DEVELOPMENT
MONITORING
PROGRAMME
2006-08

Northern Ireland Devolution Monitoring Report
January 2008

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

Three times per year, the research network produces detailed reports covering developments in devolution in five areas: Scotland, Wales, Northern Ireland, the English Regions, and Devolution and the Centre. The overall monitoring project is managed by Professor Robert Hazell and Akash Paun at the Constitution Unit, UCL and the team leaders are as follows:

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All devolution monitoring reports are published at: www.ucl.ac.uk/constitution-unit/research/devolution. Contact Akash Paun on a.paun@ucl.ac.uk for further information.
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<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>APNI</td>
<td>Alliance Party of Northern Ireland</td>
</tr>
<tr>
<td>BIC</td>
<td>British-Irish Council</td>
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<tr>
<td>BIIPB</td>
<td>British-Irish Inter-Parliamentary Body</td>
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<tr>
<td>CTI</td>
<td>Conflict Transformation Initiative</td>
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<tr>
<td>DARD</td>
<td>Department of Agriculture and Rural Development</td>
</tr>
<tr>
<td>DCAL</td>
<td>Department of Culture, Arts and Leisure</td>
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<tr>
<td>DE</td>
<td>Department of Education</td>
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<tr>
<td>DoE</td>
<td>Department of Environment</td>
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<tr>
<td>DEL</td>
<td>Department of Employment and Learning</td>
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<tr>
<td>DETI</td>
<td>Department of Enterprise, Trade and Investment</td>
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<tr>
<td>DFP</td>
<td>Department of Finance and Personnel</td>
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<tr>
<td>DHSSPS</td>
<td>Department of Health, Social Services and Public Safety</td>
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<tr>
<td>DRD</td>
<td>Department for Regional Development</td>
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<tr>
<td>DSD</td>
<td>Department for Social Development</td>
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<tr>
<td>DUP</td>
<td>Democratic Unionist Party</td>
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<td>IMC</td>
<td>Independent Monitoring Commission</td>
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<tr>
<td>IS</td>
<td>Investment Strategy</td>
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<tr>
<td>JMC</td>
<td>Joint Ministerial Committee</td>
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<tr>
<td>MLA</td>
<td>Member of the Legislative Assembly</td>
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<td>NICVA</td>
<td>Northern Ireland Council for Voluntary Action</td>
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<tr>
<td>NIO</td>
<td>Northern Ireland Office</td>
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<tr>
<td>NSMC</td>
<td>North/South Ministerial Council</td>
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<tr>
<td>OFMDFM</td>
<td>Office of the First Minister and Deputy First Minister</td>
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<tr>
<td>PfG</td>
<td>Programme for Government</td>
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<td>PSNI</td>
<td>Police Service of Northern Ireland</td>
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<tr>
<td>PUP</td>
<td>Progressive Unionist Party</td>
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<tr>
<td>RUC</td>
<td>Royal Ulster Constabulary</td>
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<tr>
<td>SDLP</td>
<td>Social Democratic and Labour Party</td>
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<tr>
<td>SF</td>
<td>Sinn Féin</td>
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<tr>
<td>UDA</td>
<td>Ulster Defence Association</td>
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<td>UPRG</td>
<td>Ulster Political Research Group</td>
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<tr>
<td>UUP</td>
<td>Ulster Unionist Party</td>
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<td>UVF</td>
<td>Ulster Volunteer Force</td>
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Executive Summary

The political ‘honeymoon period’ following the re-establishment of devolution in May 2007 came to an end in the autumn, with the relationship between the two principal partners in the new power-sharing executive, the Democratic Unionist Party and Sinn Féin, looking more like a shotgun marriage.

The first and deputy first ministers, respectively Rev Ian Paisley (DUP) and Martin McGuinness (SF), continued to smile before the cameras and ended the year on a joint trip to the United States, taking in a meeting with the president, George W. Bush, to promote inward investment. Symptomatically, however, they missed two deadlines they had set themselves on the appointment of a champion of the victims of Northern Ireland’s ‘troubles’. And their parties locked horns on a widening raft of neuralgic issues: Irish-language legislation, the devolution of policing and justice and the future of selection at 11.

With the parties tending to cancel each other out, the draft Programme for Government they published in October was flimsy, with no reference to key direct-rule strategies—particularly those to tackle the sectarianism (A Shared Future) and social exclusion (Lifetime Opportunities) which, in tandem, have scarred Northern Ireland—and no innovative alternatives. Taken with the draft budget, whose centrepoint was a three-year rates freeze rather than expenditure on public programmes, the private-sector-oriented, economic focus of the PfG gave the administration a distinctly neo-liberal tenor.

This pleased the business community and reflected the dominance in general of the DUP, and in particular of the finance minister, Peter Robinson, in the four-party executive. But voluntary organisations were unhappy and the Ulster Unionist Party and the SDLP were nonplussed—to the extent, indeed, that the two parties supported a critical assembly motion on the PfG from the opposition Alliance Party. Indeed, there were signs of a realignment of the centre ground, with the SDLP social-development minister, Margaret Ritchie, securing a standing ovation at the UUP conference.

The sectarian implications of the DUP’s pursuit of political primacy, which hardly chimed with the ethos of power-sharing, became clear when Ms Ritchie stuck to her political guns in insisting she would not fund a ‘conflict transformation’ project linked
to the Ulster Defence Association when the paramilitary organisation refused to decommission its weapons. Mr Robinson contradicted her announcement in the assembly, and the executive split on the issue, but the minister insisted she would not be ‘bullied’ by him.

This and other developments left SF politically exposed, with the ideology of its newfound partner so inimical to its core constituency. The DUP was, however, unrepentant in the face of charges of political clientilism, when it emerged that the developer to whom its environment minister, Arlene Foster, was ‘minded’ to hand a contract for a visitors’ centre at the Giant’s Causeway—in preference to a public alternative—was a party member.
### Chronology of Key Events

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>18 October 2007</td>
<td>Executive Committee splits over funding for UDA-linked initiative, with UUP and SDLP ministers refusing to agree minutes of previous meeting</td>
</tr>
<tr>
<td>20 October 2007</td>
<td>South Armagh man beaten to death, apparently by IRA gang</td>
</tr>
<tr>
<td>25 October 2007</td>
<td>Executive publishes draft Programme for Government and budget; UUP and SDLP subsequently support critical Alliance amendment in assembly</td>
</tr>
<tr>
<td>Early November 2007</td>
<td>Two Catholic police officers shot by ‘dissident’ republicans</td>
</tr>
<tr>
<td>Early December 2007</td>
<td>First and deputy first ministers, Messrs Paisley and McGuinness, embark on five-day trip to the US, including meeting with president, George W Bush, with a view to promoting investment</td>
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1. **The ‘Peace Process’**

*Rick Wilford and Robin Wilson*

1.1 **Introduction**

The restoration of devolution in May 2007 led to a ‘honeymoon period’ within the arranged, loveless political co-habitation that is Northern Ireland’s four-party Executive Committee. During the reporting period, however, its implicit stresses began to become more evident, signalled (among other things) by the very public contemplation by the Ulster Unionist Party and the SDLP of the relinquishing of their ministerial seats and the forming, alongside the Alliance Party, of an opposition within the assembly.

The prospect of such a separation, even divorce, so early in the life of the re-devolved Northern Ireland could, to mix metaphors, be regarded as teething trouble. The Jeremiahs would however argue that it is evidence of a more chronic condition, such as a grumbling (political) appendix.

The continuing saga of the Giant’s Causeway visitors’ centre, which has mired senior Democratic Unionist Party figures in controversy, the running spat between the UUP health minister, Michael McGimpsey, and the chair of the health committee, Iris Robinson (DUP) over whether he had signed off on her partner’s draft budget, and the accusation by the finance minister, Peter Robinson, that Margaret Ritchie, the minister for social development, had breached the Ministerial Code and the Pledge of Office, when she announced the ending of funding for the ‘Conflict Transformation Initiative’, all pointed to the inherently centrifugal forces at work within the executive.

With the draft budget, the executive began to get down to the business of orchestrating its efforts to ‘make a difference’ to the internal condition of Northern Ireland. In addition, it published a skeletal draft Programme for Government (PfG), a draft Investment Strategy (IS) and its planned legislative programme. But the

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1 This comprised 18 bills, including three already under consideration in the assembly. The 15 new bills were: Disease of Animals, Education Reform, Road Freight Licensing of Operators, Building Regulations Amendment, Budget, Presumption of Death, Budget No 2, Civil Registration, Children (Emergency Protection Orders), Public Health Amendment, Charities, Pensions, Mesothelioma, Child Maintenance and Public Authorities Reform. The three current bills were: Libraries, Taxis and Health (Miscellaneous Provisions). Besides the Budget Bills and the highly complex Charities Bill. The programme was unimaginative and in large measure reflected the ‘parity principle’, applying legislation derived at Westminster to Northern Ireland.
response to the legislative schedule and the drafts of the PfG and the IS provided further evidence of the executive’s immanent difficulties. In the assembly, Alliance tabled two amendments, the first regretting the absence of fresh thinking in the executive’s legislative programme and the second expressing concern at the limitations of the PfG and the IS. That Alliance, as the self-appointed ‘opposition’ (alongside the Green Party’s sole MLA, Brian Wilson, and the Independent MLA Kieran Deeny), should table such amendments was no surprise. What was arresting was the fact that both were supported in the division lobbies by UUP and SDLP members, though the two UUP ministers and the sole SDLP minister tactically, and tactfully, left the chamber before each division.

There were also continuing signs of intra-party dissent. The DUP has witnessed some leaching away of support in the wake of its decision to enter a power-sharing administration alongside Sinn Féin. Though more of a trickle than a flood, the loss of a score or so of its councillors and the defection of its MEP, Jim Allister, has been discomfiting for its leadership. This discomfiture was aggravated in early December when Mr Allister announced the formation of a new movement (not yet a political party), ‘Traditional Unionist Voice’ (TUV). Under the banner ‘Nothing that is morally wrong can be politically right’, the phalanx of the disgruntled sought to position itself as the organ for disenfranchised unionists who wished to ‘build an effective organisation capable of providing democratic opposition to the present DUP/Sinn Féin regime’. Should TUV decide to contest elections, there is little to suggest that it would fare any better than other anti-agreement unionists—including the UKUP’s Robert McCartney, who stood in six constituencies at the March assembly election with a conspicuous lack of success.

Mirroring the DUP’s defections, SF has also experienced disgruntlement in its ranks. Though much of its membership fallout was occasioned earlier in the year, after the January ard theis which accepted the legitimacy of the policing and criminal justice systems in the north and south, the decision by one of its MLAs, Gerry McHugh, to resign the party whip came as an aftershock to SF’s leadership. Mr McHugh, not quite a commanding figure, cited as his reason for leaving the party fold the fact that SF had become ‘overly controlling of its members’, claiming he was disillusioned ‘with the totally undemocratic nature of the party and the totally top-down dictation

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2 The pamphlet announcing the creation of ‘TUV’ was inserted in the Belfast Telegraph (7 December 2007).
within it.\textsuperscript{3} If nothing else, his remarks suggest that Mr McHugh is not an especially quick learner.

In early December the first and deputy first ministers, Rev Ian Paisley and Martin McGuinness respectively, embarked on a week-long investment mission to the United States, which included a meeting with the president, George W Bush, and another with Democratic presidential candidate Senator Hillary Clinton. The pair had breakfast at the New York Stock Exchange and met the city mayor, Michael Bloomberg, and congressional figures.\textsuperscript{4}

Senator Clinton assured Messrs Paisley and McGuinness that, if she was elected, there would be an ‘open door’ for them at the White House, while Mr Bush, recalling one of the Simpsons’ famous neologisms (‘embiggens’), remarked that both men had ‘dedicated themselves to “embettering” Northern Ireland’—assuming, that is, the president didn’t mean ‘embittering’! The visit was a prelude to the major investment conference planned for Belfast in late spring 2008 and in that respect seems to have served a useful purpose, although the media impact in the US was underwhelming. Mr Paisley described the trip as a success on their return, anticipating investment outcomes.\textsuperscript{5}

1.2 Sectarianism behind the smiles

There was troubling evidence throughout the period that sectarianism, even violence, was not a thing of the past, just because the first and deputy first ministers were so famously smiling together for the cameras. That in itself was beginning to grate: in perhaps the first sign of SF loosening its ties to the executive partnership with the DUP, it emerged that the party had demanded a dramatic reduction of the joint public engagements between Messrs Paisley and McGuinness, as members were unhappy about the latter’s subordinate status in the partnership (the former insisting on calling him ‘deputy’).\textsuperscript{6} It later emerged that SF planned to submit its own response to the draft PfG, as if it were a party of opposition rather than a party of government.

From the other side, the former DUP minister Gregory Campbell gave a combative interview to the unionist-oriented News Letter, in which he dismissed these ‘puerile

\textsuperscript{3} BBC News Online, 3 December 2007.
\textsuperscript{4} D. Staunton, ‘Paisley and McGuinness begin US visit’, Irish Times (3 December 2007).
\textsuperscript{6} S. Lister, ‘The last laugh for Ian and Martin as honeymoon ends’, Belfast Telegraph (1 September 2007).
photographs’ of the two principals. In the same paper, his junior minister colleague in the Office of the First Minister and Deputy First Minister, Ian Paisley Jr, suggested OFMDFM had been ‘liberated’ from the ‘jointery’ of the past—the cross-sectarian partnership it embodied, as conceived by the SDLP leader, Mark Durkan—and said the DUP was ‘taking charge of the political process’.

A key symbolic battleground here is the Irish Language Act promised in the St Andrews agreement of October 2006. The DUP culture minister, Edwin Poots—within whose brief it now falls—and the SF education minister, Caitriona Ruane, locked horns at the annual, republican-oriented West Belfast Festival in August 2007. Mr Poots resisted such legislation as ‘divisive’, while Ms Ruane demanded it in recognition of ‘rights’; Mr Poots insisted for good measure that Ms Ruane was participating in a ‘UK government’, which she predictably denied. In a letter to supporters after 100 days of devolution, the DUP leader, Mr Paisley, affirmed he would block any Irish-language measure.

Pressure to accept the devolution of policing and justice powers by May 2008, also in line with St Andrews, was applied by London and Dublin to the DUP—including via the annual private conference on Northern Ireland organised by the British-Irish Association in Cambridge in September. But Jeffrey Donaldson indicated on behalf of the party that it could not countenance such devolution until IRA structures were dismantled, while for SF Alex Maskey warned against any ‘backsliding’.

Rebutting a new year statement by the Northern Ireland secretary, Shaun Woodward, Mr Paisley upheld the ‘triple lock’ of decisions (by the assembly, executive and Parliament) required for policing and justice to be devolved, describing it as a ‘long way’ off.

Reflecting these divisive political exchanges on the ground, it emerged that a Protestant Gaelic footballer, Darren Graham (25) of Lisnaskea—whose father and two uncles had been killed by the IRA—had been subjected to repeated sectarian abuse, which led him to announce he was leaving the sport. After the Fermanagh Gaelic Athletic Association board ‘unreservedly’ condemned the behaviour, however,

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7 S. Dempster, ‘Honeymoon’s over—let’s get down to work’, News Letter (10 September 2007).
8 S. Dempster, ‘’My party’s not under the thumb’ insists Paisley Jnr’, News Letter (10 September 2007).
10 DUP vows to block added rights for Irish speakers’, Belfast Telegraph (16 August 2007).
13 D. Keenan, ‘Paisley rejects May date to devolve powers’, Irish Times (2 January 2008).
he rescinded his decision.\textsuperscript{14} Around the same time, in August, a teenager from the predominantly Protestant Shankill Road area of Belfast fell victim to an early-morning hit-and-run accident. He was then beaten up by men who had come to his aid, when they discovered he did not know the words of the Orange song \textit{The Sash}\textemdash mistaking him for a Catholic.\textsuperscript{15} Later that month, the Garvaghy Road Residents’ Coalition, representing Catholics opposed to the passage through their neighbourhood of the Orange Order Somme-commemoration parade in Portadown, Co Armagh, in July, quashed hopes of a renewed dialogue with the order over the parade, saying any talks had to cover a range of issues.\textsuperscript{16}

In September, there were sectarian clashes in Portadown and in Magherafelt, Co Derry.\textsuperscript{17} A shooting targeting a 28-year-old man in the mainly-Catholic Ligoniel area of north Belfast was deemed possibly sectarian.\textsuperscript{18} There was a spate of attacks on Orange halls, with the order claiming more than 30 had been attacked by the end of 2007.\textsuperscript{19} And at the turn of the year, it was revealed that the Protestant population on the west bank in Derry had fallen from 18,000 in 1969\textemdash when the unionist political minority ruled the divided city by gerrymandering of ward boundaries\textemdash to fewer than 500 today.\textsuperscript{20}

There were signs as the period ended that at Westminster the persistence of sectarianism in Northern Ireland, and official connivance with it, was becoming less acceptable. The Northern Ireland Affairs Committee challenged the hugely expensive segregation of paramilitary prisoners at Maghaberry jail along sectarian lines.\textsuperscript{21} And an early day motion called for a review after one year of the latest north Belfast ‘peace wall’\textemdash constructed, as the last monitoring report indicated, on land used as the playground of Hazelwood integrated primary school, thereby enclosing the school in a ‘loyalist’ area against its express wishes. The sponsor of the motion, David Anderson (Labour), said the £1/4m, 25-foot-high fence was ‘a sad symbol of the wider costs of sectarianism’ (see finance section).\textsuperscript{22}

\textsuperscript{14} G. Moriarty, ‘Protestant player to return to club after GAA apology’, \textit{Irish Times} (10 August 2007).
\textsuperscript{15} G. Moriarty, ‘Shankill hit-and-run victim assaulted by passersby’, \textit{Irish Times} (10 August 2007).
\textsuperscript{16} ‘Residents pour cold water on Drumcree hopes’, \textit{Belfast Telegraph} (30 August 2007).
\textsuperscript{17} C. Young, ‘Plea for calm after sectarian clashes’, \textit{Belfast Telegraph} (8 October 2007).
\textsuperscript{19} ‘Petrol bomb attack on Orange hall’, BBC News Online (17 December 2007).
\textsuperscript{20} ‘Derry’s Protestant exodus shock’, \textit{Belfast Telegraph} (1 January 2008).
\textsuperscript{21} ‘Loyalist and republican prisoners “should be housed together”’, \textit{Belfast Telegraph} (12 December 2007).
\textsuperscript{22} S. Lister, ‘New peaceline “must not be permanent”’, \textit{Belfast Telegraph} (14 December 2007).
1.3 Simmering paramilitarism

Most disturbing was the recrudescence, however modest by historical standards, of organised paramilitary attacks. Two Catholic policemen were wounded in separate attacks by ‘dissident’ republicans in November, one in Derry and one in Dugannon, Co Tyrone. These were inevitably perceived as an attempt to intimidate Catholics from joining the Police Service of Northern Ireland—of which they now comprised 21 per cent of members and 44 per cent of recruits, according to the chief constable, Sir Hugh Orde. It emerged that other officers had been warned to move and, perhaps most dispiritingly, that police were having to don flak jackets again in Belfast owing to this renewed threat. The revelation that the PSNI had, at 16 per cent, the lowest clear-up rate in the UK was not suggestive of an organisation with high morale. It also emerged, meanwhile, that four north Belfast SF councillors and one from Glengormley in Co Antrim had been threatened by ‘dissidents’.

What was, even by the benchmark of Northern Ireland’s ‘troubled’ past, a particularly brutal murder took place when a gang of around 20 men beat to a pulp Paul Quinn (21) in Cullyhanna, south Armagh, following altercations with local republicans. The Quinn family blamed the IRA for the killing, though this was inevitably denied by the SF MLA for the area, and regional development minister, Conor Murphy. After John Gieve of the Independent Monitoring Commission claimed that members or former members of the IRA had indeed been involved, Mr Donaldson of the DUP warned of ‘implications for the political process’ and indicated that his party had already been in touch with the prime minister, Gordon Brown, over the affair. A reliable investigative reporter firmed up the IRA connection, saying the beating had been ordered by the local ‘officer commanding’ and endorsed by a member of the ruling seven-member army council.

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27 C. Thornton, ‘PSNI solves less crime than other UK forces’, *Belfast Telegraph* (7 September 2007).
28 ‘Threat to Sinn Fein councillors’, *Belfast Telegraph* (22 October 2007).
32 S. Breen, ‘Fatal attack “ordered by Provisional IRA”’, *Sunday Tribune* (28 October 2007).
So far, so predictable. But what was unprecedented, and revealing of a remarkable assertiveness in the IRA’s heartland—as well, perhaps, as disillusionment with the now apparently rudderless SF political ‘project’ among some core supporters—was that hundreds of residents were prepared to attend public meetings of a family support group. The group, chaired by a former SF councillor, called for the ‘Provo murder machine in south Armagh’ to ‘be forever dismantled’. The victim’s father, Stephen, attacked the SF president, Gerry Adams—Mr Adams had loftily suggested the murder was an affair among ‘criminals’—and dismissed the denials of republican involvement.33 ‘I never thought I would live to see the day,’ remarked a Dáil member who attended one of the meetings. It was notable, however, that London and Dublin were happy to echo SF’s ‘criminal’ account of the episode34—until the taoiseach, Mr Ahern, was forced into a denial by the family.

