁶⁷ and the *Guardian's* Michael White, having cited the respective references by Messrs Blair and Ahern to ending 'ancient hatreds' and the 'old quarrel', remarked: 'Yet it was noticeable that when the speeches ended most of the handshakes and hugs seemed to be confined to their own sides.'⁶⁸ Looking ahead, Frank Millar warned in the *Irish Times* of the continuing constitutional conflict: 'They made history here yesterday. But they didn't end it.'⁶⁹

With time to reflect at the weekend, some of the intellectually weightier commentators presented more sobering analyses. In the *Irish Times*, the world-affairs analyst Paul Gillespie questioned whether the taken-for-granted essentialism of identity in Northern Ireland could lead to the recognition of heterogeneity and interdependence necessary for coping with today's world.⁷⁰ Over at the *Observer*, Nick Cohen challenged the 'educational apartheid' underpinning Northern Ireland's political culture:

I don't want to diminish the achievement of Tony Blair and Bertie Ahern, but the wolfish grins on the faces of Gerry Adams and Ian Paisley last week

⁶⁴ 'Why did it take 3,500 killings? asks Ahern', *Irish News* (8 May 2007).

⁶⁵ G. Moriarty, 'Day of "history without drama" goes as planned', *Irish Times* (9 May 2007).

⁶⁶ '3,722 lives lost—the price of peace in a divided island', *Irish Times* (9 May 2007).

⁶⁷ M. Jordan, 'Former foes unite to take oaths of office in N. Ireland', *Washington Post* (9 May 2007).

⁶⁸ M. White, "'A time to love, a time to hate, a time of war, a time of peace'", *Guardian* (9 May 2007).

⁶⁹ F. Millar, 'Siege lifts but is powersharing a final settlement?', *Irish Times* (9 May 2007).

⁷⁰ P. Gillespie, 'Can powersharing lead to place of through-otherness?', *Irish Times* (12 May 2007).

should have told them that there might be peace in Northern Ireland but there's no reconciliation. The old sectarian leaders looked like a pair of exhausted warlords, who, after 30 years of a pointless conflict, were content to settle for a division of the spoils. There was no hint of a common political culture, no shared understanding of the principles of secular democracy, just a truce between bosses in which each left the other free to run his fiefdom and the quangos and ministries which went with it.⁷¹

4.2 A different story

It had meanwhile emerged in the *Belfast Telegraph*, courtesy of a parliamentary answer by the Northern Ireland secretary, Mr Hain, that government now recognised 46 'peace walls'—and 11 'gates'—across the region, dividing Protestant from Catholic at sectarian interfaces.⁷² The paper subsequently reported, a fortnight after devolution, that a new one was to be built in north Belfast, next of all places to an integrated school, on land used for its playground and in the face of the school's opposition. That very morning the principal of a Catholic school in Ballymena, Co Antrim, told BBC Radio Ulster that it was to close at the end of term due to falling rolls—following recurrent sectarian attacks on the school and on Catholic families in the area over many years.⁷³

As the *Belfast Telegraph's* educational correspondent drily noted of the 25-foot fence to be constructed at Hazelwood Integrated Primary School, 'The plan has been confirmed just weeks after the Secretary of State Peter Hain insisted that the Government was committed to "removing barriers" dividing communities in Northern Ireland, and as a new era of power-sharing gets under way at Stormont.'⁷⁴ But when, next morning, BBC Radio Ulster ran the story, no NIO minister was available to comment.

BBC Northern Ireland's current-affairs TV slot, *Hearts and Minds*, led on the new 'peace wall' episode that evening. It began with a film including interviews with Neil Jarman of the Institute for Conflict Research, which has done much work on intolerance and is based in north Belfast, as well as Duncan Morrow, in his capacity as chief executive of the Community Relations Council. Both queried the official approach of dealing with sectarianism by building more walls.

⁷¹ N. Cohen, 'Stop this educational apartheid', *Observer* (13 May 2007).

⁷² S. Lister, 'Divided by 57 peace lines', *Belfast Telegraph* (26 April 2007).

⁷³ *Good Morning Ulster*, BBC Radio Ulster (23 May 2007).

⁷⁴ K. Torney, 'Peaceline plan for integrated primary', *Belfast Telegraph* (23 May 2007).

The programme then turned to a studio debate, the intention of which was to press representatives of the DUP and SF, as the principal powers-that-be, on what they would do now that responsibility for ‘community relations’ was once more devolved. But this quickly descended into a visceral argument between Gregory Campbell of the DUP and his interlocutor, Martina Anderson, a former IRA prisoner who is archly described as SF’s ‘director of unionist engagement’.

Mr Campbell opened by changing the question from the anchor, Noel Thompson, to challenge the capacity of Ms Anderson, as a ‘convicted terrorist’, to take part in cross-sectarian dialogue. She responded by refusing to admit anything in particular the IRA had done that had been wrong. The item ended with the two politicians talking over each other while Mr Thompson had to talk over both—neither having addressed the ‘peace walls’—to bring it to a close.⁷⁵

Miracles don’t happen in politics or anywhere else. And the ‘peace walls’ story highlighted that there was less to what had happened at Stormont—however important—than met the camera eye. Interestingly, the past quarter not only saw the outgoing prime minister, Mr Blair, bask in the reflected media glow at Stormont but also issue his parting shot at Reuters on 12 June against the ‘feral beast’ with whom he had had such an obsessive engagement for the previous decade—alongside his obsessive pursuit of a favourable end to the story in Northern Ireland.⁷⁶

Lindy McDowell is a *Belfast Telegraph* columnist, who like many other commentators felt this was a bit rich from a prime minister who had relied so much on ‘the malign influence of spin’. But she gave the argument a particular Northern Ireland angle, detecting this influence:

Not just in the likes of the dodgy dossier that helped lead a nation into war. But in our own peace process, where those who dared to even question the [Belfast] Agreement were portrayed not just as anti-peace but as little short of blood crazed warmongers.

The wonder is not the New Labour machine blatantly employed such spin—but that such a large section of the media failed to swoop in and point it up for what it was.⁷⁷

⁷⁵ *Hearts and Minds*, BBC Northern Ireland (24 May 2007).

⁷⁶ Tony Blair’s full allegation was that: ‘the fear of missing out means today’s media, more than ever before, hunts in a pack. In these modes it is like a feral beast, just tearing people and reputations to bits. But no-one dares miss out.’ Text available at:

<http://image.guardian.co.uk/sys-files/Politics/documents/2007/06/12/BlairReustersSpeech.pdf>.

⁷⁷ L. McDowell, ‘Don’t hold the front page’, *Belfast Telegraph* (16 June 2007).

Still, on he went to the Middle East, clearly intent on broadening his remit from the Contact Group to assist the Palestinian Authority with governance issues into concluding the 'peace process' there. And, while few on the Palestinian side had any confidence in a broker so obviously aligned with US neo-conservatives, he was able to exploit his cultivated Northern Ireland reputation to enhance his credentials.

Thus, the *Guardian* reported: 'Mr Blair's reputation as a negotiator in Northern Ireland suggests that he has the patience and determination to bring differing sides together. He has repeatedly said the Middle East peace talks need to be micro-managed in the way that he handled the Northern Ireland peace process.'⁷⁸

⁷⁸ P. Wintour and I. Black, 'From No 10 to the Middle East: Blair gets a new job', *Guardian* (26 June 2007).

5. Public Attitudes and Identity

Robin Wilson

5.1 The legacy that wasn't

An opinion poll published during the survey period indicated that the outgoing prime minister had comprehensively failed to persuade the public that his legacy should be perceived to be peace in Ireland rather than chaos in Iraq.

Just how much Mr Blair had become concerned to ensure Northern Ireland defined his legacy was first suggested by his willingness to offer a raft of concessions to the DUP to prevent the party collapsing the talks at St Andrews in October, fearful of the next day's headlines.⁷⁹ A further sign was a report suggesting the Blairite minister John Reid was signalling to the region's politicians that it was less important that they met the 26 March deadline for the renewal of devolution than that they did it on Mr Blair's watch.⁸⁰ And it became more evident when it emerged that he would announce his resignation after the Scottish and Welsh elections, despite the negative impact this would have on Labour's performance—and not even directly afterwards, but following the restoration of power-sharing at Stormont the following week.

He duly did so, on May 10.⁸¹ Yet it was in vain. A poll published by the *Independent* on Mr Blair's tenth anniversary as premier found that 69 per cent of respondents thought his enduring legacy was Iraq. Just 6 per cent suggested Northern Ireland.⁸²

5.2 Egalitarian Ulster?

In the 1970s a popular Belfast punk band called Stiff Little Fingers produced a song, 'Alternative Ulster', which railed against the prevailing sectarian system. That rebellion found little resonance then in the political arena, and even less now. Yet polls repeatedly indicate that public opinion in Northern Ireland can not be reliably read off from the party-political agenda.

⁷⁹ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, p. 22.

⁸⁰ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: April 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_April07.pdf, p. 21.

⁸¹ S. Lister, 'PM quits after his triumph in Ulster', *Belfast Telegraph* (10 May 2007).

⁸² A. Grice, 'Blair's bloody legacy: Iraq', *Independent* (1 May 2007); cf. D. Marquand, 'He will always be defined by the war he started, not the conflict he ended', *Guardian* (11 May 2007).

Thus, while all the parties were campaigning to lower corporate taxation to attract business, many Northern Ireland citizens expressed themselves willing to pay more in income taxes to address poverty. YouGov found that 42 per cent, as against only 25 per cent in London, would support higher taxes to reduce child poverty. In any event, 84 per cent said government should do more to tackle the issue, as against a UK average of 74 per cent.⁸³

⁸³ L-A. Henry, 'Ulster folk willing to pay child poverty tax', *Belfast Telegraph* (23 May 2007).

6. Intergovernmental Relations

Elizabeth Meehan and Rick Wilford

6.1 Introduction

A number of moments in recent times in Northern Ireland and in relations between Ireland and Britain have perhaps rather ritually been described as ‘historic’ but, in this period, Bertie Ahern gave in May 2007 what was the first address by a taoiseach to both Houses of Parliament. His first meeting with the new prime minister, Mr Brown, took place immediately before a significant summit of the British-Irish Council in Belfast in July. By all accounts, this was an ‘historic’ meeting too, involving as it did the newly restored Northern Ireland institutions, led by the DUP-SF dyarchy and followed the next day by a meeting—significant for the same reasons—of the North/South Ministerial Council in Armagh. Beyond that, the period saw a number of bilateral contacts, particularly with Scotland.

6.2 British-Irish Inter-Parliamentary Body

But first, the record for the 34th meeting of the British-Irish Inter-Parliamentary Body,⁸⁴ on 5-6 March in Dublin, only became available during this survey period. In addition to the regular members, the taoiseach, Mr Ahern, and a minister of state, Brian Lenihan, attended all or part of the proceedings. Mr Lenihan is TD for the constituency in which the conference was taking place and, at the time, was minister of state with special responsibility for children and consequently associated with three departments: Health and Children; Justice, Equality and Law Reform; and Education and Science.

Debating a motion on recent political developments, the BIIPB repeated its welcome for the St Andrews agreement, looked forward to the then imminent (7 March) elections in the north (expressing pleasure that ‘bread and butter’ issues were predominating on the doorsteps⁸⁵) and looked back with pleasure to the Irish-English rugby match, won by Ireland and memorable for having been played (after the UK

⁸⁴ Official Report, British-Irish Inter-Parliamentary Body, thirty-fourth Plenary Conference, 5 and 6 March 2007, Castleknock Hotel, Dublin (Dublin: British-Irish Parliamentary Body Reporting Association).

⁸⁵ Baroness Blood drew laughter from her audience when she said: ‘I watch our politicians on the television, and, as Senator O’Rourke said, they are now being asked about domestic rates, education and health. I do not mean to be derogatory, but some of them are really struggling when asked about those matters. They have never been asked real political questions before.’ A number of people also referred to the importance of the role of women in Northern Ireland, in particular, Liz O’Donnell TD, Baroness Harris and Lord Dubs—*ibid.*, pp. 16, 19, 24, 25.

national anthem) at Croke Park on 24 February.⁸⁶ Members also paid respects to David Ervine, the Progressive Unionist Party leader who had recently died, to the former Northern Ireland secretary Mo Mowlam (and others still alive) and, with regret, they wished farewell to those members standing down, including Lord Brooke who had been secretary of state for Northern Ireland in the early 1990s.

Addresses on sectarianism and racism were heard from Denis Bradley, former vice-chair of the Northern Ireland Policing Board, Gerry Carson and Nick Harkness (respectively, former vice-chair of the Sports Council of Northern Ireland and current director of its participation unit). Sport figured quite heavily, simultaneously as a source of both ills and as a means of ameliorating them⁸⁷ (and social exclusion).⁸⁸ The BIIPB was also addressed on the Scottish experience of tackling such issues by Lesley Irving, of the race, religion and refugee integration team in the Development Department of the Scottish Executive.⁸⁹

These addresses were followed by another, by the taoiseach,⁹⁰ who referred to the transformation of British-Irish relations within the islands and in co-operation in international organisations. He called for continuing close attention to that relationship and to Northern Ireland. Thereafter, Mr Lenihan gave oral answers.⁹¹ These covered: the political situation in Northern Ireland (implementing the St Andrews agreement), health services (cross-border speech and language therapy), economic development (inclusion of Northern Ireland in the republic's National Development Plan), broadcasting legislation (reception of RTE in the north and throughout the UK), road safety (plus co-operation over traffic infringements and congestion) and higher-education grants (impact of fees in the north on students from poor families in border areas).

The second day was taken up by reports from the chairs of committees:⁹² Committee A (Sovereign Matters), Committee B (European Affairs), Committee C (Economic) and Committee D (Environmental and Social). Committee A presented a report,

⁸⁶ *Ibid.*, pp. 8-29.

⁸⁷ Senator Martin Mansergh told members that the future Irish unionist leader Edward Carson had spent summers with his uncle, the rector of Ardmayle, in Tipperary and played hurling with neighbours; he was also credited with being the first person to have written down the rules for hurling when he studied at Trinity College Dublin. His descendant and one of the speakers, Mr Carson, was unable to confirm these points—*ibid.*, pp. 42, 45.

⁸⁸ *Ibid.*, pp. 29-52.

⁸⁹ *Ibid.*, pp. 52-65.

⁹⁰ *Ibid.*, pp. 65-71.

⁹¹ *Ibid.*, pp. 71-82.

⁹² *Ibid.*, pp. 83-85.

Barriers to Trade.⁹³ Committee B is addressed in the EU section of this report, Committee C dealt mainly with energy and Committee D focused on the Irish community in Britain and exchanges on the environment with the Nordic Council.

The BIIPB considered responses from the two governments to previous committee reports.⁹⁴ Committee A's *The Implication of the Introduction of British ID Cards for the Common Travel Area*, Committee C's *Challenges and Opportunities facing the Small Farm Sector* and Committee D's *Life Chances for Young People from the economically deprived areas of Belfast*. On the whole, the executive responses were well received but there were still serious concerns about those on the common travel area. Finally, the Eleventh Annual Report of the BIIPB was tabled, a rule change was accepted and the meeting was adjourned until the next plenary on 26-27 November 2007.⁹⁵

In the meantime, in addressing both Houses of Parliament on 15 May 2007, Mr Ahern paid tribute to the body.

6.3 Taoiseach's address to the British Parliament

In his address,⁹⁶ Mr Ahern summarised the highs and lows of relations between Ireland and Britain and their intertwined history. He spoke inspiringly about the political and moral thought of Daniel O'Connell and Charles Stewart Parnell, the contributions to British political life of Edmund Burke and Richard Sheridan (noting, too, that, though she did not take her seat, it was an Irish woman, Constance Markiewicz, who was the first female elected to the British Parliament). He observed that, today, more than 100 MPs were from families of Irish origin.

Sheridan was among those whom he also picked out as having 'found their genius in the English language' but drawn 'on a perspective that was uniquely Irish'. Referring also to the Ireland-England rugby match at Croke Park, the joint presence of the Queen and President McAleese at Messines, and Mr Paisley and himself at the site of the Battle of the Boyne, and various forms of political and economic co-operation

⁹³ The question of freedom of movement was again raised here, in a different context from the previously reported concerns about the common travel area. This time it was about business visitors and tourists from countries where the republic and the UK imposed different visa requirements. Michael Mates, chair of Committee A, said this was the subject of one of the report's strongest recommendations—*ibid.*, pp. 85-91.

⁹⁴ *Ibid.*, pp. 91-97.

⁹⁵ *Ibid.*, pp. 97-100.

⁹⁶ See www.taoiseach.gov.ie.

(over Northern Ireland and in international affairs), the taoiseach declared that the 'Irish Question'—once short-hand for 'nuisance' and 'danger'—had been transformed. While acknowledging the roles of predecessors to him and the (then still) prime minister, Mr Blair, Mr Ahern paid particular tribute to the latter. Their years of involvement had allowed Mr Ahern to appreciate Gladstone's account of dealing with the 'Irish Question'—'every day ... engaged in laboriously rolling up-hill the stone of Sisyphus'.

He noted that 'the stability taking root in Northern Ireland must never be taken for granted' and that it and the transformed British-Irish relationship—a 'wider partnership of common interests'—merited 'priority at the highest level'.⁹⁷ This was evident in his meeting with the new prime minister, Mr Brown, in Belfast on 17 July, before the British-Irish Council, in the wake of terrorist attacks in London and at Glasgow airport. They pledged themselves to co-operate even more closely—together and through the European Union—to resist international terrorism and organised crime.⁹⁸

It seems that the crises in Great Britain may have revealed something of a disadvantage of having opted-out of the 'Schengen' provisions of the Amsterdam treaty. The republic's minister for foreign affairs, Dermot Ahern, supporting Mr Brown's initiative on sharing intelligence about international terrorists and organised crime, noted that the two governments would 'raise this issue with our European colleagues to get additional information that is available to others'.⁹⁹

6.4 British-Irish Council

The ninth BIC summit took place at Parliament Buildings on 16 July 2007¹⁰⁰ and was historic for three reasons. It was the first time the BIC had ever met in summit format in Belfast. It was the first meeting attended by the DUP (which had been prevented by the previous executive from participation during the first devolved period, in retaliation for its boycott of the North/South Ministerial Council). And it was the first that brought together a new configuration of leaders following the restoration of devolution in Northern Ireland, as well as elections in Scotland and Wales bringing in

⁹⁷ An editorial in the *Irish Times* (17 July 2007) suggested that he had said on this occasion that the renewal of devolution to Northern Ireland would need 'continuing attention, priority and commitment'—though this wording is more similar to what he said to the BIIPB than in his address in London.

⁹⁸ Dan Keenan, 'British-Irish leaders pledge security efforts: Council Meeting', *Irish Times*, 17 July 2007.

⁹⁹ Dan Keenan, 'Paisley thanks groups for working together: Press Conference', *Irish Times*, 17 July 2007.

¹⁰⁰ British-Irish Council communiqué, 16 July 2007, at: www.British-IrishCouncil.org.

nationalist leaders and the hand-over from Mr Blair to Mr Brown. The general election in the republic had returned Mr Ahern as taoiseach, making him one of the few leading delegates with experience of previous BIC events.

At first, it had been rumoured that 'diary problems' related to moving into Number 10 (see also reference above to terrorist attacks in Britain) might cause the BIC summit to be delayed until the autumn. The first minister, Mr Paisley, had let it be known that, in that case, he would be content with a similar delay for the NSMC. Had he not successfully applied pressure, the republic's government would have done so. The taoiseach was reported to be 'patently and genuinely enthusiastic' about the BIC and, as noted, concerned to see that the restoration of the institutions attracted close attention and commitment.

In the event, Mr Brown, like Mr Blair before him, made his first visit to Northern Ireland as prime minister within the first month of his premiership and said 'he was here to show [he] mean[t] business'. DUP ministers were 'happy—though only quietly and discreetly—that they had made an important point' in what seemed a determination to make the BIC a 'significant force for cooperation' rather than, in Mr Paisley's words, the 'poor relation of North-South' business'.¹⁰¹

Mr Paisley, perhaps stung by Mr Brown's insistence beforehand that the existing financial package for Northern Ireland (see public finance section) 'was very big indeed', struck an acid note in claiming that successive UK governments had left the region's economy 'in a mess'. Later it emerged that there would be further meetings with the prime minister and the new chancellor over the final shape of the package, which the finance minister, Mr Robinson, was to describe as 'satisfactory, though not generous'.¹⁰²

The Northern Ireland delegation was the largest; its leaders, Mr Paisley and the deputy first minister, Mr McGuinness, were supported by seven departmental ministers¹⁰³ and the two junior ministers in the OFMDFM.¹⁰⁴ The republic's delegation comprised the taoiseach, Mr Ahern, and the minister for foreign affairs, Dermot

¹⁰¹ F. Millar, "'I'm here to show I mean business", Brown tells Council: British-Irish Council', *Irish Times*, 17 July 2007.

¹⁰² *Belfast Telegraph*, 17 July 2007.

¹⁰³ Caitriona Ruane, Education; Sir Reg Empey, Employment and Learning; Nigel Dodds, Enterprise, Trade and Investment; Arlene Foster, Environment; Peter Robinson, Finance and Personnel; Conor Murphy, Regional Development, and Margaret Ritchie, Social Development.

¹⁰⁴ Ian Paisley Jr and Gerry Kelly.

Ahern. The British delegation, led by the new prime minister, Mr Brown, also included the Northern Ireland secretary, Mr Woodward, and Rosie Winterton, minister of state for transport. The other delegations each consisted of one person: the new first minister of Scotland, Mr Salmond; Ieuan Wyn Jones, Plaid Cymru's deputy first minister of the Wales; the chief minister of Jersey, Frank Walker; the deputy chief minister of Guernsey, Stuart Falla, and the chief minister of the Isle of Man, Tony Brown.

In view of the new situation—that Northern Ireland was represented by its own administration and that this enhanced the BIC's potential—the council agreed to undertake a strategic review of its work programmes and working methods. Importantly, it agreed to consider a standing secretariat, the absence of which had been a bone of contention in the past. Under the tutelage of London and Dublin, the BIC had only met roughly annually since its inception in 1999. Mr Salmond and Mr Wyn Jones enthusiastically offered Scotland and Wales, respectively, as secretarial hosts.

The BIC also reviewed the work of its sectoral groups: the misuse of drugs, led by the republic; the environment, led by the UK; e-health, led by the Isle of Man; tourism, led by Guernsey; the knowledge economy, led by Jersey; indigenous, minority and lesser-used languages, led by Wales; social inclusion, led by Scotland and Wales, and a new work programme on demography and migration, led by Scotland (which also proposed a new work programme on energy and offered to lead on it). Transport is the work programme on which Northern Ireland leads, and the BIC noted that transport in both parts of the island and between the two islands was a particularly critical part of the infrastructure requiring planning and investment.

All in all, the occasion can be summed up in quotes¹⁰⁵ from some of the leading actors: 'More important milestones' (Dermot Ahern); 'I believe we have entered into a new historic place for Northern Ireland' (Gordon Brown); 'You really have got to pinch yourself' (senior official from the republic); and, finally, from the *Irish Times* reporter, Frank Millar: 'For here was a summit at Parliament Buildings, under the shadow of Lord Carson's statue, where uncertain weather, occasional heavy downpours and threatened storms no longer served as a metaphor for the likely political outcome.'

¹⁰⁵ Millar, *loc. cit.*

6.5 Intergovernmental relations

The keenness of the Scottish first minister to resurrect the Joint Ministerial Committees and to inject vigour into the BIC was warmly welcomed in Northern Ireland—not least by unionists determined to strengthen the ‘east-west’ counterpoise to the NSMC. Among the outcomes of Mr Salmond’s visit in June was an agreement pledging co-operation on a range of matters, including tourism, education, renewable energy and the strengthening of cultural ties. In the shorter run, this led to the reopening of the summer ferry service between Campbelltown and Ballycastle and a review examining the possibility of Northern Ireland students benefiting from the Scottish Executive’s decision to scrap the £2,000 endowment fee paid after graduation.

Mr Salmond, due to visit Cardiff and Dublin later this year, was clearly pushing at an open Northern Ireland door in promoting the shared interests of the devolved nations and regions *vis-à-vis* central government. The finance minister, Mr Robinson, who attended the first ‘quadrilateral’ meeting of UK finance ministers in July, is equally aware of the opportunities presented by the new mix of territorial politics.

In a statement issued after the meeting, he displayed a characteristic lack of subtlety: ‘The Scottish and Welsh Finance Ministers and we agreed to join forces, as appropriate, to make common cause in the interests of our respective devolved administrations. It cannot be stressed strongly enough that the UK regions can register a much stronger case by approaching HM Treasury on a collective basis and, alongside my counterparts, I stressed to the Treasury the importance to the devolved administrations of maintaining a significant level of financial flexibility.’¹⁰⁶

The Salmond visit occasioned an article by Alan Trench of the Constitution Unit on ‘unjoined-up intergovernmentalism’,¹⁰⁷ which suggested the election of the Scottish National Party had ‘energized intergovernmental relations across the United Kingdom’. He outlined the failure of the JMC system, noting that, though the ‘plenary’ version was supposed to meet at least every year, no such meeting had been held since October 2002. Nor, seemingly, were civil servants much in contact. The only

¹⁰⁶ Department of Finance and Personnel news release, 11 July 2007.

¹⁰⁷ Alan Trench, ‘We need joined-up “intergovernment”’, *Scotsman* (22 June 2007).

'functional' JMC to meet regularly was that which dealt with the EU. Agriculture¹⁰⁸ and finance ministers also met on a regular basis but outside the JMC framework.

Trench suggested 'that Scotland and Northern Ireland will start to adopt a common line toward the UK government'. Yet it was also reported that 'many unionists are discomfited by Dr Paisley's friendly relationship with Mr Salmond'—for the obvious reason that they have opposite views about the future of the UK. But, according to Millar, Mr Salmond provided the DUP 'with an opportunity to shape an "islands-wide" approach to cooperation on a wide range of issues'. While some saw this 'as a "Celtic" ganging up against Westminster', the friendship's 'real potential' might lie in 'enabling unionists to counter an exclusively north-south focus which republicans hoped would presage further constitutional change'.¹⁰⁹

6.6 North-south

The BIC meeting saw the second institutional strand of the 1998 agreement put in place. On the following day, the third, the NSMC, met at Armagh in plenary for the first time in five years and only the fifth time overall.¹¹⁰ This was another first for the DUP, which had boycotted the NSMC between 1999 and 2002 on the ground that it represented an 'embryonic united Ireland' and was unaccountable to the assembly.

The opportunity was now grasped with open arms by the first minister. Arriving alongside his colleague, Mr McGuinness (albeit in separate cars), Mr Paisley remarked that the 'ice-age' in north-south relations was over (a reference to the occasion in 1965 when he had hurled snowballs at the former taoiseach Sean Lemass), insisting that 'we have turned the corner'. The aim now was to 'build something that will be stable and strong', though he acknowledged that this was 'a tall order'. Nevertheless, the mood music was decidedly upbeat as the full Northern Ireland executive team engaged in lively exchanges with their southern counterparts. Indeed, Mr McGuinness went out of his way to 'pay tribute' to the first minister, who

¹⁰⁸ The Northern Ireland agriculture minister, Michelle Gildernew, visited the Isle of Man for a bilateral meeting with her counterpart, Phil Gawne, in May—Department of Agriculture and Rural Development news release, 14 May 2007.

¹⁰⁹ Millar, *loc. cit.* He also noted that Mr Salmond offered a 'non-confrontational approach' to Mr Brown—though there have been disputes: the Lockerbie prisoner, fisheries—in the interest of securing prosperity for Scotland. So long as the approach were to remain 'non-confrontational', a pro-devolution SNP would, according to John Coakley (personal communication), be similar to a DUP that is more devolutionist than the UUP. What would happen if Mr Salmond's determination to hold a referendum on Scottish independence persisted remained to be seen.

¹¹⁰ The one Belfast agreement institution not yet put in place is the Civic Forum—also the last to be established in the previous phase of devolution, reflecting the lack of interest in the Northern Ireland political class in notions of civic engagement rather than ethnic clientelism. During the period the deputy first minister, Mr McGuinness, indicated this would join the long list of matters under 'review'.

he said had 'made a very powerful contribution to bringing the position to where it is'.¹¹¹

The outcomes of the meeting included the announcement of how the £400 million pledged by Dublin as part of the Northern Ireland financial package would be expended. Among the agreed projects were two major road-building programmes and the restoration of part of the Ulster canal. In addition, the prospects of establishing a north-south consultative forum and a joint inter-parliamentary forum (both mooted in the Belfast agreement and previously anathema to the DUP) were discussed and officials in both jurisdictions were to take matters forward for further discussion.

It was, though, the positive tone of Mr Paisley's remarks about the new era in north-south relations that caused assembled journalistic jaws to drop. Adverting again to the negotiations with the Treasury, the first minister insisted that the UK government provide funding to regenerate Northern Ireland's infrastructure: 'I believe the British Government has a responsibility to undo what they have done in bad government in Northern Ireland. I believe they have to be responsible. We are not fighting Dublin on this. We are fighting with our own Government.'¹¹²

This emollient tone had been set immediately before the meeting by the first minister. On arrival at Armagh, Mr Paisley's birthplace, he said that 'there is no competition between the two sides in this body. We have one issue: we want both parts of Ireland to prosper.'¹¹³ The very use of the phrase 'both parts of Ireland' by the DUP leader would have been unthinkable in the very recent past.

Meanwhile, in more practical vein, the north's economy, trade and investment minister, Mr Dodds, and Eamon Ryan, the republic's minister for communications, energy and natural resources, were able to take the issue of a single electricity market on the island (a recurrent issue in recent reports) a step further towards realisation. They announced in July that a single market was operating initially on a test basis, before completion in November.¹¹⁴

¹¹¹ UTV News Online (18 July 2007)

¹¹² *Ibid.*

¹¹³ BBC News Online (17 July 2007)

¹¹⁴ Department of Enterprise, Trade and Investment news release, 3 July 2007.

7. Relations with the EU

Elizabeth Meehan

7.1 Introduction

The implications for Northern Ireland of revelations about the [mis]representation of Scottish interests in the EU continued to be of concern in both parts of the UK in this survey period, in which the new Northern Ireland ministers were fairly active in familiarising themselves with other actors in the EU. Beyond that, attention to EU matters focused on policies (rural development, defence and foreign policy, migration, equality and bathing water) and constitutional issues: civic inclusion in decision-making and the draft reform treaty.