There was good news that the past was being left behind. South Armagh used to be bedecked with surveillance towers, symbolising what to most residents was an oppressive and alien military presence. But the IMC, in its last report on security ‘normalisation’, said government had made ‘amazing progress’ in dismantling the military structure, while reaffirming that the IRA had ‘abandoned terrorism’. In that context, it urged that legislation allowing the continuation of non-jury courts be ‘fully reviewed’.35

But the sense in Northern Ireland that the past isn’t really over persisted. While the first and deputy first ministers continued to fail to agree on the appointment of a victims’ commissioner (see devolved government section), the consultative group on dealing with the past, whose establishment was described in the previous report, issued a call for submissions. The group’s leaders, Robin Eames and Denis Bradley, met the former Metropolitan Police commissioner Lord Stevens over four days in London—suggesting there was much still to emerge into the public domain from his earlier inquiries into collusion between the ‘security forces’ and loyalist paramilitaries in Northern Ireland.36

36 G. Moriarty, ‘Eames and Bradley delve into NI “dirty war”, Irish Times (23 August 2007).
The most recent IMC report, the 17th, confirmed the political commitment of the republican movement, but was not so positive about loyalists. Under direct rule the Northern Ireland Office had agreed to fund to the tune of £1.2m a ‘conflict transformation’ project linked to the largest paramilitary group, the Ulster Defence Association. Upon devolution, this fell into the political lap of the SDLP social development minister, Margaret Ritchie, who insisted she would only hand over the money if the UDA decommissioned its arsenal in 60 days.

Days before the October deadline, the Northern Ireland secretary, Mr Woodward, appeared to undermine Ms Ritchie, welcoming the UDA’s ‘meaningful engagement’ with the Independent International Commission on Decommissioning. Frankie Gallagher of the Ulster Political Research Group, also linked to the UDA, warned that if this ‘derails the peace process’ Northern Ireland would arrive at ‘a disastrous place’. Ms Ritchie chose to ignore this hardly subtle threat, only to find herself embroiled in a row with executive colleagues (see assembly and political parties sections).

Another paramilitary-linked politician, Billy Hutchinson, leader of the Progressive Unionist Party—political wing of the Ulster Volunteer Force—was questioned by police for two days in August, amid PUP protest, about the sectarian slaying of Thomas Devlin (15) in north Belfast two years earlier. Prime suspects are UVF members in the Mount Vernon area.

Meantime, the PSNI claimed that the ‘historic enquiries team’ reviewing cold cases from the ‘troubles’, at a cost of £4m a year, was not being funded by the NIO as promised. For the DUP, Mr Donaldson contrasted this with the spiralling cost of the Bloody Sunday inquiry and claimed there was a ‘hierarchy of victims’—a phrase, of course, mirrored by republicans who claim victims of collusion come at the bottom.

The period ended in a disastrous way for one group of victims, the bereaved of the 29 who died in the Real IRA Omagh bomb of 1998. In the only case arising from the

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38 D. Keenan, ‘Ritchie says funding rests on UDA arms progress’, Irish Times (8 October 2007);
40 ‘Hutchinson freed by police investigating school murder’, Irish Times (22 October 2007).
41 ‘London accused of failing to meet pledge on victims’, Irish Times (28 August 2007).
42 D. Keenan, ‘Donaldson criticises “hierarchy of victims”’, Irish Times (29 August 2007).
event nine years on, Sean Hoey was acquitted of all charges in connection with the bomb. The judge, Reg Weir, who was a robust figure as a barrister, lambasted the inquiry by the old Royal Ulster Constabulary and the testimony of two still-serving officers.\(^{43}\) The two were not however suspended and the PSNI badly mishandled a post-trial impromptu news conference, damaging Catholic confidence in the new dispensation.\(^{44}\)


2. Devolved Government

Robin Wilson

2.1 Giant trouble

Northern Ireland’s premier tourist attraction, the Giant’s Causeway, is an ideal spot for tranquil contemplation amid the hexagonal columns of the crystallised rock formation, stubbornly absorbing wave and offshore wind. And the DUP environment minister, Arlene Foster, hardly appreciated the tide of trouble that would wash over her party when she indicated she was ‘of a mind’ to award the contract for the construction of a visitors’ centre there—the prior centre having been destroyed by fire some years earlier—to a bid led by a private developer, Seymour Sweeney.

Apart from the merits, or otherwise, of engaging the private sector with this jewel of the region’s public realm—and Moyle District Council voted that the site be retained wholly in public hands—it quickly emerged that Mr Sweeney was a multi-millionaire DUP member, whom BBC Northern Ireland showed photographed with the two Ian Paisleys (father and son), and who had sold a property to Mr Paisley Jnr.45 Daithi MacKay of SF and Declan O’Loan of the SDLP, representing the North Antrim constituency, accused the DUP of a conflict of interest,46 though Ms Foster threatened legal action over any claims of bias in her decision-making.47

In one of a series of Belfast Telegraph investigations, which clearly irked the Paisley family, it emerged that Mr Sweeney had put Mr Paisley Sr’s name, as a potential ‘trustee’, on an application for Heritage Lottery Fund support for his project, and that the Environmental Heritage Service of Ms Foster’s department had rejected it, fearing ‘major adverse impact’ on the site.48 It further emerged that Mr Paisley Sr had written an angry letter to the fund in 2003 after the latter had turned down Mr Sweeney’s application.49 Moreover, the letter, apparently signed by Mr Paisley Jr on his father’s behalf, had claimed approval from UNESCO for Mr Sweeney’s proposal, which UNESCO emphatically denied.50

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45 BBC News Online (11 September 2007).
46 Irish Times (12 September 2007).
50 D. Gordon, ‘MLAs demand answers over Paisley’s lobbying for Causeway centre project’, Belfast Telegraph (5 October 2007).
It also appeared that Mr Paisley Jr had made representations to David Cairns, the former direct-rule environment minister, in support of Mr Sweeney’s planning application and the issue may have been raised around the St Andrews talks on the restoration of devolution.\textsuperscript{51} The DUP issued a guarded denial that the matter had been included on the party ‘shopping list’ for the UK government, though the statement allowed that it could have been raised ‘on the margins’ and ‘in an individual capacity’.\textsuperscript{52}

The assembly’s Environment Committee demanded to see the report given to the minister by the Planning Service on the centre, before she had indicated she was ‘minded’ to back the Sweeney proposal, but Ms Foster refused.\textsuperscript{53} Mr Sweeney meanwhile admitted to having been a party member for ‘three or four years’.\textsuperscript{54}

In a further revelation, material extracted under Freedom of Information legislation by the \textit{Belfast Telegraph} showed Mr Paisley Jr had lobbied government 13 times in support of Mr Sweeney’s company in the five years to 2006, in connection with the causeway site.\textsuperscript{55} It also emerged that Mr Paisley Jr had lobbied in support of constituents, including Mr Sweeney, interested in buying land which had been compulsorily acquired—a price of £50m had been finalised—and that the lobbying had continued after he had become a minister.\textsuperscript{56}

In November, Moyle Council and the National Trust agreed on a new public proposal for a visitors’ centre, which the minister said she welcomed.\textsuperscript{57} Finally, at the end of the reporting period, it was revealed that Ms Foster had met the culture secretary, Margaret Hodge, in mid-December, following pressure from the National Trust in Britain on the Department of Culture, Media and Sport—which liaises with UNESCO on the UK’s behalf—to intervene in the causeway centre affair.\textsuperscript{58}

Set against the modern bar of the Nolan principles on the conduct of public life—notably openness and accountability—this was an extraordinary sequence of events. The episode highlighted how the renewal of devolution in a form congenial to the

\textsuperscript{52} D. Gordon, ‘DUP keeps distance from issue’, \textit{Belfast Telegraph} (17 October 2007).
\textsuperscript{54} G. Moriarty, ‘Giant’s Causeway builder denies close ties to Paisleys’, \textit{Irish Times} (24 October 2007).
\textsuperscript{55} D. Gordon, ‘Paisley’s big push’, \textit{Belfast Telegraph} (1 November 2007).
\textsuperscript{56} M. Purdy, ‘Paisley Jr “lobbied for land bid”’, BBC News Online (6 December 2007).
\textsuperscript{58} D. Gordon, Foster meets No 10 minister over Causeway controversy’, \textit{Belfast Telegraph} (2 January 2008).
most ‘traditional’ of unionist parties risked giving rein to an old, clientelist politics—what the first Northern Ireland unionist prime minister, Sir James Craig, called ‘distributing bones’.

2.2 Struggling with the past

The difficulties the first and deputy first ministers found in appointing a victims’ commissioner might have been avoided if they had taken as their compass the Nolan principle of objectivity—including that all public appointments should be made on merit. The former Northern Ireland secretary, Peter Hain, had found himself in hot water when he appointed as an ‘interim’ commissioner a DUP nominee, Bertha McDougall, in late 2005. A judicial review, sought by the widow of a Catholic killed by a police plastic bullet, led to a stern judgment mandating an inquiry by the attorney general. As indicated in the last monitoring report, this cleared the officials involved.

A shortlist of potential appointees for the permanent position was sent to Messrs Paisley and McGuinness shortly after the transfer of power in May 2007 and they promised a decision would be made before 10 July when the assembly rose.\(^59\) July, however, came and went.

In October, a tortuous statement by the two principals said the post would be readvertised, even though the shortlisted candidates had (as one would expect) been deemed appointable. Mr Paisley said this was because there was ‘a new political dispensation’ and he elaborated: ‘To put it bluntly, we believe that some potential applicants may have been deterred from putting themselves forward for the post during direct rule because they could not be confident of securing the broad political support of the local parties that they would need to become a true champion for victims and survivors in Northern Ireland.’\(^60\)

This apparent suggestion that political acceptability to one or more parties should be a platform for an appointment to an impartial public office—indeed one in which impartiality is absolutely critical, given the sensitivities involved—was compounded by the proposition that those shortlisted this time around would have to make a presentation to the first and deputy first ministers. This in itself could have represented an obvious ‘chill factor’ for any potential applicants who had themselves been victimised during the ‘troubles’, given the roles as protagonists the two had

\(^59\) C. Thornton, ‘Victims’ chief still not agreed’, *Belfast Telegraph* (17 August 2007).
\(^60\) OFMDFM news release, 8 October 2007.
played. And, since it was highly implausible that any candidate would be readily endorsed by both the DUP and SF, it was unsurprising that the next deadline the duo set themselves—the end of the year—also passed without an appointment.\textsuperscript{61} Indeed, one concern was that they might end up endorsing two candidates—one for Protestant victims and one for Catholics.

As with the visitors’ centre, nor did the ministers put a premium on transparency. It emerged in December that the \textit{Belfast Telegraph} had been fobbed off since September by OFMDFM over answers sought under FoI legislation to eight questions submitted in September on the delayed appointment.\textsuperscript{62} Eventually OFMDFM replied, indicating that six of the original 13 candidates had been deemed possible to appoint. But it declined to say how often the first and deputy first minister had discussed the appointment and refused to indicate the religion and gender of the applicants, as the former direct-rule minister David Hanson had done.\textsuperscript{63}

Whatever private exchanges the first and deputy first minister may have had about the victims’ commissioner, the split in the Executive Committee on funding of the UDA-linked ‘conflict transformation’ project was open and bitter (see ‘peace process’ and assembly sections). In advance of the executive meeting at which it was discussed, the SDLP social-development minister, Ms Ritchie, fired a shot across the bows of the DUP finance minister: ‘I will not be bullied by Peter Robinson.’\textsuperscript{64}

The argument at the executive turned into a battle over the relevant minutes of the previous meeting, with the SDLP and UUP rejecting and the DUP and SF supporting them. Ms Ritchie accepted in an interview that evening that she was accusing others of ‘fabricating minutes.’\textsuperscript{65} After five hours, a statement was issued saying the majority had agreed the minutes but there had been no vote on the substantive issue. The DUP minister for enterprise, trade and investment, Nigel Dodds, emerged from the meeting to condemn the ‘scurrilous’ attack by Ms Ritchie.\textsuperscript{66}

\textsuperscript{61} C. Thornton, ‘McGuinness and Paisley miss another deadline’, \textit{Belfast Telegraph} (3 January 2008).
\textsuperscript{62} C. Thornton, ‘Victims’ post: so why are we still waiting?’, \textit{Belfast Telegraph} (10 December 2007).
\textsuperscript{63} C. Thornton, ‘First ministers stay silent on victims post candidates’, \textit{Belfast Telegraph} (28 December 2007).
\textsuperscript{64} D. Keenan, ‘DUP may censure Ritchie’s decision’, \textit{Irish Times} (18 October 2007).
\textsuperscript{65} \textit{Hearts and Minds}, BBC2 Northern Ireland (18 October 2007).
\textsuperscript{66} D. Keenan, ‘Splits deepen within North’s Executive’, \textit{Irish Times} (19 October 2007).
2.3 Programme for Government

Ironically, the media furore over the funding row at the executive missed the story that the parties had failed then to agree a draft Programme for Government. They did so a week later, on 25 October, but the draft received what can at best be called a lukewarm reception—except from the business community, which was enthusiastic. For the draft affirmed: ‘Our primary focus over the lifetime of this Programme for Government will be on growing the economy.’

The problem was that the document amounted to just 17 pages of text (double-spaced). By contrast, the first programme of the previous devolved government, agreed in 2000, amounted to nearly 70 pages. And while there were many aspirational targets, and some proposed actions, no new policies were advanced to realise the goals and provide the assembly with a legislative agenda.

The executive creaked as the UUP and the SDLP support a (defeated) Alliance amendment in the debate on the draft PfG and associated draft budget in the assembly, attacking the ‘limited vision’ of the programme. In a new year statement the Alliance leader, David Ford, said: ‘The Executive took power eight months ago, on a promise of governing Northern Ireland better than direct-rule ministers had done. So far, ministers have not lived up to that promise.’

NGO reaction was also negative. The Northern Ireland Council for Voluntary Action criticised the programme for its failure to prioritise social, intercultural and environmental concerns, highlighting the absence of reference to the direct-rule anti-poverty strategy, Lifetime Opportunities, the abandon of the strategy on ‘community relations, A Shared Future, and the lack of commitments on the Climate Change Bill or to an independent environmental protection agency. This reflected wider voluntary-sector scepticism: NICVA runs a regular opinion trawl of its affiliates and over three quarters (76.4 per cent) of respondents expressed the view in a survey published in October that it would be difficult for Northern Ireland politicians to move

beyond green and orange concerns to dealing with ‘real issues’ that affected society as a whole.⁷²

The environmental concerns about the draft PfG were shared by Friends of the Earth. In advance of a cross-party meeting at Stormont, the chair of the review of environmental governance, Tom Burke, complained that campaigners were frustrated by the lack of executive response to its report, which as the previous monitoring report indicated, had backed an independent EPA.⁷³ FoE said it would take the minister to the European Court of Justice, accusing Ms Foster of ‘dragging her feet’.⁷⁴

2.4 DUP agenda

While the executive comprises four parties, there is no doubt which party has been dominant—the DUP, exploiting to the full the vetoes it secured from a prime minister desperate for his Irish swansong, Tony Blair, at St Andrews in 2006. And, within the DUP, it is clear that the finance minister, Mr Robinson, has been the powerhouse. It is thus of considerable interest that he should have set out a very clear agenda for further constitutional reform during the reporting period.

In a dinner address to former colleagues on Castlereagh Council, the predominantly-Protestant borough which he led for many years, Mr Robinson called for dramatic changes in the political architecture.⁷⁵ He said:

> While I understand that it may be necessary to build confidence in the process before more radical changes can be delivered I hope that change will not be too long delayed. A four party mandatory coalition with no effective opposition is not in the best interests of decision making in Northern Ireland. Eleven government departments to administer the province is about twice as many as we need and the community designation system is no basis for tackling community division in the longer term.

This was a sweeping agenda—and so all the more remarkable that it attracted little attention or debate. While it echoed many liberal and technocratic concerns about the institutionalisation of sectarianism in the Belfast agreements and, particularly, its St Andrews qualifier, it held out to the Catholic community no alternative minority

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⁷³ ‘Anger over green agency delay’, Belfast Telegraph (14 November 2007).
⁷⁴ L. McKee, ‘Environment fight goes to Europe’, Belfast Telegraph (1 November 2007).
safeguards, such as would be offered by an effective bill of rights. Indeed, during the period, the DUP secured (with wider unionist support) the passage of an assembly motion claiming that the forum on a bill of rights, established after St Andrews, was unfair to unionists. The proposer, Michelle McIlveen (DUP, Strangford), said it included ‘communists, Marxists and socialists’.\textsuperscript{76}

\textsuperscript{76} D. Keenan, ‘Bill of rights forum being hijacked, say unionists’, \textit{Irish Times} (16 October 2007).
3. **The Assembly**

*Rick Wilford*

3.1 **Plenaries**

During the reporting period, there were 20 plenary sessions of the assembly, the majority in the first half of that period preoccupied with private members’ business rather than an agenda supplied by the Executive Committee.\(^{77}\) The delay in ‘agreeing’ a draft Programme for Government in part accounted for the relative dearth of business from the executive, as did the delay in publishing its legislative programme.

The chair of the Committee for the OFMDFM, Danny Kennedy (UUP), spoke of ‘early paralysis’ in the executive: ‘The Assembly remains at the level of a school debating society, dealing with private members motions rather than real business. I think the difficulty is that the Executive is now at the point where real choices and decisions are having to be made and, frankly, it’s not working.’ He added: ‘My committee keeps on writing to ask what is happening, but there are few answers.’\(^{78}\)

During the hiatus, assembly members (MLAs) debated a variety of matters—ranging from the parochial (the future of Donaghadee High School, 9 October 2007), to the regional (Northern Ireland’s sports strategy, 13 November 2007), to the international (the crisis in Burma, 8 October 2007) to the truly global (sustainable development and climate change, 2 October 2007).

Financial matters bulked large on the assembly’s agenda and not just in relation to the draft budget proposals, which were debated on 25 October in the wake of the joint unveiling by the first and deputy first minister of the draft Programme for Government and the draft Investment Strategy. Earlier in the period, the assembly debated fiscal reform on a motion tabled by Alliance’s former leader, Sean Neeson. This referred in large measure to the all-party support for a reduction in corporation tax in Northern Ireland to the level (12.5 per cent) prevailing in the republic—an issue delegated by the prime minister, Gordon Brown, to the Varney review (see intergovernmental relations and finance sections).

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\(^{77}\) N. McAdam, ‘Table for two as old foes join business committee’, *Belfast Telegraph* (5 November 2007).

\(^{78}\) N. McAdam, ‘Executive in “paralysis” warning’, *Belfast Telegraph* (12 September 2007).
Elsewhere, the assembly debated abortion (22 October 2007), yet again: it had done so first during the shadow period before the transfer of devolved powers, at the end of November 1999, and in July 2000. The recent debate was prompted by the issue of proposed guidelines by the Department of Health, Social Services and Public Safety following a direction by the Court of Appeal to the department to clarify the law on abortion in Northern Ireland—this has been a longstanding uncertainty—and to provide guidance on good clinical practice. This occasioned a clamour by spokespersons for each of the parties to restate their opposition to any proposal (though there is none) to extend the 1967 Abortion Act (as amended) to Northern Ireland.

As a reserved matter, it is not for the assembly to determine the writ of the law but, nevertheless, MLAs were at pains to express their opposition to and abhorrence of the 1967 act. Moreover, they voted to oppose the proposed guidelines on the termination of pregnancy and called on the minister, Mr McGimpsey (UUP), ‘to abandon any attempt to make abortion more widely available in Northern Ireland’.  

Women seeking a termination on the grounds of the 1967 act will have to continue to travel to the mainland, as at least 1,300 did in 2006, at considerable emotional as well as financial cost.

3.2 Tempers flare

The abortion debate was on a motion tabled by Iris Robinson, the DUP chair of the health committee, who later was at the centre of an assembly row. During questions to the minister, Michael McGimpsey (UUP), Ms Robinson asserted that he had ‘signed off’ on the draft budget and was misleading the assembly in saying he had not done so. The ensuing verbal fireworks between the two were appropriate—it was Guy Fawkes’ Day—but Ms Robinson’s accusation was subsequently deemed unparliamentary by the Speaker. Having refused to withdraw, she was suspended from the assembly and its precincts for the rest of the day.

A rather more serious row, this time involving the social development minister, Ms Ritchie (SDLP) and the finance minister, Mr Robinson (DUP), occurred following Ms

80 This is an officially recorded figure quoted by Mr McGimpsey during the debate and, therefore, likely to be an underestimate: women from Northern Ireland seeking terminations in Britain may give their temporary address.
Ritchie’s announcement of her decision to halt funding for the controversial Conflict Transformation Initiative.

During a ministerial statement, she announced: ‘I do not believe that the CTI project can be justified any longer and I propose to end it immediately’. Though few beyond the loyalist laager demurred from the substance of Ms Ritchie’s decision, Mr Robinson raised a point of order at the conclusion of the statement which contained some very serious allegations against his executive colleague.

According to the finance minister, the statement was made in contravention of decision-making processes within the executive, was inconsistent with advice by the Departmental Solicitor’s Office and senior Crown counsel and, in his view, breached the Ministerial Code and the Pledge of Office. So serious were these issues that the Speaker suspended the session while he took legal advice. After a long delay, the Speaker reported that, having spoken to the head of the Northern Ireland Civil Service, Nigel Hamilton, and a number of ministers—each of whom expressed serious concerns about the statement and, in the former’s case, about its legality—he ruled that the statement had not breached the assembly’s Standing Orders and, as such, allowed proceedings to continue.

Subsequent exchanges between the minister and MLAs led Ms Ritchie to set out the process through which she had arrived at her decision, including the circulation of papers to her executive colleagues—noting that none had advised her against her proposed action. An acerbic exchange with Mr Robinson demonstrated the brittleness of that particular relationship. As Ms Ritchie put it—in a phrase which would have resonated deeply within the Catholic community because of its historic evocations of unionist domination—the finance minister liked ‘to think that he controls the Executive’. This was, or seemed, like a decisive moment: politicians and commentators waited with bated breath to see whether the DUP might seek a judicial review of the process by which Ms Ritchie had arrived at her decision; it didn’t. In part, its inaction was a recognition that the social development minister’s decision had broad public endorsement and that Mr Robinson’s objection, rather lawyerly as it seemed, carried little popular support—other, that is, than in some loyalist quarters. Indeed, at a

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84 Ibid.
Remembrance Day service on the predominantly-Protestant Sandy Row, the UDA’s south Belfast ‘brigadier’, Jackie McDonald, defiantly insisted that ‘90 per cent of people in the loyalist community don’t want decommissioning’, adding with a flourish of doubtful provenance: ‘They’re not the UDA’s guns. They’re the people’s guns.’