7.2 Representation of regional interests

Following the leaking of the report by Michael Aron¹¹⁵ about the ‘disastrous keeping of Scotland out of the loop’ in the construction of the ‘UK line’,¹¹⁶ first minister Alex Salmond, made a speech in Brussels in which he ‘put a marker down on his ambitions for a more direct engagement with the European Union’, arguing that ‘it simply cannot be right that Scotland—with 68 per cent of the UK catch and the largest fishing zone of any single EU country—sits in a subsidiary position’ with respect to the Common Fisheries Policy.¹¹⁷ Similar points had been made on behalf of Northern Ireland at the March meeting of the British-Irish Interparliamentary Body (see intergovernmental relations section). On that occasion, Andrew Mackinlay MP compared the UK unfavourably with the republic as an advocate for Northern Ireland’s interests, suggesting that:

some UK departments need to be brought up with a jolt so that they do not forget their responsibilities to Northern Ireland. In important negotiations in the European Union in the past two or three years, the fisheries industry in Northern Ireland has been forgotten. Indeed, to its credit, the Department of Communications, Marine and Natural Resources, which has responsibility for fisheries in the Irish Republic has provided the greatest advocacy.¹¹⁸

¹¹⁵ A senior member of the Scottish Executive Office in Brussels, previously in UKREP.

¹¹⁶ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: April 2007*, at: http://www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_April07.pdf, p. 53.

¹¹⁷ B. Jamieson, ‘Salmond is right: Scotland must be heard at EU’, *Scotsman* (13 July 2007). He also referred to the recent EU initiative to set up a common European Maritime Policy—to which, he suggested, little faith could be attached until it could be shown that politicians had learned from the common fisheries debacle.

¹¹⁸ Official Report, British-Irish Inter-Parliamentary Body, thirty-fourth Plenary Conference, 5 and 6 March 2007, Castleknock Hotel, Dublin (Dublin: British-Irish Parliamentary Body Reporting Association), pp. 10-11.

The new Northern Ireland Executive took its first—effective—steps to familiarise itself with other EU actors, and the latter with Northern Ireland. On 21 May 2007, soon after the restoration of devolution, the president of the European Commission, Jose Manuel Barroso, met the first minister, Mr Paisley, the deputy first minister, Mr McGuinness, and the finance minister, Mr Robinson, at Stormont.

Mr Barroso was accompanied by the secretary general of the commission, Catherine Day,¹¹⁹ and the agriculture commissioner, Fischer Boel.¹²⁰ He pledged the support of the EU for the new executive and highlighted its financial commitments (see public finance section). He announced a task force¹²¹ to study the challenges facing the Northern Ireland economy and to assist in the promotion of growth, innovation and employment, as well as an expansion of the exchange of officials programme.¹²²

When the commissioner for regional development, Danuta Hubner, visited Northern Ireland on 8 June to discuss how the president's task force would be established, Mr Robinson described its main purpose as being 'to help Northern Ireland achieve our economic goals where, in line with the Lisbon jobs and growth strategy, we want Northern Ireland to have a dynamic, sustainable, enterprising and innovative economy to which everyone in the Province can contribute and benefit from'.¹²³ The task force would examine 'how best Northern Ireland could participate in EU initiatives, financial and non-financial, that could assist in this drive'. It would 'facilitate a situation in which Northern Ireland could both contribute to and benefit from a wide range of European initiatives, giving 'us an introduction or a foot in the door'.

There were a number of visits by Northern Ireland ministers to Brussels, too. At the beginning of June, the employment and learning minister, Sir Reg Empey (UUP), 'undertook an intensive programme of engagements'¹²⁴ which included further discussions with Ms Day on the task force and attendance at a seminar, addressed by Alan Johnson, the UK education and skills secretary, on the Lisbon Agenda—'A more social Lisbon: equipping our citizens to prosper in the global economy'.

¹¹⁹ Department of Employment and Learning news release, 13 June 2007. (Ms Day, incidentally, is an Irish national.)

¹²⁰ D. Keenan and J. Smyth, 'EU supports €6.52bn rural plan', *Irish Times* (25 July 2007).

¹²¹ OFMDFM news release, 8 June 2007.

¹²² Department of Employment and Learning news release, 13 June 2007.

¹²³ Department of Finance and Personnel news release, 8 June 2007.

¹²⁴ DEL news release, 13 June 2007.

Sir Reg also met relevant senior people in the commission: Vladimir Spidla, commissioner for employment, social affairs and equal opportunities, and Odile Quintin, director general of education, youth and culture. His visit included meetings with Hans-Gert Poettering, president of the European Parliament, and a representative of the UK Permanent Representation (UKREP) in Brussels, 'to discuss both strategic and day to day EU policy developments of interest to his Department'.¹²⁵

Initiatives continued the following month when, on 24 July, the deputy first minister, Mr McGuinness, accompanied by the OFMDFM junior ministers, Mr Paisley Jr and Mr Kelly, visited Brussels to be briefed by senior officials in the representations of the UK and the republic, the Scottish and Welsh executive offices and Nikolaus van der Paas, director general of employment, social affairs and equal opportunities in the European Commission. In praising the work of the Northern Ireland Executive Office, Mr Paisley Jr said the task force would be a key element in keeping the region to the fore.¹²⁶

7.3 Rural development

During the visit, the Northern Ireland delegation learned of the approval by the commission of the Rural Development Programme in Northern Ireland and the Republic of Ireland for 2007-13, negotiated from the Northern Ireland side by the agriculture minister, Ms Gildernew.¹²⁷ She had emphasised its importance to the commission president and the agriculture commissioner during their visit to Belfast and, when the approval was announced—'in the top 10 of all the programmes to be approved so far'—she paid tribute to how much the two had listened and to how well the president's task force was helping Northern Ireland.¹²⁸

The total package is some €6.52 billion, of which €746 million (£500 million) would be spent on the rural economy in Northern Ireland and €5.78 billion in the republic, €2.33 billion of the latter being provided by the European Agricultural Fund for Rural Development and the remainder from the national exchequer. The allocation includes

¹²⁵ DEL news release, 13 June 2007.

¹²⁶ OFMDFM news release, 24 July 2007. Other EU connections made during the period included an earlier visit by Mr Paisley Jr to the Northern Ireland Executive Office, when he also met the director of the Louvain Institute for Ireland in Europe—OFMDFM news release, 12 June 2007. On 30 May, the agriculture minister, Ms Gildernew, met the UUP MEP, Jim Nicholson, 'to discuss a wide range of agricultural issues'—Department of Agriculture and Rural Development news release, 30 May 2007.

¹²⁷ OFMDFM news release, 24 July 2007.

¹²⁸ D. Keenan and J. Smyth, 'EU supports €6.52bn rural plan', *Irish Times* (25 July 2007).

programmes aimed at mitigating the effects of climate change, ensuring a competitive agri-food sector, addressing structural problems and the need for capital investment, as well as boosting the quality of life in rural areas.¹²⁹ In Northern Ireland, the plan consists of some fourteen individual measures to assist 'hard-hit rural economies'.¹³⁰

7.4 Miscellaneous issues

The intergovernmental relations section of this report records exchanges between the taoiseach, Mr Ahern, and the new prime minister, Mr Brown, over intelligence about security issues and their intention to pursue this through the EU. Committee B (European Affairs) of the BIIPB examined the common European defence and foreign policy during the survey period, for which its members sought briefings from NATO, the EU and the representations of the UK and the republic in Brussels. A report was expected in November.¹³¹

It emerged meanwhile that EU justice ministers were to drop plans for hot pursuit by police across borders to save life or limb, with the UK and the republic planning to opt out. This arose from sensitivities around the border in Ireland, where appearances by gardaí in Fermanagh or members of the PSNI in Monaghan might cause quite a stir.¹³²

Tackling discrimination through the EQUAL Initiative was the topic of a major EU conference in Belfast in June, funded by the European Social Fund, which attracted delegates from 20 member states.¹³³ EQUAL is bringing €18 million to Northern Ireland between 2000 and 2008, to support six development partnerships in the first phase of funding and thirteen in the second.¹³⁴

¹²⁹ Economic deprivation in general was also on the BIIPB's agenda. At its March 2007 meeting, Committee B (European Affairs) reported on meetings in Brussels about PEACE II and III, which would form part of a report for the November plenary—Official Report, British-Irish Inter-Parliamentary Body, thirty-fourth Plenary Conference, 5 and 6 March 2007, Castleknock Hotel, Dublin (Dublin: British-Irish Parliamentary Body Reporting Association), p. 84.

¹³⁰ D. Keenan and J. Smyth, 'EU supports €6.52bn rural plan', *Irish Times*, 25 July 2007.

¹³¹ Official Report, British-Irish Inter-Parliamentary Body, thirty-fourth Plenary Conference, 5 and 6 March 2007, Castleknock Hotel, Dublin (Dublin: British-Irish Parliamentary Body Reporting Association), p. 84.

¹³² J. Smyth, 'EU to drop cross-border "hot pursuit" policing proposal', *Irish Times* (24 May 2007).

¹³³ Equality was also the subject of another conference in Belfast in May—the Commonwealth Parliamentary Association (British and Mediterranean Region). Addressing the conference, the first minister, Mr Paisley, noted that they had come to Northern Ireland because of what could be learned but also noted that Northern Ireland could learn much from the diversity of the Commonwealth—OFMDFM news release, 15 May 2007.

¹³⁴ DEL news release, 13 June 2007.

Sixteen bathing waters (plus an additional eleven sites) in Northern Ireland are monitored under the EU Bathing Water Directive, which incorporates two standards. Meeting the more stringent of the two leads to the Blue Flag Award. The testing is carried out between June and September each year. Pretty successful in 2006, Northern Ireland also scored well in early June 2007, achieving in the first few days of the month the 'coveted Blue Flag' for eight of its beaches.¹³⁵

The OFMDM junior ministers, Mr Paisley Jr and Mr Kelly, received a delegation from the Cypriot Reconstruction and Resettlement Council, which visited in connection with its remit from the Cypriot government to prepare a long-term programme for the reunification of Cyprus.¹³⁶ Inevitably, Mr Kelly, though not Mr Paisley, saw a similar solution for Ireland.

7.5 Decision-making on EU matters

The role of civil society in decision-making on the continent of Europe and in EU cross-border regions was picked out for praise at a conference in June to promote the commitments in the Belfast and St Andrews agreements to a north-south consultative forum in Ireland. The 'common chapter'—arising from EU interests—of the republic's National Development Plan for 2007-2013 and its northern equivalent commits both jurisdictions, for the first time, to examine the role of the voluntary sector in promoting 'inclusion, equality and reconciliation'.¹³⁷

It may be that politicians wedded to representative democracy have become more open to something of the participatory form than they were in the run-up to the Belfast agreement. In one of his visits during this quarter to the Northern Ireland Executive Office in Brussels, the junior minister Mr Paisley Jr encouraged Northern Ireland civic organisations to make the most of its facilities, not only to 'benefit from what Europe has to offer', but also to 'showcase all that is good about Northern Ireland'.¹³⁸

At the level of 'high politics', the island looked set for some interesting times over the draft EU constitution, now revised as a draft reform treaty. In the republic, a referendum was expected in the summer of 2008 and steps were already beginning

¹³⁵ Department of Environment news release, 5 June 2007.

¹³⁶ OFMDFM news release, 9 July 2007.

¹³⁷ This was organised by the Border Exchange and Action Network. The exemplars were outlined in a keynote address by Brian Harvey. See 'It's Time to Get Civil Society Talking', *A Note from the Next Door Neighbours* 11 (Armagh: Centre for Cross Border Studies, 2007).

¹³⁸ OFMDFM news release, 12 June 2007.

to promote a 'yes' vote. It seemed that the taoiseach, Mr Ahern, despite initial signals apparently to the contrary, would not follow any UK opt-out from a proposed legal standing for the Charter of Fundamental Rights.¹³⁹ And pre-referendum visits by the presidents of the European Parliament and the commission were 'pencilled-in'.¹⁴⁰

On the other hand, the republic could 'become a magnet for Eurosceptic No campaigners' from countries trying to avoid holding referenda on the treaty.¹⁴¹ For example, the Danish MEP Jens-Peter Bonde said he would accept any invitation to attend rallies and speak against the treaty in the republic. Domestically, the Green Party, which opposed the Nice Treaty, joined Fianna Fáil in coalition after the May 2007 election and, in any case, saw little prospect of mass opposition to the treaty.¹⁴² On the other hand, SF, which did not enjoy the electoral success it expected, was 'gearing up to campaign against the new treaty'¹⁴³—the only party to do so, and in something of a contrast with the outlook of its northern members in government.

¹³⁹ Opt-outs from some 'Schengen'-type provisions were still to be decided. But also see the intergovernmental-relations section on the taoiseach's and prime minister's thoughts on intelligence.

¹⁴⁰ J. Smyth, 'Plans afoot to exhort Irish to vote Yes on EU Treaty', *Irish Times* (17 July 2007).

¹⁴¹ *Ibid.*

¹⁴² *Ibid.*

¹⁴³ *Ibid.*

8. Relations with Local Government

Robin Wilson

Yogi Berra might have described it as *déjà-vu* all over again, but the review of public administration initiated by the last devolved government months before its 2002 collapse came back to challenge the parties as they resumed power once more. In the interim, the review had duly taken place and the NIO in November 2004 had indicated its plans for a rationalisation of sub-regional administration, including a cull of local authorities from 26 to just seven.¹⁴⁴

Work had duly begun, at some haste, within the civil service to put in place the necessary legislative and administrative arrangements, with a view to the new councils being operational in 2009. Several working groups were established in the spring of 2006, with a range of stakeholder inputs, to address aspects of the reform—such as the proposed new local-government power of community planning and the sharing of services between authorities—with reports demanded before the summer holidays. As the prospect of devolution returning rose, however, the momentum receded.

There was no consensus among the putative executive parties, however, behind reform: the seven-councils configuration was supported by only one of the executive components, SF. Even then, it had initially been opposed by leading party figure and then Northern Ireland Local Government Association vice-president, Francie Molloy, who was briefly cast into outer darkness by the SF leadership for his pains.¹⁴⁵

The other parties—stressing the importance of ‘local identity’—preferred a more modest rationalisation to fifteen councils. On the day devolution (re)dawned, they were warned by Arnold Hatch, chair of NILGA’s working group on the review of public administration, that they had to provide ‘clarity and direction’ on the number of councils.¹⁴⁶

¹⁴⁴ 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.

¹⁴⁵ *Ibid*, p.47.

¹⁴⁶ N. McAdam, ‘Super-councils issue early test for parties’, *Belfast Telegraph* (8 May 2007).

The temptation to subject the review of public administration to a new review proved, however, too strong. And the Department of Environment admitted a month after devolution that new local authorities might not now be in place until 2011.¹⁴⁷

One of the working groups established in 2006 was on governance arrangements for the new authorities. The parties quickly monopolised this discussion and in this group the stakeholders from outside government were excluded. The issue is highly sensitive, touching in particular as it does on how the new authorities, enlarged and with some additional competences, would share this power across communal lines.

Just how sensitive emerged during the period when it became clear that after the latest round of mayoral elections only four of the 26 councils had nationalist leaderships.¹⁴⁸ The DUP may have been shoe-horned into a mandatory power-sharing arrangement at Stormont, but Catholics on the ground will still look to its behaviour in local authorities as a bellwether of the degree to which the culture of what is an exclusively Protestant party has changed.

¹⁴⁷ N. McAdam, 'Reduction in number of councils may be heading towards two-year reprieve', *Belfast Telegraph* (12 June 2007).

¹⁴⁸ N. McAdam, 'Ulster's local council leaders: it's unionists 21, nationalists 4', *Belfast Telegraph* (5 July 2007).

9. Finance

Rick Wilford and Robin Wilson

9.1 Still asking for more

The extended post-election run-in to devolution had enabled the nascent ministers to be briefed on their respective departmental agendas, including the planned budgets devised by the outgoing direct-rule ministers. The persistent demand since St Andrews that the budget envelope be enhanced was renewed by the first and deputy first minister, Messrs Paisley and McGuinness, in a further meeting with Gordon Brown, shortly before the latter figure moved from Number 11 to Number 10 Downing Street.

This despite a warning from the economist Graham Gudgin, previously principal adviser to Mr Trimble as first minister, in the pages of the region's current affairs magazine that the incoming finance minister would have no room for manoeuvre, as his arrival in office coincided with Mr Brown 'turning off the taps' in public expenditure. Dr Gudgin did not pull any punches: 'What local politicians are discovering in their dealings with the Chancellor is that the Treasury is in the business of holding down spending, not showering what they regard already as a pampered and ungrateful region with yet more cash.'¹⁴⁹

In a written ministerial statement issued on 8 May, Mr Brown alluded to the scale of the government's commitment to Northern Ireland, rather than feeling obliged to add to it.¹⁵⁰ He identified a Barnett-based plan to spend £35 billion, uprated by at least inflation, over the next three years; a revised £18 billion investment strategy for 2005-17 (up from £16 billion over a decade); the retention of an estimated £800 million of 'value for money' savings for 2008-09 to 2010-11; and the retention of asset sales to fund capital investment expected to be over £1 billion, half of which would be realised over the next four years. In addition, there would be EU receipts in excess of £500 million and £320 million derived from end-of-year flexibility over the next two financial years.

In confirming a £200 million borrowing facility made available to the previous devolved executive under the Reinvestment and Reform Initiative unveiled in 2002,

¹⁴⁹ G. Gudgin, 'Unravelling the final package', *Fortnight* 452, pp. 4-5.

¹⁵⁰ HC Written Statements, cols 2-4, 8 May 2007.

the chancellor announced that this would no longer be associated with a requirement to close the gap between rates in Northern Ireland and council tax in Great Britain¹⁵¹—a significant concession by the Treasury. Furthermore, Mr Brown confirmed the cap on rates and enhanced relief for pensioners already announced by the Northern Ireland secretary, Mr Hain; released £100 million in the current year for an innovation fund; unveiled plans for new local employment partnerships with a variety of private-sector industries; and confirmed plans to organise two major investment conferences, the first to be held in the autumn in Northern Ireland and the second in the US in the spring of 2008.

The package also included £100 million, released from the Treasury's Reserve, enabling the administration to defer the widely opposed water charges for one year. Though welcome, it was clear that the interim provision would only postpone the pain. According to the deputy secretary of the Department of Regional Development, if the charges were deferred for a further two years, the total cost would increase to £265 million.¹⁵²

In pursuit of 'the best possible deal'¹⁵³ for the new executive in fiscal terms, the four coalition parties persisted in their campaign to reduce corporation tax in Northern Ireland to the level in the republic (12.5 per cent), in the hope of attracting more foreign direct investment. Though supported by a broad coalition of industrialists, civic leaders and other leading public figures, including the former Stormont talks chair, George Mitchell, and the chair of the subsequent policing review, Chris Patten, this was likely to prove a demand too far.¹⁵⁴

While Mr Brown established a review (due to report in September) led by Sir David Varney, a former head of the Inland Revenue, to consider changes in the region's tax policy, few if any believed that this particular wish-list item would be met. Indeed, according to one report, Sir David 'poured cold water on the idea' at meetings with politicians and business leaders during a visit to Northern Ireland.¹⁵⁵ If anything, the Treasury's reluctance to undermine the fiscal unity of the UK was enhanced by Mr

¹⁵¹ The former NIO junior minister Richard Needham claimed to have persuaded the then prime minister, Margaret Thatcher, against including Northern Ireland in the ambit of the original poll tax.

¹⁵² BBC News Online (23 May 2007).

¹⁵³ Executive Statement, 10 May 2007.

¹⁵⁴ An open letter, signed by 50 business and other civic leaders, calling for the reduction of corporation tax was published in the *Belfast Telegraph* (23 July 2007). The paper is owned by Independent Newspapers, which in turn is headed by the major business figure in the republic Anthony O'Reilly. Both Mr O'Reilly and the *Belfast Telegraph* have pressed the tax-cutting case.

¹⁵⁵ See 'Corporation tax blow for Northern Ireland', *Financial Times* (30 May 2007).

Brown becoming prime minister: he was, to say the least, unlikely to sanction a fiscal reform that would be perceived to work to the disadvantage of England, Wales and, not least, Scotland.

9.2 Budget proposals

As in 1999-2000, the devolved administration inherited spending plans from the direct-rule regime. In a news release issued on the day he introduced the first stage of the Budget Bill to the Assembly, the finance minister, Mr Robinson, said there would be no dramatic changes to current plans but a 'step change' would follow the setting of the executive's Programme for Government—which, together with its proposed innovation strategy, would be published in draft in September 2007.¹⁵⁶ In moving on 12 June the second stage of the Budget Bill, granted accelerated passage to release public monies by the end of July, Mr Robinson acknowledged that 'while not an ideal situation', the carrying forward of plans set by the NIO represented 'the most pragmatic and sensible way of ensuring the continued and uninterrupted provision of public services'.¹⁵⁷

The bill, which completed its legislative passage in the assembly on 18 June, was unopposed—the members reassured that while it represented the starting position for the executive, ministers would be able to review spending plans through the normal in-year monitoring process and that any reallocations would be 'in accordance with the Executive's priorities, rather than those used by the previous direct rule ministerial team'.¹⁵⁸ In winding up the second stage of the debate, Mr Robinson struck a positive note:

Devolution is only of value if we use it to improve the lives of our people, especially those in greatest need. Devolution will be seen to have worked when we grow our economy and bring greater prosperity to Northern Ireland and its people. This government intends to make a difference and deliver improvements. I rejoice that it is Northern Ireland's elected representatives who will be making these decisions in a devolved Assembly. Let us take, and make the most of, this opportunity.¹⁵⁹

¹⁵⁶ Department of Finance and Personnel news release, 11 June 2007.

¹⁵⁷ *Official Report*, 12 June 2007.

¹⁵⁸ DFP news release, *op. cit.*

¹⁵⁹ *Official Report*, *op. cit.*

9.3 Opportunities and constraints

Mr Robinson has had a busy time since the restoration of devolution.¹⁶⁰ Besides piloting the Budget Bill and moving the Supply Resolution, he announced that he would lead a review of the domestic rating regime—which was, of course, in broad framework the result of a review under the previous devolved government in 2002. He would also oversee a rating revaluation of non-domestic property and head the negotiations on the Comprehensive Spending Review, while being centrally involved in the efforts to reduce corporation tax and the wider ambition to achieve an even more generous ‘peace dividend’ from the Treasury.

Pending the outcome of the Varney review, however, it seemed that the package of measures announced by the then chancellor on 8 May was likely to be as good as it gets. Indeed, on 2 July, prior to his first meeting with the devolved executive, the new Northern Ireland secretary put it bluntly. ‘There is no more money in the kitty’.¹⁶¹

While keenly aware of the opportunities afforded by devolution, Mr Robinson is sensitive to the budgetary constraints confronting the executive. On devolution day, he issued a press statement stating his intent to ‘make full use of [my Department’s] scrutiny powers to ensure that Departments meet their budgetary commitments within the agreed timescales and deliver value for money’.¹⁶²

It was intended as a warning shot across the bows of his fellow ministers, but it seemed to fall on the deaf ears of at least three of them. On 29 May, the assembly debated and passed, by a majority of one, a motion supporting the introduction in principle of free personal care for the elderly. Among the supporters were the deputy first minister, Mr McGuinness, and the education minister, Ms Ruane (both SF), as well as the social development minister, Ms Ritchie (SDLP).

This prompted Mr Robinson to accuse his colleagues of breaking the ministerial code, since the executive had ‘unanimously agreed not to vote for high spending measures unless all ministers supported them’.¹⁶³ According to the finance minister, such care would lead to an increase in regional rates of 25-30 per cent. In somewhat

¹⁶⁰ So much so that on 4 July he announced his resignation as a member of Castlereagh Borough Council on which he had served for 30 years. Mr Robinson now has a dual, rather than a triple, mandate since he continues as the MP for East Belfast as well, of course, as an MLA for the same constituency.

¹⁶¹ *Belfast Telegraph* (2 July 2007).

¹⁶² DFP news release, 8 May 2007.

¹⁶³ BBC News Online (30 May 2007).

exasperated terms, he concluded that ‘we need to have some rational thought about how we propose to deal with these issues’.¹⁶⁴

Mr Robinson also had to contend with the comments of the UUP health minister. During a BBC interview, Mr McGimpsey remarked that the incoming prime minister, Mr Brown, did not have the same ‘emotional investment’ in Northern Ireland as Mr Blair and that ‘he has no reason to give us extra money and, as far as I can see, there’s no extra money there. We’re on our own: it’s the block grant and it’s dealing with resources that we can see.’¹⁶⁵

This drew a sharp response from the finance minister: ‘Quite frankly, I don’t think that it is McGimpsey’s role to be speaking on issues which are not his department. Negotiations are still continuing so it is mad for me or any other minister to talk about it’. Referring to the impending Varney review, he continued: ‘Sir David’s team is comparing the incentive package that Northern Ireland has with the republic and weighing up the competitive issues. It is absurd for any minister, while that review is being carried out, to reach conclusions.’¹⁶⁶

Elsewhere, Mr Robinson leapt to the defence of the SF agriculture minister, Ms Gildernew. In mid-June she disclosed to the assembly’s agriculture committee that she had authorised the sale of land occupied by the Northern Ireland Plant Testing Station at Crossnacreevy, outside Belfast. The decision was taken to raise monies (£89 million) to bolster the farm nutrient management scheme, which assists farmers in the completion of slurry units so that they comply with the relevant EU directive and thereby avoid the imposition of fines. Ms Gildernew’s decision perplexed the Ulster Farmers’ Union and annoyed the committee chair, William McCrea (DUP), who alleged that it was akin to ‘flogging off the family silver’.¹⁶⁷

But Mr Robinson supported his SF colleague:

We have a crazy situation where a couple of weeks ago the UFU and others were saying we have a crisis [in agriculture] here. We have to find the funds for the farm nutrient management scheme. Yet she is attacked when she takes action to

¹⁶⁴ Ms Ruane had also fallen foul of Mr Robinson’s fiscal rectitude, when she had sought to enlist the Education Committee’s support in pressing the executive for extra resources to improve children’s literacy and numeracy skills. This prompted the finance minister to remind colleagues that if they acceded to such pressure they would have to sanction cuts in their own budgets—UTV News Online (31 May 2007).

¹⁶⁵ BBC News Online (12 May 2007).

¹⁶⁶ L. Clarke, ‘DUP & UUP clash over financial incentive package’, *Sunday Times* (13 May 2007).

¹⁶⁷ *Belfast Telegraph* (13 June 2007)

do it. Now, you cannot have it both ways: saying we need the money and then criticising people for doing that. There seems to be among some a culture of a direct rule mindset, shouting for money and not coming up with the solutions to fix the problem.¹⁶⁸

Clearly, the finance minister appears to have no principled objection to the sale of public assets as one means of managing Northern Ireland's budget.

The message 'it's the economy, stupid!' certainly characterised the first two months of devolution. Mr Robinson is not a mini-chancellor and his department is not a mini-Treasury, yet his determination to improve financial management across the executive was evident.¹⁶⁹ In Northern Ireland the 'getting and spending' equation is tilted towards the latter and early debates in the assembly suggested that many MLAs were bristling with expenditure plans but decidedly reluctant to press ahead with raising revenue—including water charges and the new domestic-rates regime.

While efforts continued to lever more resources out of the Treasury, ministers also sought to exploit EU monies. During the visit by the president of the European Commission, Mr Barroso confirmed the availability of European structural funds worth £325 million over the next six years (adding to the total of more than £2 billion directed to Northern Ireland over the last 20 years) and a further £280 million for 2007-2013 under the EU Peace and cross-border programmes, together with continuing EU support for the International Fund for Ireland until 2010—a package that amounted to €1 billion.

¹⁶⁸ UTV News Online (14 June 2007)

¹⁶⁹ See, for instance, DFP news release, 19 June 2007.

10. Political Parties and Elections

Duncan Morrow and Robin Wilson

10.1 The breakthrough

Whatever else may have happened, something important changed in Northern Ireland in May 2007. After more than 35 years of the most bitter and violent conflict seen in British or Irish politics in the twentieth century, Ian Paisley and Martin McGuinness were sworn in as first and deputy first ministers. From every perspective, this was the impossible emerging before our eyes.

None of it could have been predicted in 1985 when the Anglo-Irish Agreement was signed by the then London and Dublin premiers, respectively Margaret Thatcher and Garret FitzGerald, against the wishes of unionists and republicans. Instead of 'Never! Never!! Never!!!'—as he had railed against the agreement before hundreds of thousands of Protestants outside Belfast City Hall that year—a jovial Mr Paisley entertained the current prime minister and the taoiseach, a suspected former chief of staff of the IRA and the Northern Ireland secretary on a sofa in Stormont. Mr McGuinness smiled back—the new deputy first minister of a 'partitionist' settlement, in which the only dynamic to a united Ireland was demography and persuasion, with his party committed to swapping the strategy of 'not a bullet, not an ounce' for supporting the PSNI.

Devolution in Northern Ireland always had an internal and an external dimension. Unlike devolution to other parts of the UK, it was regarded at Westminster as a matter of British national interest. Dublin, too, sought devolution as the best available political option—after a debate in the wake of the Anglo-Irish Agreement between the leaders of Fianna Fáil and Fine Gael, respectively Charles Haughey and Alan Dukes, which was decisively won by the latter's argument that any united Ireland would have to pass through a devolved administration rather than be achieved in one leap. The difficulty since 1972 was that the politics of Northern Ireland required inter-community consent for devolution, sufficient to sustain the violence of opposition in both unionist and nationalist camps.

In such circumstances, the only structural options were variations on two themes. One was to generate stability across the centre, sufficient to marginalise the power of polarising politics. In a context of violence, this proved enormously difficult. Radical

opponents of power-sharing could always show that the deal on offer was, in the face of violent or illegitimate pressure from the 'other side', tantamount to a sell-out of cherished dreams. The other was an attempt to bring all parties into the political tent and ensure that ethnic polarisation was contained through participation in power-sharing by its most potent protagonists.

The 'peace process' in Northern Ireland was a combination of both. Externally, the fundamental shape of agreement was set in 1985 when the London and Dublin governments sank historic differences over Northern Ireland and engaged in a long, but ever deepening, alliance to contain the endless conflict. The Belfast agreement did not prove sufficient to establish stable government across the political centre within Northern Ireland. While, on the one hand, frustration led to the continued growth of support for radical nationalist parties, the pressures of external politics and the absence of any popular appetite for a return to violence gradually forced both sides into a new *détente*.

On the morning after the transfer of power, the Northern Ireland secretary, Mr Hain, declared: 'It's going to stick, I believe, because the DUP and Sinn Féin are the two most polarised forces in Northern Ireland's politics, they have done the deal and that's why I believe it's here to stay for good.'¹⁷⁰ The consequence is a coalition broad enough to ensure that there are no serious rivals to the political settlement sufficient to destabilise the structures through violence. But it is a deal with a complex underbelly.

First, a *genuine* coalition can only be established by the defeat of the politics which both the first and deputy first minister have seemed to support for decades, especially in relation to 'national sovereignty'. In spite of the international jubilation at the achievement of a political settlement, the celebration was in part a great noise of victory disguising U-turns of quite incredible proportions.