Above and beyond the episode itself stood the status of ministerial relationships and executive stability. It was evident that the stresses and strains of the coalition were beginning to show. While the chuckling duo of Messrs Paisley and McGuinness gave the appearance of harmony at the top, some of the stays in the consociational political corset were undoubtedly beginning to loosen.

3.3 Capability review

Away from the dramas of the chamber, the publication of the Capability Review into the operation of the assembly’s Secretariat also raised eyebrows. The review, chaired by the former Speaker of the Scottish Parliament George Reid and directed by John Hunter, former permanent secretary at the Department of Finance and Personnel, was highly critical of the leadership of the Secretariat. The assembly’s clerk departed in advance of publication and, pending a permanent replacement, an interim clerk was brought in from the Scottish Parliament.

The key conclusion of the review was that there had been ‘an absence of dynamic corporate leadership and strong strategic management’ within the Secretariat and that an ‘absolute premium’ on ‘excellence and exceptional leadership’ was required. Alongside the core Secretariat activities in support of MLAs and parliamentary processes, it called for enhanced emphasis on engagement with and outreach to the wider society: ‘We have concluded that participation and engagement are essential in 21st century politics to provide proper democratic accountability.’

No punches were pulled. The report criticised senior management for a lack of common purpose and a failure to provide effective strategic direction, and found leadership and delivery at senior levels ‘particularly weak’. Based on a series of interviews with MLAs and officials, the diagnosis was damning: senior management

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86 The review, published in October 2007, can be found on the Assembly Commission’s page, at: www.niassembly.gov.uk.
87 Review, p. 8.
had ‘signally failed to provide the dynamic corporate leadership that will be required to … address the [assembly] Commission's strategic priorities’.

Addressing the corporate governance of the assembly, the review recommended a de-layered organisational structure, with a new management board comprising four reshaped directorates—clerking, resources, properties and engagement—together with the appointment of a non-executive director. It also recommended a new corporate plan, strengthened business planning, creation by 2010 of an independent Parliamentary Service, and new fora to engage staff at all levels, to provide a sense of ownership over the process of change and its outcomes. It recalled John Reid’s description of the Home Office: the Secretariat was adjudged not fit for purpose.

3.4 Committee reform/reports
Change was also in the air in relation to the assembly’s committees. One observation made consistently in these reports since the first devolved mandate is that the committees, especially the statutory committees, have been a measured success, notwithstanding their recurrent problem of overload—a view shared by the Secretariat’s (unpublished) review of their effectiveness. If there are nests of consensus within the assembly they are to be found largely in the committee rooms. To enhance their performance, alongside inquiries into the adoption of electronic voting and the management of private legislation, the Procedure Committee initiated an investigation of the committee system and structures—prompted in large measure by the recognition that MLAs were overstretched by the widespread incidence of multiple committee memberships.

The committee could recommend some, if not all, of the following: a reduction in the size of statutory committees (each 11-strong); routine use of sub-committees; adoption of a substitute system; rotation of committee memberships; adoption of committee rapporteurs; and, to promote assembly outreach (consistent with a key recommendation of the Capability Review), a more peripatetic style. The committee’s report was expected early in 2008 and was likely to lead to a major revamp of committees’ modes of operation, structure and membership.

None of the statutory committees produced a report in the survey period, save for two on the committee stage of two bills: the Taxis Bill (Environment Committee) and

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88 Ibid., p. 52.
the Health (Miscellaneous Provisions) Bill (Health, Social Services and Public Safety Committee). Each of the statutory committees does have a full programme of work, though, not least arising from their scrutiny of the draft PfG and draft budget, as well as legislative scrutiny and the pursuit of their own freely chosen inquiries.

The standing Public Accounts Committee has thus far produced four very critical reports: on the transfer of surplus land on the Education Pathfinder projects under the Private Finance Initiative, Northern Ireland’s road safety strategy, the aborted Springvale Educational Village project for west Belfast, and missed outpatient appointments and cancelled clinics. The Standards and Privileges Committee published its report into a complaint lodged against Ian Paisley Jr, by a member of the public, to the effect that he had expressed homophobic views that constituted a breach of the Members’ Code of Conduct.

Mr Paisley, who as a minister in OFMDFM has a responsibility for equality, had nevertheless thought it proper in an interview to aver that he found homosexuality ‘repulsive’. The committee took into account the earlier report of the interim commissioner for standards, Tom Frawley, who had concluded that, ‘within the context of the whole interview’, Mr Paisley’s comments did not constitute a breach. The committee, however, could not reach an agreed position and divided 6:4 in adopting the commissioner’s conclusion.\(^9\)

Two ad hoc committees were established during the period, each dealing with a reserved matter referred to the assembly by the secretary of state: the Draft Criminal Justice Order 2007 and the Sex Offences (Northern Ireland) Order 2007.

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\(^9\) The committee’s report and that of the interim commissioner can be found on the committee’s page of the assembly website, at: [www.niassembly.gov.uk](http://www.niassembly.gov.uk).
4. **The Media**  

*Robin Wilson*

4.1 ‘Honeymoon’ ends

In this reporting period the political ‘honeymoon’ identified by the media in the months following the renewal of devolution in May—without conscious reference to the notoriously short-lived ‘honeymoon’ of 1969, when British soldiers initially met tea and biscuits from grateful Catholics on the streets of Belfast—was as quickly deemed to be at an end, after the summer holiday.

The September issue of the regional current-affairs magazine *Fortnight* was notably downbeat in tone. It included a warning from Seán Farren of the SDLP, who was minister for employment and learning and finance minister in the previous period of devolution but did not stand in the March 2007 assembly election and so could speak freely. Mr Farren said that ‘while there has been a smiling, happy start to the new devolved administration’s term of office, the urgent need now is for substance to match those smiles’—notably in moving beyond peace to reconciliation.90

The *Irish Times* reported testy exchanges during the first first minister’s questions when the assembly reconvened in September, under the headline ‘Heckles drown out chuckles as honeymoon comes to an end’.91 The following month, BBC Northern Ireland’s flagship *Newsline 6.30* evening programme led with a similar claim that the ‘smiles’ had gone, with three stories of division between unionists and nationalists: over funding of the UDA-linked ‘Conflict Transformation Initiative’, support for the Irish language and the future of the old Crumlin Road prison site (located in north Belfast with its sectarian pockmarks and high Catholic housing demand). An accompanying graphic presented a picture of an executive meeting torn down the middle.92

BBC Northern Ireland also runs a weekly, half-hour current-affairs programme, *Hearts and Minds*, on Thursdays, the day the Executive Committee meets when in session. Flagging up his programme on the day (18 October 2007) of the critical

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91 D. Keenan, ‘Heckles drown out chuckles as honeymoon comes to an end’, *Irish Times* (11 September 2007)  
92 BBC News Online (16 October 2007).
discussion of the funding of the CTI, the presenter, Noel Thompson, talked of how ‘the assembly’s façade of togetherness has well and truly cracked this week’.

On the day after the fraught meeting, the northern news editor of the Irish Times, Dan Keenan, reflected on the significance of the episode. In sharp contrast to previous media incuriousness about the nuts and bolts of the constitutional arrangements, he argued that it betrayed structural faults in the devolved architecture.93

Indeed there was a collective sigh of relief when Sinn Féin and the DUP agreed to share power, with many observers (especially those resident outside Northern Ireland) choosing to believe that the Northern problem was now effectively resolved. What has become clear, as this week’s events show, is that hitherto implacable enemies agreeing to share office does not guarantee stable government. Perhaps Alliance leader David Ford is right when he alleges that the current executive arrangement is not about powersharing (working together) at all, but rather power-splitting (a carve-up).

The Assembly does not have a formal role for an opposition. Therefore what opposition there is to any given measure has to come from within. In normal parliamentary set-ups this is called a split and it appears there is no push to patch up this damaging split around the Stormont executive table at this point.

On the same op ed page, the column by the longstanding Belfast political observer Fionnuala O Connor, ‘When the smiling stopped’, highlighted how it looked to Catholics to see a DUP minister trying to dominate an SDLP minister—not to mention what the episode said about the male domination of Northern Ireland politics.94

In November, Hearts and Minds ran an unprecedented examination of the powersharing model of consociationalism which has been applied to Northern Ireland, with a comparative look at the governmental crisis in Belgium in the wake of the 2007 election.95 That month, amid continuing low-level sectarianism on the ground, the prominent Belfast Telegraph columnist Lindy McDowell argued: ‘Up at the big house [of Stormont] they're apparently too busy chuckling to notice that out here in the real world, a vicious, low level virus of hate still infects this place. What, if anything, are

93 D. Keenan, ‘UDA stand-off tests the power sharers’, Irish Times (19 October 2007).
95 BBC2 Northern Ireland (15 and 22 November 2007). The editors of this report were interviewees on the programmes.
our leaders proposing to do about confronting and tackling this ongoing sectarianism and the crime it creates?\textsuperscript{96}

4.2 Too much freedom?

The absence of any formal opposition at Stormont, outside that supplied by Alliance and individual MLA allies, has created something of a vacuum which has been filled, unexpectedly, by the \emph{Belfast Telegraph}, discovering a critical, fourth-estate role. In the vanguard has been the paper’s diligent investigative reporter, David Gordon, who has wormed away at the issue of the Causeway centre (see executive section).

The paper provoked the ire of the first minister, Mr Paisley, when it secured under FoI legislation the letter sent over his name in support of the Sweeney proposal. The first minister threatened ‘reform’ of the legislation, following an attack in the assembly on ‘lazy journalists’. This led to a warning from the director of the Campaign for Freedom of Information, Maurice Frankel, that this would be ‘the last thing Northern Ireland needs’.\textsuperscript{97}

The attack was followed up by Mr Paisley’s ministerial and party colleague Edwin Poots, who claimed what was ostensibly ‘investigative journalism’ was in pursuit of a ‘vendetta’.\textsuperscript{98} Séamus Dooley, the Irish secretary of the National Union of Journalists (an all-islands union), described the first minister’s comments as ‘disturbing’.\textsuperscript{99} At the end of the year, however, the first and deputy first ministers, Messrs Paisley and McGuinness, denied they planned to roll back Freedom of Information.\textsuperscript{100}

\textsuperscript{96} L. McDowell, ‘Chuckle all you like, we still hate each other’, \emph{Belfast Telegraph} (21 November 2007).
\textsuperscript{97} D. Gordon, ‘Is something troubling you, First Minister?’, \emph{Belfast Telegraph} (10 October 2007).
\textsuperscript{98} D. Gordon, ‘Foster: I didn’t know about Sweeney’, \emph{Belfast Telegraph} (17 October 2007).
\textsuperscript{99} D. Gordon, ‘NUJ blasts Paisley over “disturbing” FoI remarks’, \emph{Belfast Telegraph} (19 October 2007).
\textsuperscript{100} D. Gordon, ‘Threat to freedom of information is receding’, \emph{Belfast Telegraph} (27 December 2007).
5. Public Attitudes and Identity

Lizanne Dowds and Robin Wilson

5.1 Young Catholic opinion shift

There were few opinion polls taken among the population of Northern Ireland in 2007 and there are no up-to-date readings on the state of public opinion with regard to devolution. The results of the 2007 Northern Ireland Life and Times Survey will be available for the May 2008 report, but some additional findings from the 2006 survey reading, taken almost exactly a year ago, might still be worth noting in advance of the data collected since the 2007 election.

As the May 2006 and April 2007 reports indicated, public opinion surrounding basic constitutional preferences was remarkably stable between the years 2001 and 2005. But the results from the 2006 survey revealed some interesting changes. Possibly after the St Andrews agreement the public perceived some ‘tweaking’ of political arrangements in favour of the Protestant community ‘over’ the Catholic community. Certainly Catholic support for unification with the republic rose noticeably in 2006, alongside a waning in support for devolution. Among the Protestant community, support for devolution strengthened further, to a massive 81 per cent, following the new agreement.

There are some interesting findings though, as to which sections of each community are driving these changes. Among Protestants the increase in support for devolution is marked across all age groups. Among Catholics, however, the waning in support for devolution is driven largely by the younger cohorts.

Only the results of the 2007 survey will indicate whether these changes are merely temporary, but it is quite marked that only 14 per cent of Catholics aged 18 to 24 felt able to support devolution in 2006. In contrast, for 62 per cent of them unification was the preferred way forward. Levels of support for unification within this context have not been as high as this among any other group in recent years and, while this youthful element is only a relatively small section of the Catholic community, it is worth noting the strength of feeling. In comparison, support for devolution among 18-24 year-old Protestants rose 20 percentage points over the same period, to reach a high of 71 per cent in 2006.
5.2 **Belfast Telegraph poll**

The devolved executive did, however, enjoy its ‘honeymoon’ (see media section), as reflected in a poll in the *Belfast Telegraph* 100 days on from the transfer of power in May 2007. The poll showed a surge in optimism about the leadership capacity of the first and deputy first ministers, with 67 per cent of respondents saying they had worked well together, whereas only 24 per cent thought they would in an analogous
poll in December 2006. The DUP’s decision to enter government with SF was backed by 58 per cent of its supporters.

The poll also found that 79 per cent of the sample identified health/hospitals as the priority for the assembly, followed by 57 per cent saying affordable housing and 46 per cent raising water charges. Health had also been identified in the Northern Ireland Life and Times Survey as the priority for devolution in the aftermath of the Belfast agreement, though at the time employment came close in the public mind.

101 ‘Viewpoint: 100 days … and didn’t they do well?’, Belfast Telegraph (9 August 2007).
102 N. McAdam, ‘58% of DUP voters back power-sharing’, Belfast Telegraph (9 August 2007).
103 N. McAdam, ‘Health, housing and water: what we care about’, Belfast Telegraph (10 August 2007).
6. Intergovernmental Relations

Elizabeth Meehan and Robin Wilson

6.1 ‘East-west’

A territorial dispute other than that over Northern Ireland reared its head during this reporting period. Talks, which had been continuing for five years, involving the Republic of Ireland, the UK, Iceland and the Faeroe Islands took place in September in Iceland. They were held under the auspices of a United Nations treaty which, subject to certain conditions, enables states to claim ownership of exploration rights on waters up to 500 kilometres from their shores. The four countries failed to reach agreement, however, on how to divide up the rights to 422,000 square kilometres of waters around the island of Rockall. Seemingly, France, the republic, the UK and Spain had relatively easily reached agreement over a smaller area of 50,000 sq km of waters in the Celtic Sea and Bay of Biscay.

Closer to home, the British-Irish Inter-Parliamentary Body met on 26-27 November in Oxford but, at the time of writing, the record of its deliberations was not available. The British-Irish Council met, and was reported upon, during the last period but it was in this one that the assembly had the opportunity to hear about it from the executive. Alongside the European Union, the BIC featured in the section on ‘Linkages’ in the draft PFG. During the period, there were debates in the assembly about two policies that have been of significant concern to both institutions—Sellafield and the British-Irish common travel area—as well as a debate about tax-varying powers. All three fall into the ‘reserved’ or ‘excepted’, rather than devolved, categories of power. This makes it ironic, perhaps, that another debate was held calling for a Royal Commission—a reserved issue—on how to maintain the unity of the UK.

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105 Irish Times (28 September 2007).

106 Previously, it was reported that, at the historic meeting in April 2006 when the DUP attended the BIIPB, the party had said its boycott of the body would end when the latter was ‘a bird’ sitting on the ‘right twig’. It seems that this situation has not yet arrived. In a debate in the assembly on the possibility of a Royal Commission on the UK, the SF MLA for West Tyrone, Barry McElduff, referred to his attendance at the November meeting and noted that none of the representatives on the BIIPB of the other legislative bodies could understand why the DUP (and UUP) still refused to take up their membership. In response, Lord Morrow, DUP MLA for Fermanagh and South Tyrone, repeated the objection that the BIIPB was a product of the Anglo-Irish Agreement—Official Report, 4 December 2007.

107 There was also a reference on the republic’s state broadcaster, RTE, on 2 October 2007 to an agreement between London and Dublin on people trafficking, but the author has been unable to track down further information.

108 This took place before Sir David Varney reported to the Treasury, recommending no significant difference in corporation tax in Northern Ireland. Because of an EU dimension to this issue, these reports have previously discussed the topic in the EU section; it is more appropriate in this period to discuss it as an ‘east-west’ matter.
The assembly Committee for the OFMDFM addressed how it might scrutinise the BIC more closely.\textsuperscript{109} The assembly as a whole expressed some disquiet that the ministerial statement on the BIC meeting during the previous period did not take place until 18 September 2007 but members were assured, seemingly, that this was because of the time needed to ensure executive-wide agreement on the text. This presaged the more serious inability to agree minutes of an executive meeting itself, as became evident in October (see executive section).

In the text,\textsuperscript{110} the first minister, Mr Paisley, said BIC members had agreed to review the council’s direction, including its work programmes, working methods and the possibility (adumbrated in the St Andrews agreement) of a standing secretariat. The existing secretariat was expected to begin the review within the next few days. The SDLP leader, and chair of the Committee for Enterprise, Trade and Investment, Mark Durkan, reminded the first minister that proposals for a standing secretariat had been made first in 2001 and 2002. He urged that the secretariat not only serve all eight BIC-member administrations collectively but also encourage and monitor bi- and multi-lateral interactions, a way of working permitted by the Belfast agreement.

The question of interaction between assembly committees and the BIC took a substantive, rather than procedural, form during the debate on the statement when the UUP chair of the Committee for the OFMDFM, Mr Kennedy, pointed out that his committee was about to consider the terms and conditions of an inquiry into child poverty—a topic also being examined by the BIC. Supported by the Alliance MLA Naomi Long, he asked the first minister to share the findings of the BIC on a more regular basis. The debate further touched upon transport, driving offences, drugs misuse, languages, energy and the environment, as well as the future of Sellafield.

Sellafield was given space on the assembly agenda on 25 October 2007.\textsuperscript{111} A motion from Daithi McKay, SF MLA for North Antrim, expressed concern about the findings of a report on the 1957 accident at Windscale (as the Cumbrian facility was then known) and the widespread and long-term health implications of the accident. The motion also called upon the UK government to discontinue all operations at

\textsuperscript{110} Official Report, 18 September 2007.
Sellafield. The proposer referred to continuing accidents, including the 2005 radioactive leak at the more recently constructed THORP nuclear-reprocessing plant, which had led politicians in the republic, Austria, Iceland and Norway\textsuperscript{112} to oppose the government decision to allow the resumption of waste reprocessing.

Two amendments were tabled. On behalf of the DUP, Simon Hamilton, MLA for Strangford, proposed that, instead of calling for operations to be discontinued, improving safety standards should be noted and a diverse energy supply should be supported, subject to the highest possible safety standards. A second amendment was put by Carmel Hanna, MLA for South Belfast, on behalf of the SDLP. This added to the motion demands that the Department of Health, Social Services and Public Safety make public any data on the consequences of the accident and that the UK government provide a timetable for discontinuation at Sellafield, acceptable to Dublin and the assembly.

Evasions and deceptions associated with the accidents, together with the (at times disputed) health implications and reference to the now more pro-nuclear stances of some previous anti-nuclear energy campaigners, ensured that the debate was passionate.\textsuperscript{113} The DUP amendment was defeated, the SDLP one accepted and the amended motion agreed.

A front-page headline in the \textit{Irish Times} of 24 October 2007 announced: ‘Electronic border control spells end of Common Travel Area’. This had been foreseen by the British-Irish Inter-Parliamentary Body, in connection with the demand of the cheap-flight airlines for passports and the possibility of identity cards in the UK.\textsuperscript{114} It is not quite clear yet if electronic control does spell the end of the common travel area in entirety but it may have significant implications for the north-south border and for travellers to and from Northern Ireland on both the north-south and ‘east-west’ axes.

The first stage in the threat to the common travel area came in mid-2006 when the British government began to look into the possibilities of how to check the movement

\textsuperscript{112} The Nordic Council had called upon London to permit a full, independent and international investigation into the safety culture at THORP; this the Green MLA for North Down, Brian Wilson, asked the assembly to support—\textit{Official Report}, 25 October 2007.

\textsuperscript{113} One member, George Robinson (DUP MLA for East Londonderry), thought the debate a waste of time as it was on a reserved matter, claiming the assembly should spend its time on issues where it had jurisdiction—\textit{Official Report}, 25 October 2007.

\textsuperscript{114} See also the letter to the \textit{Irish Times} of 25 October 2007 from the Conservative MP Robert Walter, about the practice that had grown up over the last ten years of passports being asked for at Irish airports; previous monitoring reports indicated this was not government, but airline, policy.
of illegal immigrants, terrorist suspects and criminals. In July 2007, the UK prime minister asked the cabinet secretary to report by October on how an ‘e-border’ system could be implemented ‘soon’. London told Dublin that it intended to put in place by 2009 an electronic data-collection system on all sea and air travel to and from the UK. This would raise an ‘alert’ if the person travelling were on a ‘watch-list’.

A similar instruction by the republic’s government to senior officials followed. According to the taoiseach, reporting to the Dáil, the cabinet was told in October that plans were well advanced for a comparable system—the Irish Border Information System—and that there would be a detailed memorandum on the subject in the near future.\(^\text{115}\)

In the sense that the common travel area is a common immigration policy, whereby neither state allows a person to land who would not be allowed to land in the other and they both share information about passengers, the new arrangement is no more than an electronic version of what already exists—effectively ‘sealing off the two islands’\(^\text{116}\). As Mr Ahern, supported by his minister for justice, put it, ‘All the British authorities were examining is increased \([\text{emphasis added}]\) cooperation in cross-Border operations with a focus on targeting illegal immigration across the Border.’\(^\text{117}\) Notably, both states think Northern Ireland is a conduit for a significant volume of illegal immigrants.\(^\text{118}\)

Since the electronic information requires access to the machine-readable zone of passports, however, ‘increased cooperation’ does mean that it will become government, as opposed to airline, policy that travellers carry passports\(^\text{119}\) (in the absence of identity cards)—which would be a breach of current arrangements. Putting three things together—the ‘sealing off of the two islands’, the need for passports for ‘east-west’ travel and the reported UK position that it does ‘intend to apply the e-border to the land border between the Republic and the North’\(^\text{120}\)—immediately raises the question of the travel rights of UK citizens of Northern Ireland within their own state. The Independent Unionist MEP, Jim Allister, wrote straight


\(^{116}\) *Irish Times* (24 October 2007).


\(^{118}\) *Dublin claims that 90 per cent enter the republic from the north (Irish Times, 25 October 2007)* and London thinks Northern Ireland is a ‘loophole’ allowing illegal immigration into Great Britain, according to the parliamentary under-secretary of state at the Home Office, Lord West of Spithead—HL Deb, 21 November 2007, cols. 832-4.

\(^{119}\) For other travellers, it would entail biometric visas—*Irish Times* (24 October 2007).

\(^{120}\) *Ibid.* If it were to be so applied, that would make any all-Ireland activities very difficult.
away to the home secretary.\textsuperscript{121} In November, the former UUP first minister, Lord Trimble, asked what consultation the government had held with the Northern Ireland Executive Committee on the matter. He was told simply by the parliamentary under-secretary for the Home Office, Lord West of Spithead,\textsuperscript{122} that ‘we continue to work closely with both the Northern Ireland Executive and the Government of Ireland on operational and policy issues, including the implementation of the e-borders programme’.

In line with Mr Allister’s fears, Lord Glentoran had in mind that, if the north-south border in Ireland were to be left open while the ‘east-west’ border required passports, UK citizens in Northern Ireland might have to carry passports to travel to Great Britain. He suggested that the UK government was ‘expelling the people of Northern Ireland … by putting an electronic boundary around England, Scotland and Wales, excluding Northern Ireland and packaging it with the Republic of Ireland’. The situation was compounded by Lord West’s reply, in which he repeated a phrase about people moving into Northern Ireland from the south and then ‘travelling across to the UK’ [emphasis added]. When Lord Trimble suggested the phrase demonstrated a lack of understanding of the very concept of the UK (Northern Ireland being \textit{in} the UK), Lord West said it had been a ‘slip’ comparable to that which people make ‘when they forget that the UK is in Europe’\textsuperscript{123}

In previous monitoring reports, the question of tax-varying powers has been addressed in connection with the EU, as the primary focus had been on whether EU rules would permit a lower rate of corporation tax in Northern Ireland to facilitate a more level playing-field for the attraction of foreign direct investment north and south in Ireland. The EU question remains unanswered—it has been raised in Scotland too, looking to the republic as a growth exemplar, where the answer also remains opaque.\textsuperscript{124} But, even were there to have been a permissive answer from that quarter,  

\textsuperscript{121} Irish Times (25 October 2007).
\textsuperscript{122} As a former army officer who had ‘patrolled and walked’ the border with the republic, Lord West said he knew how ‘permeable’ it was—HL Deb, 21 November 2007, cols. 832-4.
\textsuperscript{123} The author is sympathetic to this response but thinks it more than a ‘slip’. Several complaints to the British Airports Authority about this ‘slip’ in airport announcements about security and an email to the prime minister’s website have had no results!
\textsuperscript{124} Wendy Alexander, leader of the Labour Party in the Scottish Parliament, argued in a speech at Edinburgh University on 30 November 2007 (at: www.wendy.intraspin.com/2007/11/30/a-new-agenda-for-scotland/?cat=20) that EU rules precluded different rates of corporation tax and VAT within a single state. In contrast, Alyn Smith, SNP MSP, claimed that the European Court of Justice had set out criteria in which the varying of corporation tax was possible. He explained that ‘the entity seeking to implement a different level of taxation should have full control of revenue and expenditure’, which Scotland does not have at present but could if the necessary constitutional reforms were implemented—\textit{Scotsman} (5 December 2007).  

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the other question remained as to whether the UK government would give its consent.\textsuperscript{125}

As indicated in the last monitoring report, Sir David Varney was commissioned by the Treasury to examine the matter. But the finance minister, Mr Robinson, warned the assembly in September ‘not to underestimate how jealously HM Treasury guards its ownership of fiscal policy’.\textsuperscript{126} Sir David’s report, presented on 17 December 2007, rejected a significantly different rate of corporation tax for Northern Ireland.\textsuperscript{127}

The report was greeted with dismay. Sir George Quigley, who had led the business constituency pressing for change, described Sir David as ‘closely associated with the Treasury’ and his team as ‘stuffed with Treasury officials’. He also claimed that the review had ‘largely ignored the evidence produced by significant business figures all over the place, not least in the Republic [where] they are quite clear that corporation tax ha[d] been critical’.\textsuperscript{128} (though see finance section).

During this period, but before the publication of Varney, the debate about taxation was widened to include other instruments of fiscal autonomy. On 10 September 2007 an assembly motion from an SF MLA for Belfast West, Jennifer McCann, called for ‘the transfer of tax varying powers to the Executive, along with the establishment of an Executive borrowing facility’.\textsuperscript{129} She was supported by Alliance and—cautiously—by the SDLP. Also, according to Mitchel McLaughlin, SF chair of the Committee for Finance and Personnel, all parties taking part in debates in the committees on the Preparation for Government and Programme for Government set up in the ‘Hain assembly’ had consistently supported tax-varying powers.

At times, the proposer and supporters of the motion were accused of having hidden agendas: tax increases to fund more social intervention and/or an all-island tax regime. Conversely, Adrian McQuillan (DUP, East Londonderry) stressed that Northern Ireland was an integral part of the UK and that ‘fundamental issues ... such as taxation and economic policy’ should remain as decisions taken at Westminster.

\textsuperscript{125} In its submission in July 2007 to the Varney review, the assembly Committee for Finance and Personnel questioned whether there was the political will in the UK government to acknowledge that ‘one size fits all’ was inappropriate to the Northern Ireland economy—Committee for Finance and Personnel news release, 4 July 2007.
\textsuperscript{128} \textit{Irish Times} (18 December 2007).
David Burnside, UUP MLA for South Antrim, also argued against the motion, partly on the ground that tax-varying powers would purportedly weaken the UK. Several contributors suggested that the fact that the Scottish Parliament had not used its tax-varying powers demonstrated that they were neither useful nor necessary.

Addressing ‘misperceptions and misunderstandings’, the finance minister, Mr Robinson, explained how revenue was raised and the discretion available to the executive. He reminded the assembly of the borrowing facility provided by the 2002 Reinvestment and Reform Initiative and of the rates review he had initiated, then out to consultation; one strand included the feasibility of tax-varying powers. Until that was complete, the debate was premature, he claimed.

Despite the competing nationalisms revealed in some of the debate, Mr McLaughlin wound up by noting that its tone showed a commitment on the part of some ‘to put the old politics behind them’—by ‘old politics’ he meant that ‘whichever party sponsored a proposal was of greater priority than the issue itself’. So, he concluded, some in the assembly were emerging ‘from the travails of a deep-seated conflict and developing a more mature and pragmatic approach’. He said the points made by the minister deserved response, and though SF supported the motion he would not push the house to a division. The question was put and negated without a vote. This more pragmatic approach was however less evident in the last of the issues to be covered in this section.

In Scotland, the Scottish National Party first minister, Alex Salmond, has initiated a ‘national conversation’, with a view to putting the option of independence on the political table, while the ‘unionist’ parties have moved in response to establish a ‘constitutional commission’, which could advocate greater revenue-raising and spending powers for Holyrood. By contrast, the comparable debate was initiated in Northern Ireland by someone who wanted to keep devolution limited—George Savage, UUP MLA for Upper Bann. His motion, put to the assembly on 4 December 2007, called for a ‘review of the steps that need to be taken to maintain the unity of England, Scotland, Wales and Northern Ireland within the United Kingdom’.

130 S. Carrell, ‘Scottish tax move aims to stop demands for independence vote’, Guardian (7 December 2007).
The motion was motivated by the purportedly ‘deeply concerning’ fact that the other devolved administrations were headed by ‘nationalists of some type’ and by the disquiet—reported (together with Frank Millar’s counter-argument) in the last monitoring report—about co-operation between the (DUP) Northern Ireland first minister and his (SNP) Scottish counterpart. Equally at the back of the debate was rivalry between the UUP and DUP about which was the stronger defender of the union and Northern Ireland’s place in it. Lord Morrow, a DUP MLA for Fermanagh and South Tyrone, described Mr Salmond as a ‘dangerous, Machiavellian man’. He expressed concern about some of the comments by his party leader, Mr Paisley, on the Scottish first minister’s policies—not to mention the ‘ludicrous ideas’ of the prime minister, Mr Brown, ‘about putting a dragon on the Union flag’.

Mr Savage meanwhile labelled Mr Salmond ‘the greatest threat to the maintenance of the United Kingdom’, as evidenced by the opening quote in his white paper.132 This cited the famous lines by Charles Stuart Parnell, emblazoned on his statue at the top of O’Connell Street in Dublin, on ‘No man’ having the ‘right to fix the boundary of the march of a nation’ or the right ‘to say to his country, Thus far shall thou go and no further’. Mr Savage contrasted this with the restatement in Mr Brown’s Governance of Britain green paper133 of the supremacy and sovereignty of parliament, but argued that the latter failed to address adequately the relationship between Westminster and the devolved administrations.

Simon Hamilton (DUP, Strangford) sought to strengthen the motion by including references to ‘fortifying’ the east-west dimension and not just promoting, but ‘promoting further’, the unity of the UK. He suggested the motion implied there had been a threat to the union and, if there had, it had been because of the UUP’s predominance in the unionist bloc between 1998 and 2003. Others noted that, if there had been a threat from the south, the comment by the minister for foreign affairs, Dermot Ahern, that ‘the constitutional position had been parked’ meant that it was not there now.

An SDLP amendment, proposed by Alex Attwood (Belfast West), referred to the deepening of relationships between the people and administrations of ‘these islands’.

He argued that there could not be debates about the future of the union or the unity of Ireland; both had to be part of the same debate—given that politics in the north was now about three sets of relationships: north and south, Britain and Ireland, and between the communities in the north. As he pointed out, only the previous day the (DUP) finance minister had told the house about the INTERREG programme linking Ireland, north and south, and western Scotland\textsuperscript{134} (see EU section). The EU context was mentioned by Declan O’Loan, SDLP MLA for North Antrim, as a factor reducing the ‘tensions and ancient hostilities between Ireland and Britain’.

Though the UUP, in the person of David Burnside (South Antrim), said it would accept the DUP amendment, it was put to a vote but not carried. Neither was that of the SDLP and nor was the unamended original motion. Mr O’Loan said that the latter represented ‘the politics of old’.

6.2 North-south

The major north-south issue of the period was a surprising one. In a move away from Shannon airport, the former national carrier, Aer Lingus, announced it was establishing Belfast as a UK hub.\textsuperscript{135} It emerged that the move, which engendered strong opposition in the west of Ireland—in some contradiction to the idea that Belfast should be seen as part of the nation—envisaged recruiting pilots at wages and conditions below those in the collective agreement with the Irish Airline Pilots’ Association.\textsuperscript{136} Amid growing political pressure, including in the dominant party, Fianna Fáil, for Aer Lingus to reverse the decision, unionists warned that north-south co-operation would be jeopardised if the commercial decision was subjected to a political override.\textsuperscript{137}

Inevitably, it wasn’t. Aer Lingus was privatised under the last FF-dominated government.

A more rational concurrence of the economic and the political was evident in the call by Alan Gillespie, former chair of the north’s Industrial Development Board, now Invest NI, and current chair of the all-Ireland Ulster Bank, for Invest NI and the republic’s Industrial Development Authority to be merged. The aim would be to

\textsuperscript{134} There was also a cultural and religious festival in Dublin during the period that marked connections between Ireland and Scotland, dating from the 6\textsuperscript{th} century—Scottsman (25 September 2007).
\textsuperscript{135} G. Moriarty, ‘Airline chief to announce Belfast base’, \textit{Irish Times} (7 August 2007).
\textsuperscript{136} M. Wall, ‘Aer Lingus pilots to strike over staff terms in Belfast’, \textit{Irish Times} (14 August 2007).
promote foreign direct investment into the island as a whole. Dr Gillespie also complained of the fragmentation of the economic functions of the Northern Ireland executive across so many departments.\textsuperscript{138}

Responses fell out along predictable political lines, with nationalists welcoming and unionists opposing. The northern enterprise minister, Mr Dodds (DUP), said the suggestion was ‘deeply unhelpful’\textsuperscript{139}—even though it would be the north, rather than the republic, which would be by some distance the principal beneficiary of such a move, resisted by the IDA at the time of the deliberations on the Belfast agreement. Following a speaking engagement at the Irish Taxation Institute, Mr Dodds’ colleague at finance, Mr Robinson, claimed the idea was ‘very much a united Ireland agenda’.\textsuperscript{140}

Meanwhile, a survey commissioned by InterTradeIreland and BT Ireland found less than half of firms in the two jurisdictions had even informal links with partners on the other side.\textsuperscript{141} A better train service between Belfast and Dublin would certainly help, and the joint council of the two main business organisations north and south, the CBI and IBEC respectively, called for a radical improvement, saying the reliability of the service was a ‘serious concern’ for business travellers.\textsuperscript{142}

A session of the North/South Ministerial Council, in ‘institutional’ format, in October launched a cross-border mobility web site. The meeting, attended by the first and deputy first ministers, Messrs Paisley and McGuinness, and the republic’s minister for foreign affairs, Dermot Ahern, took place in the latter’s Louth constituency. The initiative stemmed from an earlier study on obstacles to labour mobility.\textsuperscript{143}

Other practical instances of political co-operation on socio-economic issues during the period included the launch by the northern health minister, Mr McGimpsey, in Belfast and by his southern counterpart, Jimmy Devins, in Dublin of a mental health promotion campaign. This was part of an all-Ireland action plan arising from the

\textsuperscript{138} A. Gillespie, ‘All-Ireland economic marketing agency is way ahead’, \textit{Irish Times} (3 October 2007).
\textsuperscript{139} G. Moriarty, ‘Dodds alters stance over IDA/NI body merger’, \textit{Irish Times} (4 October 2007).
\textsuperscript{140} S. Carswell, ‘DUP Minister rejects call to merge IDA with NI counterpart’, \textit{Irish Times} (5 October 2007).
\textsuperscript{142} R. Morton, ‘Belfast/Dublin rail link “needs a radical upgrade”’, \textit{Belfast Telegraph} (29 November 2007).

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suicide-prevention strategies in the two jurisdictions.\textsuperscript{144} Similarly, the northern education minister, Ms Ruane and the republic’s minister for integration, Conor Lenihan, launched a joint booklet on diversity aimed at primary schoolchildren.\textsuperscript{145} And the enterprise minister, Mr Dodds, the republic’s minister of communications, energy and natural resources, Eamon Ryan, and the European commissioner for energy, Andris Piebalgs, officially launched the single energy market on the island—albeit with Mr Dodds stressing its EU provenance and extension to Britain.\textsuperscript{146}

On a more ideological plane, it emerged in October that the republic’s government was to seek to establish a committee on the implementation of Belfast agreement, among four new Oireachtas committees. This was seen as meeting to some degree SF’s demand for speaking rights for northern political representatives.\textsuperscript{147} When the new Joint Committee on Implementation of the Good Friday Agreement was formally announced later that month, it was indicated that Northern Ireland MPs—SF’s MPs of course do not take part in proceedings at Westminster—would indeed be eligible to attend.\textsuperscript{148}

\textsuperscript{144} Department of Health, Social Services and Public Safety news release, 9 October 2007.
\textsuperscript{145} Department of Education news release, 10 December 2007.
\textsuperscript{146} Department of Enterprise, Trade and Investment news release, 12 November 2007.
\textsuperscript{147} J. Downes, ‘Plans for four new Oireachtas committees’, \textit{Irish Times} (5 October 2007).
\textsuperscript{148} RTE News Online (23 October 2007).
7. Relations with the EU

Elizabeth Meehan

7.1 Introduction

The general eventfulness of the period covered by this report had an effect on the place of the EU on the political agenda. It witnessed the usual kinds of activity: continued visits between Belfast and Brussels in connection with the representation of Northern Ireland’s EU interests, promotion of Northern Ireland as a contributor to (as well as beneficiary) of the EU and pursuit of normal policy interests. The EU also featured in major domestic macro-level policy initiatives: the draft Programme for Government, the draft budget and the related Investment Strategy.

A new feature of institutional politics emerged during the period, arising from the response in the St Andrews agreement to the DUP criticism that north-south implementation bodies flowing from the Belfast agreement were insufficiently accountable. This enables the assembly Committee for Finance and Personnel to scrutinise the work of the Special EU Programmes Body.\textsuperscript{149} For the first time in five years, a meeting of the North/South Ministerial Council took place in SEUPB format. Taking things beyond the region, the assembly debated a motion calling on the UK government to hold a referendum on the EU Reform Treaty.

7.2 Representation in the EU\textsuperscript{150}

In September, the deputy first minister, Mr McGuiness, the finance minister, Mr Robinson, and the junior OFMDFM ministers, Ian Paisley Jr and Gerry Kelly, received members of the European Parliament’s Committee on Regional Development. Mr Robinson said Northern Ireland ‘was determined to participate fully as an EU region’—though it has yet to join Scotland and Wales in the RegLeg network of EU regions with legislative powers, unionists having shown more interest in the Commonwealth Parliamentary Association. He told committee members that the Taskforce launched by the commission president, José Manuel Barroso, could


\textsuperscript{150} In addition to what follows, the chair of the assembly Committee for the OFMDFM, Danny Kennedy, opened a Mock EU Council in Stormont on 17 October 2007 and had lunch with Reijo Kemppinen, head of the European Commission Representation in the UK. Though he reported that their conversation had been ‘useful and interesting’, there is nothing in the official record to indicate its substance—\textit{Official Report}, Minutes of Proceedings of the Committee for the OFMDFM, 10 and 17 October 2007.
help bring about a successful economy to which all could contribute and from which all would benefit.\textsuperscript{151}

In October, the social development minister, Ms Ritchie, met the EU commissioner Danuta Hubner in Brussels,\textsuperscript{152} in the context of an EU event aimed at raising the profile of regional governments. Ms Ritchie claimed that regions emerging from conflict and economic depression in other EU countries could learn from Northern Ireland, noting the ‘increased social and economic confidence’ arising from an ‘unsurpassed’ programme of urban renewal.\textsuperscript{153}

Ms Hubner leads the Taskforce, announced in the previous reporting period, set up by Mr Barroso to study the challenges facing the Northern Ireland economy. In November 2007, Messrs Paisley Jr and Kelly visited Brussels for meetings on the strategic context of its work and the structure and direction of its report, which was due in January 2008.\textsuperscript{154} In December 2007, the Taskforce arrived in Belfast for follow-up discussions and fact-finding, through meetings with various departments and stakeholders.\textsuperscript{155} It was noted during a discussion in the assembly of another matter that the SEUPB might have a role in the follow-up.\textsuperscript{156}

### 7.3 Policy interests

The main policy arenas on the agenda during the period were agriculture and Fisheries, and social inclusion and equality. As to the first, the SF agriculture minister, Michelle Gildernew, secured EU recognition in August that Northern Ireland would be excluded from the ban on exports of British beef following the outbreak in Surrey of foot-and-mouth disease.\textsuperscript{157} With her DUP colleague holding the environment brief, Arlene Foster, she co-operated to secure the agreement of the EU Nitrates Committee to a derogation for Northern Ireland under the Nitrates Directive. This permits Northern Ireland farmers to apply cattle manure up to a maximum of

\textsuperscript{151} OFMDFM news release, 10 September 2007.
\textsuperscript{152} Department of Social Development news release, 9 October 2007.
\textsuperscript{153} Cases of missed ‘lesson learning’ north and south in Ireland were however highlighted elsewhere, through comparison of the haphazard provision of cross-border health services with the rational planning and funding characteristic of a number of other European border regions—P. Clarke, ‘A cross-border kerfuffle in the north west’, \textit{A Note from the Next Door Neighbours} (13) (Armagh: Centre for Cross Border Studies, September 2007, at: \url{www.crossborder.ie/home/ndn/ndn0709.html}).
\textsuperscript{154} OFMDFM news release, 22 November 2007.
\textsuperscript{155} OFMDFM news release, 11 December 2007.
\textsuperscript{157} Department of Agriculture and Rural Development news release, 6 August 2007.
250kg nitrogen per hectare per year, instead of 170kg, but in such a way that water quality is still protected.\textsuperscript{158}

Increased support was announced for the Northern Ireland fishing industry from the European Fisheries Fund. This will begin in late 2008 and last for seven years.\textsuperscript{159} The new support was highlighted by the agriculture minister during a visit to Northern Ireland’s fishing ports before the meeting of the Council of Ministers on 17-20 December 2007. She drew attention to the toughness of the negotiations ahead, significant cuts across a range of catches having been proposed by the European Commission.\textsuperscript{160} The minister also prepared for the council through detailed discussions with her counterparts in the republic (Mary Coughlan) and Scotland (Richard Lochhead), as well as the UK minister, Jonathan Shaw, and taking in a meeting with the commissioner, Joe Borg, in Brussels.\textsuperscript{161}

In October, the latest round of European Social Fund support of £45.5m\textsuperscript{162} came on stream, aimed at helping individuals into sustainable employment. The ESF also funds the EQUAL programme, part of an EU-wide strategy to improve the availability of better-quality jobs and ensure equal access to them. In the framework of this programme, representatives of 24 member states attended a policy forum in Belfast in November, on ‘Diversifying the Workplace: Strategies for Empowerment and Inclusion’.\textsuperscript{163}

Throughout the period, the EU Gender Directive on Goods and Services was under consideration. It was on the agenda of three meetings of the assembly Committee for the OFMDFM, which drafted a response to the outcome of the latter’s consultation on

\textsuperscript{158} This is allowed when a compliant action programme has been introduced—DARD news release, 15 October 2007. Also during this period Ms Gildernew welcomed the EU’s decision to have a zero set-aside rate in 2008 which, she said, was an appropriate response to the market and would bring some simplification to the Single Farm Payment scheme—DARD news release, 27 September 2007. And a consultation was launched on the Council of Ministers’ decision of 12 June 2007 to integrate horticultural production into the Common Agricultural Policy—DARD news release, 18 October 2007.