Neither of the now dominant parties has a systematic plan for co-operation and sharing, and indeed both have arrived where they have by pretending that this is where they wanted to get to all along. It is not credible, however, that Mr Paisley

¹⁷⁰ 'Widespread view of a deal that will stick', *Irish Times* (9 May 2007). In an interesting reprise later that month, the freshly ennobled Conservative member, Lord Trimble, said he regretted, having allegedly 'settled' the Northern Ireland constitution in 1998, that he hadn't pushed the UUP closer to the Tories when he was party leader—S. Lister, 'I'm in the mainstream at last, says Tory new boy Trimble', *Belfast Telegraph* (18 May 2007).

could have made the career that he did on the basis of a deep longing for power-sharing with SF or that the latter's political goal was always participation in a Stormont executive. The \$64,000 question is whether the parties understand that cooperation is the only definition of success, or whether they persist in seeing the current settlement as a mere milestone on the road to incompatible goals—in which case the 'settlement' is merely another case of 'Ulster at the crossroads'.¹⁷¹

The second critical consequence is that the deal is only viable on the basis of forgetting about the past, or at least agreeing not to act on its implications. The only available alternative is a radical form of forgiveness, which does not appear to be close to political reality. Either the political trajectory and tactics of the past are repudiated into the future, or, if they are still to be honoured, there must be a risk of permanent instability. Nervousness about the past is not without foundation.

Thirdly, the price of making a deal was a focus on giving guarantees against the political fears of 'communities'—as, first, in the Belfast agreement and then, more so, at St Andrews—rather than generating a settlement based on hope for a new relationship. The result of focusing on fears is that community boundaries are paradoxically reinforced rather than undermined, and community relations are reduced again to the management of border disputes, rather than the ending of antagonism and the exploration of new frontiers.

Thus, in advance of the restoration of devolution, in a *Belfast Telegraph* article the DUP deputy leader, Mr Robinson, said the 'controls and vetoes' introduced at St Andrews would be used to stop SF using policy issues to advance an all-Ireland agenda. He continued:

The DUP is not merely in the business of guarding against attempts to advance the nationalist goal of a united Ireland but of promoting, maintaining and strengthening the union. The DUP openly admits it has its own agenda. We are convinced the arrangements we have secured significantly fortify the link with Great Britain. We intend to build on the east-west relationship and reinforce the Union.¹⁷²

His party leader was even more explicit. Mr Paisley told the *Irish Times* that it was 'certainly' the case that republicans had been defeated, as indicated by their coming

¹⁷¹ This phrase was used to describe where Ulster stood by the then devolved premier, Terence O'Neill, in a crisis TV broadcast in 1968.

¹⁷² *Belfast Telegraph* (20 April 2007).

round to supporting the police. They would not be able to use the north-south institutions to move towards a united Ireland, and his deputy, Mr McGuinness, was 'not co-equal'.¹⁷³ Yet the latter, in the first line of his acceptance speech a few days later, said he believed 'absolutely in a united Ireland'.¹⁷⁴

These will be the issues to be worked out. It would be more than churlish to deny the degree of change required to bring Northern Ireland back to devolution. It would be unrealistic to believe, however, that the consequences of conflict would not continue to shape the key decisions of government for years to come.

10.2 Happy talk

The pictorial record of peace in Northern Ireland will probably focus on the first meeting of Messrs Paisley and Adams at Stormont in late March. But, in many ways, the changed atmosphere between the parties was best captured when the president of the European Commission, Mr Barroso, visited a few days before devolution finally took place, to be entertained by the first minister designate on the subject of the delights of Ulster bread. Not only did Mr Paisley also entertain the waiting journalists, but the warm and genuine laughter of the deputy first minister, Mr McGuinness, was unmistakable.¹⁷⁵

'Devolution day' itself was equally, if more predictably, upbeat and relaxed. Whatever the reservations harboured by some about the settlement, the decision by the DUP and SF to share power in March led to a sea-change in the public atmosphere, led above all by the emergent relationship between the two principals.¹⁷⁶

Throughout this period, politicians of all varieties sought to capitalise on the new mood of optimism. Stormont receptions were held for representatives of ethnic minorities. The first and deputy first ministers appeared to enjoy their joint appearances before Stormont committees.¹⁷⁷ In June SF announced its intention to attend for the first time a commemoration of the Battle of the Somme, at Messines in Belgium, while in July the republic's president, Mary McAleese, hinted at a ceremony

¹⁷³ F. Millar, "We're on a road, and we're not going to turn back", *Irish Times* (5 May 2007).

¹⁷⁴ OFMDFM news release, 8 May 2007.

¹⁷⁵ *Irish Times* (2 May 2007).

¹⁷⁶ *Belfast Telegraph* (8 May 2007).

¹⁷⁷ *Irish Times*, 13 June 2007.

to mark the Battle of the Boyne that the Queen could soon visit Dublin—the last great post-independence taboo.¹⁷⁸

10.3 Election fever

Whereas devolution marked a historic turning point within Northern Ireland, political events beyond continued to have their impact on internal affairs. Above all, the election in the republic had potentially enormous repercussions. At the outset, SF had confidently predicted taking at least five further seats in the Dáil.¹⁷⁹ This was a view shared by many southern commentators.

Unfortunately for SF, however, any advantage to be gained by association with the northern 'peace process' had to be shared with the Fianna Fáil leader, Mr Ahern. Furthermore, Mr Ahern made it clear he did not regard SF as a possible coalition partner, because of differences in economic policy.¹⁸⁰ In the event, SF lost a seat, failing to return any new blood. The party leader, Mr Adams, was widely perceived as having failed to grasp southern economics and politics.¹⁸¹ In what proved to be his valedictory political performance, Michael McDowell, long time opponent of SF and leader of the Progressive Democrats, savaged Mr Adams on television, accusing him of deceit over his personal finances and illiteracy on economics.

There was a consensus that the election represented the most serious setback for SF since the defeat of Mr Adams by Joe Hendron of the SDLP—then assisted by tactical Protestant support from the Shankill—in West Belfast in 1992.¹⁸² The portrayal of Mr Adams as a war leader for Northern Ireland rather than as a peace leader for Ireland as a whole was particularly bitter. Above all, the election defeat represented a serious blow to SF's confident claim to be a serious all-Ireland party, the mainstay of its post-violence strategy. All of a sudden, SF seemed reduced to a strictly northern political force, defined by partition. The party leader himself described the election as 'hugely disappointing'.¹⁸³

Since the election, SF in Northern Ireland has been strangely quiet on the implications, preferring to focus on the success of the party within the assembly. But there do not appear to be any immediate answers to the party's southern crisis.

¹⁷⁸ *Irish Times* (12 July 2007).

¹⁷⁹ *Irish News* (1 May 2007).

¹⁸⁰ *Irish Times* (17 May 2007).

¹⁸¹ *Irish Independent* (26 May 2007).

¹⁸² *Irish Times* (2 June 2007).

¹⁸³ *Irish Times* (30 June 2007).

Meanwhile, north of the border, the chief electoral officer, a Scot, Douglas Bain, announced that Northern Ireland was to be dragged electorally into the last century with the introduction of overnight counting for future Westminster elections—previously held over in leisurely fashion to the next day, thereby ensuring Northern Ireland held up the overall result. This followed an ‘overwhelmingly’ positive response to a pre-Christmas consultation.¹⁸⁴

In a further development, Mr Bain announced in May that the new system of continuous electoral registration, introduced in Northern Ireland to stem falling registration in the wake of tighter anti-fraud controls, would become law later that month. A more activist approach to registration no longer dependent on annual renewal by the elector, this requires the Department of Work and Pensions to provide details to the Electoral Office of individuals acquiring National Insurance numbers, while other agencies are also required to provide information such as changes of address, so that letters can be sent to encourage registration and new details can be notified.¹⁸⁵

Turnout has also been falling in recent years—suggestive, as with the decline in registration, of a progressive public disengagement from the never-ending ‘peace process’ to which the Electoral Commission has alluded in successive election reports. Registration is currently at 85 per cent, implying when set against a 64 per cent turnout that in the 2007 assembly election little over half—54 per cent—of the voting-age population felt sufficiently engaged with politics, Northern Ireland style, to register and vote. While voting itself will remain voluntary, there will be £1,000 fines for those who persistently refuse to give details to the Electoral Office.¹⁸⁶

10.4 Past, present and future

So much effort has gone into establishing devolution as a viable political framework that there has been little political energy for policy development. Until now, opposition has been the name of the game across Northern Ireland, and parties have not spent time exchanging views on the detail of social and economic policy. Furthermore, the new Northern Ireland settlement requires that the parties achieve agreement on policy before there can be any chance of executive or assembly success.

¹⁸⁴ Electoral Office for Northern Ireland news release, 25 April 2007.

¹⁸⁵ Electoral Office news release, 1 May 2007.

¹⁸⁶ C. Thornton, “‘Carrot and stick’ approach to get new voters’, *Belfast Telegraph* (2 May 2007).

There is thus a considerable challenge to develop a coherent Programme for Government, which addresses immediate issue of concern, tries to generate a consensus over economic and social policy, tackles the residual bitterness of the past and sets the course for a shared future. Unsurprisingly, the first quarter of devolution provided a mixed bag as to the chances of success.

On the one hand, devolution was quickly established and the overarching message was of confident progress. SF took an historic step when Alex Maskey, Martina Anderson and Daithi McKay joined the Policing Board on its behalf.¹⁸⁷ With the DUP signalling that it was prepared to oppose the devolution of policing powers in May 2008,¹⁸⁸ however, there was more nervousness in the republican grassroots about policing than about any other matter.

The DUP junior minister in the OFMDFM, Mr Paisley Jr, told a conference in Belfast in June on 'Criminal justice facing devolution' that this was a matter for a future assembly. Addressing the same conference, however, Mr Maskey said St Andrews provided an 'agreed timeframe'.¹⁸⁹

SF had to deal with the arrest of a senior republican, Brian Arthurs, for alleged smuggling offences¹⁹⁰ and the arrest on a German warrant of Roisin McAliskey for alleged involvement in the bombing of a British army barracks in Germany in the 1990s.¹⁹¹ Mr Maskey condemned the arrest of Arthurs, earning DUP ire,¹⁹² while the deputy first minister, Mr McGuinness, demanded that the pursuit of Ms McAliskey be dropped.¹⁹³

The potential of past antagonism to poison the future remained considerable. Large-scale survey research by Paul Connolly of Queen's University found the reproduction of communalist identities among children: 'The key message emerging from our

¹⁸⁷ *Belfast Telegraph* (31 May 2007).

¹⁸⁸ *Irish Times* (6 July 2007).

¹⁸⁹ G. Moriarty, 'Paisley jnr raises doubts on policing timetable', *Irish Times* (5 June 2007).

¹⁹⁰ *Irish News* (19 July 2007).

¹⁹¹ *Irish Times* (22 May 2007).

¹⁹² G. Murray, 'Back off', *News Letter* (19 May 2007).

¹⁹³ In 1998 Ms McAliskey had been deemed (while pregnant in Holloway prison) by Jack Straw as home secretary to be too ill to be extradited, but this now fell under the common EU warrant procedure, implemented in the UK three years earlier, and the attorney general's office said no UK authority had power to interfere in a process which was confined to the courts, while the German embassy said it was a matter of criminal law—G. Moriarty, 'Drop McAliskey extradition, says McGuinness', *Irish Times* (22 May 2007); O. Bowcott, '10 years after outcry, McAliskey is rearrested on IRA charges', *Guardian* (22 May 2007).

research is that many Catholic and Protestant children here still tend to live parallel and separate lives. Our research raises fundamental questions for us as a society in terms of how we should deal with the segregation that exists.¹⁹⁴

As to adults, the leaking of a memo from the SF minister Conor Murphy, in which he made clear he would not refer to 'Northern Ireland' in any speech but instead to 'the north' or 'here', may have provided an opportunity for hilarity in the assembly. But it illustrated the challenges of social cohesion nonetheless.

In one of his final acts as secretary of state, Mr Hain established a commission to suggest ways of dealing with the past.¹⁹⁵ He argued that this was the issue which could 'cloud the future' in terms of the survival of devolution.¹⁹⁶ Indeed, he had earlier told the Northern Ireland Affairs Committee at Westminster that too much money was being spent on inquiries into the past—amounting to more than £200 million, with £167 million for the Bloody Sunday inquiry alone.¹⁹⁷

The commission was to be chaired by the former Anglican archbishop of Armagh, Most Rev Robin Eames, with a predominantly religious and, bizarrely, sporting membership. It seemed odd at face value to focus on the two civil society institutions in Northern Ireland arguably most responsible for perpetuating communal division, at the expense of representation drawn from the dedicated NGO Healing Through Remembering or a non-sectarian victims' group such as WAVE. The commission was to report by the summer of next year.

The taoiseach, Mr Ahern, welcomed the initiative but northern nationalist reaction was predictably negative, with a spokesperson for a republican victims' group complaining that no one on the commission had expertise in human rights or victims' issues.¹⁹⁸ The scale of the challenge was evident when the deputy first minister, Mr

¹⁹⁴ BBC News Online (18 June 2007).

¹⁹⁵ *Belfast Telegraph* (22 June 2007).

¹⁹⁶ P. Hain, 'Let's find a way to stop paying for the past', *Irish Times* (22 June 2007).

¹⁹⁷ S. Lister, 'Hain: too much cash is spent on inquiries', *Belfast Telegraph* (19 April 2007).

¹⁹⁸ D. Keenan, 'Ahern welcomes work of group set up to look at hurts of Troubles', *Irish Times* (23 June 2007). Ironically, one victims issue from the past was resolved to Mr Hain's relief in this survey period, following his departure from the NIO. His successor, Mr Woodward, was able to welcome the fact that an inquiry commissioned by the attorney general, following the direction of a Belfast judge, had cleared of any impropriety the officials involved in the appointment as interim victims' commissioner in late 2005 of an individual nominated by the DUP, which had been subject to judicial review—NIO news release, 25 July 2007. The task of finding a permanent successor to Bertha McDougall had, however, proved elusive at time of writing.

McGuinness, attacked Mr Hain's 'unilateral move', complaining of 'no mention of British state forces in terms of parties that have to be included'.¹⁹⁹

SF also reacted angrily to an announcement by the Public Prosecution Service that there would be no prosecutions of security-force members as a result of inquiries into the loyalist murder of the solicitor Pat Finucane,²⁰⁰ though in 2003 sources close to the collusion inquiry led by the former head of the Metropolitan Police Sir John Stevens had told the *Irish Times* that up to 20 could face charges. Mr Maskey described it as 'an absolute scandal'.²⁰¹ All this recalled the concern expressed in the last monitoring report that support for devolution was becoming skewed in favour of the Protestant community—the reverse of what happened in 1999-2002.²⁰²

Many would share the view of a former Presbyterian moderator, Rev John Dunlop, that endless inquiries into the past could only destabilise the political future.²⁰³ Others believe, however, that until these matters are properly dealt with, they will continue to fester. Nobody has yet found a way to reconcile the competing demands of public truth in relation to the past and a desire to protect the fragile stability of compromise within Northern Ireland. Anyone who has tried—such as the police ombudsman, with her report into collusion between Special Branch and the UVF in north Belfast—has been vilified by all those antagonistic to the conclusions reached.

The underlying challenge of dealing with the past is that it has too many resonances with the present to be easily confined. Even in this period of warm afterglow there were serious issues. In an attempt to entice the remaining paramilitary organisations around the UDA into the legal political frame, the British government agreed to provide funding for community projects linked to the organisation (see 'peace process' section). Many, especially in the SDLP and Alliance, objected to the fundamental direction of policy—a difficulty exacerbated when the SDLP chose the Department for Social Development in the allocation of executive seats post-devolution. The minister, Margaret Ritchie, made clear continued funding was dependent on a move towards arms decommissioning by the organisation.²⁰⁴

¹⁹⁹ M. O'Halloran and D. Keenan, 'McGuinness in surprise attack on Hain', *Irish Times* (25 June 2007).

²⁰⁰ *Irish News* (26 June 2007).

²⁰¹ G. Moriarty, 'Soldiers or police will not face Finucane charges', *Irish Times* (26 June 2007).

²⁰² L. Dowds, 'Public attitudes and identity', in R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: April 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_April07.pdf, pp. 43-6.

²⁰³ *Belfast Telegraph* (7 June 2007).

²⁰⁴ *Irish News* (5 July 2007).

The situation was made even more difficult after the shooting of a policeman in Carrickfergus, followed by serious rioting in Bangor between loyalists and the PSNI.²⁰⁵ The chief constable, Sir Huger Orde, blamed the UDA for the clashes, precipitated by a police arrest operation, and said if it was down to him, he 'wouldn't give them 50 pence'.²⁰⁶ Ms Ritchie made clear she would review the funding decision.²⁰⁷ While the other major loyalist paramilitary group, the UVF, announced its intention to stand down, it made clear it would not decommission its weapons. These issues would continue to demand the attention of politicians in spite of devolution.²⁰⁸

Beyond paramilitarism, old cultural and political divisions continued to surface. Apart from the argument over the new sports stadium and the 'conflict transformation' centre (see 'peace process' section), SF's wish for an Irish Language Act to enshrine the role of Irish in public life seemed likely to be dashed by a DUP minister²⁰⁹—though the SF chair of the shadowing Culture, Arts and Leisure committee, Barry McElduff, ominously warned that 'we all have vetoes which we can choose to use'.²¹⁰ As this was a promise made by the UK government at St Andrews, it remained to be seen whether this would be resolved by the passing of an act at Westminster.

The failure to address the past was also reflected in polarised accounts of the end of 'Operation Banner'. Jeffrey Donaldson of the DUP praised the contribution of the army, including the locally-recruited Ulster Defence Regiment in which he had served (and from which the Catholic population became totally alienated). Meanwhile, Gerry Kelly of SF recalled being on the run in the IRA in the 1970s and facing the army as an 'oppressive presence'.²¹¹

There is no doubt that the parties would prefer to set a less controversial agenda, focusing on the economy. But having failed to persuade Mr Brown to provide a significant transitional package or to align corporation tax in Northern Ireland with that in the republic,²¹² difficult decisions remained for the executive to take on local

²⁰⁵ *Belfast Telegraph* (1 August 2007).

²⁰⁶ D. Keenan, 'Orde says UDA to blame for rioting in Bangor', *Irish Times* (3 August 2007).

²⁰⁷ D. Keenan, 'Minister to review grant after North violence', *Irish Times* (4 August 2007).

²⁰⁸ *Irish News* (3 May 2007).

²⁰⁹ *Irish Times* (15 May 2007).

²¹⁰ M. McHugh, 'We will veto Irish Language Act—DUP', *News Letter* (21 May 2007).

²¹¹ D. Keenan, 'Disagreement over British army legacy', *Irish Times* (31 July 2007).

²¹² *News Letter* (16 May 2007), *Irish Times* (30 May 2007).

taxation, spending and local-government reform. The early reaction to this dilemma was to buy time and rely on consensus emerging in the autumn.

Social issues were also potentially controversial. The DUP junior minister in the OFMDFM, Mr Paisley Jr, gave an interview to a Dublin newspaper in which he acknowledged that he was 'repulsed' by homosexuality. As he was minister (jointly) responsible for equality, the result was uproar but he refused to back down. While even the Church of Ireland branded the remarks 'a disgrace', the first minister, his father, maintained that they did not 'discredit the office, the devolved institutions or Northern Ireland'.²¹³ A discreet veil was drawn over the incident—though the deputy first minister, Mr McGuinness, launched the Pride Week in Derry and pointedly highlighted the OFMDFM's commitment to non-discrimination²¹⁴—but the potential for trouble was obvious.

10.5 From aspiration to government

This was a prolonged honeymoon period in Northern Ireland—and ironically one in which the historic reference point for that term, the months after the arrival of the army in August 1969, was recaptured in sepia footage of the period as 'Operation Banner' came to its very belated end.

But it was real nonetheless. Even torrential flash floods turned into an opportunity for goodwill.²¹⁵ In the face of hundreds of flooded homes, the executive made available £5 million, payable in cheques to anyone with flood damage. It was small beer, but a strong message. The people of Gloucester and south Yorkshire were less fortunate.

Decisions not to turn difficulties into crises and a determination to continue to present a picture of hopeful change augured well for the new settlement. It would be autumn, however, before we knew whether it had created enough security to take the hard decisions essential to turn aspiration into government.

²¹³ *Irish News* (2 June 2007).

²¹⁴ OFMDFM news release, 1 August 2007.

²¹⁵ *Irish Times* (16 June 2007).

11. Public Policies

Robin Wilson

11.1 Education

It was a baptism of fire for the new education minister, Caitriona Ruane of SF. While lacking the paramilitary background of her devolved predecessor, Mr McGuinness—whose appointment in 1999 provoked some walkouts at ‘controlled’ (*de facto* Protestant) schools—Ms Ruane would not readily have incurred trust within the Protestant community, having led the defence campaign for three republicans eventually convicted of assisting FARC guerrillas in Colombia. The FARC episode emerged towards the end of the previous devolved administration and was a factor leading to its demise.

Ms Ruane faced a particularly challenging brief owing to the way the prime minister, Mr Blair, had conceded to the DUP in the talks at St Andrews an effective veto over the decision—made by Mr McGuinness as suspension loomed in 2002—to end academic selection in the region’s schools. This left her caught between the rock of the expiry of the current ‘transfer test’ in 2008 and the hard place not only of dissensus over what might replace it but of any procedure which could cut through these deadlocking arrangements.

Since St Andrews, and specifically with the history of Mr McGuinness’ 2002 *démarche* in mind, any three ministers in the executive can insist that a proposition from another minister be put to a vote in the executive requiring not just majority but ‘cross-community’ support before it can be passed. Under the current electoral arithmetic, translated via d’Hondt into government, no proposal opposed by the DUP (or for that matter SF) will get through the executive.

What this could lead to in practice was set out in advance of the transfer of power by Sammy Wilson, who became the DUP chair of the assembly Education Committee, shadowing Ms Ruane. He said: ‘I can see compromises that could be made which would let schools still have the ability to use academic selection if that is what they want to do.’²¹⁶ In other words, in a system where still only around one in twenty kids go to integrated schools, ‘maintained’ (*de facto* Catholic) schools could operate

²¹⁶ K. Torney, *Belfast Telegraph* (24 April 2007).

without academic selection if they wanted, but controlled schools would establish their own admission procedures based upon it. Since there would be myriad such procedures, however, this would be a recipe for chaos.

On her first round of school visits after appointment, Ms Ruane said selection was one of the 'major issues' that had to be addressed over 'the coming months'.²¹⁷ But that urgency was not evident in practice: the minister held back on publication of a consultation document on the admissions criteria that would follow abolition of the '11+', amid the selection stalemate.

And that was not all, as the education correspondent of the *Belfast Telegraph* pointed out: 'Confusion over the way forward also comes on top of a lack of information about the establishment of a single education authority, concerns over teacher training and resources for a revised school curriculum, and the need to plan for numerous school closures/mergers across the province.'²¹⁸

Pressure was already growing on the minister, as more than 360 primary-school heads demanded more money for implementation of the new curriculum—noting, correctly, *en passant* that 'academic selection is entirely incompatible with the revised curriculum'—and other measures. This reflected dissatisfaction at the minister's first big public presentation, to a teachers' conference in Armagh.²¹⁹

The new curriculum, which has been many years in gestation at the Council on the Curriculum, Examinations and Assessment, will require schools to provide a much more diverse menu of options for pupils post-14. In that sense, it would logically be associated with a system which replaced selection at 11 by 'election' at 14, and—as a review commissioned from the former Queen's University vice-chancellor George Bain in 2006 strongly affirmed—a rationalised and collaborative school estate far less respectful of denominational boundaries.²²⁰ The minister, however, has yet to show any interest in Bain: his report *inter alia* raised some tough questions for the Irish-medium sector, which she strongly valorises.

²¹⁷ Department of Education news release, 9 May 2007

²¹⁸ K. Torney, 'Ulster school pupils facing uncertain future', *Belfast Telegraph* (7 June 2007).

²¹⁹ K. Torney, 'Primary schools fury over planned changes', *Belfast Telegraph* (4 June 2007).

²²⁰ R. Wilford and R. Wilson, *Northern Ireland Devolution Monitoring Report: January 2007*, at www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, pp.61-2.

In June CCEA warned the Education Committee that work had to begin by January 2008 if the '11+' was to be sustained beyond that summer, and that it would be impossible to have an adequate replacement in place by 2009. But Ms Ruane was now saying that she would 'not be rushed', although unions were considering strike action.²²¹

Nor would she be hurried in establishing the Education and Skills Authority, the regional body set to replace the five area education-and-library boards in April 2008, as part of the wider reform of public administration (see local government section). The minister indicated in July that the ESA might not be operational until a year later, although this was presented in a press release as if it were an affirmative decision to 'go ahead'.²²²

The schooling imbroglio was, and looked set to remain, a model of the clash between a political system premised on communalist opposition and ethnic competition and the need to respond in the public interest to collective-action dilemmas—where real impacts could be anticipated on worried parents and anxious primary schoolchildren, as well as teachers saddled with uncertainty. Mr Blair may have been able to get the parties into power together and take his exiting bow; whether the legacy of his political manoeuvres is a viable system of governance remains to be seen. It will be recalled that the former deputy first minister Mr Mallon gave an interview in March in which he was vitriolic about what he saw as the then prime minister's political opportunism.²²³

One bright spot during the quarter was an indication of softening between the churches themselves on segregated schooling. As representatives of the different faith interests visited inter-church schools in Liverpool, the (Catholic) representative of the Council for Catholic Maintained Schools said—in a cautiously chosen double negative—that this would 'not be unfeasible' in Northern Ireland, while the (Protestant) representative of the 'transferors' said it was 'an exciting possible option'. The northern official of the Irish National Teachers' Organisation, Frank Bunting, a courageous advocate of shared schooling, said in line with the Bain report:

²²¹ K. Torney, 'Schools strike looming', *Belfast Telegraph* (16 June 2007).

²²² Department of Education news release, 20 July 2007.

²²³ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: April 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_April07.pdf, pp.41-2.

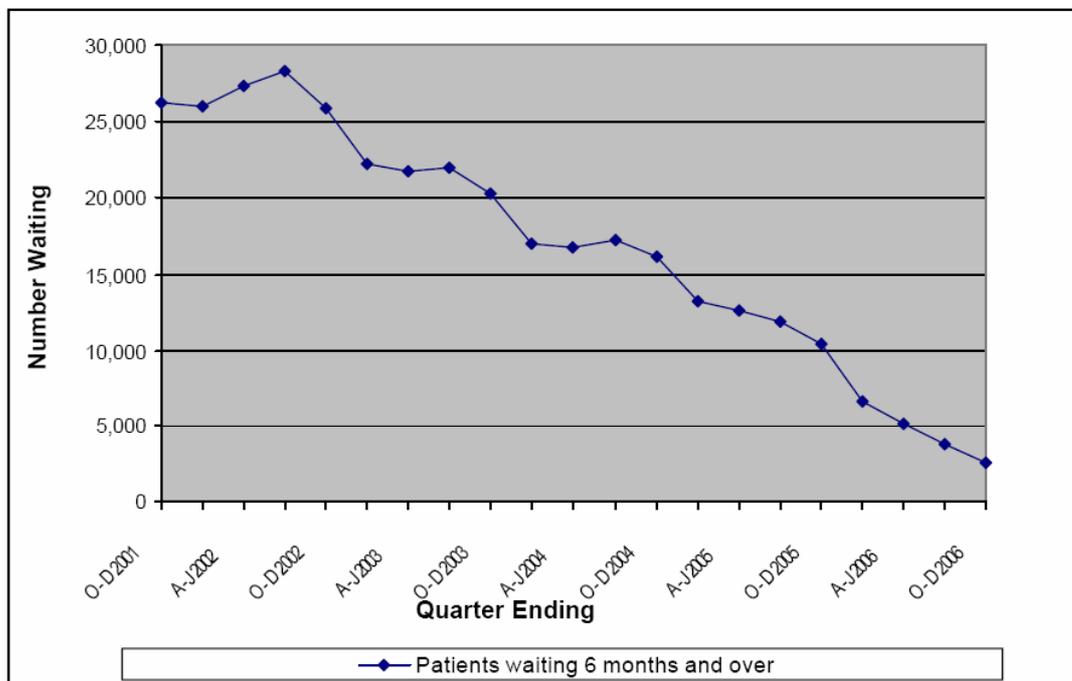
'All interests involved with schools need to talk together about all future new builds.'²²⁴

11.2 Health

It was a different story at the other big ministry, Health, Social Services and Public Safety, where the new minister, Michael McGimpsey (UUP), was left with a much more favourable in-tray. The period got off to a healthy start as Northern Ireland went smoke-free, in terms of public places, on 30 April.²²⁵ This explained the rather odd phenomenon in recent months—given Northern Ireland's distinctly sub-Mediterranean climate—of elaborate patios appearing outside bars and restaurants. Out can now come the smokers, to puff in the cold.

A further auspicious legacy for the new minister was short waiting lists. Spiralling queues having symbolised the failure of the previous devolved health minister, Bairbre de Brún (SF), to cope with running the NHS,²²⁶ they were drastically reduced under direct rule, as this DHSSPS graph shows:

Figure 1: Inpatient waiting lists in Northern Ireland



²²⁴ K. Torney, 'Teachers back joint faith schools', *Belfast Telegraph* (18 May 2007).

²²⁵ DHSSPS news release, 27 April 2007.

²²⁶ R. Wilford and R. Wilson, *Devolution and Health: The Northern Ireland Experience*, at: www.ucl.ac.uk/constitution-unit/files/devolution_and_health/ni_mar_2002.pdf.

Indeed, all but one of the 2,500 who had been waiting for six months or more as of the end of 2006 were removed from the inpatient waiting list by March 2007. In his first major statement, the new minister, Mr McGimpsey, said waiting times were still too long and he would ask staff to 'redouble their efforts' to reduce them further.²²⁷ He subsequently set new targets for waiting times for various therapeutic treatments: no more than six months from referral by March 2008, and no more than 13 weeks by March 2009.²²⁸

It was an active period for the minister, generally. In an indication of the new Northern Ireland organically emerging from under its sectarian carapace, he launched a booklet on health services in the region in thirteen languages other than English.²²⁹ He told the assembly of plans for a bespoke dental system, rather than following England and Wales, to be piloted in 2008.²³⁰

He established an advisory Mental Health and Learning Disability Board, mainly composed of members of a recent mental-health review team and to be chaired by its chair, the well-regarded Prof Roy McClelland, to address *inter alia* factors behind the recent frightening rise in youth suicide in Northern Ireland.²³¹ And, in particular, he immediately won plaudits from the Royal College of Nursing—if not the Treasury—by indicating that the 2.5 per cent pay award for nurses would be backdated to 1 April in Northern Ireland.²³²

The minister also indicated in his initial public *tour d'horizon* that health inequality was an issue he would address. There was no mention, however, during the quarter of the public-health strategy initiated by Ms de Brún during the prior period of devolution, *Investing for Health*.²³³ This was arguably the biggest single policy innovation in 1999-2002 by any minister but was buried under direct rule, since it did not fit the reductive health = health services equation favoured by New Labour.

²²⁷ DHSSPS news release, 11 May 2007.

²²⁸ DHSSPS news release, 9 July 2007.

²²⁹ DHSSPS news release, 28 June 2007.

²³⁰ DHSSPS news release, 2 July 2007.

²³¹ DHSSPS news release, 28 June 2007. The rise in youth suicide, along with truly frightening figures on domestic violence, are signs of the real social malaise that the 'troubles' and the 'peace process' have bequeathed or obscured.

²³² DHSSPS news release and BBC News Online, 10 June 2007.

²³³ DHSSPS, *Investing for Health* (Belfast: DHSSPS, 2002, at: www.dhsspsni.gov.uk/show_publications?txtid=10415).

11.3 Housing

Another minister who could not be faulted for effort during the initial period of devolution was Margaret Ritchie (SDLP), at the Department for Social Development. Like Ms Ruane, she faced a challenging portfolio. But this time it was the product not of a direct-rule legacy but of a perverse effect of the ‘troubles’ having come to a sufficiently definitive end not just to persuade the prime minister (who many thought rather too quick to jump to that conclusion) but the rather more demanding housing market—soaring house prices.

During the survey period, one building society reported an average price rise of 76 per cent over two years (the IRA statement ending its campaign came in mid-2005), against an 18 per cent average increase across the UK. This made Northern Ireland now the fourth most expensive region, after London, the south-east and the south-west.²³⁴

On her first official visit, Ms Ritchie went to a south Belfast housing project, where she declared: ‘I am concerned about the difficulties that people are experiencing in renting and buying houses and I want to quickly establish what I can do to make houses more affordable.’ But she offered ‘no easy answers’.²³⁵ She subsequently pointed out at a Shelter conference that the average house price in Northern Ireland was now £215,000 and only one third of sales in 2006 had been to first-time buyers, as against six in ten five years earlier.²³⁶

A fortnight after assuming the reins, Ms Ritchie announced the formation of an interdepartmental group to consider the report in March by the former senior civil servant Sir John Semple, who had been tasked to address the issue of housing affordability.²³⁷ A few days later, she secured the agreement of her executive colleagues to proceed with this task force, with her in the chair.²³⁸

In July, she published a strategy on homelessness, *Including the Homeless*, arising from a 2004 consultation by a ‘promoting social inclusion’ group on that theme.²³⁹

²³⁴ P. Collinson, ‘Average home over £100,000 in every town, survey reveals’, *Guardian* (23 April 2007).

²³⁵ DSD news release, 9 May 2007.

²³⁶ DSD news release, 20 June 2007.

²³⁷ DSD news release, 21 May 2007.

²³⁸ DSD news release, 25 May 2007.

²³⁹ DSD, *Including the Homeless* (Belfast: DSD, 2007, at: www.dsdni.gov.uk/cv-homeless.pdf).

‘Promoting social inclusion’ was the best aspect of the now largely discredited policy of ‘New Targeting Social Need’, a revamp of an older Tory policy when ‘New’ Labour came into office. PSI had the

Homelessness has been steadily rising in recent years, preceding the recent crisis of affordability and largely precipitated by modern social trends towards more volatile relationships, against a backdrop of an increasingly inadequate supply of social housing. But the 'action plan' accompanying the strategy merely said on the key issues that an increase in social house-building would be considered and that affordability issues would be addressed in the context of the Semple review.

Ms Ritchie told the Social Development Committee that month that she needed a £1.5 billion budget to build 2,000 social homes.²⁴⁰ Whether her DUP colleague at the Department of Finance and Personnel, Mr Robinson, would feel obliged to help with the necessary resources in his first 'home-grown' budget, however, is another matter.

Meanwhile, rural housing was an early source of anxiety for environmental organisations. A study commissioned by nine green NGOs and the Department of Environment showed the substantial economic value of environmental-related activity in Northern Ireland.²⁴¹ The then prospective minister, Ms Foster (DUP), was present at the late-April launch in Belfast, where the principal point emerging from the floor was concern—articulated in the assembly by Alliance and Green MLAs—that the new executive would overturn 'PPS 14', a planning guideline restricting one-off rural homes.

The minister was non-committal and her SF colleague at the Department for Regional Development, Conor Murphy, said ministers would 'consider the way ahead'.²⁴² The fear of the NGOs, however, was that they would at least dilute the guidance, despite the explosion of single homes in the countryside in recent years—and despite the despoiling evidence of the 'bungalow blitz' in the Celtic-Tiger republic—because populism could be expected to trump environmental considerations.

advantage of tackling issues thematically and in policy terms, across departmental demarcations, whereas New TSN otherwise remained an only weakly effectual commitment to skew the expenditure of individual departments towards disadvantaged groups.

²⁴⁰ DSD news release, 5 July 2007.

²⁴¹ GHK, *The Environmental Economy of Northern Ireland: Final Report* (London: GHK, at: www.ghkint.com).

²⁴² B. Lowry, 'Bungalow blitz will trash our land', *Belfast Telegraph* (21 May 2007).

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The **Constitution** Unit

**DEVOLUTION
MONITORING
PROGRAMME
2006-08**

**Northern Ireland Devolution Monitoring Report
September 2007**

**Professor Rick Wilford & Robin Wilson
Queen's University Belfast (eds.)**



ISSN 1751-3871

The Devolution Monitoring Programme

From 1999 to 2005 the Constitution Unit at University College London managed a major research project monitoring devolution across the UK through a network of research teams. 103 reports were produced during this project, which was funded by the Economic and Social Research Council (grant number L 219 252 016) and the Leverhulme Nations and Regions Programme. Now, with further funding from the Economic and social research council and support from several government departments, the monitoring programme is continuing for a further three years from 2006 until the end of 2008.

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September 2007

Rick Wilford & Robin Wilson (eds.)

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Acronyms

APNI	Alliance Party of Northern Ireland
BIC	British-Irish Council
BIIPB	British-Irish Inter-Parliamentary Body
CCEA	Council on the Curriculum, Examinations and Assessment
CCMS	Council for Catholic Maintained Schools
DARD	Department of Agriculture and Rural Development
DCAL	Department of Culture, Arts and Leisure
DE	Department of Education
DoE	Department of Environment
DEL	Department of Employment and Learning
DETI	Department of Enterprise, Trade and Investment
DFP	Department of Finance and Personnel
DHSSPS	Department of Health, Social Services and Public Safety
DRD	Department for Regional Development
DSD	Department for Social Development
DUP	Democratic Unionist Party
HET	Historical Enquiries Team
IMC	Independent Monitoring Commission
JMC	Joint Ministerial Committee
MLA	Member of the Legislative Assembly
NICVA	Northern Ireland Council for Voluntary Action
NIO	Northern Ireland Office
NSMC	North/South Ministerial Council
OFMDFM	Office of the First Minister and Deputy First Minister
PSNI	Police Service of Northern Ireland
PUP	Progressive Unionist Party
RUC	Royal Ulster Constabulary
SDLP	Social Democratic and Labour Party
SF	Sinn Féin
UDA	Ulster Defence Association
UDR	Ulster Defence Regiment
UFU	Ulster Farmers' Union
UPRG	Ulster Political Research Group
UUP	Ulster Unionist Party
UVF	Ulster Volunteer Force

Executive Summary

After four and a half long years, devolution was finally restored to Northern Ireland on 8 May 2007. It was a personal triumph for the prime minister, Tony Blair, and he timed his resignation announcement to make the most of it—and the media images which winged around the world. The laughter of the new first and deputy first ministers, Rev Ian Paisley of the Democratic Unionist Party and Martin McGuinness of Sinn Féin, captured the celebration of the ending of direct rule and the reestablishment, after successive rounds of inter-party negotiations since 2002, of a power-sharing government.

There were further positive signs once the cameras had gone. The d'Hondt proportionality rule for the formation of the Executive Committee having already informally been run, on the basis of the party strengths established in the 7 March assembly election, ministers were quickly allocated their anticipated places and the executive got down to business. The committee chairs and deputy chairs were also appointed and the committees, ministers and officials addressed their policy agendas.

In further signs of a welcome normalisation, a British-Irish Council summit was held in Belfast, and the North/South Ministerial Council—which had been in cold storage, like the devolved executive—reconvened in Armagh. Meanwhile, a visit by the European Commission president, Jose Manuel Barroso, to Stormont, provided the opportunity to stress the EU's commitment to the region.

Under the surface, however, all was not quite so rosy as the carefully staged media events suggested. Graphically, it emerged that a new 'peace wall'—by the official count, the 47th—was to be built in north Belfast, on of all places land used as the playground of an integrated school. The assembly, meanwhile, found itself unable to endorse the direct-rule administration's policy on 'community relations', *A Shared Future*, electing merely to note it instead.

There was a stand-off between the DUP and SF over the commitments in the St Andrews agreement of October 2006, setting the framework for the renewal of devolution, to the devolution of policing and criminal justice by May 2008 and the introduction of an Irish Language Act. St Andrews had bequeathed a system of

governance even more replete with deadlocking vetoes, which threatened chaos in education after the expiry of the '11+' transfer test in 2008.

In particular, dealing with Northern Ireland's 'troubled' past had the potential to derail the new arrangements. As the army finally ended 'Operation Banner' after 38 years, a number of episodes excited neuralgic reminders, particularly in the Catholic community, of the unassuaged wounds left by decades of ethno-nationalist antagonism.

Chronology of Key Events

- 8 May 2007 Northern Ireland Assembly reconvenes, in presence of London and Dublin premiers, with Rev Ian Paisley and Martin McGuinness appointed first and deputy first ministers respectively and four-party Executive Committee formed
- 21 May 2007 European Commission president, Jose Manuel Barroso, visits Northern Ireland and pledges continuing EU support
- 17 & 18 June 2007 Scotland's first minister, Alex Salmond, visits Belfast and concludes agreement with first and deputy first ministers on future co-operation
- 28 June 2007 Shaun Woodward appointed Northern Ireland secretary, replacing Peter Hain, electing not to draw a salary; with Paul Goggins he comprises an NIO team reduced to two
- 16 July 2007 British-Irish Council meets in Belfast
- 17 July 2007 North/South Ministerial Council meets, in Armagh, for first time since suspension in 2002
- 31 July 2007 Army's 38-year 'Operation Banner' in Northern Ireland comes to end, and 'counter-terrorism' powers specific to Northern Ireland are repealed

1. The ‘Peace Process’

Rick Wilford and Robin Wilson

1.1 Devolution restored

After almost 55 months of renewed direct rule, devolution was restored in Northern Ireland on 8 May 2007. The new administration, headed by the Democratic Unionist Party leader, Rev Ian Paisley, as first minister and the leading republican, Martin McGuinness, as deputy first minister, was ushered in by the prime minister, Tony Blair, and the taoiseach, Bertie Ahern, at Parliament Buildings in Belfast.

They stood amid a throng of ‘luminaries’ who included leading loyalist paramilitaries and members of the IRA’s army council—the latter’s attendance confirming to all intents and purposes that the ‘long war’ was indeed over—though notable absentees were the predecessors of Messrs Paisley and McGuinness, David Trimble and Séamus Mallon respectively. Yet—unlike in Wales and Scotland at the time—Northern Ireland appeared poised to experience a period of stable (four-party) coalition government, the membership of which had been agreed in advance, as had the allocation of ministerial portfolios¹ and the chairs and deputy chairs of the assembly’s standing and statutory committees.²

It was an auspicious start. The first session of the new assembly took place that day, with the ministers and junior ministers in waiting being formally nominated and, in turn, taking the revised pledge of office before the newly elected Speaker, Willie Hay (DUP), and his three deputies: David McClarty (UUP), Francie Molloy (SF) and John Dallat (SDLP). The mood was upbeat, notwithstanding the announcement by the outgoing interim Speaker, Eileen Bell, that one of the DUP’s MLAs, George Dawson (East Antrim), had died on the eve of the transfer of power.³

Following the necessary formalities in the chamber, Messrs Paisley and Martin McGuinness addressed the celebrants in the Great Hall of Parliament Buildings, each striking a note of optimism.⁴ In Mr Paisley’s words, ‘Today, at long last, we are

¹ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: April 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_April07.pdf, p. 24.

² *Official Report*, 9 May 2007. The membership of each of the committees was unveiled at the second plenary session—*loc. cit.*

³ Mr Dawson was replaced by Alastair Ross with effect from 14 May 2007.

⁴ The full texts of their speeches are available at BBC News Online, 8 May 2007.

starting upon the road—I emphasise starting—which I believe will take us to a lasting peace in our province.’ To steady the nerves of the doubters in his constituency, he insisted: ‘I have not changed my unionism, the union of Northern Ireland within the United Kingdom, which I believe is stronger than ever.’ He affirmed the collective goal ‘to build a Northern Ireland in which all can live together in peace, equal under the law and equally subject to the law’.

Recalling the ‘innocent victims’ of all denominations, including the bereaved and those maimed by violence, he assured the audience that none would be forgotten, implying that the new political order would be a fitting testament to their memory. Quoting the Song of Solomon, he remarked: ‘I believe that Northern Ireland has come to a time of peace, when hate will no longer rule. How good it will be to be part of a wonderful healing in our province. Today we have begun to plant and we await the harvest.’

Mr McGuinness avoided biblical references, preferring to draw on the poet Seamus Heaney to affirm his optimism: ‘He (Heaney) once told a gathering that I attended ... that for too long and too often we speak of “the others” or “the other side” and that what we need to do is to get to a place of “through otherness”. The Office of First and Deputy First Minister is a good place to start. This will only work if we collectively accept the wisdom and importance of Seamus Heaney’s words.’

Like the first minister, Mr McGuinness assured his supporters he was remaining true to his ideological lights—‘I am proud to stand here today as an Irish republican who believes absolutely in a united Ireland’—and pointed to an inclusive future, ‘a society moving from division and disharmony to one which celebrates our diversity and is determined to provide a better future for all our people’. This was one ‘which cherishes the elderly, the vulnerable, the young and all of our children equally; which welcomes those from other lands and cultures who wish to join us and forge a future together’. It was, he added, a society ‘which remembers those who have lost their lives.’

Mindful of the material challenges facing the new executive, he struck a pragmatic note in observing that to build the future ‘we need the tools and we look to our friends on these islands and beyond to provide the practical support we need’. This was, in effect, a further signal that the new administration would be re-extending its begging

bowl to London and Dublin and elsewhere, to 'make a real difference to the lives of all of our people'.

The event was remarkable, with the first and deputy first ministers sitting cheek-by-jowl alongside the London and Dublin premiers—to that extent, at least part of Mr Blair's legacy appeared secure, while Mr Ahern basked in the shared glow that he hoped would serve him well in the Dáil election later in the month.⁵ The Northern Ireland secretary, Peter Hain, did not fall short of hyperbole when he told the Commons they had 'witnessed the final resolution of what has been, for centuries, the most intractable source of political conflict in Europe' and shown 'the world how a "shared future" can emerge from even the most bitterly divided and blood-stricken past', with its 'age-old enmities'.⁶

It subsequently emerged that a grubby part of that outcome had been seats offered on the Privy Council to the leading DUP figures Peter Robinson and Jeffrey Donaldson—a 'party political contrivance' fumed Mark Durkan, the SDLP leader.⁷ Indeed it had just previously emerged that the former first minister, Lord Trimble, had secured knighthoods for two of his party colleagues, Reg Empey and John Gorman, in the run-up to the Belfast agreement.⁸ Neither revelation exposed the prime minister to a murmur of criticism, despite replaying the claims of abuse of honours albeit in a more minor key.

It was, of course, a time of political flux. The elections on 3 May to the Scottish Parliament and the National Assembly for Wales had created uncertainties about the composition of the new administrations. And the transition at 10 Downing Street between Mr Blair and the outgoing chancellor, Gordon Brown, was impending—as was the contest for the deputy leadership of the Labour Party, among the contenders for which was Mr Hain.

Irrespective of the outcome of that, many if not most believed, indeed hoped, that the secretary of state would be leaving Northern Ireland. And so it proved. After an

⁵ Mr Ahern's electoral cause was further served by a joint visit to the site of the Battle of the Boyne with Mr Paisley on 11 May and his address to both houses of the UK Parliament on 15 May, just two weeks before the general election. Indeed, this raised hackles in the opposition Labour Party, whose leader, Pat Rabbitte, claimed the 'peace process' was being 'manipulated for partisan electoral advantage'—M. Donahoe, 'Labour criticise Ahern for UK visit during campaign', *Irish Times* (30 April 2007).

⁶ G. Moriarty, 'Blair, Hain salute "final resolution" in North', *Irish Times* (10 May 2007).

⁷ N. McAdam, 'Fury as DUP joins Privy Council', *Belfast Telegraph* (10 May 2007).

⁸ G. Moriarty, 'Trimble claims Blair reneged on promise', *Irish Times* (25 April 2007).

ignominious showing in the race—Mr Hain came fifth of the six candidates—he was moved by Mr Brown as prime minister to Work and Pensions and was replaced by the ex-Tory MP and former Northern Ireland Office junior minister, Shaun Woodward. It transpired, however, that Mr Brown's zeal to construct a new government of all the talents had included the offer of the post to the former Liberal Democrat leader Paddy Ashdown—an offer that his the incumbent, Menzies Campbell, felt compelled to refuse.⁹

Mr Woodward's appointment was to a much reduced NIO. The return of devolution necessarily left the new secretary of state, who chose to forego a ministerial salary, with a depleted portfolio. He had just one minister of state, Paul Goggins, to assist his labours.¹⁰

Within weeks of the appointment of the new devolved executive (see devolved government section), a caravan of six ministers and one junior minister travelled to the US—to the chagrin of the 'opposition' leader, David Ford of the Alliance Party¹¹—to exploit the opportunities for attracting foreign direct investment afforded by Northern Ireland's participation in the Smithsonian Festival in Washington DC. They were accompanied by representatives of 12 companies, who spearheaded an Invest NI trade mission around the theme 'Rediscover Northern Ireland'.

Addressing the opening of the festival, the deputy first minister, Mr McGuinness, declared:

I am here not just as the representative of one part of the community, today I am proud, honoured and humbled to speak to you as the joint leader of an administration which represents our entire society. A society not just in transition but in transformation; a society moving from division to one united in our celebration of diversity. For decades, indeed centuries, our history was one of conflict, division and war. That part of our history is at an end. The war is well and truly over.¹²

⁹ Lord Ashdown, who had formerly served in Northern Ireland in the army during the early years of the 'troubles' and was brought up in the region, was earlier made chair of the Strategic Review of Parading set in train by Mr Hain—Northern Ireland Office news release, 18 April 2007. This was a concession to the DUP during the talks at St Andrews in October 2006 on the renewal of devolution, despite it being the third such review in little more than a decade.

¹⁰ This is the first time that the NIO has had just two ministers.

¹¹ D. Keenan, 'Call for pension deal for RUC Reserve', *Irish Times* (27 June 2007). The deputy first minister dismissed the criticism as 'small-minded' on his return—D. Keenan, 'McGuinness criticises "ignorant" critics of US trip', *Irish Times* (3 July 2007).

¹² UTV News Online (27 June 2007). During the visit the Democrat presidential candidate Hillary Clinton suggested the introduction of an 'Irish bond', as a means of providing the new executive with a means of securing international funding for economic expansion—*Belfast Telegraph* (28 June 2007).

His positive message was echoed by the DUP finance minister, Peter Robinson: ‘Our two traditions are serving together in a new government ... a government that is about change, about building, about progress ... I believe there is no limit to what we can achieve together.’¹³ It was a rousing performance for the external audience and acted as a compelling curtain raiser for two planned investment conferences (see public finance section).

The McGuinness and Robinson speeches epitomised the early buoyancy of the unlikely pairing of the DUP and SF as joint leaders of the new administration. While not yet cemented by a public handshake between Messrs Paisley and McGuinness—as the DUP leader repeatedly puts it, the partnership with SF is a ‘work-in not a love-in’—it has not stilled entirely the doubters within the DUP, nor indeed the mainstream of the party, who remain committed to the achievement of a purely voluntary coalition, in which the DUP’s dependence on SF for access to power would be removed.

Pro tem, though, believing six impossible things before breakfast now seems the norm in Northern Ireland politics. Besides the loveless DUP-SF cohabitation, there has been the spectacle of unionists advocating fiscal harmonisation (on corporation tax) with the rest of Ireland and, together with their co-governing parties, seeking common cause with the Scottish National Party administration in Edinburgh and the Labour / Plaid Cymru coalition in Cardiff. Indeed, Alex Salmond’s first visit outside Scotland after becoming first minister was to Stormont, at the invitation of Mr Paisley (see intergovernmental relations section). The DUP leader had been among the first to ring his Scottish counterpart—whom he described as ‘a clever boy’—to congratulate him on the SNP’s electoral performance.

1.2 Political football

Each of the new ministers was quick to appear before the relevant assembly committee to set out his or her agenda for the term and to stress the need for partnership between committee and department. There were, though, many thorny issues ahead, some difficult to resolve on an inter-party basis. They included the future of academic selection (see public policies section), the reform of public administration (see local government section) and the proposed Irish Language Act

¹³ *Ibid.*

(agreed as part of the package at St Andrews), in addition to water charges and the new capital-value-based rating system. Notwithstanding the public demonstrations of co-operation and apparent harmony between, not least, the first and deputy first ministers, each of these had the capacity to rock the coalition boat.

Edwin Poots (DUP), who heads the Department of Culture, Arts and Leisure, quickly became one of the more beleaguered ministers. The direct-rule administration had effectively kicked for touch on the Irish language, by not only consulting on the proposal for legislation but then consulting on a legislative proposal itself. This conveniently moved what had clearly been an obligation accepted by the UK government at St Andrews into the in-tray of the devolved administration. And the DUP quickly made clear it saw no need for legislation at all—despite the very extensive opinion in favour revealed in the consultation. The SF leader, Gerry Adams, was moved to lead a party delegation to Mr Poots to press for action—to no immediate effect.

Besides the extremely tricky matter of Irish, one of the policy decisions Mr Poots inherited was the siting of a new sports stadium, to host football, rugby and Gaelic games—a proposal developed in conjunction with the Sports Council for Northern Ireland, partly with its conciliatory symbolism in mind. The outgoing direct-rule team had favoured the site of the former Maze prison—a proposal supported by SF on the ground that one of the ‘H-blocks’ and the prison hospital (where republican hunger-strikers died in 1981) would be retained and converted into an international centre for ‘conflict transformation’.

Mr Poots, who chaired the NIO’s Maze/Long Kesh Regeneration Panel charged to review proposals for its development, had long been an advocate of the site—in part, no doubt, because it sits in the middle of his constituency. But many football supporters opposed the idea, favouring Belfast because of the historic association between the game and urban working-class culture.

Mr Poots’ problems multiplied, however, when senior DUP colleagues, including the enterprise, trade and investment minister, Nigel Dodds, remarked that the retention of an H-block and the hospital amounted to ‘a shrine to IRA hunger strikers’. As far as Mr Dodds was concerned, ‘Whatever spin is deployed, the preservation of a section of the H-blocks would become a shrine to the terrorists who committed

suicide in the Maze in the 1980s. That would be obnoxious to the vast majority of people and is something unionist people cannot accept.¹⁴

It was subsequently reported that Mr Poots had been over-ruled by DUP colleagues when he was on the verge of releasing a statement endorsing the Maze. So controversial did the issue become that the culture, arts and leisure committee—chaired by the SF MLA Barry McElduff—interrupted its summer recess to convene a special meeting to address the matter on 24 July.¹⁵

A report commissioned by Belfast City Council meanwhile favoured an in-town location—although one possible venue, Ormeau Park, was ruled out by the first minister, who said it would be ‘inconvenient’. (Mr Paisley doubles as moderator of the Free Presbyterian Church and his Martyrs’ Memorial church overlooks the park.) To add to the mix, Mr Poots informed the assembly committee that the Gaelic Athletic Association opposed a Belfast venue (the GAA’s support is largely rural and the association would fear sectarian clashes if it brought big crowds to Belfast), whereas the Irish Rugby Football Union favoured it (the Ulster ground is in south Belfast), while the chief executive of the Irish Football Association had personally endorsed the Maze.

Pouring oil on troubled waters, Mr McGuinness entered the fray: ‘As DFM I am not arguing for any kind of shrine and the First Minister knows that. If we want a conflict transformation centre, then it has to concentrate on how we resolve conflict.’ He then added fuel to the flames, however: ‘But let us be clear: if there is no conflict transformation centre, then there is not going to be a stadium’.¹⁶ Mr Poots assured the committee that he would not submit a proposal that was incapable of achieving cross-community consensus. Thus far, the issue looked like a score draw.

1.3 Policing, paramilitaries and normalisation

Much occurred on policing and public order during the survey period, though the summer ‘marching season’ passed off almost without incident. Potential flashpoints were successfully defused by street-level efforts between ‘community leaders’ (often a euphemism for serving or former paramilitaries). Many fewer flags and emblems—certainly those celebrating various loyalist paramilitary organisations—were evident,

¹⁴ BBC News Online (22 June 2007).

¹⁵ The committee had agreed to hold this special meeting before the summer recess began.

¹⁶ UTV News Online (24 July 2007).

notably in Belfast, and there were fewer '11th night' bonfires, none accompanied by uniformed men firing off weapons.

Another sign of the changing times, following January's party conference vote to back the Police Service of Northern Ireland, was the attendance of SF's three representatives—Alex Maskey, Martina Anderson and Daithi McKay—at the Policing Board, newly reconstituted in line with d'Hondt proportionality in the light of the 2007 assembly election. Yet another signal change was the culmination of the security 'normalisation' process, whereby troop levels were reduced to around 5,000 (potentially even fewer), in line with the undertakings first set out in the Joint Declaration between London and Dublin of May 2003. From the end of July, the army ended its official support role for the PSNI ('Operation Banner'), after a total of 38 years. At the same time, provisions specific to Northern Ireland under Part VII of the Terrorism Act 2000 were repealed.

Further change was to come at the Office of the Police Ombudsman. It was announced that the incumbent, Nuala O'Loan, due to retire at the end of November, would be replaced by the ex-Mountie Al Hutchinson, who had served as the police oversight commissioner—an office established to oversee the implementation of the Patten reforms—since 2001. Ms O'Loan is no stranger to controversy and in her valedictory report she expressed concern about the transfer in October 2006 of primacy in 'national security' matters in Northern Ireland from the PSNI to MI5, because her office does not have a legal right of access to material held by the latter.¹⁷ More, she voiced concern that unless sufficient resources were made available by the NIO, she would not be able to carry out investigations into alleged police involvement in murders in the past.

Within days of the report's appearance, however, it emerged that Ms O'Loan was to re-examine the controversial John Stalker 'shoot-to-kill' inquiry into police killings in the early 1980s¹⁸ at the request of the UK government, following pressure from the Council of Europe. This inquiry will now be seen through by her successor.

There will be no change at the head of the PSNI: Sir Hugh Orde's contract as chief constable was extended earlier this year by the Policing Board for a further three

¹⁷ See www.policeombudsman.org.

¹⁸ See the account by the former Greater Manchester deputy chief constable in John Stalker, *Stalker* (London: Harrap, 1988).

years, i.e. until 2010. One of the issues on his agenda would, of course, be the proposed devolution of policing and criminal-justice powers. To that end, in May the Justice and Security (Northern Ireland) Bill completed its legislative passage in the UK Parliament, which paved the way for devolution by May 2008, the date set by the St Andrews Act.¹⁹ There was, however, no guarantee that it would be met, since unionist politicians remained unconvinced by the timetable. *Pro tem*, the matter was delegated to a new committee—the Assembly and Executive Review Committee—which began an inquiry into the timing, modalities and departmental arrangements for the transfer.

On the street, meanwhile, a number of (Protestant) ‘restorative justice’ schemes were finally accredited by the Northern Ireland secretary, Mr Woodward. Such schemes had proved hugely controversial, given their paramilitary inspiration on both sides, and the accreditation scheme (as discussed in successive recent devolution reports) was only finalised after a raft of safeguards had been introduced through successive accommodations of the critics by the NIO, *vis-à-vis* the schemes’ requirements to cooperate with the police and the criminal-justice system, regular inspection by the Criminal Justice Inspection and scrutiny of the suitability of those involved.²⁰ As things stood, however, the schemes in Catholic working-class areas had yet to be accredited, essential to secure official funding.

Sir Hugh sees himself very much as an agent of change and one sign of his commitment was a visit to one such area, Ballymurphy in west Belfast. This had been the site of a long-running feud between two well-known republican families, which led to the murder of a member of one of the families in February 2007. The chief constable attended at the invitation of Mr Adams, a native of the area, with whom he shook hands before addressing a private meeting of residents and representatives of crime and justice agencies. SF’s acceptance of the police has taken some of the sting out of the ‘restorative justice schemes’ issue—the biggest concern having been the potential of these to represent an alternative to formal policing and justice, lacking proper constraints in terms of human rights and public accountability.

This was another first—the most senior police officer in Northern Ireland invited to a republican stronghold by SF. The visit occurred alongside the publication of the most

¹⁹ Justice and Security (Northern Ireland) Act 2007, Chapter 6, at: www.opsi.gov.uk/acts/acts2007/ukpga_20070006_en.pdf.

²⁰ NIO news release, 3 August 2007.

recent six-monthly survey commissioned by the Policing Board into confidence in the PSNI. This showed 83 per cent confidence in the police, thereby reaching the target set by the board six months in advance.²¹

In his final report as oversight commissioner, Mr Hutchinson noted that 140 of the Patten Report's 175 recommendations had been implemented, that the PSNI was now fully accountable and that overall the changes wrought had amounted to an 'epic transition'.²² But he sounded a warning note over investigations into the past by the police ombudsman and the PSNI Historical Enquiries Team (HET), suggesting that they could undermine community confidence.

His view was, in effect, endorsed by Sir Hugh, who said that inquiries into alleged collusion between the Royal Ulster Constabulary, the army and loyalist paramilitaries could have a 'grinding effect' on the morale of PSNI officers. Moreover, he argued that the inquiries were posing a major threat to the force's crime-fighting capability. He disclosed to the Policing Board that 288 staff were sifting through files related to these investigations, at a cost in the current year of £14 million. In addition, the HET had a budget of £7.3 million for 2007-08 to fund its re-examination of more than 2,000 unsolved 'troubles' killings. Work had begun on about 500 cases, with 40 new cases being added each month. At that rate, according to Sir Hugh, the task would take five years to complete.²³

Following the publication by the NIO of the costs incurred thus far by the public inquiries into the murders of Rosemary Nelson (£15.1 million), Robert Hamill (£10.4 million) and Billy Wright (£7.2 million), in which official collusion or negligence had been alleged, the Northern Ireland Retired Police Officers' Association claimed such inquiries were no longer an appropriate means of dealing with the past. Its executive said: 'It would be immoral and illogical to sustain a system that reinforces a hierarchy of victimhood [and] which is intended to crucify our security forces.'²⁴ Earlier in 2007, the association had rejected the findings of the police ombudsman's enquiry into collusion between the RUC and loyalist paramilitaries in north Belfast.²⁵

²¹ See www.nipolicingboard.org.uk.

²² See www.oversightcommissioner.org.

²³ See UTV News Online (7 July 2007).

²⁴ *Belfast Telegraph* (17 June 2007).

²⁵ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: April 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_April07.pdf, p. 17.