\textsuperscript{159} DARD news release, 27 November 2007. The UK’s share of the EFF is £97m, of which £38.83m is allocated to Scotland, £33.72m to England, £12.76m to Northern Ireland and £11.75m to Wales.

\textsuperscript{160} DARD news release, 5 December 2007.

\textsuperscript{161} Ms Gildernew would have had a ready ally in the Scottish minister. Fisheries policy is a core interest to the Scottish Government and one that is subordinated to, even suborned by, the UK’s wider EU interests—lecture by Alex Salmond on Scotland and the EU at Edinburgh University, 12 December 2007.

\textsuperscript{162} This represents the 65 per cent of funding available from the programme; the remaining 35 per cent has to be independently secured by successful applicants—Department for Employment and Learning news release, 9 October 2007.

\textsuperscript{163} DEL news release, 30 November 2007.
the directive. In the middle meeting, the committee noted comments by the Northern Ireland Women’s European Platform on the government's overall priorities for addressing gender inequalities. It also welcomed a letter from the clerk of the Scottish Parliament’s Equal Opportunities Committee, about building links and working together with the equivalent committees in Northern Ireland and Wales.

The draft Programme for Government, 2008-11, the associated draft budget and the longer-term Investment Strategy were presented by the executive in the context of their mutual dependence. In the Investment Strategy, the EU featured most strongly in the references to the environment (water and waste management), the roads and rail infrastructures, funding and in connection with the migration to Northern Ireland of other EU citizens (and others) ‘who are helping to grow our economy and enrich our cultural diversity’. In the draft budget, the EU was referred to explicitly in connection with the work of seven departments, in connection with policy content or funding, or both. These were: Agriculture and Rural Development, Employment and Learning, Environment, Finance and Personnel, Regional Development, Social Development and the OFMDFM. Naturally, the EU had a similar place in the programme to that in the draft budget. But the PfG has additional references: first, to the goodwill and support received from the EU and, secondly, in a special section on ‘Linkages’, where hopes in the Barroso Taskforce were reiterated.

7.4 The SEUPB

Though, as noted, the meeting on 26 September of the assembly Committee for Finance and Personnel with the chief executive and staff of the SEUPB was an innovation, there was, at time of writing, little information about its substance. The SEUPB was asked to make written responses to follow-up questions and it was agreed the record of the evidence session with SEUPB officials would be published on the assembly website.

Before the meeting in SEUPB sectoral format, the NSMC also met in institutional format, at which it agreed to consider the EU dimension of its work at the next

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165 All three can be found at www.pfgbudgetni.gov.uk.
Five years after the seventh meeting in SEUPB format, on 9 October 2002—just before the assembly collapsed over revelations of an IRA spy-ring at Stormont—the eighth took place in Dublin on 7 November 2007. The assembly was informed about it by the finance minister, Mr Robinson, on 3 December. The southern delegation was led by Mr Robinson’s counterpart, Brian Cowen; he was accompanied by the minister for social development, Ms Ritchie.

The meeting discussed a substantial report by the chief executive of the SEUPB, Pat Colgan, on developments in the intervening five years. He also reported on progress on the renewal of the PEACE programme (PEACE III) and the opening of INTERREG IVa. Plans for both had been approved by the European Commission the previous day, on 6 November, and were about to be opened for funding applications.

In the ministerial statement on the meeting and during questions, the greater emphasis on victims and survivors in this third manifestation of the programme was welcomed. The ministers had also referred at the NSMC/SEUPB meeting to the ‘observation’ that the Protestant community had not benefited fully from the previous PEACE programmes and this, too, was taken up in questions to Mr Robinson. He noted that there had been some increase in the share of funding that went to the Protestant community, from 44 per cent in Peace I to 47 per cent in Peace II, because of the greater emphasis in the latter phase on capacity-building. In the context that the foregoing percentages were not the same as the relative sizes of the communities, there was some discussion as to whether a ‘perception’ of unfairness was the same as actual unfairness. Mr Robinson exhorted his colleagues to encourage Protestant groups to overcome any remaining cultural reticence and to make applications to Peace III, so as to maintain the statistical trend.

This latest version of INTERREG is innovative in that it involves the border areas of the republic, Northern Ireland and western Scotland. This was made possible by the redefinition of borders, making Scotland an eligible partner of the republic across a

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169 This will total €333m, with €225m provided from the EU budget and the remainder as matched funding from the two jurisdictions in Ireland.
170 €256m—about 40 per cent more than its predecessor, INTERREG IIIa.
171 It is of course worth noting that the whole point of the PEACE programme is to sponsor reconciliation across the sectarian divide in Northern Ireland and the border counties, not to ensure a balance of distribution between ‘communities’ defined in just such sectarian terms, as unionists have insisted.
maritime border (though not of Northern Ireland alone as there are, of course, no borders within states). This, together with Northern Ireland’s land border with the republic enables all three to ‘develop the traditional, cultural, economic and social links between Ireland/Scotland/Northern Ireland and build upon the experiences, knowledge and competencies of the three areas’.\textsuperscript{172}

7.5 Reform Treaty

The assembly, in plenary session and in the Committee for the OFMDFM, paid attention to the Reform Treaty. The committee was briefed by officials on the implications for devolved administrations and its views were made known to the executive.\textsuperscript{173} In November 2007, it also noted the calls for evidence from the Lords EU select committees, to which it responded by forwarding the record of an assembly debate.\textsuperscript{174}

That debate had been held on 8 October in response to a private member’s motion from Alex Easton (DUP, North Down).\textsuperscript{175} The motion called on the UK government ‘to hold a referendum on the new European Treaty’. The occasion revealed an almost universal consensus among MLAs on the correct course of action, though stemming from different motivations.

The proposer did not want an ‘international system of rolling devolution’, which would (counter-intuitively) remove power still further from Northern Ireland; the disadvantage of not having ‘power in our own hands’ had been learned through the experience of direct rule, he claimed. This was supported by fellow DUP MLAs Sammy Wilson and Jim Shannon.

SF shared Mr Easton’s concern about the issue of ‘democratic deficit’ but, in Mitchel McLaughlin’ view, this was because all the people on the island of Ireland should be able to have a debate about the treaty. The terms in which he couched his argument led others, even those in favour of the motion, to accuse him of right-wing ‘euroscepticism’. Mr McLaughlin’s all-Ireland position was taken up by his colleague Pat

\textsuperscript{172} EU Programme for Cross-Border Territorial Co-operation, Northern Ireland, the Border Region of Ireland and Western Scotland 2007-2013, INTERREG IV Operational Programme (SEUPB, Belfast, 2007, at: www.seupb.org/consultation/documents/InterregIV/INTERREG%20OP%2030%20May%20(clean%20version).pdf), p. 4. For more on the constitutional matter of borders and the rationale for the programme, see also pp. 8, 15, 38-40, 41, 45 and Annex A.


\textsuperscript{175} Official Report, 8 October 2007.
Doherty, MLA for West Tyrone, who—despite being from a party ostensibly with leftist aspirations—additionally objected to the treaty’s provision for a legally binding Charter of Fundamental Rights.

Many MLAs accepted the position spelled out by Danny Kennedy, UUP MLA and chair of the assembly Committee for the OFMDFM—that, while it was not constitutionally necessary for there to be a referendum in the UK, it would be desirable, particularly since the prime minister, Mr Brown, had begun his term of office by indicating that he wanted to be more transparent than his predecessor. The knocks that his ‘moral authority’ had subsequently taken would be reinforced if he continued to deny a referendum.

The only people who spoke against the motion were Alban Maginess and, more equivocally, Carmel Hanna—both members of the strongly pro-EU SDLP. Mr Maginess defended the content of the treaty and, while not against referenda in principle, felt one was unnecessary where institutional, rather than constitutional, changes were in the frame. Their position was somewhat undermined by the DUP junior minister, Mr Paisley Jr. He told the assembly that the executive had considered a paper on the treaty on 27 September and unanimously decided—including its SDLP minister—that there should be a referendum. This view had been put forward by him with all the robustness he could muster at a meeting of the Joint Ministerial Committee on 2 October. David Ford, leader of the pro-EU Alliance Party, while agreeing with Mr Maginess’ defence of the treaty’s content, nevertheless said he would vote for the motion—by and large for the reasons set out by Mr Kennedy.

Notwithstanding Mr McLaughlin’s criticisms of the treaty, the debate brought into the open the disjuncture noted in previous monitoring reports between SF’s opposition to the EU in the south—highlighted by Ms Hanna—and the more pragmatic attitude it has had to show hitherto in the north. Its all-Ireland motivation for wanting a UK referendum had a kind of parallel on the unionist side. The UUP MLA David Burnside

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176 The republic, by contrast, is the only member state wherea referendum was constitutionally mandated.
177 This did not mean the executive took a joint view on the principles contained in the treaty. Indeed, such a position had been expressly rejected; the unanimity was solely in respect of the need for a referendum.
178 This was chaired, as Mr Paisley Jr told the assembly, by the foreign secretary, David Miliband, and attended by the attorney general, Baroness Scotland, and Scotland’s minister for Europe and external affairs, Linda Fabiani. Alex Salmond could also see merit in a referendum, given that this had been promised on the constitutional treaty—lecture at Edinburgh University, 12 December 2007.
suggested that, in the absence of a UK-wide referendum, one should be organised in Northern Ireland.

This was soundly rejected by Mr Paisley Jr, initially on legal grounds: under the Northern Ireland Act 1998 and the Political Parties, Elections and Referendums Act 2000, both holding referendums and the Reform Treaty were excepted matters. But he went on to say that Mr Burnside’s ‘new “ourselves alone” position … would fundamentally weaken our position for holding a UK-wide referendum’. An exclusively Northern Ireland referendum ‘would be the biggest con job of all, because we know the sort of political capital that many would make out of it’. The question was put and agreed without a vote.
8. Relations with Local Government

Rick Wilford and Robin Wilson

The long-running saga of the reform of public administration and more particularly, of local government, looked set in this reporting period to run for some time yet. In July 2007, the DUP environment minister, Ms Foster, initiated a review on the future shape of local government—effectively a review of the Review of Public Administration launched under devolution in 2002 and in response to which the direct-rule administration had announced proposals in November 2005.\(^{179}\)

The direct-rule plan, supported only by SF among the region’s parties, had endorsed the recommendation of the RPA team for a reduction from 26 to seven councils, with the prospect that three in the south and west would be ‘green’, three in the north and east ‘orange’, and Belfast on an ethnic political see-saw. In September, the DUP MLA Peter Weir said devolution, by allowing for a review of the RPA outcomes, had prevented unionists in the west of Northern Ireland being placed under ‘unfettered’ republican control.\(^{180}\)

Responding in October to a question from Mr Weir, Ms Foster said that, due to the ‘volume of work’, there wouldn’t be an announcement on the RPA till January.\(^{181}\) A few days later, however, she published her ‘Emerging Findings’ on local government. Hearts no doubt sank in district councils, when she remarked in releasing the findings that ‘the proposals contained in the paper … provide for the beginning of a considered, balanced and meaningful reform of the system of local government’.\(^{182}\) The document was poorly received by the Northern Ireland Local Government Association, which argued her proposals would devolve fewer responsibilities to councils than the NIO had proposed.

The unease felt in many quarters was expressed during a take-note debate on 13 November 2007, moved by Ms Foster, in which she outlined the initial findings of the ministerial sub-committee she had chaired, in relation to: the number of district


\(^{180}\) N. McAdam, ‘Super councils plan would have been a repartition of Northern Ireland: DUP’, *Belfast Telegraph* (3 September 2007).

\(^{181}\) N. McAdam, ‘Decision on council cuts further delayed’, *Belfast Telegraph* (16 October 2007).

\(^{182}\) DoE news release, 19 October 2007.
councils, the range of functions to be transferred to the councils and the development of a shared vision for local government. This provoked the ire of many members—more than half of whom are of course also councillors, so there were many declarations of interest during the debate. The minister planned to return to the assembly early in the new year with firm proposals, which doubtless would stimulate division in the chamber.

The wider hiatus as to the fate of the Review of Public Administration under renewed devolution led to the resignation of David Sissling, the chief executive designate of the Health and Social Services Authority, which was to be established as part of the abolition of the four health-and-social-services area boards. The health minister, Mr McGimpsey, said in October he did not expect new structures to be in place before April 2009—even though the senior management team of the authority, including Mr Sissling, had been in post since June 2006.\textsuperscript{183}

The chair of the British Medical Association in the region, Brian Patterson, said he was ‘exceedingly alarmed’. And he became ‘even more concerned’, following a meeting with the minister, that Northern Ireland would go back to the ‘bad old days’ when it had the longest waiting lists in Europe,\textsuperscript{184} as commissioning of services was stalled.\textsuperscript{185} When Mr Sissling stepped down, taking up a post in London, Andrew Dougal of the Northern Ireland Chest, Heart and Stroke Association described it as ‘a black day for the future of the health service’.\textsuperscript{186}

It remained to be seen whether the third part of the review, a unified Education and Skills Authority, would proceed as planned.

\textsuperscript{183} C. Regan, ‘New doubt over single health body’, \textit{Belfast Telegraph} (12 October 2007).
\textsuperscript{184} Waiting lists rose inexorably under the last devolved administration—see R. Wilford and R. Wilson, \textit{Devolution and Health: The Northern Ireland Experience} (London: Constitution Unit, at:\url{www.ucl.ac.uk/constitution-unit/files/devolution_and_health/ni_mar_2002.pdf}).
\textsuperscript{185} C. Regan, ‘BMA’s alarm at minister stalling on health reform’, \textit{Belfast Telegraph} (18 October 2007).
\textsuperscript{186} C. Regan, “Black day” as health chief leaves Ulster’, \textit{Belfast Telegraph} (23 November 2007).
9. Finance

Robin Wilson

9.1 Tight fiscal envelope

The previous period of devolution, 1999-2002, was one of considerable public-expenditure largesse. While the rapid growth of spending meant, as a consequence of the Barnett formula, that Northern Ireland converged somewhat towards the UK average *per capita*, the devolved finance ministers of that time, Messrs Durkan and Farren, enjoyed significant margins for discretionary spending. Not so now, with the much tighter Comprehensive Spending Review and the looming prospect of recession.

It was against this backdrop that the results emerged of a study commissioned under direct rule into the costs arising in Northern Ireland from sectarian division. The report, by Deloitte, leaked to the *Independent*, indicated that these costs could add up to as much as £1.5bn per year.\(^{187}\) Alliance, the only party which had previously shown any interest in the issue, had previously estimated the annual figure at £1bn. While much of this was revenue foregone (such as lost tourism income) rather than wasted expenditure, and only some could be recouped through the integration of segregated public services (as in education, where there are 55,000 empty school places), it was nevertheless a remarkable potential source of savings over time, should the executive have elected to make *A Shared Future* a political priority. Every finance minister knows how critical even marginal savings can be, given so much of the budget is effectively already committed, year on year.

Yet the report was leaked because OFMDFM—which had assumed responsibility under devolution—had no intention of publishing it. Indeed, the office responded to the leak with an e-mail message dissociating itself from the commissioning of the research, as well as Deloitte’s interpretation of the data, and saying that the report did not constitute an agreed basis for policy formation.

Ironically, the party which seems to have driven this reaction was precisely the party whose disadvantaged Catholic core supporters stood most to benefit from a redirection of the resources consumed by sectarian division towards social

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programmes—SF. The party was, however, adamant and has taken a relentlessly ideological line against *A Shared Future*, claiming that its advocates—again, ironically, mostly on the liberal-left of the spectrum—are unconcerned about inequality. The party said the Deloitte report represented ‘a calculated attempt to dilute the equality agenda’.\(^{188}\) SF members of the Committee for the OFMDFM blocked even a discussion of the report by the assembly committee.

Another way to ease the fiscal constraints on the executive would, of course, have been to seek tax-varying powers as in Scotland. But while on this issue SF was proposing change, unionists, including Mr Robinson, rejected the move in the assembly (see assembly section),\(^{189}\) despite their contrary position on (the lowering of) corporation tax.

Water charges represented a third vehicle, but all parties had opposed their introduction. The review led by Paddy Hillyard, a Queen’s academic and anti-poverty campaigner, reported during the period, recommending that the charge be added to the rates. This got over the argument against double payment, by making an allowance for that portion of the rates which could already be deemed a contribution, but would as a corollary raise less revenue than envisaged under direct rule.\(^{190}\) The regional development minister, Mr Murphy, told the assembly the executive had accepted the Hillyard recommendation, with an anticipated £160 per year discount, saying the measure would be phased in from 2009-10 with two-thirds of liability.\(^{191}\)

The Comprehensive Spending Review outcome was meanwhile announced, indicating spending in Northern Ireland would rise by £1.2bn in real terms between 2007-08 and 2010-11, or just 1.7 per cent per annum. Mr Robinson warned: ‘This highlights the need for local departments to deliver efficiencies over the period to 2010-11 in order that resources can be released to deliver improvements in priority frontline services.’\(^{192}\)

There still remained one club in the finance minister’s bag—the rates themselves. But when he unveiled his draft budget it was evident he had persuaded himself, as so many finance ministers before him, that he could find the Holy Grail of weak fiscal

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\(^{188}\) BBC News Online (24 August 2007).


\(^{190}\) N. McAdam, ‘Executive warned on water charges’, *Belfast Telegraph* (13 October 2007).

\(^{191}\) I. Graham, ‘Water charges are delayed for another year’, *Belfast Telegraph* (22 October 2007).

\(^{192}\) D. Keenan, ‘Stormont budget to grow by 1.7%’, *Irish Times* (10 October 2007).
effort and strong public programmes by ‘efficiencies’. Earlier, he had told a CIPFA conference in Newcastle that a business-led ‘all-powerful scrutiny body’ could bring savings of £700m by 2011.\(^\text{193}\)

Mr Robinson insisted his budget did not reflect ‘Labour party priorities’ but was ‘Made in Northern Ireland’. It did not take much decoding to see in this oddly nationalistic statement, when considered alongside the neo-liberal tenor of the PfG, a dog-whistle signal to the Protestant middle class and a corresponding snub to the Catholic working class. He promised to freeze the rates and cap industrial rates, after adding the discounted water charge, for three years. He played up savings in the public sector—though not from tackling sectarianism—and he said: ‘For too long the local private sector has been constrained by the influence of the Northern Ireland public sector.’\(^\text{194}\)

The mechanism for this he did not evince, but it could only be that the public sector was hoarding capital or labour. Yet in terms of capital, rather than being starved of public subsidy, private enterprise in the region has been addicted to ‘grantentrepreneurialism’. And when it comes to labour, rather than being bid up by public-sector competition, private-sector wages are some of the lowest in the UK. Indeed, in the coming recession, as in the similar collapse of private demand in the early ‘90s—when Northern Ireland engaged in modest catch-up with UK per capita gross domestic product—the region will be to some extent insulated as the public sector will act as an automatic stabiliser.

It was, however, just the ideological message business wanted to hear, and the draft budget was welcomed by employers’ organisations.\(^\text{195}\) Indeed, it was notable that the budget took precedence in media coverage over the draft PfG, which in theory should drive it: on Radio Ulster’s review of the papers the next morning, there was no mention of the programme, the focus falling entirely on the budget and Mr Robinson.\(^\text{196}\)

There was a less positive reaction from the centrist executive parties. The UUP health minister, Mr McGimpsey, warned that the budget would not help reduce

\(^\text{195}\) R. Morton, ‘Robinson budget leaves business leaders smiling’, \textit{Belfast Telegraph} (26 October 2007).
\(^\text{196}\) Good Morning Ulster, BBC Radio Ulster (26 October 2007).
waiting lists.\textsuperscript{197} He went public with a campaign for a higher allocation, organising ‘consultation roadshows’ to meet health staff.\textsuperscript{198} As for the SDLP social development minister, Ms Ritchie, she took the opportunity of a meeting with Yvette Cooper, the housing minister for England, to complain of a 63 per cent shortfall in the capital budget for social housing in Northern Ireland.\textsuperscript{199} Their party leaders, Sir Reg Empey and Mark Durkan respectively, staged a joint press conference to protest about the allocations.

Mr Robinson told the Finance and Personnel Committee that the budget had been misrepresented as ‘right wing’ and he defended the provision for health and social services.\textsuperscript{200} But his partner, Iris, chair of the health committee, attacked Mr McGimpsey for ‘left-leaning tendencies’ and insisted on ideological conformism: ‘The Minister must disprove that he is ideologically incapable of adapting to the change demanded. Otherwise, the health sector could find itself left behind in the new Northern Ireland. The province cannot afford a health minister constrained by outdated political dogma.’\textsuperscript{201}

Whether such parsimoniousness was affordable, however, was the question others were asking. The chief medical officer, Michael McBride, said the health budget would hit disadvantaged communities, warning that it would deprive 45,000 women over 65 from an extension of breast screening.\textsuperscript{202} National Energy Action Northern Ireland said the Department for Social Development had halved its budget at a time when it estimated there were more than 200,000 households in the region in fuel poverty, with more than 2,000 people dying in winter as a result.\textsuperscript{203} And a ‘Keep Our Arts Alive’ rally at Stormont protested against an allocation far lower on a per capita basis than in Great Britain and the republic. The Arts Council warned of ‘devastating consequences’.\textsuperscript{204}

9.2 Varney review

As indicated above (see intergovernmental relations section), the Varney review shocked the Northern Ireland political class—rejecting its demand for corporation tax
cuts, which the review estimated would come at a net cost to the UK exchequer of £2.2bn over a decade. It was always remarkable that unionist politicians should betray so little understanding of the wider UK context not to realise that the Treasury would reject a measure which would have a distorting effect on the wider UK economy: firms could establish offshoots in Belfast and ensure through their accounting arrangements that their profits were concentrated there, as has happened with major US companies in the republic. But the mild reaction of the finance minister, Mr Robinson—who described the outcome as ‘disappointing’—suggested he at least could see the political writing on the wall.205

Interesting, the Economic Development Forum, which brings together the social partners, told the enterprise minister, Mr Dodds, that investment in skills was key to economic regeneration.206 And a Belfast-based consultancy on foreign direct investment said business should not be fixated on corporation tax rates. OCO, which feeds information on foreign investment to the World Bank and United Nations, argued that a region's tax regime was a secondary consideration to skills levels and labour availability in sectors such as life sciences, information and communication technologies, and financial and business services.207

What set this hare running in the first place was a superficial reading of the ‘Celtic Tiger’ phenomenon as a product of low corporation tax, the evidence for which is very weak. First, corporation taxes have risen in the republic, from zero in 1958 when foreign direct investment was first invited, to 10 per cent in 1981 to 12.5 per cent in 2003, yet the tiger did not begin to pound until the early-mid 90s. Secondly, while it was US investment in particular that was critical in Ireland, the trend in US manufacturing investment globally has been towards higher-, rather than lower-cost locations, suggesting that factors other than cost have been of growing significance in investment decisions. Thirdly, the industrial development agency Forfás found that 57 per cent of foreign enterprises it surveyed indicated that appropriate skill levels represented the key advantage the republic offered. A better explanation of the Celtic Tiger, including its timing, is that the number of tertiary students increased more than six times in the three decades to 1994 and that, within that, the number of science

and engineering graduates in the 20-34 age group is more than double the OECD average—though this is only one of a number of determinants.\textsuperscript{208}

10. Political Parties and Elections

_Duncan Morrow_

10.1 Introduction

With the first ‘summer of love’ behind it, the autumn was expected to be a time for action by Northern Ireland’s fledgling administration. Above all, a new Programme for Government could not be delayed. Although the final date for Westminster’s three-year Comprehensive Spending Review was ultimately determined by the rather shorter-term electoral considerations of the Labour leader, Mr Brown, in October, it had the practical implication of accelerating proposals for budgets and political priorities for Northern Ireland in the same month.

In retrospect, it was probably inevitable that the requirement to get down to real business would highlight the absence of common vision among the parties in the executive, and indeed of any history of inter-party coalition-building in Northern Ireland. While the first and deputy first ministers, now widely referred to in the media as ‘the Chuckle Brothers’, made a continued effort to sustain their newly united intent, there was little evidence of progress on policy matters. The bulk of the assembly’s time continued to be taken up with declaratory motions, often apparently designed to play to traditional sectarian galleries. The atmosphere by the end of the year was of suppressed unease at the absence of substantive decision-making, with the practical implication that 2008 would be a year of some serious hard bargaining and real choices. The test, less certainly the best, was yet to come.

10.2 Down to brass tacks?

Understandably, the overwhelming imperative of the new Northern Ireland is to establish a radically different political agenda from that which dominated the preceding four decades. The inherent difficulty is that the political agreement which led to the establishment of the new executive did not resolve the underlying dispute around ‘sovereignty’, and left many of the defining issues—an agreed approach to crime, discrimination and violence in the past, the administration of policing and justice in the future and the promotion of a culture of tolerance in the present—as ‘loose ends’.

The paradoxical outcome is that stability is easily equated with not tackling the issues which would divide the executive, while facing the real challenges is defined as a terminal threat. In prioritising short-term stability in this way, the executive can count
on support from an exhausted and increasingly uninterested external world, led above all by the UK government. In this analysis, the critical British interest is not to resolve conflict but to avoid any requirement or suggestion that it should ride to the rescue of the executive in this predicament. Within Northern Ireland too, a bored and weary electorate, led by its business elite, is almost tangibly desperate to ‘move on’, as if by wishing an end to sectarian conflict it could be simply abolished.

The consequence is a mandatory partnership which is profoundly threatened by the very political agenda it is supposed to address. On the one hand, there is a determined attempt to assert the newness of current reality in comparison with the past. This is largely accomplished by a persistent media focus on the united front presented by the first and deputy first ministers, together with an obsessive emphasis on economic prosperity. On the other hand, issues from the past continue to emerge which do not allow of resolution without real compromise and change. In the absence of any strategy or appetite to tackle these profoundly painful underlying questions, we have a complex mixture of public relations, delay and denial.

The draft Programme for Government illustrated the absence of detailed policy agreement between the parties in government: it lacked significant strategic detail in many areas (see executive section). The draft budget, meanwhile, illustrated the dominance of the Department of Finance and Personnel over the process. While the DUP finance minister, Mr Robinson, was widely credited with establishing his personal stamp on the tone of the executive, there was considerable disquiet in other quarters. The SDLP and the UUP made clear they regarded the budget as indeed a draft, requiring significant improvement before it could be adopted in January 2008.

In the absence of collective responsibility, the spectacle of UUP and SDLP ministers voting for an Alliance motion declining to support the draft PfG (see assembly section) was merely the most blatant example of a broader trend—where parties lined up in the assembly to support only those aspects of executive policy associated with ‘their’ ministers, acting as opposition parties where they were in disagreement. The related lack of any mechanism to discipline or fire ministers or parties caught in this position led the deputy first minister, Mr McGuinness, to describe the SDLP and

UUP as ‘problem parties’ within the executive, while Mr Robinson observed that without backing for the PfG and the budget the power-sharing executive would collapse.

While Alliance, the SDLP and UUP led public concerns about these documents, the willingness of SF to sign up to a draft budget which laid such emphasis on private enterprise, rather than public investment, was perhaps even more interesting. The absence of a proactive anti-poverty strategy, the lack of resources to tackle growing social housing need and the potential for serious cuts in healthcare and community development all suggested that the party had suffered an internal executive defeat in the politics of coalition or that a significant shift in SF economic and social thinking had taken place.

At a meeting in December, SF signalled a more pro-business approach to economic policy, apparently driven by electoral considerations south of the border, given the party’s poor performance in the 2007 Dáil election. But the Irish Times editorialised: ‘It will take more than minor policy adjustments to make Sinn Féin's electoral message acceptable.’ The longer-term implications of this for the party’s strategy in the north will be important over the coming years.

While outlining an approach which depended overwhelmingly on successful inward investment, the executive moved quickly away from two key strategies initiated by the direct-rule administration. The government’s policy on promoting inter-community co-operation across all public services, A Shared Future, appeared to have been set aside in line with SF objections (see executive and finance sections), while the Review of Public Administration seemed to have come to a shuddering halt (see local government section). Moreover, it appeared that the expected increased co-operation between schools as a result of the Bain report on the rationalisation of the estate would not be realised, given the apparent hostility of the minister to A Shared Future in schooling.

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210 Irish News (28 November 2007). This was an implicit riposte to the SDLP leader, Mr Durkan, who had complained under direct rule about the disproportionate political attention devoted by London and Dublin to the ‘problem parties’ as he saw them—SF and the DUP.
212 Irish Times (11 December 2007).
It was clear that education was likely to be one of the first sources of real tension in the executive. In December, the minister, Ms Ruane, answered her critics that no decisions were being taken when she announced definitively that academic selection, used by grammar schools across Northern Ireland to recruit primary pupils, would come to an end (see public policies section). While the announcement was welcomed by the SDLP and Alliance, both major unionist parties signalled their opposition. It remained a matter of dispute whether the minister had the power to introduce these changes without reference to the executive or the assembly. As the DUP and SF had made this a critical policy issue, however, neither side appeared willing or able to compromise. It was already clear that planning for changes on the scale envisaged by the minister was likely to create real uncertainty for schools and parents from 2009.

10.3 The long shadow of the past

There can be little doubt that the achievement of power-sharing government in Northern Ireland represents a remarkable change in the historic positions of SF and the DUP. Nonetheless, it is a change founded on the weakness of previous strategy, rather than on any profound internal change of heart. In an interview with BBC Northern Ireland in April 2007, the first minister, Mr Paisley, admitted that he had had little choice but to agree terms. For SF, the election in the republic, just weeks after devolution in May, underlined the painful truth that the modern party is overwhelmingly defined by the very partition it exists to destroy.

The absence of a shared vision may be disturbing but it is unsurprising. That power-sharing across the historic sectarian divide in Northern Ireland is essential is now acknowledged as a practical predicament, but neither of the principal parties can promote it as a desirable end in itself nor as the focus of aspiration. The result is a commitment to partnership alongside an ideological unwillingness or inability to integrate its consequences. Ideologically, both partners are as opposed as ever. In practice, they are locked together in government, to all intents and purposes for ever, or at least until they lose an election.

In the absence of a decision formally to acknowledge the change in aspiration which partnership implies, preventing any contradiction from surfacing becomes the shared interest of both parties. The most likely source of such contradiction comes from

215 Belfast Telegraph (12 December 2007).
historic revelations, competition over state resources and continuing sectarian competition on the ground. In reality, neither party has the capacity to prevent these issues emerging, with their capacity to force everyone into a reconsideration of past actions and future priorities.

In this reporting period, Northern Ireland’s sectarian subculture continued to invade the public space. Ms Ritchie, SDLP minister for social development, drew the ire not only of the NIO but also the finance minister, Mr Robinson, when she determined to withdraw funding from the Conflict Transformation Initiative in October (see ‘peace process’ and executive sections).217 There was little doubt that Ms Ritchie’s decision was a popular one—increasing her public profile and earning her a remarkable standing ovation at the UUP conference, after her rhetorical flourish that there should be ‘no surrender’ to the DUP-SF executive duopoly.218

She told the UUP that the political centre could ‘prevail again’ in Northern Ireland: ‘It is deeply regrettable that those who tried to destroy devolution from within, and those who poisoned the previous devolved administration through their refusal to decommission, now command nine of the 12 seats around the Executive table.’219

The devolution of policing and justice may be the greatest political challenge of 2008, with the DUP signalling that the target date of May 2008 was unlikely to be acceptable.220 The SF president, Mr Adams, in contrast, underlined its central importance for SF in his new year message to supporters.221

Longer-term threats to the stability of government were largely the preserve of smaller working groups. Parading remained the subject of a strategic review under the former Liberal Democrat leader Paddy Ashdown. Perhaps most neuralgic, however, was the work of the consultative group on dealing with the past (see ‘peace process’ section). While the body made little or no public comment, the co-chair Mr Bradley described its work as a ‘huge and complex task’.222

217 Irish News (10 October 2007).
219 Irish Times (29 October 2007).
220 Irish Times (29 September 2007).
221 Irish News (22 December 2007).
The departure of Nuala O’Loan as policing ombudsman was greeted with undisguised relief by many unionist politicians and the Police Federation, especially following her very public exposure in January 2007 of collusion between the old RUC Special Branch and the paramilitary Ulster Volunteer Force. Nonetheless, the collapse of the only criminal trial relating to the Omagh bomb in 1998 largely confirmed her earlier castigation of the police investigation and again raised questions about the degree to which intelligence considerations had undermined criminal investigation. Allegations about MI5 involvement with the UDA alongside claims—made under parliamentary privilege by the DUP MP David Simpson and later denied—about British intelligence and a leading SF figure in east Tyrone combined to give the impression of a very dirty war indeed.

10.4 Jockeying for position

For political parties, the events of spring 2007 continued to determine current political realities. With no elections imminent, the seeds of future debates were being sown, however, with significant changes in the substructure of unionism and nationalism. Potentially the most dramatic initiative was the announcement by Fianna Fáil that it intended to organise in Northern Ireland. Although the UUP leader, Sir Reg Empey, denounced the decision, the implications appeared to be more disturbing for the nationalist parties within the north than for unionism. The plans remained vague on specifics, with no resolution of the question of competing in Westminster elections or the consequences for the republic’s Labour Party (which has some members in the north), the SDLP and SF. Nonetheless, the advent of FF in Northern Ireland would be seismic in its effects and unpredictable in its outcome. At its conference, the SDLP responded with a cautious welcome, while acknowledging that the party could be split by such a move.

Within unionism, evidence grew of an appetite in the UUP for entering opposition. While internal divisions continued, a crisis over the PfG could well precipitate such action in the spring. There was also evidence of a will to explore an alternative coalition with the SDLP, although such ideas had been floated and failed before.

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223 *Belfast Telegraph* (5 November 2007).
225 *Sunday World* (30 December 2007).
228 *News Letter* (18 September 2007).
229 *Irish Times* (8 November 2007).
Meanwhile, unionists opposed to power-sharing established a proto-political party, the Traditional Unionist Voice.\textsuperscript{232} While the move did not lead to any panic among the DUP, the longer-term implications were again unpredictable.

Alongside the UUP and SDLP, Alliance held its annual conference in November. A monopoly on official opposition within the assembly has given Alliance a profile beyond its size, and the conference was widely reported as optimistic and upbeat.\textsuperscript{233}

10.5 A new normality?
The world is no doubt anxious for a successful peace story, although lectures by Northern Ireland politicians to leaders in Iraq seem somewhat premature.\textsuperscript{234} There can be no doubt that devolution has been re-established on a more stable footing than before. The public mood music in Northern Ireland continues to be overwhelmingly positive.

Evidence of real change continued, with not only good personal relations between the first and deputy first ministers but also the blossoming of a new relationship between the DUP leader, Mr Paisley, and the republic’s political establishment.\textsuperscript{235} The Free Presbyterian Church, of which he has been moderator since its foundation, demanded a heavy price from him for agreeing to go into government with SF.\textsuperscript{236} But there was evidence of some greater generosity of spirit, in reaction to the elevation of Sean Brady from archbishop to cardinal in the Catholic Church.

The dangers for Northern Ireland lie not so much in a return to the past as in an unproductive stalemate long term. Further change, when it comes, will continue to be driven from outside. FF promises to play an interesting role. Changes in Scotland and in the politics of British Conservatism continue to challenge the union in different ways. After all the excitement of 2007, 2008 may be the year when the real decisions about the future in Northern Ireland are finally confronted. Ultimately, changing the discourse on sectarianism remains the crucial challenge for this executive and its successors.

\textsuperscript{232} Belfast Telegraph (7 December 2007).
\textsuperscript{233} Irish Times (5 November 2007).
\textsuperscript{234} Irish Times (4 September 2007).
\textsuperscript{235} Irish Times (11 September 2007).
\textsuperscript{236} Irish News (8 September 2007).
11. Public Policies

Rick Wilford and Robin Wilson

11.1 The ‘11+’

Stormontologists will recall that in October 2002 the then education minister, Mr McGuinness, summarily announced the ending of the ‘transfer test’ in 2004. While that target date was not met, the succeeding direct-rule administration confirmed the decision, albeit putting back the final test to 2008—in large measure because there had been no agreement on what would take its place.

As the clock ticked down during the reporting period, the pressure mounted on Mr McGuinness’ devolved successor and SF colleague, Ms Ruane, from the unions and other political parties, for a decision on the ‘11+’. At the end of the 2006-07 school year, her response was to demur: ‘Let’s not create an artificial panic.’

The Association for Quality Education, a lobby formed to defend selection, said it was planning to hold a meeting with 40 schools interested in introducing their own entry tests. But the National Association of Head Teachers warned that tests introduced by individual schools could be outwith the 1997 Education Order and place schools at risk of legal challenges from disgruntled parents.

In October 2007, Ms Ruane finally set out her ‘vision’ for education, in a speech which supported area-based planning, in line with the Bain review of the school estate, and a move from selection at 11 to election of pupil disciplinary choices at 14. And, facing an assembly question on the ‘Dickson plan’ in Craigavon, where 14 is the pivotal age, she replied:

As I have said, 14 is a more natural age at which to transfer. It is a natural age for young people to make choices and decisions along with their parents and teachers. Our young people know what they want, what they are good at and what they are interested in. It is vital that young people have power and a voice in the process. At the age

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238 ‘Ulster’s new schools authority won’t be meeting its timetable’, Belfast Telegraph (28 June 2007).
of 11, they have no power, and adults are making decisions that are not fair to children or in their best interests. It is time that the children’s voice were heard.

The teachers’ unions (and educationalists) backed the shift of emphasis but the DUP and the grammar lobby were unmoved.243

These comments presaged an announcement244 in the assembly—made apparently without seeking advice from departmental officials—in which the minister confirmed that 2008-09 would be the last year of the transfer test. Flanked by her party leader, Gerry Adams, on one of his rare appearances in the chamber—indeed Mr Adams has largely disappeared from public view since SF’s poor showing in the Dail election of May 2007, in part attributed to his out-of-touch TV performance—Ms Ruane insisted that she was concerned to deliver ‘a world class education system reflecting the needs of all our children equally’.

The ministerial statement was entitled ‘Outline of a Vision for our Education System’ and it remained just that. The ‘outdated concept of the two-tier education system’ had no place in this vision, she said, proposing 14 years as the point of transition into a more ‘flexible and agile’ range of schools catering for a range of educational pathways: professional, technical and academic. At the age of 11, at the point of transition to post-primary education, pupils would transfer ‘on the basis of preference for certain schools’ on the undefined criteria of ‘community, geography and family’.

Ms Ruane fired a warning shot at Northern Ireland’s grammar schools. Should certain schools devise independent admission tests or standards that lay outside her proposed system of transfer, there would be ‘no obligation on the Department to assist with funding’.

Unsurprisingly, the statement proved divisive. Spokespersons for the UUP and DUP fulminated against Ms Ruane’s rudimentary affirmation and made clear their commitment to a selection-based system, in the process charging that an area-based approach to schools would result in a postcode lottery—an uncharacteristic unionist adoption of the ‘equality agenda’—and hence an increase in house prices in the

244 DE news release, 4 December 2007.
vicinity of popular schools. To this the minister’s response was: better a postcode lottery than a ‘life lottery’.

It was an ill-tempered debate, and the ire of her opponents grew as she hinted that the reform proposals might come to the assembly in the form of a regulation rather than primary legislation, interpreted by some as an attempt to railroad the changes through the house. At St Andrews, however, in October 2006, new procedures were put in place at both the executive level and within the assembly, to prevent ministers going on solo policy runs; in effect, there are new brakes on the policy and legislative wheels. Ms Ruane’s proposals seemed likely to trigger those brakes, suggesting a long and bruising battle ahead which could result in an impasse and even greater confusion in the post-primary sector. It subsequently was claimed that 25 grammar schools had signed up to the Association for Quality Education plan for a breakaway selection test.

The DUP finance minister, Mr Robinson, insisted in an assembly answer to Basil McCrea of the UUP that a decision remained to be made by the executive, in line with the Ministerial Code. Meanwhile, in an indication that the DUP was determined to drive Northern Ireland back to the future under devolution, Ms Ruane’s department responded to pressure from that party in the assembly by saying schools could explore creationism if they liked.

11.2 Irish-language legislation

Another divisive item on the executive’s agenda was the Irish language, more precisely the means of embedding it in Northern Ireland. At St Andrews in October 2006, London and Dublin had endorsed the introduction of an Irish Language Act, a commitment apparently made to the SF delegation at the talks. Such legislation became a devolved matter, however, when not one but two consultations were

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245 A further sign of the looming battle came in a subsequent debate on the statement. The house supported _nem con_ a UUP motion calling on the minister to detail and clarify her proposals and, among other things, to outline how they would ‘avoid selection by postcode’—_Official Report_, 11 December 2007.


249 The temper of the debate was soured in advance when David McNarry (UUP) tabled a motion in the assembly which objected to a proposed Irish Language Act and which called on the first and deputy first ministers to request all other ministers to refrain from the use of the language in the chamber and in written communications with MLAs—_Official Report_, 9 October 2006. The debate, which veered from good to ill temper, and which prompted the use of both German and Ullans—the latter employed fleetingly by Gerry Kelly, SF’s junior minister—led to the defeat of the motion by 46 votes to 44.

250 There was, however, no reference in the St Andrews Act 2006 to Irish-language legislation.
organised under direct rule and the issue fell conveniently into the in-tray of the new DUP minister for culture, arts and leisure, Edwin Poots, who announced that he was ‘unpersuaded that there is a compelling case for introducing Irish language legislation at this time’.

Mr Poots’ announcement caused outrage among SF and SDLP members and prompted the SF president, Mr Adams, to remark, in a somewhat menacing way, that ‘one way or another there will be an Irish language Act’. The minister, however, was unmoved. He argued that on a number of grounds, including cost, the absence of consensus and the alleged potential to undermine community relations—though a magnanimous bill from his quarter might have done something to mend them—he was minded to take a non-legislative route to the protection and development of the language. He said he would work with the committee shadowing his department, chaired by Barry McElduff of SF, and his ministerial colleagues to find an agreed way forward. Rather like the transfer test, this issue had the hallmarks of a political accident in the making.