The association was, however, gratified by the outcome of a class action taken by some 5,000 officers against the chief constable, claiming compensation for trauma suffered during the conflict. After a 102-day hearing, Justice Coughlin ruled in favour of the plaintiffs, to the effect that the RUC and the PSNI were liable from 1986 onwards, because there had been 'systematic failures in the management of the force' in relation to support for officers. They had, he ruled, suffered 'emotional damage as real as that caused by bomb and bullet'. The estimated cost of the compensation was £100 million.²⁶

One of the jagged pieces of the past that continues to rend the present is loyalist paramilitarism. Apart from a small contribution by the splinter Loyalist Volunteer Force, none of the loyalist alphabet soup of organisations has hitherto offered up any weapons to the Independent International Commission on Decommissioning. In early May, however, the Ulster Volunteer Force and its allied Red Hand Commando, responsible for 569 killings (the most recent in August 2005), announced that it was to assume a 'non-military civilianised role'. The UVF said: 'All recruitment has ceased; military training has ceased; targeting has ceased and all intelligence rendered obsolete; all active service units have been de-activated; all ordinance has been put beyond reach and the IICD instructed accordingly'.²⁷

This was a welcome development. Yet, the phrase 'beyond reach' rather than 'beyond use' in relation to its arsenal and the absence of a definition of what, exactly, 'beyond reach' meant gave pause for thought. It certainly did not meet the requirements of the decommissioning legislation, as the IICD made clear.²⁸ Nevertheless, it was an encouraging move and one that carried significant weight by being announced by the loyalist icon Gusty Spence.²⁹ Yet, in early June it emerged that 60 members of the UVF in mid-Ulster had been 'stood down' after questioning the leadership's decision to put weapons beyond reach. Such dissension may signal the readiness of some to continue their criminal activities for self-aggrandisement.³⁰

²⁶ BBC News Online (29 June 2007).

²⁷ The full statement is available at BBC News Online (3 May 2007).

²⁸ BBC News Online (3 May 2007). The UVF's announcement came less than three weeks after the PSNI had warned 117 individuals that their safety was at risk from the organisation—BBC News Online (17 April 2007). On the advice of the security services the UVF has still not been 'de-specified' by the NIO, i.e. its ceasefire has not yet been recognised formally. A review of its status was due to report in October—NIO news release, 27 June 2007.

²⁹ For insightful analyses, see David McKittrick, 'UVF "deactivates"', *The Independent* (4 May 2007), and Brian Rowan, 'What does beyond reach really mean?', *Belfast Telegraph* (28 June 2007).

³⁰ See Stephen Breen, 'Split fears', *Belfast Telegraph* (3 June 2007), and Ciaran McGuigan, 'Dissident loyalists', *Belfast Telegraph* (24 June 2007).

As for the Ulster Defence Association, the largest loyalist paramilitary organisation, it had yet to declare clearly on its future. Like the UVF it has to date given no indication that it is prepared to decommission. Yet in March 2007 the NIO announced that it was to provide £1.2 million to the UDA's 'advisory group', the Ulster Political Research Group, over three years. This was ostensibly to promote economic regeneration in six Protestant working-class areas³¹ and help transform the UDA into some sort of 'community' organisation. The continuation of that funding was to be contingent on clear evidence of a reduction in violence and criminality. The following month, however, the fifteenth report of the Independent Monitoring Commission said that while the IRA's capability had 'continued to deteriorate following the disbandment of paramilitary structures' and its involvement in crime 'continued to decline', the UDA remained 'heavily engaged in violence and crime'.³²

With devolution, responsibility for disbursing the funds became the responsibility of the SDLP's social development minister, Margaret Ritchie, who showed no evident wish to enter the NIO's moral maze. In early July she insisted that funding would only continue if the UDA affirmed that it had ended criminality and dealt with its arsenal: 'My message is quite simple: we are now in a new political dispensation, end all forms of criminality and bring forward decommissioning.'³³

This was, remarkably, interpreted by some in the UDA as a 'witch hunt' and drew a tart response from Jackie McDonald, the south Belfast 'brigadier' (and, bizarrely, confidant of the republic's president, Mary McAleese): 'You can't be seen to be selling your guns'.³⁴ His UPRG colleague Frankie Gallagher added: 'The UPRG wants to see the gun taken out of Northern Ireland politics as much as Margaret Ritchie does. But, as [the former SDLP leader] John Hume clearly knew, you cannot achieve peace and reconciliation through blackmail.'³⁵

The UDA resembles a cluster of rival, criminal gangs rather than a coherent and disciplined organisation and has been riven by deadly internecine warfare—including

³¹ This is of course a breach of the spirit of section 75 of the Northern Ireland Act 1998, which implemented the Belfast agreement. The section commits designated public authorities, which include the NIO, to non-discrimination by religion and political opinion (and eight other criteria). It has not, however, prevented government disbursing money in recent years, under its 'Renewing Communities' scheme, explicitly to Protestant disadvantaged areas. Giving such money to an offshoot of a paramilitary organisation is, however, even more difficult to square with the requirements of public probity.

³² See www.independentmonitoringcommission.org/documents/uploads/ACFAAB.pdf, pp. 8-10 and 14.

³³ See www.ireland.com (5 July 2007).

³⁴ See *Belfast Telegraph* (5 June 2007).

³⁵ UTV News Online (4 June 2007).

opposition on the part of the organisation's south-east Antrim 'brigade' to the attempts by the UDA to inch towards the political mainstream. In late July, violence erupted between rival factions in Carrickfergus, a town on the turf of the 'brigade', which led among other things to the shooting of a police officer. That spasm occurred three days after the UDA had issued a televised statement insisting that the organisation was united and that a new leadership had been appointed in south-east Antrim. While the UPRG issued its own statement in the wake of Carrickfergus condemning the violence and calling for support for the police, an extremely large question mark now hung over the continuation of funding by the Department for Social Development.

The scale of the paramilitary legacy a peaceful Northern Ireland still faces—and the volume of private funding to which paramilitaries retain access—was evident in the latest annual report from the Organised Crime Task Force. While paramilitaries do not constitute the only source of organised crime in the region they have been the main inspiration for its forbidding presence. The NIO junior minister, Mr Goggins, revealed in launching the report that in 2006-07 £37 million worth of assets, £22 million worth of drugs, £3 million of counterfeit goods and 7 million cigarettes had been seized.³⁶

1.4 Conclusion

Thus far, re-devolution has progressed relatively smoothly and the fully inclusive executive has shown some early signs of cohesiveness. For instance, in June a hastily convened meeting of ministers agreed a compensation package for households affected by flooding in Belfast and elsewhere, to be disbursed by the DUP's environment minister, Arlene Foster.³⁷ And, while the draft Programme for Government would not appear until September, there was early agreement on its initial priorities: high-quality public services; a competitive, outward-looking economy; the rebuilding of infrastructure; measures to tackle poverty, intolerance and racism; and improvements in key services, including education and health.³⁸ So far, so good.

But it would be unwise to be overly sanguine. Key matters in relation to the devolution of policing and criminal justice were by no means agreed, notwithstanding

³⁶ NIO news release, 18 June 2007. See report at: www.octf.gov.uk.

³⁷ See Executive Statement, 21 June 2007, available at www.northernireland.gov.uk/executive-statements.

³⁸ These indicative priorities were fleshed out in a speech by Ian Paisley Jr, one of the two junior ministers in the Executive, at the McGill Summer School. See DUP Press release, 24 July 2007.

the target date of May 2008. A row was definitely brewing over the introduction of an Irish Language Act. These and other items offered fissile issues that could destabilise the executive and impair inter-ministerial relations.

2. Devolved Government

Rick Wilford and Robin Wilson

2.1 Down to business

The new executive was established by the formal running of the d'Hondt rule after the appointment of the first and deputy first ministers. To the DUP and SF principals were added four DUP colleagues, three more from SF, two UUP figures and one SDLP member. As during the previous period, and given the sprawling character of the Office of the First Minister and Deputy First Minister—an unintended effect of the co-ordination deficit inscribed in the arrangements for executive formation and function established by the Belfast agreement³⁹—two junior ministers were appointed to the OFMDFM with the same political alignments as their superiors. On the DUP side, indeed, this was a father-son relationship.

The full executive thus comprised, with their portfolios:

- | | |
|---|---|
| • Rev Ian Paisley (DUP) | first minister |
| • Martin McGuinness (SF) | deputy first minister |
| • Ian Paisley Jnr (DUP) | junior minister, OFMDFM |
| • Gerry Kelly (SF) | junior minister, OFMDFM |
| • Nigel Dodds (DUP) | enterprise, trade and investment |
| • Arlene Foster (DUP) | environment |
| • Edwin Poots (DUP) | culture, arts and leisure |
| • Peter Robinson (DUP) | finance and personnel |
| • Michelle Gildernew (SF) | agriculture and rural development |
| • Conor Murphy (SF) | regional development |
| • Caitriona Ruane (SF) | education |
| • Sir Reg Empey (UUP) | employment and learning |
| • Michael McGimpsey (UUP) ⁴⁰ | health, social services and public safety |
| • Margaret Ritchie (SDLP) | social development |

³⁹ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: August 2002*, at: www.ucl.ac.uk/constitution-unit/monrep/ni/ni_august_2002.pdf.

⁴⁰ Alan McFarland, the liberal unionist narrowly defeated for the UUP leadership by Sir Reg Empey after the resignation of Lord Trimble, turned down the health ministry after a row with Sir Reg, whom he argued should not have taken a department himself but rather should focus on rebuilding the party—'UUP man "turned down health role"', BBC News Online (19 April 2007).

2.2 'Joined-up' government?

After devolution, the OFMDFM quickly issued and circulated a colourful eight-page brochure as a guide to the devolved administration, with joint warm words of introduction by Messrs Paisley and McGuinness, adopting the former administration's slogan of 'making a difference' by comparison with direct rule. But Mr Paisley broke with his predecessors in the office by taking first minister's questions separately from Mr McGuinness, so that they responded to MLAs' inquiries by rotation rather than together—a small sign that even the modest, and eventually threadbare, partnership which was to characterise the OFMDFM under David Trimble and Séamus Mallon would not prevail, regardless of the apparent *bonhomie*, in a regime in which Mr Paisley was very pointedly to call his colleague 'deputy'.⁴¹

The attraction of inward investment was at the top of the new executive's agenda. Hence the prominence given by all parties to the campaign to reduce corporation tax to the level in the Republic of Ireland (see public finance section).⁴² While unemployment remains low (4.2 per cent for the period March-May, below the UK and EU averages), Northern Ireland's working-age economic-inactivity (25.8 per cent) is significantly above the UK average (21.2 per cent) and the highest among UK regions.⁴³

Without the powers to determine its fiscal climate, unsurprisingly the four-party executive beat a path, primarily, to the UK Treasury arguing for more public funds—even if more than 40 per cent of public expenditure in the region is supported by the Westminster subvention. It was bound to seem an easier prospect than seeking to secure agreement, within an ideologically diverse and politically inexperienced coalition, for the complex policies designed to promote regional economic development.⁴⁴

⁴¹ G. Moriarty, 'Paisley emerges unscathed from dispatch box', *Irish Times* (12 June 2007). For a unionist first minister to refer to a Catholic deputy first minister as 'deputy', however formally correct, carries a huge sectarian charge in Northern Ireland because of the history of Catholic oppression under the unionist *ancien régime*.

⁴² One index of this consensus was the submission of two papers by the assembly's Finance and Personnel Committee to the Varney review (see public finance section), supporting the reduction of the tax. The Enterprise, Trade and Investment Committee, chaired by the former finance minister and ex-deputy first minister Mark Durkan (SDLP), added its voice to the clamour by submitting its own paper to the review team. See 'Committee' page of the assembly website, www.niassembly.gov.uk.

⁴³ Department of Enterprise, Trade and Investment news release, 18 July 2007.

⁴⁴ On this there is a very large literature, developed by the network which is the Regional Studies Association and showcased in its journal, *Regional Studies*, and associated volumes. Northern Ireland's disconnection from wider regional policy debates, however, means there is hardly any familiarity with this literature within the region itself. As a result, much economic debate falls at the first hurdle in Northern Ireland, taking as its model 'sovereign' states, like the republic, when the region lacks the

The first meeting of the Executive Committee, according to the subsequent news release, focused on the deferral of water charges and the continuing hope of a better package from Mr Brown.⁴⁵ The next meeting was not however followed by a collective statement, and it emerged that Messrs Paisley and McGuinness would not do post-executive press conferences,⁴⁶ in a further break with the joint idea of the OFMDFM. The latter was born as a partnership concept in the mind of the SDLP leader, Mark Durkan, having observed the impact of a joint visit by David Trimble and Séamus Mallon (who were to become the first incumbents) to console the victims—one Catholic household, one Protestant—of a loyalist killing in Poyntzpass in the month before the Belfast agreement.

One of the features of the 1999-2002 executive was its lack of an infrastructure: there was no cabinet system as such—at least not in the commonly understood sense of an underpinning set of ministerial sub-committees. Moreover, the DUP boycotted all executive meetings which, among other things, caused some operational difficulties, albeit not insurmountable.

This time, however, all 12 ministers plus both junior ministers attended the meetings from the outset and there was a ready acceptance of the need to delegate some matters to sub-committees.⁴⁷ Thus, while there were just two sub-committees during the whole of the first mandate, each of which appeared late in the day, two were established during this survey period: one on the future shape of local government (see local government section) and the other to agree the terms of reference of the comprehensive review of the financing of water and sewerage.

How 'joined-up' it would all be, though, would remain to be seen. The key challenges facing the administration—regionally, of sectarianism and social exclusion and, globally, of sustainable development—had all been the subject in 2005 and 2006 (as addressed repeatedly in recent monitoring reports) of what were necessarily cross-departmental direct-rule strategies: *A Shared Future*, *Lifetime Opportunities* and *First Steps Towards Sustainability* respectively.

associated macroeconomic powers, and failing to address key distributional issues within the UK itself—notably in ignoring the centrality of taxation to the challenge of poverty and social exclusion and in failing to make any literate contribution on the regional allocation of public expenditure, where Northern Ireland's beneficial treatment is often discussed as if it had been grossly unfair.

⁴⁵ OFMDFM news release, 10 May 2007.

⁴⁶ N. McAdam, 'McGuinness and Paisley shy away from press talks', *Belfast Telegraph* (25 May 2007).

⁴⁷ Only rarely did the two junior ministers attend executive meetings between 1999 and 2002.

On the first of these, the assembly passed an amendment to an Alliance motion which would have endorsed *A Shared Future*, merely noting it instead. On the second, nothing was heard during the period—except in the negative.

The Northern Ireland Council for Voluntary Action complained in August about what it described as ‘deeply worrying’ evidence, from Households Below Average Income data, that the proportion of children in poor families had risen from 51 to 56 per cent in two years, whereas in Great Britain the proportion was 49 per cent. NICVA called for the anti-poverty strategy, *Lifetime Opportunities*, to be taken ‘off the shelf’ and associated with tangible policies and targets. Save the Children also expressed ‘grave concern’. SF responded to the publication of the data by calling for a ‘genuine’ strategy on the part of the executive ... of which it was a part.⁴⁸

As to the third, a key issue in Northern Ireland is weak environmental governance—viz the absence of an independent environmental protection agency, unlike every other jurisdiction in these islands. This had been highlighted in a February 2004 report for a coalition of NGOs by Prof Richard Macrory.⁴⁹ The direct-rule administration responded sympathetically, by establishing an independent review of environmental governance, chaired by the noted environmentalist Tom Burke.

As expected, its report, *Foundations for the Future*, duly recommended an independent agency, in the context of a lack of confidence in a fragmented governance arrangement with a poor record of compliance with EU directives.⁵⁰ Interestingly, it delivered what was in effect a critique of the governance structures bequeathed by Belfast agreement: ‘The present fragmentation of responsibility for environmental policy has created a policy system that is not fit for purpose.’⁵¹

The review also called for strategic planning to be returned to the Department of Environment from the Department for Regional Development, to allow integration with environmental considerations, for an environmental-audit assembly committee to make a joined-up response to environmental issues (as against merely scrutinising

⁴⁸ D. Keenan, ‘NI poverty report prompts calls for new strategy’, *Irish Times* (3 August 2007).

⁴⁹ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: May 2004*, at: www.ucl.ac.uk/constitution-unit/monrep/ni/ni_may_2004.pdf, p.47.

⁵⁰ Review of Environmental Governance, *Foundations for the Future: Review of Environmental Governance—Final Report* (2007), at: www.regni.info/final_report-3.pdf, p.50

⁵¹ *Ibid.*, p.43

the DoE), for the three relevant consultative bodies (on conservation, buildings and monuments) to be merged into a single Advisory Council and for an Environmental Tribunal to replace the Water and Planning Appeals Commissions.⁵²

Neither the DUP nor SF had been moved to make a submission to the review. The new environment minister, Ms Foster of the DUP, admitted that this 'should not have happened'. But she now suggested the way forward was a round table between green groups and farmers—she has a rural constituency—although the latter had an obvious private interest in stemming public regulation. Indeed, the reaction of the Ulster Farmers' Union to the review was to warn its members of more 'bureaucracy' on the way.⁵³

⁵² *Ibid.*, pp. 65, 76, 82 and 96.

⁵³ D. Gordon, 'Minister to consult on eco watchdog', *Belfast Telegraph* (20 June 2007).

3. The Assembly

Rick Wilford and Robin Wilson

3.1 Debates

Following the formalities of 8 and 9 May, the newly elected assembly began its plenary business in earnest on 14 May, with a debate on the re-application of its membership to the Commonwealth Parliamentary Association, moved by Robert Coulter of the UUP. This was hardly a matter likely to commend itself to nationalists and republicans, but the motion was carried unopposed. Yet the dog that did not bark in this context was the 'RegLeg' network of regional assemblies with legislative powers in Europe, a far more important body which Scotland and Wales have joined yet which has failed to register on Northern Ireland's limited-horizon radar screen.

As between 1999 and 2002, the assembly met twice weekly (on Mondays and Tuesdays), rising for the summer recess on 6 July. During the session, members completed the legislative passage of the Budget Bill and the Welfare Reform Bill (the latter an example of parity legislation), each granted accelerated passage through the chamber, and began to debate the Health (Miscellaneous Provisions) Bill, the Libraries Bill and the Taxis Bill. The former was notable for the withdrawal, by the health minister, Michael McGimpsey, of the provision permitting actors to smoke on stage during performances in the context of the ban on smoking in public places.

Many debates dealt with matters left on the agenda by the direct-rule administration, including the review of the rating system, the severely under-supported child and adolescent mental-health services, the needs of looked-after children (all 15 May), single farm payments and community relations (both 4 June), the supply resolution for the 2007-08 main estimates (11 June), and the Racial Equality Strategy and victim support (both 3 July).

MLAs tended to demonstrate the observation by a former secretary of state, Jim Prior, that in Northern Ireland 'they're all Keynesians' by supporting the introduction, as in Scotland, of free personal care for the elderly (29 May) and, as in Wales, the abolition of prescription charges (15 May). Other members also sought increased spending on a rural health task force, a commissioner for older people (both 5 June), pay parity (with teachers) for further-education lecturers, a 'transformation fund' for

the childcare and early-years education workforce and pension provision for former members of the part-time RUC reserve (all 26 June).

The latter, according to John O'Dowd (SF), was tabled by the UUP 'for no other reason than to cause upset in the Chamber'—which it duly did. Another debate which divided along sectarian lines was on an SF motion (22 May) calling for a single equality bill, rationalising the various equal-opportunities provisions. The previous assembly had failed to make progress on this—despite it being a pledge in the first Programme for Government—and the motion was defeated by unionists, with the UUP claiming this showed power-sharing between the DUP and SF was not working.⁵⁴

Overall, however, the tone of debates was constructive, with relatively little of the bearpit atmosphere that characterised the first assembly.

3.2 Committees

The assembly's committee structure underwent modifications following the St Andrews agreement. The Committee of the Centre, which monitors the Office of the First Minister and Deputy First Minister, changed from a standing to a statutory committee and it was retitled the Committee for the Office of the First Minister and the Deputy First Minister. Its changed status meant that, like the remaining ten statutory committees, it now had 11 members whereas formerly it had 17. There was one new standing committee, the Assembly and Executive Review Committee, established to undertake a variety of tasks relating to institutional issues. These included the planned transfer of policing and criminal justice—top of its agenda—and the issue of multiple mandates.

The committees would be likely to experience further reform in the light of the Procedure Committee's inquiry into committee systems and structures. Among the issues on its agenda were their size, the number of members serving on multiple committees, the use of substitutes, the arrangements for quorums, the possible use of rapporteurs, and the introduction of standing orders to allow for joint committees. The committee was also conducting a simultaneous inquiry into the possible introduction of electronic voting in the chamber. Technologically, Stormont lags way behind the facilities in the Holyrood chamber for MSPs.

⁵⁴ G. Moriarty, 'NI Ministers to introduce equality bill', *Irish Times* (23 May 2007).

Each of the 11 statutory committees was briefed by its associated minister and officials about the policy agenda and, together with the six standing committees, improved communication with the wider world by publishing a work programme on a dedicated website. Two committees had already published reports by the end of this survey period: Finance and Personnel produced its report on 'Workplace 2010 and the Location of Public Sector Jobs',⁵⁵ while the Public Accounts Committee flexed its muscles by producing a scathing report on what it called the '£34m Belfast-Bangor Rail Fiasco'.

The committee chair, Mr O'Dowd (SF), summarised the findings in robust terms, arguing that 'there were serious key failures in the management of the project; a failure to produce a realistic economic appraisal; a failure to revisit the economic appraisal when it was clear that the project was seriously over budget; and perhaps most importantly, a failure of the Department [of Regional Development] to hold [the public transport holding company] Translink to account'. He concluded: 'I have to question Translink's ability to undertake major capital projects.'⁵⁶ Translink is understood by insiders to have benefited from a lack of public accountability in the past and this could be a sign of things to come from that quarter.

One token of the intention to develop the committee system was the decision to reconvene the unofficial liaison committee, comprising the chairs/deputy chairs of the standing and statutory committees. Its renewed existence, which unlike between 1999 and 2002, included DUP MLAs, suggested a disposition among members to develop the 'joined-up' scrutiny within the assembly which was a positive feature of the earlier devolution period.

Oral questions to ministers were resumed on 11 June. As in 1999-2002, three ministers appeared weekly to take questions from members, for half an hour each. No explanation was given for the new system with regard to the OFMDFM, whereby Mr Paisley took the first set of questions on 11 June and Mr McGuinness the second two weeks later.

⁵⁵ It emerged that the consultancy cost of 'Workplace 2010'—a programme to sell off the civil-service estate in favour of leasing office space for departments—was heading for £8 million—D. Gordon, '£8m consultancy fees for Stormont buildings sell-off', *Belfast Telegraph* (25 May 2007).

⁵⁶ Public Accounts Committee news release, 5 July 2007.

3.3 Payment by results?

While there was undoubtedly a broad public welcome for the restoration of devolution, resentment still smouldered over the cost of keeping the potential devolved political ship moored in the conditions to which its occupants had become accustomed over the previous five years—albeit on reduced rations.

The transfer of power not only saw MLAs' full salaries of £41,000 restored but also their allowances increased—by £22,000 to £70,000. The news provoked a stream of angry messages to BBC Radio Ulster, with listeners complaining about the politicians' failure to do their jobs since 2002 and suggesting alternative and more worthy causes for additional public expenditure.⁵⁷

Despite being in cold storage the whole time, the assembly managed to cost £8.7 million in 2006 and it was projected to cost £12 million in 2007.⁵⁸

⁵⁷ *Good Morning Ulster*, BBC Radio Ulster (15 May 2007).

⁵⁸ D. Gordon, '£12m: that's what our MLAs are really costing', *Belfast Telegraph* (1 June 2007).

4. The Media

Robin Wilson

4.1 Satellite vans return

The restoration of devolution on 8 May was the occasion for the latest—and possibly the last—‘historic’ Northern Ireland photo-opportunity for the world’s media, which once again camped at the foot of the steps to Parliament Buildings. Indeed, the proceedings had begun at Hillsborough Castle the previous evening. The Northern Ireland secretary, Mr Hain, not one to be camera-shy, invited the media to view his signing-off order ending direct rule.⁵⁹

It was claimed that even more representatives of the international media reported on the formation of the devolved executive on 8 May than had observed the run-up to the Belfast agreement.⁶⁰ Indeed, the media themselves became in part the story, as the *Belfast Telegraph*’s political correspondent reflected: ‘Images which would once have been unthinkable were being broadcast across the globe from the grounds of Stormont.’⁶¹

The news led BBC World Service bulletins throughout the day, represented as ‘bitter enemies’ coming together. And the picture of Messrs Paisley and McGuinness laughing (though not with each other) on the stair at Stormont winged around the world—like the predecessor Adams/Paisley shot when the parties reached agreement in March—appearing for example on the front pages of the *Guardian* and the *Irish Times* next day.

The new partnership was widely represented as a ‘miracle’, as in the *Independent*’s report, which opened: ‘It is the closest thing to a miracle that Belfast has seen: the sight of the two veterans, Protestant patriarch and iconic republican, standing shoulder-to-shoulder to vow that they will leave the past behind.’⁶² And there were hopeful vox pops in a *Belfast Telegraph* report from Belfast and Derry.⁶³

⁵⁹ N. McAdam, ‘Signing off’, *Belfast Telegraph* (8 May 2007).

⁶⁰ G. Moriarty and D. de Bréadún, ‘Significant ceremony marks end of Northern conflict’, *Irish Times* (8 May 2007).

⁶¹ N. McAdam, ‘World watches as power-sharing returns’, *Belfast Telegraph* (8 May 2007).

⁶² D. McKittrick, ‘The miracle of Belfast’, *Independent* (9 May 2007).

⁶³ ‘Your verdict: things can only get better after a “wonderful moment”’, *Belfast Telegraph* (9 May 2007).

But the *Irish News* had led on the morning of the re-establishment of devolution with a report based on a comment by the republic's foreign minister, Dermot Ahern, that 3,500 people had died unnecessarily, as power-sharing could have been agreed decades earlier.⁶⁴ And the day after the formalities, the *Irish Times* reporter asked rhetorically, given this was such an 'historic' moment:

So why was there an underlying sense of anti-climax about the occasion? At least that was the feeling some of us had. The principals—Ian Paisley, Martin McGuinness, Bertie Ahern, Blair—acted properly, they spoke well, they provided positive images, there were apposite quotes. Yet, somehow, the day didn't quite match the occasion.⁶⁵

The writer himself raised the question as to why so many had had to die for so little—which the paper felt obliged to spell out by listing the 3,722 killed as a result of the 'troubles' since 1966.⁶⁶

Mary Jordan of the *Washington Post* noted that Messrs Paisley and McGuinness 'appeared to avoid direct eye contact during the day's celebration and bonhomie',⁶⁷ and the *Guardian's* Michael White, having cited the respective references by Messrs Blair and Ahern to ending 'ancient hatreds' and the 'old quarrel', remarked: 'Yet it was noticeable that when the speeches ended most of the handshakes and hugs seemed to be confined to their own sides.'⁶⁸ Looking ahead, Frank Millar warned in the *Irish Times* of the continuing constitutional conflict: 'They made history here yesterday. But they didn't end it.'⁶⁹

With time to reflect at the weekend, some of the intellectually weightier commentators presented more sobering analyses. In the *Irish Times*, the world-affairs analyst Paul Gillespie questioned whether the taken-for-granted essentialism of identity in Northern Ireland could lead to the recognition of heterogeneity and interdependence necessary for coping with today's world.⁷⁰ Over at the *Observer*, Nick Cohen challenged the 'educational apartheid' underpinning Northern Ireland's political culture:

I don't want to diminish the achievement of Tony Blair and Bertie Ahern, but the wolfish grins on the faces of Gerry Adams and Ian Paisley last week

⁶⁴ 'Why did it take 3,500 killings? asks Ahern', *Irish News* (8 May 2007).

⁶⁵ G. Moriarty, 'Day of "history without drama" goes as planned', *Irish Times* (9 May 2007).

⁶⁶ '3,722 lives lost—the price of peace in a divided island', *Irish Times* (9 May 2007).

⁶⁷ M. Jordan, 'Former foes unite to take oaths of office in N. Ireland', *Washington Post* (9 May 2007).

⁶⁸ M. White, "'A time to love, a time to hate, a time of war, a time of peace'", *Guardian* (9 May 2007).

⁶⁹ F. Millar, 'Siege lifts but is powersharing a final settlement?', *Irish Times* (9 May 2007).

⁷⁰ P. Gillespie, 'Can powersharing lead to place of through-otherness?', *Irish Times* (12 May 2007).

should have told them that there might be peace in Northern Ireland but there's no reconciliation. The old sectarian leaders looked like a pair of exhausted warlords, who, after 30 years of a pointless conflict, were content to settle for a division of the spoils. There was no hint of a common political culture, no shared understanding of the principles of secular democracy, just a truce between bosses in which each left the other free to run his fiefdom and the quangos and ministries which went with it.⁷¹

4.2 A different story

It had meanwhile emerged in the *Belfast Telegraph*, courtesy of a parliamentary answer by the Northern Ireland secretary, Mr Hain, that government now recognised 46 'peace walls'—and 11 'gates'—across the region, dividing Protestant from Catholic at sectarian interfaces.⁷² The paper subsequently reported, a fortnight after devolution, that a new one was to be built in north Belfast, next of all places to an integrated school, on land used for its playground and in the face of the school's opposition. That very morning the principal of a Catholic school in Ballymena, Co Antrim, told BBC Radio Ulster that it was to close at the end of term due to falling rolls—following recurrent sectarian attacks on the school and on Catholic families in the area over many years.⁷³

As the *Belfast Telegraph's* educational correspondent drily noted of the 25-foot fence to be constructed at Hazelwood Integrated Primary School, 'The plan has been confirmed just weeks after the Secretary of State Peter Hain insisted that the Government was committed to "removing barriers" dividing communities in Northern Ireland, and as a new era of power-sharing gets under way at Stormont.'⁷⁴ But when, next morning, BBC Radio Ulster ran the story, no NIO minister was available to comment.

BBC Northern Ireland's current-affairs TV slot, *Hearts and Minds*, led on the new 'peace wall' episode that evening. It began with a film including interviews with Neil Jarman of the Institute for Conflict Research, which has done much work on intolerance and is based in north Belfast, as well as Duncan Morrow, in his capacity as chief executive of the Community Relations Council. Both queried the official approach of dealing with sectarianism by building more walls.

⁷¹ N. Cohen, 'Stop this educational apartheid', *Observer* (13 May 2007).

⁷² S. Lister, 'Divided by 57 peace lines', *Belfast Telegraph* (26 April 2007).

⁷³ *Good Morning Ulster*, BBC Radio Ulster (23 May 2007).

⁷⁴ K. Torney, 'Peaceline plan for integrated primary', *Belfast Telegraph* (23 May 2007).

The programme then turned to a studio debate, the intention of which was to press representatives of the DUP and SF, as the principal powers-that-be, on what they would do now that responsibility for ‘community relations’ was once more devolved. But this quickly descended into a visceral argument between Gregory Campbell of the DUP and his interlocutor, Martina Anderson, a former IRA prisoner who is archly described as SF’s ‘director of unionist engagement’.