11.3 Rural planning

The environment minister, Ms Foster, also responsible for the local government review (see local government section) chaired a second executive sub-committee, established to review rural planning—another controversial matter. Her direct-rule predecessor, Shaun Woodward, as the minister with responsibility for regional development, had issued draft planning guidance, known as PPS 14, in March 2006, to address the development pressure on rural areas, including the pepper-pot erection of single dwellings on farm land, which in sum was exerting adverse environmental impact across the region.

A judicial review challenging draft PPS 14 had been lodged, with Justice Gillen concluding that the Department for Regional Development did not have the statutory power to prepare and issue the draft. This prompted Ms Foster to announce that her Department of Environment was now assuming responsibility for draft PPS 14 and its review. In addition, she decided to reissue the policy provisions of the draft, taking comfort from Justice Gillen’s comment that had it been issued by the DoE ‘the contents might well have been unobjectionable’.

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252 Ibid.
The issue was highly contentious, with PPS 14 being opposed, tooth and nail, by (among others) SF. The minister, via the executive sub-committee, was to bring forward the fruits of the review by April 2008 and put out the revised policy for consultation.

An environmentally-conscious MLA in one of the major parties confided his concern that his colleagues did not share his sensitivities. He feared that under devolution they would ‘trash’ the region.
Bibliography

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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.

Three times per year, the research network produces detailed reports covering developments in devolution in five areas: Scotland, Wales, Northern Ireland, the English Regions, and Devolution and the Centre. The overall monitoring project is managed by Professor Robert Hazell and Akash Paun at the Constitution Unit, UCL and the team leaders are as follows:

Scotland:  Prof Charlie Jeffery & Dr Nicola McEwen
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All devolution monitoring reports are published at: [www.ucl.ac.uk/constitution-unit/research/devolution](http://www.ucl.ac.uk/constitution-unit/research/devolution). Contact Akash Paun on a.paun@ucl.ac.uk for further information.
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Acronyms

APNI  Alliance Party of Northern Ireland
BIC  British-Irish Council
BIIPB  British-Irish Inter-Parliamentary Body
BIIC  British-Irish Intergovernmental Conference
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
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
PIG  Programme for Government
PSNI  Police Service of Northern Ireland
SDLP  Social Democratic and Labour Party
SF  Sinn Féin
UDA  Ulster Defence Association
UUP  Ulster Unionist Party
UVF  Ulster Volunteer Force
Executive Summary

As the tenth anniversary of the Belfast agreement passed in April, the final brick in the architecture, as seen in London and Dublin—the proposed devolution of policing and justice powers in May—remained stubbornly detached. The Northern Ireland Office published a draft bill to make the point and Sinn Féin stood by the target date, whereas the Democratic Unionist Party reiterated that it had secured a veto.

Northern Ireland’s ‘troubles’ continued to overhang. A debate in the assembly on dealing with the past saw vicious exchanges, with a unionist MLA suggesting that a no-holds-barred ‘war’—one suggested label for the conflict—would have denuded the SF benches of some of its members. The SF deputy first minister, Martin McGuinness, meanwhile volunteered that he would have killed every British soldier he could after Bloody Sunday. He and the DUP first minister, Rev Ian Paisley, having for months been unable to agree on the appointment of a victims’ commissioner, decided to appoint four.

Mr Paisley has persuaded himself that he did ‘smash’ SF, as he had pledged in the past to do, but a by-election in staunchly Protestant territory demonstrated that his smiling double act with Mr McGuinness, as if the ‘troubles’ had never happened, was going down very badly with DUP voters. Embarrassed also by the clientilistic behaviour with regard to a party-member property developer of his son and junior minister, Ian Paisley Jr, which occasioned the latter’s resignation, he announced he would step down too after a US investment conference in May. Peter Robinson, long Mr Paisley’s deputy, stepped forward to fill his party and political offices.

SF had its own problems, including an opinion-poll slump. Following a stormy debate, the assembly called on the party’s embattled education minister, Caitriona Ruane, to provide detailed proposals on the abolition of the ‘11-plus’, due after the coming school year, amid mounting anxiety among parents and teachers of primary children. She and her DUP shadow as education committee chair, Sammy Wilson, traded accusations.

The Programme for Government of the devolved administration was agreed, but only after the SDLP, minus its minister, voted with Alliance against the document, which carried Mr Robinson’s clear stamp—a do-little programme which allowed the regional rate to be frozen in his budget. Following criticism of the shelving of the anti-sectarian
policy, *A Shared Future*—the executive having substituted an economic emphasis on ‘a better future’—the revised programme promised in tortuous prose ‘a shared and better future’.

While the London media marked the agreement anniversary with much uncritical space for the self-congratulatory account of the ‘peace process’ by the former Downing Street chief of staff, Jonathan Powell, at home the coverage was much more downbeat. The day after he had announced his own resignation—precipitated by chaotic admixing over the years of his personal and political finances—the taoiseach, Bertie Ahern, said that ‘the scourge of sectarianism is still all too evident’ and that the ‘peace walls’ represented ‘an affront to our aspiration for a peaceful democratic society’. The walls in the head were still in evidence at Stormont too.
Chronology of Key Events (January to April 2008)

28 January  Northern Ireland Assembly passes revised Programme for Government, with SDLP joining Alliance in opposing.

18 February  Ian Paisley Jr announces his resignation as OFMDFM junior minister.

19 February  First and deputy first minister, Rev Ian Paisley and Martin McGuinness, travel to Scotland to reciprocate meeting with first minister, Alex Salmond, when he visited Belfast in June 2007.

26 February  Jeffrey Donaldson is appointed by DUP a junior OFMDFM minister; budget bill completes its legislative passage.

4 March  Mr Paisley Sr announces he will resign as first minister and DUP leader after investment conference in May.

2 April  Bertie Ahern announces he will resign as taoiseach and leader of Fianna Fáil in May.

16 April  First plenary meeting of British-Irish Council since Northern Ireland's devolved institutions collapsed in October 2002.
1. The ‘Peace Process’

Rick Wilford and Robin Wilson

1.1 Introduction: arrivals and departures

It is a rule of thumb for urban public transport users that, having waited an age for a bus to appear, three arrive in quick succession. This rule, it seems, also applies to resignation from political office on the island of Ireland, for during the survey period three departures were announced.

One had immediate effect: Ian Paisley Jr resigned as a junior minister in the Office of the First Minister and Deputy First Minister, amid allegations of inappropriate lobbying and clientelism in connection with a proposed Giant’s Causeway visitor centre. The other two were signalled in advance: the first minister and Democratic Unionist Party leader, Rev Ian Paisley, flagged in February his resignation from both positions, with effect in May or June, following unrest within his party; and the taoiseach, Bertie Ahern, said he would leave the political stage in May, as he faced growing challenges, at a tribunal investigating planning matters and payments, to his account of his personal finances while finance minister in the early 1990s. Coupled with the departure of Tony Blair, announced in May 2007 just after the prime minister basked in the renewal of devolution at Stormont, this meant that most of the key players involved in putting together the Belfast agreement had departed, or were about to depart, the political scene after a decade of serpentine political negotiations.

The tenth anniversary of the agreement, marked by a rather low-key ‘symposium’ involving some talks veterans at the Waterfront Hall in Belfast—Mr Blair and former US president Bill Clinton were noticeably absent, while the event was boycotted by the DUP—was thus bracketed by a changing of the political guard. Mr Paisley Jr was replaced on 26 February by the Ulster Unionist Party defector, now DUP MP and MLA for Upper Bann, Jeffrey Donaldson. Subsequently the DUP’s assembly group and later its executive chose the finance minister and DUP deputy leader, Peter Robinson, to succeed Mr Paisley Sr in his party and governmental positions, while Fianna Fáil endorsed Brian Cowen, also finance minister, as Mr Ahern’s successor in the same terms. Neither impending vacancy prompted a contest among rival

leadership contenders: the Robinson and Cowen successions were, in effect, coronations, not dissimilar to the transition from Mr Blair to Gordon Brown.

New political dynamics were thus ushered in in Northern Ireland: Mr Robinson would have to effect a working relationship with Martin McGuinness, the Sinn Féin deputy first minister, and both would need to readjust to the arrival of Mr Cowen as taoiseach. This was unlikely to evolve into a political love triangle: the ‘Chuckie Brothers’ caricature of the Paisley-McGuinness dual leadership was quickly supplanted vis-à-vis the new OFMDFM duo by the ‘Brothers Grim(m)’, and Mr Cowen is something of a political slugger, especially in relation to SF.\(^2\)

The change at Northern Ireland’s top table would lead to a reshuffle among the DUP’s ministers, with Nigel Dodds to succeed Mr Robinson, again in both his roles, leading in turn to a vacancy at Enterprise, Trade and Investment. Mr Robinson was likely to take the opportunity to dump those of a more Paisleyite, tendency, including Edwin Poots at Culture, Arts and Leisure, who had provoked the nascent first minister’s ire in favouring the Maze prison site as the venue for a proposed sports stadium.

The stadium had been envisaged under direct rule as a project which on a site with an iconic ‘troubles’ resonance would bring together football and rugby, traditionally associated mainly with the Protestant community, and Gaelic sports, played almost exclusively by Catholics—as well as providing a ‘conflict transformation’ centre, a nod to the Robben Island image of the prison the republicans wanted to purvey. The DUP faithful were appalled at the prospect of such a ‘terrorist shrine’ and Mr Robinson’s opposition to the project, doubtless to be presented in financial terms, was made plain in advance of an announcement.\(^3\)

The Maze imbroglio was only one of a number of wicked and divisive issues. Equally vexatious, because of the way the debate had become so charged by sectarian affiliation, was the stand-off over the future of academic selection (see public policies section). And there seemed no prospect at time of writing of the devolution of policing and criminal justice before the end of May, the month set as the target in the St Andrews agreement of October 2006 which led to the renewal of devolution a year earlier.

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\(^2\) Mr Cowen’s nickname is ‘Biffo’, an acronym for ‘Big Ignorant F…er From Offaly’.

\(^3\) H. McDonald, ‘Minister to bar national sports stadium at Maze’, Guardian (2 May 2008).
1.2 Policing and justice

The taoiseach, Mr Ahern, and the prime minister, Mr Brown, met in Manchester in February, agreeing that the time was right for policing and justice to be devolved, but the DUP deputy leader, Mr Robinson, said this wouldn’t happen while the IRA army council existed and the assembly—in which the DUP could exercise an effective veto under the Belfast agreement arrangements for ‘cross-community support’, reinforced by St Andrews—would decide. The SF president, Gerry Adams, said devolution of policing and justice was inevitable but the DUP leader, Mr Paisley, insisted on the ‘triple lock’ (requiring consent in the assembly, executive and Parliament) which his party had secured before the measure could pass.

The Northern Ireland Office was keen to publicise the results of an opinion survey it had commissioned, showing majority support for devolution by May 2008. But the report of the assembly committee charged to explore the timing, scope and modalities of the transfer contained little that was agreed, save for the restated commitment in principle to devolve powers and for this to be to a single department. Whether there should be a single minister, joint ministers or a minister and a junior minister remained undecided.

In the face of deadlock, politics moved from discussions at Stormont into the ‘peace process’ mode of representations in London and Dublin, with the associated language of antagonism and veiled threat. At the SF ard fheis in Dublin, Mr Adams said the future of power-sharing would be very largely decided by whether the DUP fulfilled ‘its responsibilities and obligations’ in terms of devolution of policing and justice and an Irish-language bill. But Mr Paisley insisted he had never signed up for the May deadline.

Following a meeting between the taoiseach, Mr Ahern, the republic’s foreign minister, Dermot Ahern, and Messrs Adams and McGuinness, the latter warned of ‘a real
challenge for the Irish and British governments and for the process’. In hope rather than expectation, the Northern Ireland secretary, Shaun Woodward, published draft legislation for devolution of policing and justice—which the US president, George W Bush, was subsequently to back during the traditional handover of shamrock on St Patrick’s Day in the White House by the taoiseach.

But the enterprise minister, Mr Dodds, insisted it would only happen when the DUP said so, adding for good measure that the Irish-language bill had been consigned to the ‘dustbin’. In return, his ministerial colleague at Regional Development, Conor Murphy, addressing the republican movement’s commemoration of the Easter rising in west Belfast, warned the DUP: ‘If you think by being belligerent and abusive, republicans will simply shrug our shoulders and give up on things which are important to this community, then you had better think again. If you want to do battle on these issues then so be it[;] we are well used to lengthy struggle.’

Nor was there any sign of inter-party agreement on a bill of rights—initially placed on the agenda by the Belfast agreement fully a decade earlier. A Bill of Rights Forum, established in December 2006 by the then Northern Ireland secretary, Peter Hain, in the wake of St Andrews, reported during the period, leading to an assembly debate on 8 April. This proved to be heated, exposing the rift between unionists and nationalists over the scope of the proposed bill and the requirement for cross-community support for its terms.

1.3 Troubled memories

But the most visceral divisions appeared over the vexed question of ‘dealing with the past’. During the period the consultative group established under direct rule by Mr Hain, led by two former clerical figures, Robin Eames (Anglican) and Denis Bradley (Catholic), and due to report in the summer, allowed two ideas which apparently originated with the Mr Bradley to float into the public domain. These were an amnesty for offenders to encourage them to come clean on their activities and acceptance by the British government that it had been involved in a ‘war’ with the IRA. They were predictably denounced as morally repugnant by unionists of all hues. But the SDLP leader, Mark Durkan, also said the group’s proposals should be ‘victim-centred’

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12 G. Moriarty, ‘Sinn Féin and DUP hold talks in move to defuse growing tensions’, Irish Times (12 March 2008).
rather than fixing things for the ‘victim-makers’\textsuperscript{14} and prominent victims themselves were angered by the amnesty suggestion.\textsuperscript{15}

The first minister, Mr Paisley, declared: ‘As a unionist I have no doubt that the terror campaign waged against the people of Northern Ireland was terrorism and not a war.’\textsuperscript{16} As the argument spilled on to the assembly floor it was marked by vicious exchanges, with the right-wing UUP MLA David Burnside suggesting there might have been fewer members on the SF benches if the British army had indeed been allowed to behave as if the ‘troubles’ were a ‘war’. For SF, Francie Molloy suggested, in a telescoped historical excursus, that the British had been fighting a ‘war’ in Ireland for 800 years.\textsuperscript{17}

The deputy first minister, Mr McGuinness, added fuel to the fire by volunteering that he would have killed every soldier he could after ‘Bloody Sunday’ in Derry in 1972. Later, a BBC programme fronted by the respected journalist Peter Taylor placed Mr McGuinness in the frame as northern commander of the IRA when it authorised the bomb attack on the Enniskillen remembrance-day commemoration in 1987, in which eleven people were killed.\textsuperscript{18}

A furore meanwhile grew at Stormont over a republican commemoration, planned for the Long Gallery, of the IRA member Mairead Farrell who had been shot dead by the SAS in Gibraltar in highly suspicious circumstances 20 years earlier. Mr Paisley made clear his opposition to ‘any commemoration of murderers’.\textsuperscript{19}

Disallowed access to the gallery, the republican movement organised the event in its west Belfast redoubt. There Mr Adams warned the DUP against picking ‘sham and phoney fights with Sinn Féin’. Reinvesting in an old rhetoric of ghetto opposition, he said that ‘republicans have been banned and censored and excluded before: banned as a political party; banned from our city centre; banned from the airwaves; banned and demonised and vilified, and we came through it all.’\textsuperscript{20}

\textsuperscript{14} D. Keenan, ‘Victims groups oppose amnesty for paramilitaries’, \textit{Irish Times} (9 January 2008).
\textsuperscript{15} L-A Henry, ‘Victims left outraged at amnesty plan for killers’, \textit{Belfast Telegraph} (9 January 2008).
\textsuperscript{16} ‘Merger of North’s four health boards to save €70m’, \textit{Irish Times} (5 February 2008).
\textsuperscript{17} N. McAdam, ‘MLAs in uproar over calling Troubles a “war”’, \textit{Belfast Telegraph} (19 February 2008).
\textsuperscript{18} ‘The age of terror: ten days of terror’, BBC2 (22 April 2004).
\textsuperscript{19} G. Moriarty, ‘Paisley to name replacement in son’s role today’, \textit{Irish Times} (26 February 2008).
The most objective comment on all this came from another respected journalist, Ed Moloney—uniquely the author of books about both Mr Paisley and the IRA—at the launch of his latest text, *Paisley: From Demagogue to Democrat*. Mr Moloney questioned why the DUP and SF, ‘with arguably the most responsibility in perpetuating the Troubles[,] were the ones who were rewarded when it ended’.

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2. Devolved Government

Rick Wilford and Robin Wilson

2.1 Victims of division

Strains within the Executive Committee remained evident during the period, as the row over the appointment of a victims commissioner continued to resound. In the last monitoring report,\(^23\) we had reported on fears that the first and deputy first ministers, might resolve their inability to agree on an appointment from the shortlist offered to them, following a public-appointments procedure begun under direct rule, by appointing two commissioners instead of one—one for Protestant victims and one for Catholic victims. This speculation turned out to be misplaced: in late January Messrs Paisley and McGuinness announced they would appoint four commissioners—two Protestants and two Catholics—and each on the original £65,000 salary envisaged.\(^24\)

That, inevitably, only created a new impasse: should there then be a chief commissioner, should the four commissioners-in-waiting divide the labours or should a (perhaps titular) post be rotated among them? They could do nothing anyway with statutory underpinning, as it emerged that the direct-rule legislation establishing the post would need to be replaced to accommodate the failure to agree on a single appointee.\(^25\)

On 22 April, the consideration stage of the Commission for Victims and Survivors Bill had been scheduled but it was withdrawn pending a statement from the OFMDFM.\(^26\) This was the second time the legislation had been withdrawn at the eleventh hour—confirming the impression of a serious difference between the DUP and SF over the detail of the proposals. The office was to insert a number of amendments in the bill, which was due to return to the assembly in May. Whether it would however then command the support of the house was by no means given.


\(^24\) “Shock as FOUR new victims commissioners are appointed”, *Belfast Telegraph* (26 January 2008). The four were: Brendan McAllister, Patricia MacBride, Bertha McDougall and Mike Nesbitt—*Official Report*, 28 January 2008. There was a further row over the self-defined biography of Ms MacBride, which referred to the bereavement of her brother as an IRA member killed ‘on active service’.


Underlying the dispute was a gulf of mutual incomprehension over what constituted a ‘victim’—itself a proxy for the ‘war over memory’ as to whether the ‘troubles’ should be interpreted as an IRA ‘terrorist’ campaign against the state or the product of a British ‘imperialist’ occupation of Northern Ireland in collusion with loyalist paramilitary forces. Republicans favoured a collective designation of all those who died, avoiding, to Protestant horror, any issue of individual responsibility—even including perpetrators as victims. Unionists insisted, by contrast, that only ‘innocent’ victims should be so designated, rejecting any recognition of those killed by the ‘security forces’ and downplaying loyalist killings (and collusion) by comparison with those by the IRA—in turn incurring Catholic incomprehension that one human life should be valued above another, depending on who the perpetrator happened to be.

Those working in support of victims testify that the bereaved and the otherwise mentally and physically scarred continue to come forward and psychological difficulties are experienced by the successor generation. The lengthy and politicised process of the appointment of a victims commissioner—originally envisaged in a 1998 report by a former head of the civil service as a champion to give victims a public voice—will have done little to heal those scars.

2.2 Programme for Government

Debate continued during the period on the first draft Programme for Government of the new administration, which could most charitably be described as concise. Particular criticism focused on the shelving of the direct-rule policy on ‘community relations’, A Shared Future.

In January, five north Belfast Protestant clergy wrote to the unionist-oriented News Letter, complaining of the failure of the executive to tackle sectarianism. They wrote: ‘We have poor inter-community relationships, effective apartheid in housing across our villages, towns and cities; community division (exemplified in, but not confined to the physical structures of peace walls); slow pace of reconciliation; sectarianism and fractured educational provision. Our real angst is that a suggested programme for government almost totally fails to acknowledge these profoundly

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27 G. Dawson, Making Peace with the Past? Memory, Trauma and the Irish Troubles (Manchester: Manchester University Press, 2007).
difficult issues exist.’ The response from the DUP junior minister in OFMDFM, Mr Donaldson, was that power-sharing was the ‘shared future’—an interpretation which seemed to confuse politics as means with the ends it aimed to realise.

In a change which would have brought a wry smile from Orwell, the draft programme had significantly replaced the language of ‘a shared future’ with ‘a better future’, in line with its prioritisation of the economy—a much more convivial focus for members of the political class than the challenge of tackling the communal divisions in which they were so deeply implicated. The revised PfG published by Messrs Paisley and McGuinness, introduced the clumsy circumlocution of ‘a shared and better future’.

The foreword still stressed, however the subordination of social concerns: ‘Growing the economy is our top priority.’ And the document itself indicated that most changes made had been ‘to the detail of the Public Service Agreement’.

The SDLP, bar the party’s minister, Ms Ritchie, joined Alliance in voting against the programme, passed by 60-24 in the assembly.

The document still contained no policies as such (as distinct from aspirational targets and individual actions). A document analysing responses to the draft reflected concerns not only about the absence of A Shared Future but also the lack of an anti-poverty strategy, following the binning of the direct-rule version there too, Lifetime Opportunities. The revised programme promised that these policies would follow.