Mr Campbell opened by changing the question from the anchor, Noel Thompson, to challenge the capacity of Ms Anderson, as a ‘convicted terrorist’, to take part in cross-sectarian dialogue. She responded by refusing to admit anything in particular the IRA had done that had been wrong. The item ended with the two politicians talking over each other while Mr Thompson had to talk over both—neither having addressed the ‘peace walls’—to bring it to a close.⁷⁵

Miracles don’t happen in politics or anywhere else. And the ‘peace walls’ story highlighted that there was less to what had happened at Stormont—however important—than met the camera eye. Interestingly, the past quarter not only saw the outgoing prime minister, Mr Blair, bask in the reflected media glow at Stormont but also issue his parting shot at Reuters on 12 June against the ‘feral beast’ with whom he had had such an obsessive engagement for the previous decade—alongside his obsessive pursuit of a favourable end to the story in Northern Ireland.⁷⁶

Lindy McDowell is a *Belfast Telegraph* columnist, who like many other commentators felt this was a bit rich from a prime minister who had relied so much on ‘the malign influence of spin’. But she gave the argument a particular Northern Ireland angle, detecting this influence:

Not just in the likes of the dodgy dossier that helped lead a nation into war. But in our own peace process, where those who dared to even question the [Belfast] Agreement were portrayed not just as anti-peace but as little short of blood crazed warmongers.

The wonder is not the New Labour machine blatantly employed such spin—but that such a large section of the media failed to swoop in and point it up for what it was.⁷⁷

⁷⁵ *Hearts and Minds*, BBC Northern Ireland (24 May 2007).

⁷⁶ Tony Blair’s full allegation was that: ‘the fear of missing out means today’s media, more than ever before, hunts in a pack. In these modes it is like a feral beast, just tearing people and reputations to bits. But no-one dares miss out.’ Text available at:

<http://image.guardian.co.uk/sys-files/Politics/documents/2007/06/12/BlairReustersSpeech.pdf>.

⁷⁷ L. McDowell, ‘Don’t hold the front page’, *Belfast Telegraph* (16 June 2007).

Still, on he went to the Middle East, clearly intent on broadening his remit from the Contact Group to assist the Palestinian Authority with governance issues into concluding the 'peace process' there. And, while few on the Palestinian side had any confidence in a broker so obviously aligned with US neo-conservatives, he was able to exploit his cultivated Northern Ireland reputation to enhance his credentials.

Thus, the *Guardian* reported: 'Mr Blair's reputation as a negotiator in Northern Ireland suggests that he has the patience and determination to bring differing sides together. He has repeatedly said the Middle East peace talks need to be micro-managed in the way that he handled the Northern Ireland peace process.'⁷⁸

⁷⁸ P. Wintour and I. Black, 'From No 10 to the Middle East: Blair gets a new job', *Guardian* (26 June 2007).

5. Public Attitudes and Identity

Robin Wilson

5.1 The legacy that wasn't

An opinion poll published during the survey period indicated that the outgoing prime minister had comprehensively failed to persuade the public that his legacy should be perceived to be peace in Ireland rather than chaos in Iraq.

Just how much Mr Blair had become concerned to ensure Northern Ireland defined his legacy was first suggested by his willingness to offer a raft of concessions to the DUP to prevent the party collapsing the talks at St Andrews in October, fearful of the next day's headlines.⁷⁹ A further sign was a report suggesting the Blairite minister John Reid was signalling to the region's politicians that it was less important that they met the 26 March deadline for the renewal of devolution than that they did it on Mr Blair's watch.⁸⁰ And it became more evident when it emerged that he would announce his resignation after the Scottish and Welsh elections, despite the negative impact this would have on Labour's performance—and not even directly afterwards, but following the restoration of power-sharing at Stormont the following week.

He duly did so, on May 10.⁸¹ Yet it was in vain. A poll published by the *Independent* on Mr Blair's tenth anniversary as premier found that 69 per cent of respondents thought his enduring legacy was Iraq. Just 6 per cent suggested Northern Ireland.⁸²

5.2 Egalitarian Ulster?

In the 1970s a popular Belfast punk band called Stiff Little Fingers produced a song, 'Alternative Ulster', which railed against the prevailing sectarian system. That rebellion found little resonance then in the political arena, and even less now. Yet polls repeatedly indicate that public opinion in Northern Ireland can not be reliably read off from the party-political agenda.

⁷⁹ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, p. 22.

⁸⁰ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: April 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_April07.pdf, p. 21.

⁸¹ S. Lister, 'PM quits after his triumph in Ulster', *Belfast Telegraph* (10 May 2007).

⁸² A. Grice, 'Blair's bloody legacy: Iraq', *Independent* (1 May 2007); cf. D. Marquand, 'He will always be defined by the war he started, not the conflict he ended', *Guardian* (11 May 2007).

Thus, while all the parties were campaigning to lower corporate taxation to attract business, many Northern Ireland citizens expressed themselves willing to pay more in income taxes to address poverty. YouGov found that 42 per cent, as against only 25 per cent in London, would support higher taxes to reduce child poverty. In any event, 84 per cent said government should do more to tackle the issue, as against a UK average of 74 per cent.⁸³

⁸³ L-A. Henry, 'Ulster folk willing to pay child poverty tax', *Belfast Telegraph* (23 May 2007).

6. Intergovernmental Relations

Elizabeth Meehan and Rick Wilford

6.1 Introduction

A number of moments in recent times in Northern Ireland and in relations between Ireland and Britain have perhaps rather ritually been described as ‘historic’ but, in this period, Bertie Ahern gave in May 2007 what was the first address by a taoiseach to both Houses of Parliament. His first meeting with the new prime minister, Mr Brown, took place immediately before a significant summit of the British-Irish Council in Belfast in July. By all accounts, this was an ‘historic’ meeting too, involving as it did the newly restored Northern Ireland institutions, led by the DUP-SF dyarchy and followed the next day by a meeting—significant for the same reasons—of the North/South Ministerial Council in Armagh. Beyond that, the period saw a number of bilateral contacts, particularly with Scotland.

6.2 British-Irish Inter-Parliamentary Body

But first, the record for the 34th meeting of the British-Irish Inter-Parliamentary Body,⁸⁴ on 5-6 March in Dublin, only became available during this survey period. In addition to the regular members, the taoiseach, Mr Ahern, and a minister of state, Brian Lenihan, attended all or part of the proceedings. Mr Lenihan is TD for the constituency in which the conference was taking place and, at the time, was minister of state with special responsibility for children and consequently associated with three departments: Health and Children; Justice, Equality and Law Reform; and Education and Science.

Debating a motion on recent political developments, the BIIPB repeated its welcome for the St Andrews agreement, looked forward to the then imminent (7 March) elections in the north (expressing pleasure that ‘bread and butter’ issues were predominating on the doorsteps⁸⁵) and looked back with pleasure to the Irish-English rugby match, won by Ireland and memorable for having been played (after the UK

⁸⁴ Official Report, British-Irish Inter-Parliamentary Body, thirty-fourth Plenary Conference, 5 and 6 March 2007, Castleknock Hotel, Dublin (Dublin: British-Irish Parliamentary Body Reporting Association).

⁸⁵ Baroness Blood drew laughter from her audience when she said: ‘I watch our politicians on the television, and, as Senator O’Rourke said, they are now being asked about domestic rates, education and health. I do not mean to be derogatory, but some of them are really struggling when asked about those matters. They have never been asked real political questions before.’ A number of people also referred to the importance of the role of women in Northern Ireland, in particular, Liz O’Donnell TD, Baroness Harris and Lord Dubs—*ibid.*, pp. 16, 19, 24, 25.

national anthem) at Croke Park on 24 February.⁸⁶ Members also paid respects to David Ervine, the Progressive Unionist Party leader who had recently died, to the former Northern Ireland secretary Mo Mowlam (and others still alive) and, with regret, they wished farewell to those members standing down, including Lord Brooke who had been secretary of state for Northern Ireland in the early 1990s.

Addresses on sectarianism and racism were heard from Denis Bradley, former vice-chair of the Northern Ireland Policing Board, Gerry Carson and Nick Harkness (respectively, former vice-chair of the Sports Council of Northern Ireland and current director of its participation unit). Sport figured quite heavily, simultaneously as a source of both ills and as a means of ameliorating them⁸⁷ (and social exclusion).⁸⁸ The BIIPB was also addressed on the Scottish experience of tackling such issues by Lesley Irving, of the race, religion and refugee integration team in the Development Department of the Scottish Executive.⁸⁹

These addresses were followed by another, by the taoiseach,⁹⁰ who referred to the transformation of British-Irish relations within the islands and in co-operation in international organisations. He called for continuing close attention to that relationship and to Northern Ireland. Thereafter, Mr Lenihan gave oral answers.⁹¹ These covered: the political situation in Northern Ireland (implementing the St Andrews agreement), health services (cross-border speech and language therapy), economic development (inclusion of Northern Ireland in the republic's National Development Plan), broadcasting legislation (reception of RTE in the north and throughout the UK), road safety (plus co-operation over traffic infringements and congestion) and higher-education grants (impact of fees in the north on students from poor families in border areas).

The second day was taken up by reports from the chairs of committees:⁹² Committee A (Sovereign Matters), Committee B (European Affairs), Committee C (Economic) and Committee D (Environmental and Social). Committee A presented a report,

⁸⁶ *Ibid.*, pp. 8-29.

⁸⁷ Senator Martin Mansergh told members that the future Irish unionist leader Edward Carson had spent summers with his uncle, the rector of Ardmayle, in Tipperary and played hurling with neighbours; he was also credited with being the first person to have written down the rules for hurling when he studied at Trinity College Dublin. His descendant and one of the speakers, Mr Carson, was unable to confirm these points—*ibid.*, pp. 42, 45.

⁸⁸ *Ibid.*, pp. 29-52.

⁸⁹ *Ibid.*, pp. 52-65.

⁹⁰ *Ibid.*, pp. 65-71.

⁹¹ *Ibid.*, pp. 71-82.

⁹² *Ibid.*, pp. 83-85.

Barriers to Trade.⁹³ Committee B is addressed in the EU section of this report, Committee C dealt mainly with energy and Committee D focused on the Irish community in Britain and exchanges on the environment with the Nordic Council.

The BIIPB considered responses from the two governments to previous committee reports.⁹⁴ Committee A's *The Implication of the Introduction of British ID Cards for the Common Travel Area*, Committee C's *Challenges and Opportunities facing the Small Farm Sector* and Committee D's *Life Chances for Young People from the economically deprived areas of Belfast*. On the whole, the executive responses were well received but there were still serious concerns about those on the common travel area. Finally, the Eleventh Annual Report of the BIIPB was tabled, a rule change was accepted and the meeting was adjourned until the next plenary on 26-27 November 2007.⁹⁵

In the meantime, in addressing both Houses of Parliament on 15 May 2007, Mr Ahern paid tribute to the body.

6.3 Taoiseach's address to the British Parliament

In his address,⁹⁶ Mr Ahern summarised the highs and lows of relations between Ireland and Britain and their intertwined history. He spoke inspiringly about the political and moral thought of Daniel O'Connell and Charles Stewart Parnell, the contributions to British political life of Edmund Burke and Richard Sheridan (noting, too, that, though she did not take her seat, it was an Irish woman, Constance Markiewicz, who was the first female elected to the British Parliament). He observed that, today, more than 100 MPs were from families of Irish origin.

Sheridan was among those whom he also picked out as having 'found their genius in the English language' but drawn 'on a perspective that was uniquely Irish'. Referring also to the Ireland-England rugby match at Croke Park, the joint presence of the Queen and President McAleese at Messines, and Mr Paisley and himself at the site of the Battle of the Boyne, and various forms of political and economic co-operation

⁹³ The question of freedom of movement was again raised here, in a different context from the previously reported concerns about the common travel area. This time it was about business visitors and tourists from countries where the republic and the UK imposed different visa requirements. Michael Mates, chair of Committee A, said this was the subject of one of the report's strongest recommendations—*ibid.*, pp. 85-91.

⁹⁴ *Ibid.*, pp. 91-97.

⁹⁵ *Ibid.*, pp. 97-100.

⁹⁶ See www.taoiseach.gov.ie.

(over Northern Ireland and in international affairs), the taoiseach declared that the 'Irish Question'—once short-hand for 'nuisance' and 'danger'—had been transformed. While acknowledging the roles of predecessors to him and the (then still) prime minister, Mr Blair, Mr Ahern paid particular tribute to the latter. Their years of involvement had allowed Mr Ahern to appreciate Gladstone's account of dealing with the 'Irish Question'—'every day ... engaged in laboriously rolling up-hill the stone of Sisyphus'.

He noted that 'the stability taking root in Northern Ireland must never be taken for granted' and that it and the transformed British-Irish relationship—a 'wider partnership of common interests'—merited 'priority at the highest level'.⁹⁷ This was evident in his meeting with the new prime minister, Mr Brown, in Belfast on 17 July, before the British-Irish Council, in the wake of terrorist attacks in London and at Glasgow airport. They pledged themselves to co-operate even more closely—together and through the European Union—to resist international terrorism and organised crime.⁹⁸

It seems that the crises in Great Britain may have revealed something of a disadvantage of having opted-out of the 'Schengen' provisions of the Amsterdam treaty. The republic's minister for foreign affairs, Dermot Ahern, supporting Mr Brown's initiative on sharing intelligence about international terrorists and organised crime, noted that the two governments would 'raise this issue with our European colleagues to get additional information that is available to others'.⁹⁹

6.4 British-Irish Council

The ninth BIC summit took place at Parliament Buildings on 16 July 2007¹⁰⁰ and was historic for three reasons. It was the first time the BIC had ever met in summit format in Belfast. It was the first meeting attended by the DUP (which had been prevented by the previous executive from participation during the first devolved period, in retaliation for its boycott of the North/South Ministerial Council). And it was the first that brought together a new configuration of leaders following the restoration of devolution in Northern Ireland, as well as elections in Scotland and Wales bringing in

⁹⁷ An editorial in the *Irish Times* (17 July 2007) suggested that he had said on this occasion that the renewal of devolution to Northern Ireland would need 'continuing attention, priority and commitment'—though this wording is more similar to what he said to the BIIPB than in his address in London.

⁹⁸ Dan Keenan, 'British-Irish leaders pledge security efforts: Council Meeting', *Irish Times*, 17 July 2007.

⁹⁹ Dan Keenan, 'Paisley thanks groups for working together: Press Conference', *Irish Times*, 17 July 2007.

¹⁰⁰ British-Irish Council communiqué, 16 July 2007, at: www.British-IrishCouncil.org.

nationalist leaders and the hand-over from Mr Blair to Mr Brown. The general election in the republic had returned Mr Ahern as taoiseach, making him one of the few leading delegates with experience of previous BIC events.

At first, it had been rumoured that 'diary problems' related to moving into Number 10 (see also reference above to terrorist attacks in Britain) might cause the BIC summit to be delayed until the autumn. The first minister, Mr Paisley, had let it be known that, in that case, he would be content with a similar delay for the NSMC. Had he not successfully applied pressure, the republic's government would have done so. The taoiseach was reported to be 'patently and genuinely enthusiastic' about the BIC and, as noted, concerned to see that the restoration of the institutions attracted close attention and commitment.

In the event, Mr Brown, like Mr Blair before him, made his first visit to Northern Ireland as prime minister within the first month of his premiership and said 'he was here to show [he] mean[t] business'. DUP ministers were 'happy—though only quietly and discreetly—that they had made an important point' in what seemed a determination to make the BIC a 'significant force for cooperation' rather than, in Mr Paisley's words, the 'poor relation of North-South' business'.¹⁰¹

Mr Paisley, perhaps stung by Mr Brown's insistence beforehand that the existing financial package for Northern Ireland (see public finance section) 'was very big indeed', struck an acid note in claiming that successive UK governments had left the region's economy 'in a mess'. Later it emerged that there would be further meetings with the prime minister and the new chancellor over the final shape of the package, which the finance minister, Mr Robinson, was to describe as 'satisfactory, though not generous'.¹⁰²

The Northern Ireland delegation was the largest; its leaders, Mr Paisley and the deputy first minister, Mr McGuinness, were supported by seven departmental ministers¹⁰³ and the two junior ministers in the OFMDFM.¹⁰⁴ The republic's delegation comprised the taoiseach, Mr Ahern, and the minister for foreign affairs, Dermot

¹⁰¹ F. Millar, "'I'm here to show I mean business", Brown tells Council: British-Irish Council', *Irish Times*, 17 July 2007.

¹⁰² *Belfast Telegraph*, 17 July 2007.

¹⁰³ Caitriona Ruane, Education; Sir Reg Empey, Employment and Learning; Nigel Dodds, Enterprise, Trade and Investment; Arlene Foster, Environment; Peter Robinson, Finance and Personnel; Conor Murphy, Regional Development, and Margaret Ritchie, Social Development.

¹⁰⁴ Ian Paisley Jr and Gerry Kelly.

Ahern. The British delegation, led by the new prime minister, Mr Brown, also included the Northern Ireland secretary, Mr Woodward, and Rosie Winterton, minister of state for transport. The other delegations each consisted of one person: the new first minister of Scotland, Mr Salmond; Ieuan Wyn Jones, Plaid Cymru's deputy first minister of the Wales; the chief minister of Jersey, Frank Walker; the deputy chief minister of Guernsey, Stuart Falla, and the chief minister of the Isle of Man, Tony Brown.

In view of the new situation—that Northern Ireland was represented by its own administration and that this enhanced the BIC's potential—the council agreed to undertake a strategic review of its work programmes and working methods. Importantly, it agreed to consider a standing secretariat, the absence of which had been a bone of contention in the past. Under the tutelage of London and Dublin, the BIC had only met roughly annually since its inception in 1999. Mr Salmond and Mr Wyn Jones enthusiastically offered Scotland and Wales, respectively, as secretarial hosts.

The BIC also reviewed the work of its sectoral groups: the misuse of drugs, led by the republic; the environment, led by the UK; e-health, led by the Isle of Man; tourism, led by Guernsey; the knowledge economy, led by Jersey; indigenous, minority and lesser-used languages, led by Wales; social inclusion, led by Scotland and Wales, and a new work programme on demography and migration, led by Scotland (which also proposed a new work programme on energy and offered to lead on it). Transport is the work programme on which Northern Ireland leads, and the BIC noted that transport in both parts of the island and between the two islands was a particularly critical part of the infrastructure requiring planning and investment.

All in all, the occasion can be summed up in quotes¹⁰⁵ from some of the leading actors: 'More important milestones' (Dermot Ahern); 'I believe we have entered into a new historic place for Northern Ireland' (Gordon Brown); 'You really have got to pinch yourself' (senior official from the republic); and, finally, from the *Irish Times* reporter, Frank Millar: 'For here was a summit at Parliament Buildings, under the shadow of Lord Carson's statue, where uncertain weather, occasional heavy downpours and threatened storms no longer served as a metaphor for the likely political outcome.'

¹⁰⁵ Millar, *loc. cit.*

6.5 Intergovernmental relations

The keenness of the Scottish first minister to resurrect the Joint Ministerial Committees and to inject vigour into the BIC was warmly welcomed in Northern Ireland—not least by unionists determined to strengthen the ‘east-west’ counterpoise to the NSMC. Among the outcomes of Mr Salmond’s visit in June was an agreement pledging co-operation on a range of matters, including tourism, education, renewable energy and the strengthening of cultural ties. In the shorter run, this led to the reopening of the summer ferry service between Campbelltown and Ballycastle and a review examining the possibility of Northern Ireland students benefiting from the Scottish Executive’s decision to scrap the £2,000 endowment fee paid after graduation.

Mr Salmond, due to visit Cardiff and Dublin later this year, was clearly pushing at an open Northern Ireland door in promoting the shared interests of the devolved nations and regions *vis-à-vis* central government. The finance minister, Mr Robinson, who attended the first ‘quadrilateral’ meeting of UK finance ministers in July, is equally aware of the opportunities presented by the new mix of territorial politics.

In a statement issued after the meeting, he displayed a characteristic lack of subtlety: ‘The Scottish and Welsh Finance Ministers and we agreed to join forces, as appropriate, to make common cause in the interests of our respective devolved administrations. It cannot be stressed strongly enough that the UK regions can register a much stronger case by approaching HM Treasury on a collective basis and, alongside my counterparts, I stressed to the Treasury the importance to the devolved administrations of maintaining a significant level of financial flexibility.’¹⁰⁶

The Salmond visit occasioned an article by Alan Trench of the Constitution Unit on ‘unjoined-up intergovernmentalism’,¹⁰⁷ which suggested the election of the Scottish National Party had ‘energized intergovernmental relations across the United Kingdom’. He outlined the failure of the JMC system, noting that, though the ‘plenary’ version was supposed to meet at least every year, no such meeting had been held since October 2002. Nor, seemingly, were civil servants much in contact. The only

¹⁰⁶ Department of Finance and Personnel news release, 11 July 2007.

¹⁰⁷ Alan Trench, ‘We need joined-up “intergovernment”’, *Scotsman* (22 June 2007).

'functional' JMC to meet regularly was that which dealt with the EU. Agriculture¹⁰⁸ and finance ministers also met on a regular basis but outside the JMC framework.

Trench suggested 'that Scotland and Northern Ireland will start to adopt a common line toward the UK government'. Yet it was also reported that 'many unionists are discomfited by Dr Paisley's friendly relationship with Mr Salmond'—for the obvious reason that they have opposite views about the future of the UK. But, according to Millar, Mr Salmond provided the DUP 'with an opportunity to shape an "islands-wide" approach to cooperation on a wide range of issues'. While some saw this 'as a "Celtic" ganging up against Westminster', the friendship's 'real potential' might lie in 'enabling unionists to counter an exclusively north-south focus which republicans hoped would presage further constitutional change'.¹⁰⁹

6.6 North-south

The BIC meeting saw the second institutional strand of the 1998 agreement put in place. On the following day, the third, the NSMC, met at Armagh in plenary for the first time in five years and only the fifth time overall.¹¹⁰ This was another first for the DUP, which had boycotted the NSMC between 1999 and 2002 on the ground that it represented an 'embryonic united Ireland' and was unaccountable to the assembly.

The opportunity was now grasped with open arms by the first minister. Arriving alongside his colleague, Mr McGuinness (albeit in separate cars), Mr Paisley remarked that the 'ice-age' in north-south relations was over (a reference to the occasion in 1965 when he had hurled snowballs at the former taoiseach Sean Lemass), insisting that 'we have turned the corner'. The aim now was to 'build something that will be stable and strong', though he acknowledged that this was 'a tall order'. Nevertheless, the mood music was decidedly upbeat as the full Northern Ireland executive team engaged in lively exchanges with their southern counterparts. Indeed, Mr McGuinness went out of his way to 'pay tribute' to the first minister, who

¹⁰⁸ The Northern Ireland agriculture minister, Michelle Gildernew, visited the Isle of Man for a bilateral meeting with her counterpart, Phil Gawne, in May—Department of Agriculture and Rural Development news release, 14 May 2007.

¹⁰⁹ Millar, *loc. cit.* He also noted that Mr Salmond offered a 'non-confrontational approach' to Mr Brown—though there have been disputes: the Lockerbie prisoner, fisheries—in the interest of securing prosperity for Scotland. So long as the approach were to remain 'non-confrontational', a pro-devolution SNP would, according to John Coakley (personal communication), be similar to a DUP that is more devolutionist than the UUP. What would happen if Mr Salmond's determination to hold a referendum on Scottish independence persisted remained to be seen.

¹¹⁰ The one Belfast agreement institution not yet put in place is the Civic Forum—also the last to be established in the previous phase of devolution, reflecting the lack of interest in the Northern Ireland political class in notions of civic engagement rather than ethnic clientelism. During the period the deputy first minister, Mr McGuinness, indicated this would join the long list of matters under 'review'.

he said had 'made a very powerful contribution to bringing the position to where it is'.¹¹¹

The outcomes of the meeting included the announcement of how the £400 million pledged by Dublin as part of the Northern Ireland financial package would be expended. Among the agreed projects were two major road-building programmes and the restoration of part of the Ulster canal. In addition, the prospects of establishing a north-south consultative forum and a joint inter-parliamentary forum (both mooted in the Belfast agreement and previously anathema to the DUP) were discussed and officials in both jurisdictions were to take matters forward for further discussion.

It was, though, the positive tone of Mr Paisley's remarks about the new era in north-south relations that caused assembled journalistic jaws to drop. Adverting again to the negotiations with the Treasury, the first minister insisted that the UK government provide funding to regenerate Northern Ireland's infrastructure: 'I believe the British Government has a responsibility to undo what they have done in bad government in Northern Ireland. I believe they have to be responsible. We are not fighting Dublin on this. We are fighting with our own Government.'¹¹²

This emollient tone had been set immediately before the meeting by the first minister. On arrival at Armagh, Mr Paisley's birthplace, he said that 'there is no competition between the two sides in this body. We have one issue: we want both parts of Ireland to prosper.'¹¹³ The very use of the phrase 'both parts of Ireland' by the DUP leader would have been unthinkable in the very recent past.

Meanwhile, in more practical vein, the north's economy, trade and investment minister, Mr Dodds, and Eamon Ryan, the republic's minister for communications, energy and natural resources, were able to take the issue of a single electricity market on the island (a recurrent issue in recent reports) a step further towards realisation. They announced in July that a single market was operating initially on a test basis, before completion in November.¹¹⁴

¹¹¹ UTV News Online (18 July 2007)

¹¹² *Ibid.*

¹¹³ BBC News Online (17 July 2007)

¹¹⁴ Department of Enterprise, Trade and Investment news release, 3 July 2007.

7. Relations with the EU

Elizabeth Meehan

7.1 Introduction

The implications for Northern Ireland of revelations about the [mis]representation of Scottish interests in the EU continued to be of concern in both parts of the UK in this survey period, in which the new Northern Ireland ministers were fairly active in familiarising themselves with other actors in the EU. Beyond that, attention to EU matters focused on policies (rural development, defence and foreign policy, migration, equality and bathing water) and constitutional issues: civic inclusion in decision-making and the draft reform treaty.

7.2 Representation of regional interests

Following the leaking of the report by Michael Aron¹¹⁵ about the ‘disastrous keeping of Scotland out of the loop’ in the construction of the ‘UK line’,¹¹⁶ first minister Alex Salmond, made a speech in Brussels in which he ‘put a marker down on his ambitions for a more direct engagement with the European Union’, arguing that ‘it simply cannot be right that Scotland—with 68 per cent of the UK catch and the largest fishing zone of any single EU country—sits in a subsidiary position’ with respect to the Common Fisheries Policy.¹¹⁷ Similar points had been made on behalf of Northern Ireland at the March meeting of the British-Irish Interparliamentary Body (see intergovernmental relations section). On that occasion, Andrew Mackinlay MP compared the UK unfavourably with the republic as an advocate for Northern Ireland’s interests, suggesting that:

some UK departments need to be brought up with a jolt so that they do not forget their responsibilities to Northern Ireland. In important negotiations in the European Union in the past two or three years, the fisheries industry in Northern Ireland has been forgotten. Indeed, to its credit, the Department of Communications, Marine and Natural Resources, which has responsibility for fisheries in the Irish Republic has provided the greatest advocacy.¹¹⁸

¹¹⁵ A senior member of the Scottish Executive Office in Brussels, previously in UKREP.

¹¹⁶ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: April 2007*, at: http://www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_April07.pdf, p. 53.

¹¹⁷ B. Jamieson, ‘Salmond is right: Scotland must be heard at EU’, *Scotsman* (13 July 2007). He also referred to the recent EU initiative to set up a common European Maritime Policy—to which, he suggested, little faith could be attached until it could be shown that politicians had learned from the common fisheries debacle.

¹¹⁸ Official Report, British-Irish Inter-Parliamentary Body, thirty-fourth Plenary Conference, 5 and 6 March 2007, Castleknock Hotel, Dublin (Dublin: British-Irish Parliamentary Body Reporting Association), pp. 10-11.

The new Northern Ireland Executive took its first—effective—steps to familiarise itself with other EU actors, and the latter with Northern Ireland. On 21 May 2007, soon after the restoration of devolution, the president of the European Commission, Jose Manuel Barroso, met the first minister, Mr Paisley, the deputy first minister, Mr McGuinness, and the finance minister, Mr Robinson, at Stormont.

Mr Barroso was accompanied by the secretary general of the commission, Catherine Day,¹¹⁹ and the agriculture commissioner, Fischer Boel.¹²⁰ He pledged the support of the EU for the new executive and highlighted its financial commitments (see public finance section). He announced a task force¹²¹ to study the challenges facing the Northern Ireland economy and to assist in the promotion of growth, innovation and employment, as well as an expansion of the exchange of officials programme.¹²²

When the commissioner for regional development, Danuta Hubner, visited Northern Ireland on 8 June to discuss how the president's task force would be established, Mr Robinson described its main purpose as being 'to help Northern Ireland achieve our economic goals where, in line with the Lisbon jobs and growth strategy, we want Northern Ireland to have a dynamic, sustainable, enterprising and innovative economy to which everyone in the Province can contribute and benefit from'.¹²³ The task force would examine 'how best Northern Ireland could participate in EU initiatives, financial and non-financial, that could assist in this drive'. It would 'facilitate a situation in which Northern Ireland could both contribute to and benefit from a wide range of European initiatives, giving 'us an introduction or a foot in the door'.

There were a number of visits by Northern Ireland ministers to Brussels, too. At the beginning of June, the employment and learning minister, Sir Reg Empey (UUP), 'undertook an intensive programme of engagements'¹²⁴ which included further discussions with Ms Day on the task force and attendance at a seminar, addressed by Alan Johnson, the UK education and skills secretary, on the Lisbon Agenda—'A more social Lisbon: equipping our citizens to prosper in the global economy'.

¹¹⁹ Department of Employment and Learning news release, 13 June 2007. (Ms Day, incidentally, is an Irish national.)

¹²⁰ D. Keenan and J. Smyth, 'EU supports €6.52bn rural plan', *Irish Times* (25 July 2007).

¹²¹ OFMDFM news release, 8 June 2007.

¹²² Department of Employment and Learning news release, 13 June 2007.

¹²³ Department of Finance and Personnel news release, 8 June 2007.

¹²⁴ DEL news release, 13 June 2007.

Sir Reg also met relevant senior people in the commission: Vladimir Spidla, commissioner for employment, social affairs and equal opportunities, and Odile Quintin, director general of education, youth and culture. His visit included meetings with Hans-Gert Poettering, president of the European Parliament, and a representative of the UK Permanent Representation (UKREP) in Brussels, 'to discuss both strategic and day to day EU policy developments of interest to his Department'.¹²⁵

Initiatives continued the following month when, on 24 July, the deputy first minister, Mr McGuinness, accompanied by the OFMDFM junior ministers, Mr Paisley Jr and Mr Kelly, visited Brussels to be briefed by senior officials in the representations of the UK and the republic, the Scottish and Welsh executive offices and Nikolaus van der Paas, director general of employment, social affairs and equal opportunities in the European Commission. In praising the work of the Northern Ireland Executive Office, Mr Paisley Jr said the task force would be a key element in keeping the region to the fore.¹²⁶

7.3 Rural development

During the visit, the Northern Ireland delegation learned of the approval by the commission of the Rural Development Programme in Northern Ireland and the Republic of Ireland for 2007-13, negotiated from the Northern Ireland side by the agriculture minister, Ms Gildernew.¹²⁷ She had emphasised its importance to the commission president and the agriculture commissioner during their visit to Belfast and, when the approval was announced—'in the top 10 of all the programmes to be approved so far'—she paid tribute to how much the two had listened and to how well the president's task force was helping Northern Ireland.¹²⁸

The total package is some €6.52 billion, of which €746 million (£500 million) would be spent on the rural economy in Northern Ireland and €5.78 billion in the republic, €2.33 billion of the latter being provided by the European Agricultural Fund for Rural Development and the remainder from the national exchequer. The allocation includes

¹²⁵ DEL news release, 13 June 2007.

¹²⁶ OFMDFM news release, 24 July 2007. Other EU connections made during the period included an earlier visit by Mr Paisley Jr to the Northern Ireland Executive Office, when he also met the director of the Louvain Institute for Ireland in Europe—OFMDFM news release, 12 June 2007. On 30 May, the agriculture minister, Ms Gildernew, met the UUP MEP, Jim Nicholson, 'to discuss a wide range of agricultural issues'—Department of Agriculture and Rural Development news release, 30 May 2007.

¹²⁷ OFMDFM news release, 24 July 2007.

¹²⁸ D. Keenan and J. Smyth, 'EU supports €6.52bn rural plan', *Irish Times* (25 July 2007).

programmes aimed at mitigating the effects of climate change, ensuring a competitive agri-food sector, addressing structural problems and the need for capital investment, as well as boosting the quality of life in rural areas.¹²⁹ In Northern Ireland, the plan consists of some fourteen individual measures to assist 'hard-hit rural economies'.¹³⁰

7.4 Miscellaneous issues

The intergovernmental relations section of this report records exchanges between the taoiseach, Mr Ahern, and the new prime minister, Mr Brown, over intelligence about security issues and their intention to pursue this through the EU. Committee B (European Affairs) of the BIIPB examined the common European defence and foreign policy during the survey period, for which its members sought briefings from NATO, the EU and the representations of the UK and the republic in Brussels. A report was expected in November.¹³¹

It emerged meanwhile that EU justice ministers were to drop plans for hot pursuit by police across borders to save life or limb, with the UK and the republic planning to opt out. This arose from sensitivities around the border in Ireland, where appearances by gardaí in Fermanagh or members of the PSNI in Monaghan might cause quite a stir.¹³²

Tackling discrimination through the EQUAL Initiative was the topic of a major EU conference in Belfast in June, funded by the European Social Fund, which attracted delegates from 20 member states.¹³³ EQUAL is bringing €18 million to Northern Ireland between 2000 and 2008, to support six development partnerships in the first phase of funding and thirteen in the second.¹³⁴

¹²⁹ Economic deprivation in general was also on the BIIPB's agenda. At its March 2007 meeting, Committee B (European Affairs) reported on meetings in Brussels about PEACE II and III, which would form part of a report for the November plenary—Official Report, British-Irish Inter-Parliamentary Body, thirty-fourth Plenary Conference, 5 and 6 March 2007, Castleknock Hotel, Dublin (Dublin: British-Irish Parliamentary Body Reporting Association), p. 84.

¹³⁰ D. Keenan and J. Smyth, 'EU supports €6.52bn rural plan', *Irish Times*, 25 July 2007.

¹³¹ Official Report, British-Irish Inter-Parliamentary Body, thirty-fourth Plenary Conference, 5 and 6 March 2007, Castleknock Hotel, Dublin (Dublin: British-Irish Parliamentary Body Reporting Association), p. 84.

¹³² J. Smyth, 'EU to drop cross-border "hot pursuit" policing proposal', *Irish Times* (24 May 2007).

¹³³ Equality was also the subject of another conference in Belfast in May—the Commonwealth Parliamentary Association (British and Mediterranean Region). Addressing the conference, the first minister, Mr Paisley, noted that they had come to Northern Ireland because of what could be learned but also noted that Northern Ireland could learn much from the diversity of the Commonwealth—OFMDFM news release, 15 May 2007.

¹³⁴ DEL news release, 13 June 2007.

Sixteen bathing waters (plus an additional eleven sites) in Northern Ireland are monitored under the EU Bathing Water Directive, which incorporates two standards. Meeting the more stringent of the two leads to the Blue Flag Award. The testing is carried out between June and September each year. Pretty successful in 2006, Northern Ireland also scored well in early June 2007, achieving in the first few days of the month the 'coveted Blue Flag' for eight of its beaches.¹³⁵

The OFMDM junior ministers, Mr Paisley Jr and Mr Kelly, received a delegation from the Cypriot Reconstruction and Resettlement Council, which visited in connection with its remit from the Cypriot government to prepare a long-term programme for the reunification of Cyprus.¹³⁶ Inevitably, Mr Kelly, though not Mr Paisley, saw a similar solution for Ireland.

7.5 Decision-making on EU matters

The role of civil society in decision-making on the continent of Europe and in EU cross-border regions was picked out for praise at a conference in June to promote the commitments in the Belfast and St Andrews agreements to a north-south consultative forum in Ireland. The 'common chapter'—arising from EU interests—of the republic's National Development Plan for 2007-2013 and its northern equivalent commits both jurisdictions, for the first time, to examine the role of the voluntary sector in promoting 'inclusion, equality and reconciliation'.¹³⁷

It may be that politicians wedded to representative democracy have become more open to something of the participatory form than they were in the run-up to the Belfast agreement. In one of his visits during this quarter to the Northern Ireland Executive Office in Brussels, the junior minister Mr Paisley Jr encouraged Northern Ireland civic organisations to make the most of its facilities, not only to 'benefit from what Europe has to offer', but also to 'showcase all that is good about Northern Ireland'.¹³⁸

At the level of 'high politics', the island looked set for some interesting times over the draft EU constitution, now revised as a draft reform treaty. In the republic, a referendum was expected in the summer of 2008 and steps were already beginning

¹³⁵ Department of Environment news release, 5 June 2007.

¹³⁶ OFMDFM news release, 9 July 2007.

¹³⁷ This was organised by the Border Exchange and Action Network. The exemplars were outlined in a keynote address by Brian Harvey. See 'It's Time to Get Civil Society Talking', *A Note from the Next Door Neighbours* 11 (Armagh: Centre for Cross Border Studies, 2007).

¹³⁸ OFMDFM news release, 12 June 2007.

to promote a 'yes' vote. It seemed that the taoiseach, Mr Ahern, despite initial signals apparently to the contrary, would not follow any UK opt-out from a proposed legal standing for the Charter of Fundamental Rights.¹³⁹ And pre-referendum visits by the presidents of the European Parliament and the commission were 'pencilled-in'.¹⁴⁰

On the other hand, the republic could 'become a magnet for Eurosceptic No campaigners' from countries trying to avoid holding referenda on the treaty.¹⁴¹ For example, the Danish MEP Jens-Peter Bonde said he would accept any invitation to attend rallies and speak against the treaty in the republic. Domestically, the Green Party, which opposed the Nice Treaty, joined Fianna Fáil in coalition after the May 2007 election and, in any case, saw little prospect of mass opposition to the treaty.¹⁴² On the other hand, SF, which did not enjoy the electoral success it expected, was 'gearing up to campaign against the new treaty'¹⁴³—the only party to do so, and in something of a contrast with the outlook of its northern members in government.

¹³⁹ Opt-outs from some 'Schengen'-type provisions were still to be decided. But also see the intergovernmental-relations section on the taoiseach's and prime minister's thoughts on intelligence.

¹⁴⁰ J. Smyth, 'Plans afoot to exhort Irish to vote Yes on EU Treaty', *Irish Times* (17 July 2007).

¹⁴¹ *Ibid.*

¹⁴² *Ibid.*

¹⁴³ *Ibid.*

8. Relations with Local Government

Robin Wilson

Yogi Berra might have described it as *déjà-vu* all over again, but the review of public administration initiated by the last devolved government months before its 2002 collapse came back to challenge the parties as they resumed power once more. In the interim, the review had duly taken place and the NIO in November 2004 had indicated its plans for a rationalisation of sub-regional administration, including a cull of local authorities from 26 to just seven.¹⁴⁴

Work had duly begun, at some haste, within the civil service to put in place the necessary legislative and administrative arrangements, with a view to the new councils being operational in 2009. Several working groups were established in the spring of 2006, with a range of stakeholder inputs, to address aspects of the reform—such as the proposed new local-government power of community planning and the sharing of services between authorities—with reports demanded before the summer holidays. As the prospect of devolution returning rose, however, the momentum receded.

There was no consensus among the putative executive parties, however, behind reform: the seven-councils configuration was supported by only one of the executive components, SF. Even then, it had initially been opposed by leading party figure and then Northern Ireland Local Government Association vice-president, Francie Molloy, who was briefly cast into outer darkness by the SF leadership for his pains.¹⁴⁵

The other parties—stressing the importance of ‘local identity’—preferred a more modest rationalisation to fifteen councils. On the day devolution (re)dawned, they were warned by Arnold Hatch, chair of NILGA’s working group on the review of public administration, that they had to provide ‘clarity and direction’ on the number of councils.¹⁴⁶

¹⁴⁴ 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.

¹⁴⁵ *Ibid.*, p.47.

¹⁴⁶ N. McAdam, ‘Super-councils issue early test for parties’, *Belfast Telegraph* (8 May 2007).

The temptation to subject the review of public administration to a new review proved, however, too strong. And the Department of Environment admitted a month after devolution that new local authorities might not now be in place until 2011.¹⁴⁷

One of the working groups established in 2006 was on governance arrangements for the new authorities. The parties quickly monopolised this discussion and in this group the stakeholders from outside government were excluded. The issue is highly sensitive, touching in particular as it does on how the new authorities, enlarged and with some additional competences, would share this power across communal lines.

Just how sensitive emerged during the period when it became clear that after the latest round of mayoral elections only four of the 26 councils had nationalist leaderships.¹⁴⁸ The DUP may have been shoe-horned into a mandatory power-sharing arrangement at Stormont, but Catholics on the ground will still look to its behaviour in local authorities as a bellwether of the degree to which the culture of what is an exclusively Protestant party has changed.

¹⁴⁷ N. McAdam, 'Reduction in number of councils may be heading towards two-year reprieve', *Belfast Telegraph* (12 June 2007).

¹⁴⁸ N. McAdam, 'Ulster's local council leaders: it's unionists 21, nationalists 4', *Belfast Telegraph* (5 July 2007).

9. Finance

Rick Wilford and Robin Wilson

9.1 Still asking for more

The extended post-election run-in to devolution had enabled the nascent ministers to be briefed on their respective departmental agendas, including the planned budgets devised by the outgoing direct-rule ministers. The persistent demand since St Andrews that the budget envelope be enhanced was renewed by the first and deputy first minister, Messrs Paisley and McGuinness, in a further meeting with Gordon Brown, shortly before the latter figure moved from Number 11 to Number 10 Downing Street.

This despite a warning from the economist Graham Gudgin, previously principal adviser to Mr Trimble as first minister, in the pages of the region's current affairs magazine that the incoming finance minister would have no room for manoeuvre, as his arrival in office coincided with Mr Brown 'turning off the taps' in public expenditure. Dr Gudgin did not pull any punches: 'What local politicians are discovering in their dealings with the Chancellor is that the Treasury is in the business of holding down spending, not showering what they regard already as a pampered and ungrateful region with yet more cash.'¹⁴⁹

In a written ministerial statement issued on 8 May, Mr Brown alluded to the scale of the government's commitment to Northern Ireland, rather than feeling obliged to add to it.¹⁵⁰ He identified a Barnett-based plan to spend £35 billion, uprated by at least inflation, over the next three years; a revised £18 billion investment strategy for 2005-17 (up from £16 billion over a decade); the retention of an estimated £800 million of 'value for money' savings for 2008-09 to 2010-11; and the retention of asset sales to fund capital investment expected to be over £1 billion, half of which would be realised over the next four years. In addition, there would be EU receipts in excess of £500 million and £320 million derived from end-of-year flexibility over the next two financial years.

In confirming a £200 million borrowing facility made available to the previous devolved executive under the Reinvestment and Reform Initiative unveiled in 2002,

¹⁴⁹ G. Gudgin, 'Unravelling the final package', *Fortnight* 452, pp. 4-5.

¹⁵⁰ HC Written Statements, cols 2-4, 8 May 2007.

the chancellor announced that this would no longer be associated with a requirement to close the gap between rates in Northern Ireland and council tax in Great Britain¹⁵¹—a significant concession by the Treasury. Furthermore, Mr Brown confirmed the cap on rates and enhanced relief for pensioners already announced by the Northern Ireland secretary, Mr Hain; released £100 million in the current year for an innovation fund; unveiled plans for new local employment partnerships with a variety of private-sector industries; and confirmed plans to organise two major investment conferences, the first to be held in the autumn in Northern Ireland and the second in the US in the spring of 2008.

The package also included £100 million, released from the Treasury's Reserve, enabling the administration to defer the widely opposed water charges for one year. Though welcome, it was clear that the interim provision would only postpone the pain. According to the deputy secretary of the Department of Regional Development, if the charges were deferred for a further two years, the total cost would increase to £265 million.¹⁵²

In pursuit of 'the best possible deal'¹⁵³ for the new executive in fiscal terms, the four coalition parties persisted in their campaign to reduce corporation tax in Northern Ireland to the level in the republic (12.5 per cent), in the hope of attracting more foreign direct investment. Though supported by a broad coalition of industrialists, civic leaders and other leading public figures, including the former Stormont talks chair, George Mitchell, and the chair of the subsequent policing review, Chris Patten, this was likely to prove a demand too far.¹⁵⁴

While Mr Brown established a review (due to report in September) led by Sir David Varney, a former head of the Inland Revenue, to consider changes in the region's tax policy, few if any believed that this particular wish-list item would be met. Indeed, according to one report, Sir David 'poured cold water on the idea' at meetings with politicians and business leaders during a visit to Northern Ireland.¹⁵⁵ If anything, the Treasury's reluctance to undermine the fiscal unity of the UK was enhanced by Mr

¹⁵¹ The former NIO junior minister Richard Needham claimed to have persuaded the then prime minister, Margaret Thatcher, against including Northern Ireland in the ambit of the original poll tax.

¹⁵² BBC News Online (23 May 2007).

¹⁵³ Executive Statement, 10 May 2007.

¹⁵⁴ An open letter, signed by 50 business and other civic leaders, calling for the reduction of corporation tax was published in the *Belfast Telegraph* (23 July 2007). The paper is owned by Independent Newspapers, which in turn is headed by the major business figure in the republic Anthony O'Reilly. Both Mr O'Reilly and the *Belfast Telegraph* have pressed the tax-cutting case.

¹⁵⁵ See 'Corporation tax blow for Northern Ireland', *Financial Times* (30 May 2007).

Brown becoming prime minister: he was, to say the least, unlikely to sanction a fiscal reform that would be perceived to work to the disadvantage of England, Wales and, not least, Scotland.

9.2 Budget proposals

As in 1999-2000, the devolved administration inherited spending plans from the direct-rule regime. In a news release issued on the day he introduced the first stage of the Budget Bill to the Assembly, the finance minister, Mr Robinson, said there would be no dramatic changes to current plans but a 'step change' would follow the setting of the executive's Programme for Government—which, together with its proposed innovation strategy, would be published in draft in September 2007.¹⁵⁶ In moving on 12 June the second stage of the Budget Bill, granted accelerated passage to release public monies by the end of July, Mr Robinson acknowledged that 'while not an ideal situation', the carrying forward of plans set by the NIO represented 'the most pragmatic and sensible way of ensuring the continued and uninterrupted provision of public services'.¹⁵⁷

The bill, which completed its legislative passage in the assembly on 18 June, was unopposed—the members reassured that while it represented the starting position for the executive, ministers would be able to review spending plans through the normal in-year monitoring process and that any reallocations would be 'in accordance with the Executive's priorities, rather than those used by the previous direct rule ministerial team'.¹⁵⁸ In winding up the second stage of the debate, Mr Robinson struck a positive note:

Devolution is only of value if we use it to improve the lives of our people, especially those in greatest need. Devolution will be seen to have worked when we grow our economy and bring greater prosperity to Northern Ireland and its people. This government intends to make a difference and deliver improvements. I rejoice that it is Northern Ireland's elected representatives who will be making these decisions in a devolved Assembly. Let us take, and make the most of, this opportunity.¹⁵⁹

¹⁵⁶ Department of Finance and Personnel news release, 11 June 2007.

¹⁵⁷ *Official Report*, 12 June 2007.

¹⁵⁸ DFP news release, *op. cit.*

¹⁵⁹ *Official Report*, *op. cit.*

9.3 Opportunities and constraints

Mr Robinson has had a busy time since the restoration of devolution.¹⁶⁰ Besides piloting the Budget Bill and moving the Supply Resolution, he announced that he would lead a review of the domestic rating regime—which was, of course, in broad framework the result of a review under the previous devolved government in 2002. He would also oversee a rating revaluation of non-domestic property and head the negotiations on the Comprehensive Spending Review, while being centrally involved in the efforts to reduce corporation tax and the wider ambition to achieve an even more generous ‘peace dividend’ from the Treasury.

Pending the outcome of the Varney review, however, it seemed that the package of measures announced by the then chancellor on 8 May was likely to be as good as it gets. Indeed, on 2 July, prior to his first meeting with the devolved executive, the new Northern Ireland secretary put it bluntly. ‘There is no more money in the kitty’.¹⁶¹

While keenly aware of the opportunities afforded by devolution, Mr Robinson is sensitive to the budgetary constraints confronting the executive. On devolution day, he issued a press statement stating his intent to ‘make full use of [my Department’s] scrutiny powers to ensure that Departments meet their budgetary commitments within the agreed timescales and deliver value for money’.¹⁶²

It was intended as a warning shot across the bows of his fellow ministers, but it seemed to fall on the deaf ears of at least three of them. On 29 May, the assembly debated and passed, by a majority of one, a motion supporting the introduction in principle of free personal care for the elderly. Among the supporters were the deputy first minister, Mr McGuinness, and the education minister, Ms Ruane (both SF), as well as the social development minister, Ms Ritchie (SDLP).

This prompted Mr Robinson to accuse his colleagues of breaking the ministerial code, since the executive had ‘unanimously agreed not to vote for high spending measures unless all ministers supported them’.¹⁶³ According to the finance minister, such care would lead to an increase in regional rates of 25-30 per cent. In somewhat

¹⁶⁰ So much so that on 4 July he announced his resignation as a member of Castlereagh Borough Council on which he had served for 30 years. Mr Robinson now has a dual, rather than a triple, mandate since he continues as the MP for East Belfast as well, of course, as an MLA for the same constituency.

¹⁶¹ *Belfast Telegraph* (2 July 2007).

¹⁶² DFP news release, 8 May 2007.

¹⁶³ BBC News Online (30 May 2007).

exasperated terms, he concluded that ‘we need to have some rational thought about how we propose to deal with these issues’.¹⁶⁴

Mr Robinson also had to contend with the comments of the UUP health minister. During a BBC interview, Mr McGimpsey remarked that the incoming prime minister, Mr Brown, did not have the same ‘emotional investment’ in Northern Ireland as Mr Blair and that ‘he has no reason to give us extra money and, as far as I can see, there’s no extra money there. We’re on our own: it’s the block grant and it’s dealing with resources that we can see.’¹⁶⁵

This drew a sharp response from the finance minister: ‘Quite frankly, I don’t think that it is McGimpsey’s role to be speaking on issues which are not his department. Negotiations are still continuing so it is mad for me or any other minister to talk about it’. Referring to the impending Varney review, he continued: ‘Sir David’s team is comparing the incentive package that Northern Ireland has with the republic and weighing up the competitive issues. It is absurd for any minister, while that review is being carried out, to reach conclusions.’¹⁶⁶

Elsewhere, Mr Robinson leapt to the defence of the SF agriculture minister, Ms Gildernew. In mid-June she disclosed to the assembly’s agriculture committee that she had authorised the sale of land occupied by the Northern Ireland Plant Testing Station at Crossnacreevy, outside Belfast. The decision was taken to raise monies (£89 million) to bolster the farm nutrient management scheme, which assists farmers in the completion of slurry units so that they comply with the relevant EU directive and thereby avoid the imposition of fines. Ms Gildernew’s decision perplexed the Ulster Farmers’ Union and annoyed the committee chair, William McCrea (DUP), who alleged that it was akin to ‘flogging off the family silver’.¹⁶⁷

But Mr Robinson supported his SF colleague:

We have a crazy situation where a couple of weeks ago the UFU and others were saying we have a crisis [in agriculture] here. We have to find the funds for the farm nutrient management scheme. Yet she is attacked when she takes action to

¹⁶⁴ Ms Ruane had also fallen foul of Mr Robinson’s fiscal rectitude, when she had sought to enlist the Education Committee’s support in pressing the executive for extra resources to improve children’s literacy and numeracy skills. This prompted the finance minister to remind colleagues that if they acceded to such pressure they would have to sanction cuts in their own budgets—UTV News Online (31 May 2007).

¹⁶⁵ BBC News Online (12 May 2007).

¹⁶⁶ L. Clarke, ‘DUP & UUP clash over financial incentive package’, *Sunday Times* (13 May 2007).

¹⁶⁷ *Belfast Telegraph* (13 June 2007)

do it. Now, you cannot have it both ways: saying we need the money and then criticising people for doing that. There seems to be among some a culture of a direct rule mindset, shouting for money and not coming up with the solutions to fix the problem.¹⁶⁸

Clearly, the finance minister appears to have no principled objection to the sale of public assets as one means of managing Northern Ireland's budget.

The message 'it's the economy, stupid!' certainly characterised the first two months of devolution. Mr Robinson is not a mini-chancellor and his department is not a mini-Treasury, yet his determination to improve financial management across the executive was evident.¹⁶⁹ In Northern Ireland the 'getting and spending' equation is tilted towards the latter and early debates in the assembly suggested that many MLAs were bristling with expenditure plans but decidedly reluctant to press ahead with raising revenue—including water charges and the new domestic-rates regime.

While efforts continued to lever more resources out of the Treasury, ministers also sought to exploit EU monies. During the visit by the president of the European Commission, Mr Barroso confirmed the availability of European structural funds worth £325 million over the next six years (adding to the total of more than £2 billion directed to Northern Ireland over the last 20 years) and a further £280 million for 2007-2013 under the EU Peace and cross-border programmes, together with continuing EU support for the International Fund for Ireland until 2010—a package that amounted to €1 billion.

¹⁶⁸ UTV News Online (14 June 2007)

¹⁶⁹ See, for instance, DFP news release, 19 June 2007.

10. Political Parties and Elections

Duncan Morrow and Robin Wilson

10.1 The breakthrough

Whatever else may have happened, something important changed in Northern Ireland in May 2007. After more than 35 years of the most bitter and violent conflict seen in British or Irish politics in the twentieth century, Ian Paisley and Martin McGuinness were sworn in as first and deputy first ministers. From every perspective, this was the impossible emerging before our eyes.

None of it could have been predicted in 1985 when the Anglo-Irish Agreement was signed by the then London and Dublin premiers, respectively Margaret Thatcher and Garret FitzGerald, against the wishes of unionists and republicans. Instead of 'Never! Never!! Never!!!'—as he had railed against the agreement before hundreds of thousands of Protestants outside Belfast City Hall that year—a jovial Mr Paisley entertained the current prime minister and the taoiseach, a suspected former chief of staff of the IRA and the Northern Ireland secretary on a sofa in Stormont. Mr McGuinness smiled back—the new deputy first minister of a 'partitionist' settlement, in which the only dynamic to a united Ireland was demography and persuasion, with his party committed to swapping the strategy of 'not a bullet, not an ounce' for supporting the PSNI.

Devolution in Northern Ireland always had an internal and an external dimension. Unlike devolution to other parts of the UK, it was regarded at Westminster as a matter of British national interest. Dublin, too, sought devolution as the best available political option—after a debate in the wake of the Anglo-Irish Agreement between the leaders of Fianna Fáil and Fine Gael, respectively Charles Haughey and Alan Dukes, which was decisively won by the latter's argument that any united Ireland would have to pass through a devolved administration rather than be achieved in one leap. The difficulty since 1972 was that the politics of Northern Ireland required inter-community consent for devolution, sufficient to sustain the violence of opposition in both unionist and nationalist camps.

In such circumstances, the only structural options were variations on two themes. One was to generate stability across the centre, sufficient to marginalise the power of polarising politics. In a context of violence, this proved enormously difficult. Radical

opponents of power-sharing could always show that the deal on offer was, in the face of violent or illegitimate pressure from the 'other side', tantamount to a sell-out of cherished dreams. The other was an attempt to bring all parties into the political tent and ensure that ethnic polarisation was contained through participation in power-sharing by its most potent protagonists.

The 'peace process' in Northern Ireland was a combination of both. Externally, the fundamental shape of agreement was set in 1985 when the London and Dublin governments sank historic differences over Northern Ireland and engaged in a long, but ever deepening, alliance to contain the endless conflict. The Belfast agreement did not prove sufficient to establish stable government across the political centre within Northern Ireland. While, on the one hand, frustration led to the continued growth of support for radical nationalist parties, the pressures of external politics and the absence of any popular appetite for a return to violence gradually forced both sides into a new *détente*.

On the morning after the transfer of power, the Northern Ireland secretary, Mr Hain, declared: 'It's going to stick, I believe, because the DUP and Sinn Féin are the two most polarised forces in Northern Ireland's politics, they have done the deal and that's why I believe it's here to stay for good.'¹⁷⁰ The consequence is a coalition broad enough to ensure that there are no serious rivals to the political settlement sufficient to destabilise the structures through violence. But it is a deal with a complex underbelly.

First, a *genuine* coalition can only be established by the defeat of the politics which both the first and deputy first minister have seemed to support for decades, especially in relation to 'national sovereignty'. In spite of the international jubilation at the achievement of a political settlement, the celebration was in part a great noise of victory disguising U-turns of quite incredible proportions.

Neither of the now dominant parties has a systematic plan for co-operation and sharing, and indeed both have arrived where they have by pretending that this is where they wanted to get to all along. It is not credible, however, that Mr Paisley

¹⁷⁰ 'Widespread view of a deal that will stick', *Irish Times* (9 May 2007). In an interesting reprise later that month, the freshly ennobled Conservative member, Lord Trimble, said he regretted, having allegedly 'settled' the Northern Ireland constitution in 1998, that he hadn't pushed the UUP closer to the Tories when he was party leader—S. Lister, 'I'm in the mainstream at last, says Tory new boy Trimble', *Belfast Telegraph* (18 May 2007).

could have made the career that he did on the basis of a deep longing for power-sharing with SF or that the latter's political goal was always participation in a Stormont executive. The \$64,000 question is whether the parties understand that cooperation is the only definition of success, or whether they persist in seeing the current settlement as a mere milestone on the road to incompatible goals—in which case the 'settlement' is merely another case of 'Ulster at the crossroads'.¹⁷¹

The second critical consequence is that the deal is only viable on the basis of forgetting about the past, or at least agreeing not to act on its implications. The only available alternative is a radical form of forgiveness, which does not appear to be close to political reality. Either the political trajectory and tactics of the past are repudiated into the future, or, if they are still to be honoured, there must be a risk of permanent instability. Nervousness about the past is not without foundation.

Thirdly, the price of making a deal was a focus on giving guarantees against the political fears of 'communities'—as, first, in the Belfast agreement and then, more so, at St Andrews—rather than generating a settlement based on hope for a new relationship. The result of focusing on fears is that community boundaries are paradoxically reinforced rather than undermined, and community relations are reduced again to the management of border disputes, rather than the ending of antagonism and the exploration of new frontiers.

Thus, in advance of the restoration of devolution, in a *Belfast Telegraph* article the DUP deputy leader, Mr Robinson, said the 'controls and vetoes' introduced at St Andrews would be used to stop SF using policy issues to advance an all-Ireland agenda. He continued:

The DUP is not merely in the business of guarding against attempts to advance the nationalist goal of a united Ireland but of promoting, maintaining and strengthening the union. The DUP openly admits it has its own agenda. We are convinced the arrangements we have secured significantly fortify the link with Great Britain. We intend to build on the east-west relationship and reinforce the Union.¹⁷²

His party leader was even more explicit. Mr Paisley told the *Irish Times* that it was 'certainly' the case that republicans had been defeated, as indicated by their coming

¹⁷¹ This phrase was used to describe where Ulster stood by the then devolved premier, Terence O'Neill, in a crisis TV broadcast in 1968.

¹⁷² *Belfast Telegraph* (20 April 2007).

round to supporting the police. They would not be able to use the north-south institutions to move towards a united Ireland, and his deputy, Mr McGuinness, was 'not co-equal'.¹⁷³ Yet the latter, in the first line of his acceptance speech a few days later, said he believed 'absolutely in a united Ireland'.¹⁷⁴

These will be the issues to be worked out. It would be more than churlish to deny the degree of change required to bring Northern Ireland back to devolution. It would be unrealistic to believe, however, that the consequences of conflict would not continue to shape the key decisions of government for years to come.

10.2 Happy talk

The pictorial record of peace in Northern Ireland will probably focus on the first meeting of Messrs Paisley and Adams at Stormont in late March. But, in many ways, the changed atmosphere between the parties was best captured when the president of the European Commission, Mr Barroso, visited a few days before devolution finally took place, to be entertained by the first minister designate on the subject of the delights of Ulster bread. Not only did Mr Paisley also entertain the waiting journalists, but the warm and genuine laughter of the deputy first minister, Mr McGuinness, was unmistakable.¹⁷⁵

'Devolution day' itself was equally, if more predictably, upbeat and relaxed. Whatever the reservations harboured by some about the settlement, the decision by the DUP and SF to share power in March led to a sea-change in the public atmosphere, led above all by the emergent relationship between the two principals.¹⁷⁶

Throughout this period, politicians of all varieties sought to capitalise on the new mood of optimism. Stormont receptions were held for representatives of ethnic minorities. The first and deputy first ministers appeared to enjoy their joint appearances before Stormont committees.¹⁷⁷ In June SF announced its intention to attend for the first time a commemoration of the Battle of the Somme, at Messines in Belgium, while in July the republic's president, Mary McAleese, hinted at a ceremony

¹⁷³ F. Millar, "We're on a road, and we're not going to turn back", *Irish Times* (5 May 2007).

¹⁷⁴ OFMDFM news release, 8 May 2007.

¹⁷⁵ *Irish Times* (2 May 2007).

¹⁷⁶ *Belfast Telegraph* (8 May 2007).

¹⁷⁷ *Irish Times*, 13 June 2007.

to mark the Battle of the Boyne that the Queen could soon visit Dublin—the last great post-independence taboo.¹⁷⁸

10.3 Election fever

Whereas devolution marked a historic turning point within Northern Ireland, political events beyond continued to have their impact on internal affairs. Above all, the election in the republic had potentially enormous repercussions. At the outset, SF had confidently predicted taking at least five further seats in the Dáil.¹⁷⁹ This was a view shared by many southern commentators.

Unfortunately for SF, however, any advantage to be gained by association with the northern 'peace process' had to be shared with the Fianna Fáil leader, Mr Ahern. Furthermore, Mr Ahern made it clear he did not regard SF as a possible coalition partner, because of differences in economic policy.¹⁸⁰ In the event, SF lost a seat, failing to return any new blood. The party leader, Mr Adams, was widely perceived as having failed to grasp southern economics and politics.¹⁸¹ In what proved to be his valedictory political performance, Michael McDowell, long time opponent of SF and leader of the Progressive Democrats, savaged Mr Adams on television, accusing him of deceit over his personal finances and illiteracy on economics.

There was a consensus that the election represented the most serious setback for SF since the defeat of Mr Adams by Joe Hendron of the SDLP—then assisted by tactical Protestant support from the Shankill—in West Belfast in 1992.¹⁸² The portrayal of Mr Adams as a war leader for Northern Ireland rather than as a peace leader for Ireland as a whole was particularly bitter. Above all, the election defeat represented a serious blow to SF's confident claim to be a serious all-Ireland party, the mainstay of its post-violence strategy. All of a sudden, SF seemed reduced to a strictly northern political force, defined by partition. The party leader himself described the election as 'hugely disappointing'.¹⁸³

Since the election, SF in Northern Ireland has been strangely quiet on the implications, preferring to focus on the success of the party within the assembly. But there do not appear to be any immediate answers to the party's southern crisis.

¹⁷⁸ *Irish Times* (12 July 2007).

¹⁷⁹ *Irish News* (1 May 2007).

¹⁸⁰ *Irish Times* (17 May 2007).

¹⁸¹ *Irish Independent* (26 May 2007).

¹⁸² *Irish Times* (2 June 2007).

¹⁸³ *Irish Times* (30 June 2007).

Meanwhile, north of the border, the chief electoral officer, a Scot, Douglas Bain, announced that Northern Ireland was to be dragged electorally into the last century with the introduction of overnight counting for future Westminster elections—previously held over in leisurely fashion to the next day, thereby ensuring Northern Ireland held up the overall result. This followed an ‘overwhelmingly’ positive response to a pre-Christmas consultation.¹⁸⁴

In a further development, Mr Bain announced in May that the new system of continuous electoral registration, introduced in Northern Ireland to stem falling registration in the wake of tighter anti-fraud controls, would become law later that month. A more activist approach to registration no longer dependent on annual renewal by the elector, this requires the Department of Work and Pensions to provide details to the Electoral Office of individuals acquiring National Insurance numbers, while other agencies are also required to provide information such as changes of address, so that letters can be sent to encourage registration and new details can be notified.¹⁸⁵

Turnout has also been falling in recent years—suggestive, as with the decline in registration, of a progressive public disengagement from the never-ending ‘peace process’ to which the Electoral Commission has alluded in successive election reports. Registration is currently at 85 per cent, implying when set against a 64 per cent turnout that in the 2007 assembly election little over half—54 per cent—of the voting-age population felt sufficiently engaged with politics, Northern Ireland style, to register and vote. While voting itself will remain voluntary, there will be £1,000 fines for those who persistently refuse to give details to the Electoral Office.¹⁸⁶

10.4 Past, present and future

So much effort has gone into establishing devolution as a viable political framework that there has been little political energy for policy development. Until now, opposition has been the name of the game across Northern Ireland, and parties have not spent time exchanging views on the detail of social and economic policy. Furthermore, the new Northern Ireland settlement requires that the parties achieve agreement on policy before there can be any chance of executive or assembly success.

¹⁸⁴ Electoral Office for Northern Ireland news release, 25 April 2007.

¹⁸⁵ Electoral Office news release, 1 May 2007.

¹⁸⁶ C. Thornton, “‘Carrot and stick’ approach to get new voters’, *Belfast Telegraph* (2 May 2007).

There is thus a considerable challenge to develop a coherent Programme for Government, which addresses immediate issue of concern, tries to generate a consensus over economic and social policy, tackles the residual bitterness of the past and sets the course for a shared future. Unsurprisingly, the first quarter of devolution provided a mixed bag as to the chances of success.

On the one hand, devolution was quickly established and the overarching message was of confident progress. SF took an historic step when Alex Maskey, Martina Anderson and Daithi McKay joined the Policing Board on its behalf.¹⁸⁷ With the DUP signalling that it was prepared to oppose the devolution of policing powers in May 2008,¹⁸⁸ however, there was more nervousness in the republican grassroots about policing than about any other matter.

The DUP junior minister in the OFMDFM, Mr Paisley Jr, told a conference in Belfast in June on 'Criminal justice facing devolution' that this was a matter for a future assembly. Addressing the same conference, however, Mr Maskey said St Andrews provided an 'agreed timeframe'.¹⁸⁹

SF had to deal with the arrest of a senior republican, Brian Arthurs, for alleged smuggling offences¹⁹⁰ and the arrest on a German warrant of Roisin McAliskey for alleged involvement in the bombing of a British army barracks in Germany in the 1990s.¹⁹¹ Mr Maskey condemned the arrest of Arthurs, earning DUP ire,¹⁹² while the deputy first minister, Mr McGuinness, demanded that the pursuit of Ms McAliskey be dropped.¹⁹³

The potential of past antagonism to poison the future remained considerable. Large-scale survey research by Paul Connolly of Queen's University found the reproduction of communalist identities among children: 'The key message emerging from our

¹⁸⁷ *Belfast Telegraph* (31 May 2007).

¹⁸⁸ *Irish Times* (6 July 2007).

¹⁸⁹ G. Moriarty, 'Paisley jnr raises doubts on policing timetable', *Irish Times* (5 June 2007).

¹⁹⁰ *Irish News* (19 July 2007).

¹⁹¹ *Irish Times* (22 May 2007).

¹⁹² G. Murray, 'Back off', *News Letter* (19 May 2007).

¹⁹³ In 1998 Ms McAliskey had been deemed (while pregnant in Holloway prison) by Jack Straw as home secretary to be too ill to be extradited, but this now fell under the common EU warrant procedure, implemented in the UK three years earlier, and the attorney general's office said no UK authority had power to interfere in a process which was confined to the courts, while the German embassy said it was a matter of criminal law—G. Moriarty, 'Drop McAliskey extradition, says McGuinness', *Irish Times* (22 May 2007); O. Bowcott, '10 years after outcry, McAliskey is rearrested on IRA charges', *Guardian* (22 May 2007).

research is that many Catholic and Protestant children here still tend to live parallel and separate lives. Our research raises fundamental questions for us as a society in terms of how we should deal with the segregation that exists.¹⁹⁴

As to adults, the leaking of a memo from the SF minister Conor Murphy, in which he made clear he would not refer to 'Northern Ireland' in any speech but instead to 'the north' or 'here', may have provided an opportunity for hilarity in the assembly. But it illustrated the challenges of social cohesion nonetheless.

In one of his final acts as secretary of state, Mr Hain established a commission to suggest ways of dealing with the past.¹⁹⁵ He argued that this was the issue which could 'cloud the future' in terms of the survival of devolution.¹⁹⁶ Indeed, he had earlier told the Northern Ireland Affairs Committee at Westminster that too much money was being spent on inquiries into the past—amounting to more than £200 million, with £167 million for the Bloody Sunday inquiry alone.¹⁹⁷

The commission was to be chaired by the former Anglican archbishop of Armagh, Most Rev Robin Eames, with a predominantly religious and, bizarrely, sporting membership. It seemed odd at face value to focus on the two civil society institutions in Northern Ireland arguably most responsible for perpetuating communal division, at the expense of representation drawn from the dedicated NGO Healing Through Remembering or a non-sectarian victims' group such as WAVE. The commission was to report by the summer of next year.

The taoiseach, Mr Ahern, welcomed the initiative but northern nationalist reaction was predictably negative, with a spokesperson for a republican victims' group complaining that no one on the commission had expertise in human rights or victims' issues.¹⁹⁸ The scale of the challenge was evident when the deputy first minister, Mr

¹⁹⁴ BBC News Online (18 June 2007).

¹⁹⁵ *Belfast Telegraph* (22 June 2007).

¹⁹⁶ P. Hain, 'Let's find a way to stop paying for the past', *Irish Times* (22 June 2007).

¹⁹⁷ S. Lister, 'Hain: too much cash is spent on inquiries', *Belfast Telegraph* (19 April 2007).

¹⁹⁸ D. Keenan, 'Ahern welcomes work of group set up to look at hurts of Troubles', *Irish Times* (23 June 2007). Ironically, one victims issue from the past was resolved to Mr Hain's relief in this survey period, following his departure from the NIO. His successor, Mr Woodward, was able to welcome the fact that an inquiry commissioned by the attorney general, following the direction of a Belfast judge, had cleared of any impropriety the officials involved in the appointment as interim victims' commissioner in late 2005 of an individual nominated by the DUP, which had been subject to judicial review—NIO news release, 25 July 2007. The task of finding a permanent successor to Bertha McDougall had, however, proved elusive at time of writing.

McGuinness, attacked Mr Hain's 'unilateral move', complaining of 'no mention of British state forces in terms of parties that have to be included'.¹⁹⁹

SF also reacted angrily to an announcement by the Public Prosecution Service that there would be no prosecutions of security-force members as a result of inquiries into the loyalist murder of the solicitor Pat Finucane,²⁰⁰ though in 2003 sources close to the collusion inquiry led by the former head of the Metropolitan Police Sir John Stevens had told the *Irish Times* that up to 20 could face charges. Mr Maskey described it as 'an absolute scandal'.²⁰¹ All this recalled the concern expressed in the last monitoring report that support for devolution was becoming skewed in favour of the Protestant community—the reverse of what happened in 1999-2002.²⁰²

Many would share the view of a former Presbyterian moderator, Rev John Dunlop, that endless inquiries into the past could only destabilise the political future.²⁰³ Others believe, however, that until these matters are properly dealt with, they will continue to fester. Nobody has yet found a way to reconcile the competing demands of public truth in relation to the past and a desire to protect the fragile stability of compromise within Northern Ireland. Anyone who has tried—such as the police ombudsman, with her report into collusion between Special Branch and the UVF in north Belfast—has been vilified by all those antagonistic to the conclusions reached.

The underlying challenge of dealing with the past is that it has too many resonances with the present to be easily confined. Even in this period of warm afterglow there were serious issues. In an attempt to entice the remaining paramilitary organisations around the UDA into the legal political frame, the British government agreed to provide funding for community projects linked to the organisation (see 'peace process' section). Many, especially in the SDLP and Alliance, objected to the fundamental direction of policy—a difficulty exacerbated when the SDLP chose the Department for Social Development in the allocation of executive seats post-devolution. The minister, Margaret Ritchie, made clear continued funding was dependent on a move towards arms decommissioning by the organisation.²⁰⁴

¹⁹⁹ M. O'Halloran and D. Keenan, 'McGuinness in surprise attack on Hain', *Irish Times* (25 June 2007).

²⁰⁰ *Irish News* (26 June 2007).

²⁰¹ G. Moriarty, 'Soldiers or police will not face Finucane charges', *Irish Times* (26 June 2007).

²⁰² L. Dowds, 'Public attitudes and identity', in R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: April 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_April07.pdf, pp. 43-6.

²⁰³ *Belfast Telegraph* (7 June 2007).

²⁰⁴ *Irish News* (5 July 2007).

The situation was made even more difficult after the shooting of a policeman in Carrickfergus, followed by serious rioting in Bangor between loyalists and the PSNI.²⁰⁵ The chief constable, Sir Huger Orde, blamed the UDA for the clashes, precipitated by a police arrest operation, and said if it was down to him, he 'wouldn't give them 50 pence'.²⁰⁶ Ms Ritchie made clear she would review the funding decision.²⁰⁷ While the other major loyalist paramilitary group, the UVF, announced its intention to stand down, it made clear it would not decommission its weapons. These issues would continue to demand the attention of politicians in spite of devolution.²⁰⁸

Beyond paramilitarism, old cultural and political divisions continued to surface. Apart from the argument over the new sports stadium and the 'conflict transformation' centre (see 'peace process' section), SF's wish for an Irish Language Act to enshrine the role of Irish in public life seemed likely to be dashed by a DUP minister²⁰⁹—though the SF chair of the shadowing Culture, Arts and Leisure committee, Barry McElduff, ominously warned that 'we all have vetoes which we can choose to use'.²¹⁰ As this was a promise made by the UK government at St Andrews, it remained to be seen whether this would be resolved by the passing of an act at Westminster.

The failure to address the past was also reflected in polarised accounts of the end of 'Operation Banner'. Jeffrey Donaldson of the DUP praised the contribution of the army, including the locally-recruited Ulster Defence Regiment in which he had served (and from which the Catholic population became totally alienated). Meanwhile, Gerry Kelly of SF recalled being on the run in the IRA in the 1970s and facing the army as an 'oppressive presence'.²¹¹

There is no doubt that the parties would prefer to set a less controversial agenda, focusing on the economy. But having failed to persuade Mr Brown to provide a significant transitional package or to align corporation tax in Northern Ireland with that in the republic,²¹² difficult decisions remained for the executive to take on local

²⁰⁵ *Belfast Telegraph* (1 August 2007).

²⁰⁶ D. Keenan, 'Orde says UDA to blame for rioting in Bangor', *Irish Times* (3 August 2007).

²⁰⁷ D. Keenan, 'Minister to review grant after North violence', *Irish Times* (4 August 2007).

²⁰⁸ *Irish News* (3 May 2007).

²⁰⁹ *Irish Times* (15 May 2007).

²¹⁰ M. McHugh, 'We will veto Irish Language Act—DUP', *News Letter* (21 May 2007).

²¹¹ D. Keenan, 'Disagreement over British army legacy', *Irish Times* (31 July 2007).

²¹² *News Letter* (16 May 2007), *Irish Times* (30 May 2007).

taxation, spending and local-government reform. The early reaction to this dilemma was to buy time and rely on consensus emerging in the autumn.

Social issues were also potentially controversial. The DUP junior minister in the OFMDFM, Mr Paisley Jr, gave an interview to a Dublin newspaper in which he acknowledged that he was 'repulsed' by homosexuality. As he was minister (jointly) responsible for equality, the result was uproar but he refused to back down. While even the Church of Ireland branded the remarks 'a disgrace', the first minister, his father, maintained that they did not 'discredit the office, the devolved institutions or Northern Ireland'.²¹³ A discreet veil was drawn over the incident—though the deputy first minister, Mr McGuinness, launched the Pride Week in Derry and pointedly highlighted the OFMDFM's commitment to non-discrimination²¹⁴—but the potential for trouble was obvious.

10.5 From aspiration to government

This was a prolonged honeymoon period in Northern Ireland—and ironically one in which the historic reference point for that term, the months after the arrival of the army in August 1969, was recaptured in sepia footage of the period as 'Operation Banner' came to its very belated end.

But it was real nonetheless. Even torrential flash floods turned into an opportunity for goodwill.²¹⁵ In the face of hundreds of flooded homes, the executive made available £5 million, payable in cheques to anyone with flood damage. It was small beer, but a strong message. The people of Gloucester and south Yorkshire were less fortunate.

Decisions not to turn difficulties into crises and a determination to continue to present a picture of hopeful change augured well for the new settlement. It would be autumn, however, before we knew whether it had created enough security to take the hard decisions essential to turn aspiration into government.

²¹³ *Irish News* (2 June 2007).

²¹⁴ OFMDFM news release, 1 August 2007.

²¹⁵ *Irish Times* (16 June 2007).

11. Public Policies

Robin Wilson

11.1 Education

It was a baptism of fire for the new education minister, Caitriona Ruane of SF. While lacking the paramilitary background of her devolved predecessor, Mr McGuinness—whose appointment in 1999 provoked some walkouts at ‘controlled’ (*de facto* Protestant) schools—Ms Ruane would not readily have incurred trust within the Protestant community, having led the defence campaign for three republicans eventually convicted of assisting FARC guerrillas in Colombia. The FARC episode emerged towards the end of the previous devolved administration and was a factor leading to its demise.

Ms Ruane faced a particularly challenging brief owing to the way the prime minister, Mr Blair, had conceded to the DUP in the talks at St Andrews an effective veto over the decision—made by Mr McGuinness as suspension loomed in 2002—to end academic selection in the region’s schools. This left her caught between the rock of the expiry of the current ‘transfer test’ in 2008 and the hard place not only of dissensus over what might replace it but of any procedure which could cut through these deadlocking arrangements.

Since St Andrews, and specifically with the history of Mr McGuinness’ 2002 *démarche* in mind, any three ministers in the executive can insist that a proposition from another minister be put to a vote in the executive requiring not just majority but ‘cross-community’ support before it can be passed. Under the current electoral arithmetic, translated via d’Hondt into government, no proposal opposed by the DUP (or for that matter SF) will get through the executive.

What this could lead to in practice was set out in advance of the transfer of power by Sammy Wilson, who became the DUP chair of the assembly Education Committee, shadowing Ms Ruane. He said: ‘I can see compromises that could be made which would let schools still have the ability to use academic selection if that is what they want to do.’²¹⁶ In other words, in a system where still only around one in twenty kids go to integrated schools, ‘maintained’ (*de facto* Catholic) schools could operate

²¹⁶ K. Torney, *Belfast Telegraph* (24 April 2007).

without academic selection if they wanted, but controlled schools would establish their own admission procedures based upon it. Since there would be myriad such procedures, however, this would be a recipe for chaos.

On her first round of school visits after appointment, Ms Ruane said selection was one of the 'major issues' that had to be addressed over 'the coming months'.²¹⁷ But that urgency was not evident in practice: the minister held back on publication of a consultation document on the admissions criteria that would follow abolition of the '11+', amid the selection stalemate.

And that was not all, as the education correspondent of the *Belfast Telegraph* pointed out: 'Confusion over the way forward also comes on top of a lack of information about the establishment of a single education authority, concerns over teacher training and resources for a revised school curriculum, and the need to plan for numerous school closures/mergers across the province.'²¹⁸

Pressure was already growing on the minister, as more than 360 primary-school heads demanded more money for implementation of the new curriculum—noting, correctly, *en passant* that 'academic selection is entirely incompatible with the revised curriculum'—and other measures. This reflected dissatisfaction at the minister's first big public presentation, to a teachers' conference in Armagh.²¹⁹

The new curriculum, which has been many years in gestation at the Council on the Curriculum, Examinations and Assessment, will require schools to provide a much more diverse menu of options for pupils post-14. In that sense, it would logically be associated with a system which replaced selection at 11 by 'election' at 14, and—as a review commissioned from the former Queen's University vice-chancellor George Bain in 2006 strongly affirmed—a rationalised and collaborative school estate far less respectful of denominational boundaries.²²⁰ The minister, however, has yet to show any interest in Bain: his report *inter alia* raised some tough questions for the Irish-medium sector, which she strongly valorises.

²¹⁷ Department of Education news release, 9 May 2007

²¹⁸ K. Torney, 'Ulster school pupils facing uncertain future', *Belfast Telegraph* (7 June 2007).

²¹⁹ K. Torney, 'Primary schools fury over planned changes', *Belfast Telegraph* (4 June 2007).

²²⁰ R. Wilford and R. Wilson, *Northern Ireland Devolution Monitoring Report: January 2007*, at www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, pp.61-2.

In June CCEA warned the Education Committee that work had to begin by January 2008 if the '11+' was to be sustained beyond that summer, and that it would be impossible to have an adequate replacement in place by 2009. But Ms Ruane was now saying that she would 'not be rushed', although unions were considering strike action.²²¹

Nor would she be hurried in establishing the Education and Skills Authority, the regional body set to replace the five area education-and-library boards in April 2008, as part of the wider reform of public administration (see local government section). The minister indicated in July that the ESA might not be operational until a year later, although this was presented in a press release as if it were an affirmative decision to 'go ahead'.²²²

The schooling imbroglio was, and looked set to remain, a model of the clash between a political system premised on communalist opposition and ethnic competition and the need to respond in the public interest to collective-action dilemmas—where real impacts could be anticipated on worried parents and anxious primary schoolchildren, as well as teachers saddled with uncertainty. Mr Blair may have been able to get the parties into power together and take his exiting bow; whether the legacy of his political manoeuvres is a viable system of governance remains to be seen. It will be recalled that the former deputy first minister Mr Mallon gave an interview in March in which he was vitriolic about what he saw as the then prime minister's political opportunism.²²³

One bright spot during the quarter was an indication of softening between the churches themselves on segregated schooling. As representatives of the different faith interests visited inter-church schools in Liverpool, the (Catholic) representative of the Council for Catholic Maintained Schools said—in a cautiously chosen double negative—that this would 'not be unfeasible' in Northern Ireland, while the (Protestant) representative of the 'transferors' said it was 'an exciting possible option'. The northern official of the Irish National Teachers' Organisation, Frank Bunting, a courageous advocate of shared schooling, said in line with the Bain report:

²²¹ K. Torney, 'Schools strike looming', *Belfast Telegraph* (16 June 2007).

²²² Department of Education news release, 20 July 2007.

²²³ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: April 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_April07.pdf, pp.41-2.

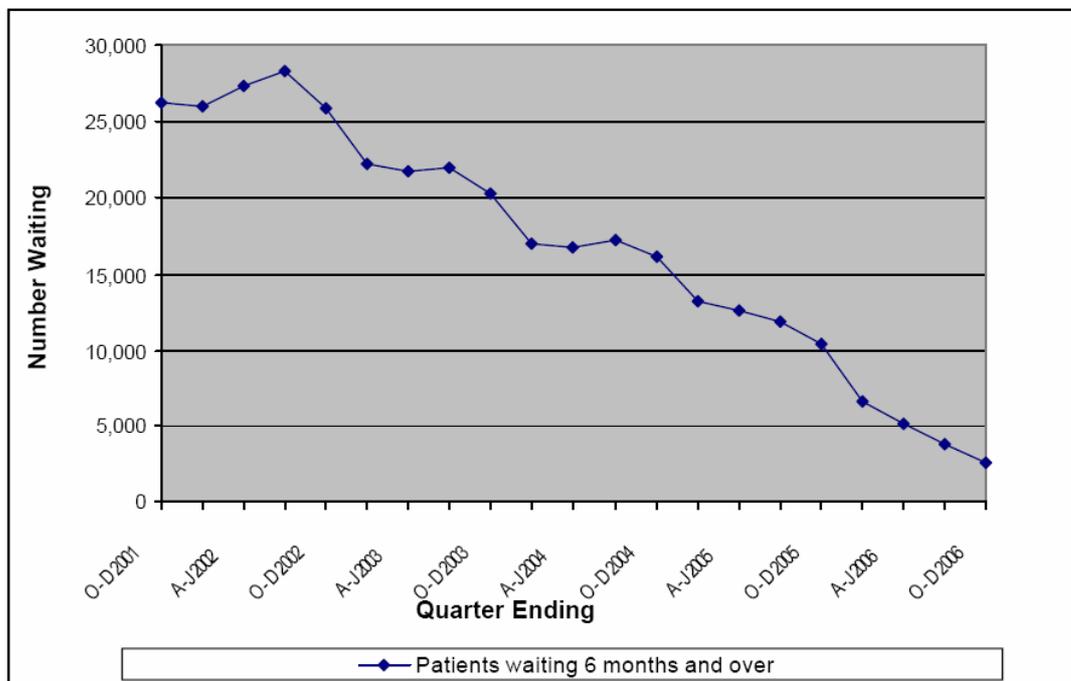
'All interests involved with schools need to talk together about all future new builds.'²²⁴

11.2 Health

It was a different story at the other big ministry, Health, Social Services and Public Safety, where the new minister, Michael McGimpsey (UUP), was left with a much more favourable in-tray. The period got off to a healthy start as Northern Ireland went smoke-free, in terms of public places, on 30 April.²²⁵ This explained the rather odd phenomenon in recent months—given Northern Ireland's distinctly sub-Mediterranean climate—of elaborate patios appearing outside bars and restaurants. Out can now come the smokers, to puff in the cold.

A further auspicious legacy for the new minister was short waiting lists. Spiralling queues having symbolised the failure of the previous devolved health minister, Bairbre de Brún (SF), to cope with running the NHS,²²⁶ they were drastically reduced under direct rule, as this DHSSPS graph shows:

Figure 1: Inpatient waiting lists in Northern Ireland



²²⁴ K. Torney, 'Teachers back joint faith schools', *Belfast Telegraph* (18 May 2007).

²²⁵ DHSSPS news release, 27 April 2007.

²²⁶ R. Wilford and R. Wilson, *Devolution and Health: The Northern Ireland Experience*, at: www.ucl.ac.uk/constitution-unit/files/devolution_and_health/ni_mar_2002.pdf.

Indeed, all but one of the 2,500 who had been waiting for six months or more as of the end of 2006 were removed from the inpatient waiting list by March 2007. In his first major statement, the new minister, Mr McGimpsey, said waiting times were still too long and he would ask staff to 'redouble their efforts' to reduce them further.²²⁷ He subsequently set new targets for waiting times for various therapeutic treatments: no more than six months from referral by March 2008, and no more than 13 weeks by March 2009.²²⁸

It was an active period for the minister, generally. In an indication of the new Northern Ireland organically emerging from under its sectarian carapace, he launched a booklet on health services in the region in thirteen languages other than English.²²⁹ He told the assembly of plans for a bespoke dental system, rather than following England and Wales, to be piloted in 2008.²³⁰

He established an advisory Mental Health and Learning Disability Board, mainly composed of members of a recent mental-health review team and to be chaired by its chair, the well-regarded Prof Roy McClelland, to address *inter alia* factors behind the recent frightening rise in youth suicide in Northern Ireland.²³¹ And, in particular, he immediately won plaudits from the Royal College of Nursing—if not the Treasury—by indicating that the 2.5 per cent pay award for nurses would be backdated to 1 April in Northern Ireland.²³²

The minister also indicated in his initial public *tour d'horizon* that health inequality was an issue he would address. There was no mention, however, during the quarter of the public-health strategy initiated by Ms de Brún during the prior period of devolution, *Investing for Health*.²³³ This was arguably the biggest single policy innovation in 1999-2002 by any minister but was buried under direct rule, since it did not fit the reductive health = health services equation favoured by New Labour.

²²⁷ DHSSPS news release, 11 May 2007.

²²⁸ DHSSPS news release, 9 July 2007.

²²⁹ DHSSPS news release, 28 June 2007.

²³⁰ DHSSPS news release, 2 July 2007.

²³¹ DHSSPS news release, 28 June 2007. The rise in youth suicide, along with truly frightening figures on domestic violence, are signs of the real social malaise that the 'troubles' and the 'peace process' have bequeathed or obscured.

²³² DHSSPS news release and BBC News Online, 10 June 2007.

²³³ DHSSPS, *Investing for Health* (Belfast: DHSSPS, 2002, at: www.dhsspsni.gov.uk/show_publications?txid=10415).

11.3 Housing

Another minister who could not be faulted for effort during the initial period of devolution was Margaret Ritchie (SDLP), at the Department for Social Development. Like Ms Ruane, she faced a challenging portfolio. But this time it was the product not of a direct-rule legacy but of a perverse effect of the ‘troubles’ having come to a sufficiently definitive end not just to persuade the prime minister (who many thought rather too quick to jump to that conclusion) but the rather more demanding housing market—soaring house prices.

During the survey period, one building society reported an average price rise of 76 per cent over two years (the IRA statement ending its campaign came in mid-2005), against an 18 per cent average increase across the UK. This made Northern Ireland now the fourth most expensive region, after London, the south-east and the south-west.²³⁴

On her first official visit, Ms Ritchie went to a south Belfast housing project, where she declared: ‘I am concerned about the difficulties that people are experiencing in renting and buying houses and I want to quickly establish what I can do to make houses more affordable.’ But she offered ‘no easy answers’.²³⁵ She subsequently pointed out at a Shelter conference that the average house price in Northern Ireland was now £215,000 and only one third of sales in 2006 had been to first-time buyers, as against six in ten five years earlier.²³⁶

A fortnight after assuming the reins, Ms Ritchie announced the formation of an interdepartmental group to consider the report in March by the former senior civil servant Sir John Semple, who had been tasked to address the issue of housing affordability.²³⁷ A few days later, she secured the agreement of her executive colleagues to proceed with this task force, with her in the chair.²³⁸

In July, she published a strategy on homelessness, *Including the Homeless*, arising from a 2004 consultation by a ‘promoting social inclusion’ group on that theme.²³⁹

²³⁴ P. Collinson, ‘Average home over £100,000 in every town, survey reveals’, *Guardian* (23 April 2007).

²³⁵ DSD news release, 9 May 2007.

²³⁶ DSD news release, 20 June 2007.

²³⁷ DSD news release, 21 May 2007.

²³⁸ DSD news release, 25 May 2007.

²³⁹ DSD, *Including the Homeless* (Belfast: DSD, 2007, at: www.dsdni.gov.uk/cv-homeless.pdf).

‘Promoting social inclusion’ was the best aspect of the now largely discredited policy of ‘New Targeting Social Need’, a revamp of an older Tory policy when ‘New’ Labour came into office. PSI had the

Homelessness has been steadily rising in recent years, preceding the recent crisis of affordability and largely precipitated by modern social trends towards more volatile relationships, against a backdrop of an increasingly inadequate supply of social housing. But the 'action plan' accompanying the strategy merely said on the key issues that an increase in social house-building would be considered and that affordability issues would be addressed in the context of the Semple review.

Ms Ritchie told the Social Development Committee that month that she needed a £1.5 billion budget to build 2,000 social homes.²⁴⁰ Whether her DUP colleague at the Department of Finance and Personnel, Mr Robinson, would feel obliged to help with the necessary resources in his first 'home-grown' budget, however, is another matter.

Meanwhile, rural housing was an early source of anxiety for environmental organisations. A study commissioned by nine green NGOs and the Department of Environment showed the substantial economic value of environmental-related activity in Northern Ireland.²⁴¹ The then prospective minister, Ms Foster (DUP), was present at the late-April launch in Belfast, where the principal point emerging from the floor was concern—articulated in the assembly by Alliance and Green MLAs—that the new executive would overturn 'PPS 14', a planning guideline restricting one-off rural homes.

The minister was non-committal and her SF colleague at the Department for Regional Development, Conor Murphy, said ministers would 'consider the way ahead'.²⁴² The fear of the NGOs, however, was that they would at least dilute the guidance, despite the explosion of single homes in the countryside in recent years—and despite the despoiling evidence of the 'bungalow blitz' in the Celtic-Tiger republic—because populism could be expected to trump environmental considerations.

advantage of tackling issues thematically and in policy terms, across departmental demarcations, whereas New TSN otherwise remained an only weakly effectual commitment to skew the expenditure of individual departments towards disadvantaged groups.

²⁴⁰ DSD news release, 5 July 2007.

²⁴¹ GHK, *The Environmental Economy of Northern Ireland: Final Report* (London: GHK, at: www.ghkint.com).

²⁴² B. Lowry, 'Bungalow blitz will trash our land', *Belfast Telegraph* (21 May 2007).

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