It was strongly criticised too on environmental grounds, including for the associated removal from the budget of household assistance with solar-energy micro-generation. Declan Allison of Friends of the Earth said: ‘Unfortunately the Programme for Government is taking us in the wrong direction. The Reconnect grants for installing renewables are to end and the requirement to include renewables in all new homes has been scrapped. The Executive has thrown away an opportunity

31 Good Morning Ulster, BBC Radio Ulster (14 January 2008).
33 ibid., p. 4.
34 ibid., p. 2.
35 ibid., p. 22.
to tackle fuel poverty, combat climate change and stimulate the market in domestic renewable energy technologies.\textsuperscript{38}

During the period, meanwhile, a coalition of environmental pressure groups published support from 21 high-profile individuals, including business and voluntary sectors leaders and the chair of the Sustainable Development Commission, Jonathan Porritt, for an independent environmental protection agency.\textsuperscript{39} They lobbied the assembly’s Environment Committee, pointing out that such a body had been called for in reports going back to 1962. Northern Ireland is the only jurisdiction in these islands to lack an EPA.

But the DUP environment minister, Ms Foster, who has a rural constituency in the west of Northern Ireland, was not encouraging. She said: ‘It's a huge issue and I know there's a lot of NGO support for an EPA. There’s also a great deal of suspicion in the farming community about added regulation so I have to listen to all sides as the minister and make a decision as to what to do. I don’t buy the argument that just because everybody else has one, we need one.’\textsuperscript{40}

2.3 Ministerial change

Ms Foster had earlier announced that she was rejecting the proposal by the property developer Seymour Sweeney, a member of her party, for a visitors’ centre at the Giant’s Causeway on the north Antrim coast, because of its ‘adverse impact’ on the site.\textsuperscript{41} It emerged in documents made available to the Environment Committee that planners had advised against the Sweeney proposal in these terms in June 2007, three months before the minister had said she was ‘of a mind’ to support it.\textsuperscript{42}

The proposal had been promoted by her ministerial colleague and North Antrim MLA Ian Paisley Jr. It further emerged that he (and his father) paid taxpayer-covered rent on a constituency office to a company which was currently controlled by his father-in-law and originally controlled by Mr Sweeney.\textsuperscript{43}

\textsuperscript{38} L. McKee, ‘Winds of climate change’, \textit{Belfast Telegraph} (20 February 2008).
\textsuperscript{39} D. Gordon, ‘Call grows for a new environmental regulator’, \textit{Belfast Telegraph} (1 February 2008).
\textsuperscript{40} L. McKee, ‘The time is right for green agency say campaigners’, \textit{Belfast Telegraph} (21 February 2008).
\textsuperscript{42} D. Gordon, ‘DoE planners were against causeway visitor centre plan’, \textit{Belfast Telegraph} (6 February 2008).
\textsuperscript{43} D. Gordon, ‘New row builds pressure on Jnr’, \textit{Belfast Telegraph} (18 February 2008).
In February Mr Paisley Jr resigned as junior minister in OFMDFM, but he was unrepentant. He said: ‘Unlike my critics, I believe in putting my constituents first. Working for their interests is something I believe I can do with more success from the back benches, than from the current position I hold as a junior Minister.’\textsuperscript{44} A few days later it was reported that Mr Paisley Sr was being investigated by the parliamentary standards commissioner, John Lyon, over payments to his son amounting to £9-11,000 per year for assistance.\textsuperscript{45}

Jeffrey Donaldson replaced Mr Paisley Jr in OFMDFM.\textsuperscript{46} Indicating his disposition, he said he was ‘not here to cosy up to Sinn Fein’.\textsuperscript{47}

\textsuperscript{44} ‘Statement by Ian Paisley jnr’, \textit{Irish Times} (19 February 2008).
\textsuperscript{45} D. Gordon, ‘Paisley is facing Commons inquiry’, \textit{Belfast Telegraph} (21 February 2008).
\textsuperscript{46} OFMDFM news release, 26 February 2008.
\textsuperscript{47} G. Moriarty, ‘Donaldson to keep his distance in dealing with SF’, \textit{Irish Times} (27 February 2008).
3. The Assembly

Rick Wilford

3.1 Legislation

The major executive bill to complete its passage (on 26 February) was that endorsing the budget. Three other bills were granted royal assent during the survey period: the Pensions Bill (11 February), the Health (Miscellaneous Provisions) Bill (26 February) and the Taxis Bill (22 April); none was contentious. The assembly considered the Charities Bill, thus far the most technically-complex legislation to come before the house—so much so that the Social Development Committee sought and was granted an extension to the committee stage (12 February).

The assembly also considered the Building Regulations Bill, the Public Health (Amendment) Bill, the Carers Allowance Bill, and the Local Government Boundaries Bill. Among other things, this last dealt with the reduction to 11 of the region’s district councils (see local government section). Its second stage (debated on 22 April) followed the previous day’s decision to grant the bill accelerated passage as proposed by the environment minister, Ms Foster. The proposal divided the chamber and the Environment Committee—many MLAs believing that such an important piece of legislation should not be rushed.

Other legislation included two reserved matters referred by the Northern Ireland secretary, the Draft Criminal Justice Order (28 January) and the Draft Sexual Offences (Northern Ireland) Order (4 February). The first, according to the chair of the ad hoc committee which considered it, represented ‘the largest criminal justice Order ever introduced in Northern Ireland’. Its scope and complexity, and the extreme time constraints under which ad hoc committees generally operate, reinforced the case for the devolution of policing and criminal justice, to enable more protracted and exacting scrutiny of such proposals.

3.2 Debates

The unlikelihood of that occurring in the foreseeable future became further evident during a debate on ‘private armies’, initiated by David McNarry (UUP). As he put it

in opening, ‘how can we contemplate the devolution of policing and criminal justice if the private army of republicanism still exists in any potentially operational form, with its command and control structures intact?’ It was a rhetorical question: unionist members took every opportunity to goad SF MLAs throughout the ill-tempered affair, though the latter gave as good as they got in respect of loyalist paramilitaries. Several diehard DUP members made it abundantly clear, as William McCrea put it, that ‘if SF or any other group imagine that somehow, in May or October, policing and justice powers will be devolved, they are up a gum tree’. He went on: ‘There will be no movement on that issue until all paramilitary organizations are … destroyed.’

Similarly rough were debates during the period on the ‘reclassification of the terrorist campaign’ as a ‘war’ (see ‘peace process’ section), arising from the work of the Eames-Bradley consultative group on the past (18 February and 10 March); the murder by IRA members of Paul Quinn in south Armagh (19 February); and the future of academic selection (25 February and 4 March). The education minister, Caitriona Ruane, was the special target of unionist members, who took every opportunity to criticise her performance on this matter (see public policies section)—

This was not least at question time (especially on 10 March and 21 April), when it was evident that Ms Ruane’s relations with the Education Committee had reached a nadir and that she was determined to push ahead with the ending of the transfer test. As to the committee, one of whose roles was to advise and assist, Ms Ruane brusquely averred: ‘I have yet to see any evidence of that.’ On the substantive issue, she was adamant: ‘People can wriggle on a hook, bay at the moon and howl at the wind, but change must and will come.’

3.3 Committees

Perhaps the most significant committee report was that on the devolution of policing and criminal justice, published by the Assembly and Executive Review Committee (26 February), albeit reporting little progress. None of the statutory committees produced a report relating to a current inquiry, though a large number were in the pipeline, many of which should appear during the next survey period. The (standing) Public Accounts Committee had published six reports since the beginning of the year at time of writing, two of which—on benefit fraud and a job evaluation scheme in the

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50 ibid.
51 Official Report, 10 March and 21 April.
education and library boards—were especially critical of the relevant departments (respectively, Social Development and Education).

The Procedure Committee’s report on committee systems and structures had been drafted. If the mood at the evidence session attended by the author were to be matched by the recommendations, its ramifications could be radical—with much greater use of sub-committees, the adoption of a *rapporteur* system and a reduction in the size of the statutory committees (each eleven-strong) on the horizon.

One development was the appearance on the assembly’s website of the unofficial Chairpersons’ Liaison Group, roughly akin to Westminster’s Liaison Committee and the Conveners Group in the Scottish Parliament. Unlike these two bodies, however, the Northern Ireland group has not published a legacy report (as is Scottish practice) or an annual report (as at Westminster). Indeed, one outcome of the Procedure Committee’s pending report might be to put the CLG on a formal footing and require it to publish an annual report or at least a legacy report reflecting on each four-year mandate.
4. The Media

Robin Wilson

4.1 End of a dynasty

The big story of the period was the demise of the Big Man—the fundamentalist preacher, DUP founder and, latterly, first minister, who had acted as Northern Ireland’s principal sectarian protagonist for decades. Defeat for the DUP in a council by-election in Dromore, Co Down, where transfers from a ‘Traditional Unionist Voice’ candidate let in the UUP runner, led the media to focus on Mr Paisley’s political longevity.

The Belfast Telegraph reported that DUP workers had ‘faced quite a tough time on the doorsteps’ and that the result would enhance unease among the party rank and file. The Irish Times linked the election result to Mr Paisley having earlier been required to step down as moderator of his Free Presbyterian Church, fundamentalist unionist revulsion at the sight of him grinning with the deputy first minister, Mr McGuinness, ‘as if the Troubles had never happened’ and speculation (in that paper) as to whether Mr Paisley would contest his Westminster seat next time. The Sunday Tribune reported that senior party figures were prepared to urge him to declare by the autumn at the latest that he would stand down, with pressure also for a cooler relationship with Mr McGuinness and questions as to the fitness for office of his son, Ian, his junior (literally) in the OFMDFM.

The resignation days later by Mr Paisley Jr was in turn seen as a lightning rod for his father, though his nomination to the Policing Board to replace Mr Donaldson, who replaced him in the OFMDFM, was ‘seen as a defiant step’ by Mr Paisley Snr, according to the Irish Times. DUP sources were reported in a lead in the paper as suggesting he would step down in the weeks or months following the investment conference due in May. The Belfast Telegraph also reported ‘intensified’ speculation over the future of Mr Paisley Sr. The Irish Times said a ‘small group’ of key DUP figures had gone to him in recent weeks to urge ‘a smooth and orderly transition’ in leadership, with the deputy leader, Mr Robinson, seen as the

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52 N. McAdam, ‘Unionist camps to examine poll result’, Belfast Telegraph (15 February 2008).
55 D. Keenan, ‘Ian Paisley jnr nominated by his father to policing board’, Irish Times (1 March 2008).
56 G. Moriarty, ‘Pressure on Paisley as son steps down as minister’, Irish Times (19 February 2008).
57 N. McAdam, ‘Focus now on future of Ian Senior’, Belfast Telegraph (19 February 2008).
overwhelming favourite for the succession.\textsuperscript{58} The Guardian had a ‘senior government source’ saying: ‘It is now expected that Ian Paisley will be gone by May.’\textsuperscript{59}

Within a fortnight, when Mr Paisley bowed to the inevitable, his resignation announcement attracted UK-wide and international coverage. The Guardian cited the prime minister, Mr Brown, saying, with a strong dose of historical revisionism: ‘Ian Paisley has made a huge contribution to political life in Northern Ireland and the United Kingdom. The whole country values and admires the manner in which he has led as first minister.’ The report quoted Mr Paisley himself saying he had only accepted power-sharing with SF ‘because it was the only thing to do to save us from a United Ireland’ which he said ‘was what the British government threatened’.\textsuperscript{60} The New York Times reported on the ‘flow of valedictory compliments from British and Irish political leaders’, citing Mr Blair: ‘The man famous for saying no will go down in history for saying yes.’\textsuperscript{61}

The Irish Times led with the story, and an avuncular, smiling Paisley snap from the Press Association, with Mr Ahern describing him, in equally florid terms, as ‘a giant figure in the history of these islands whose contribution sits with Carson and Craig in the annals of unionist politics’. More coolly, the paper reported that the days of the ‘Chuckle Brothers’ relationship between the first and deputy first ministers were over, with a more instrumental approach anticipated on the part of his successor, Mr Robinson.\textsuperscript{62}

In the Irish Times the London editor and sometime UUP chief executive, Frank Millar, argued the case for ‘some slight apprehension’ about what would follow, as the issue of the existence of the IRA would be back on the agenda. He wrote: ‘London and Dublin should not assume the new DUP leadership will consider itself tied even to a revised timetable for completing devolution by May of next year.’\textsuperscript{63} It fell in that paper to the former first minister, Lord Trimble, to puncture the balloon by saying, among comments from a range of figures on the departure: ‘One thing we can be sure of is that without Ian Paisley, there would have been a political settlement in Northern Ireland a generation earlier. And if Tony Blair had kept his promises to me at the time

\begin{itemize}
\item \textsuperscript{58} F. Millar, ‘Key DUP figures urge Paisley to set a date for retirement’, Irish Times (21 February 2008).
\item \textsuperscript{59} N. Watt, ‘Paisley to bow out of politics after pressure from party’, Guardian (21 February 2008).
\item \textsuperscript{60} H. McDonald, ‘Paisley to quit as first minister and DUP leader’, Guardian (5 March 2008).
\item \textsuperscript{61} J. F. Burns, ‘Era ends in N. Ireland as Paisley says he’ll retire’, New York Times (5 March 2008).
\item \textsuperscript{62} G. Moriarty and D. Keenan, ‘Paisley to stand down as First Minister and DUP leader’, Irish Times (5 March 2008).
\item \textsuperscript{63} F. Millar, “Big Man” acquits himself with dignity’, Irish Times (5 March 2008).
\end{itemize}
of the Good Friday Agreement, his (Paisley’s) political demise would have come a
decade ago.64

4.2 Champagne on hold

The other major story of the period was the tenth anniversary of the Good Friday
agreement. This was marked in markedly different ways in London and Belfast. The
publication of the account65 of the ‘peace process’ by Jonathan Powell, the former
Downing Street ‘chief of staff’, timed to coincide with the anniversary, dominated the
coverage in the capital, being serialised in The Guardian,66 the basis for a TV
documentary67 and leading to an interview with the author on Andrew Marr’s BBC
couch.68 Here the emphasis was on the relationship established between the British
state and the republican movement, represented as an unqualified success in
bringing peace—with Mr Powell even egregiously suggesting extending the principle
of negotiation to Al-Qaeda.

Coverage in Northern Ireland was rather different, and significantly more downbeat.
Here the focus was on the situation on the ground, which looked far from rosy, and
the devolved political arrangements, far from optimal.

The veteran journalist Denis Murray began a BBC Northern Ireland week on
Newsline 6.30 with the question as to whether the region had become even more
polarised since the agreement. He talked to a range of community workers who bore
out the extent of continuing division.69 Chris Buckler started his piece the next night
with the statement ‘Northern Ireland is still a divided society’. This led to an
exploration of the views of people living at the ‘peace walls’ which pockmark north
and west Belfast—more of them than ever. Closer to the anniversary, Declan Lawn
returned to his native Northern Ireland for Panorama, finding pervasive sectarianism
in Derry and Ballymena.70

As to the politics, BBC Northern Ireland interviewed the first SDLP deputy first
minister, Lord Trimble’s counterpart Séamus Mallon. Asked how he would mark the
anniversary, he sombrely replied: ‘I will be aware of it. I’m not a great one for

64 ‘The Paisley years’, Irish Times (6 March 2008).
66 Beginning on 17 March 2008.
68 BBC News Online (16 March 2008).
69 BBC Northern Ireland (17 March 2008).
70 D. Lawn, ‘Divide and rule’, Panorama, BBC1 (7 April 2008).
anniversaries.’ Asked further if he would change any aspect of the agreement, Mr Mallon urged a loosening of the institutional strictures agreed in 1998. He queried the necessity for communal designation in the assembly (as ‘nationalist’, ‘unionist’ or ‘other’) as long as rights were otherwise guaranteed, was concerned about the autonomy of individual ministers from the executive as a whole and favoured ‘healthier flexibility’ in government formation.\footnote{Mallon toasts Good Friday Agreement’, BBC News Online (18 March 2008).}

There was, of course, a celebratory event, which took place in a Belfast BBC studio (see ‘peace process’ section). But the Northern Ireland anchor of The Politics Show noted that the event had been organised by a US group, had been boycotted by the DUP, was attended by the SF leader, Gerry Adams, rather than the deputy first minister, Mr McGuinness, and betrayed a sheepishness on the part of the UUP and SDLP. The latter were, he said, victims of an agreement whose ‘very architecture’ had, ‘many have argued’, brought them ‘to the edge of oblivion’.\footnote{J. Fitzpatrick, ‘Seeing eye-to-eye on agreement’, BBC Online (12 April 2008).}
5. **Public Attitudes and Identity**

*Lizanne Dowds and Robin Wilson*

5.1 **Catholics still circumspect**

While constitutional preferences among the Northern Ireland public remained remarkably stable between 2001 and 2003, over the following two years, support for devolution among the Catholic population continued to grow. By 2005 nearly as many Catholics favoured devolution as unification with the rest of Ireland. But that changed in 2006 following the St Andrews agreement—as the results from the 2006 Northern Ireland Life and Times Survey indicated.  

It may be that the public perceived some ‘tweaking’ of political arrangements in favour of the Protestant community ‘over’ the Catholic community. Certainly, Catholic support for unification with the republic began to rise again at that time, as support for devolution correspondingly dropped. Among Protestants, meanwhile, support for devolution strengthened even further. The 2007 NILTS—carried out mainly during the final three months of 2007—allowed of another reading of public opinion a year on.

Note that this survey included a change of wording on one of the constitutional-preference questions which may also affect these figures to some extent. Ever since 1989, NILTS and its predecessor (the Northern Ireland Social Attitudes Survey) have run a forced-choice question asking respondents whether they thought the long-term policy for Northern Ireland should be to remain part of the UK or unify with the republic. Respondents were given no other explicit choices and if they wished to give another preference, such as ‘independence’, or ‘devolution’ or indeed something else, these ‘other’ answers were recorded *verbatim*. In 2001 a new and much more detailed question was introduced, listing six different options, including devolution with a parliament with tax-raising powers and devolution with an assembly only.

In 2007, it was felt that a new simplified question should be introduced as follows:

> Do you think the long-term policy for Northern Ireland should be for it …READ OUT…
> ...
> ...to remain part of the United Kingdom, with direct rule
> ...
> ...to remain part of the United Kingdom, with devolved government
> ...
> ...or to reunify with the rest of Ireland?

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73 L. Dowds 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](http://www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_April07.pdf), pp. 43-5.
Other answers were still recorded *verbatim*.

**Figure 1: Changing constitutional preferences 2001-2007 (%)**

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<td>NI should remain part of the UK with devolved government</td>
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<td>57</td>
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</tr>
<tr>
<td>NI should reunify with the rest of Ireland</td>
<td>21</td>
<td>17</td>
<td>17</td>
<td>23</td>
<td>23</td>
</tr>
<tr>
<td>Independent</td>
<td>10</td>
<td>9</td>
<td>11</td>
<td>6</td>
<td>5</td>
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<tr>
<td>Other answer</td>
<td>-</td>
<td>-</td>
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<td>1</td>
</tr>
<tr>
<td>Don’t know</td>
<td>13</td>
<td>11</td>
<td>10</td>
<td>9</td>
<td>5</td>
</tr>
</tbody>
</table>

As Figure 1 shows, the overall picture for 2007 had changed only marginally since 2006. Support for devolution remained fairly level at 55 per cent with support for direct rule rising to about one in ten. A steady 23 per cent remained in favour of a united Ireland, while only 5 per cent preferred independence.

**Figure 2: Changing constitutional preferences by religion 2001-2007 (%)**

<table>
<thead>
<tr>
<th></th>
<th>2001</th>
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<td>17</td>
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<td>1</td>
<td>2</td>
<td>3</td>
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<tr>
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<td>6</td>
<td>10</td>
<td>5</td>
<td>4</td>
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<tr>
<td>Other answer</td>
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<td>-</td>
<td>-</td>
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<tr>
<td>Don’t know</td>
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<td>8</td>
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<td>3</td>
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<td><strong>Catholics</strong></td>
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</tr>
<tr>
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<td>7</td>
<td>3</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>NI should remain part of the UK with devolved government</td>
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<td>Other answer</td>
<td>-</td>
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<td>1</td>
</tr>
<tr>
<td>Don’t know</td>
<td>13</td>
<td>15</td>
<td>10</td>
<td>13</td>
<td>7</td>
</tr>
</tbody>
</table>

Breaking down the headline figures reveals subtle changes in opinion within both the Protestant and the Catholic communities, as shown in Figure 2. By 2007 Protestant support for devolution had dropped from the massive 81 per cent in the wake of the St Andrews agreement to 72 per cent. A certain amount of scepticism may have set in during the subsequent year and there was a corresponding increase in support for
direct rule, rising 11 points from 6 per cent in 2006 to 17 per cent in 2007. Nonetheless, under a fifth of all Protestants supported that option and support for devolution, at 72 per cent, still commanded a solid majority (and remained at a higher level than in 2001).

Within the Catholic community, the increased support for a united Ireland apparent in 2006 was sustained in 2007, with 47 per cent endorsement. Interestingly though, there was a slight increase between 2006 and 2007 in support for devolution. The proportion of ‘don’t knows’ dropped and it may be that while a large section of the Catholic Community remains steadfast in preferring a united Ireland in the aftermath of the St Andrews agreement, there was some movement from those who were previously unsure as to what the agreement would bring coming off the fence in favour of devolution when confronted with its reality.

5.2 Underwhelmed by history

For all that the renewal of devolution in May 2007 was trumpeted by London and Dublin as yet another ‘historic’ day for Northern Ireland, a poll for the Belfast Telegraph one year on found a public remarkably underwhelmed.

Fully 72 per cent of respondents said devolution hadn’t made any difference to their lives. That snub for the political class might have been rationalised as ‘too early to say’ except that only 21 per cent, meanwhile, thought the executive’s performance had been good; 28 per cent said it had been poor while 47 per cent said neither good nor poor. The paper’s experienced political correspondent, Noel McAdam, commented: ‘The lack of legislation from the Executive and the Assembly, and lengthy wrangles such as the Victims Commission—as well as fairly regular long-fingering of issues, including the Shared Future strategy—must all feed into a public impression of creeping paralysis.’

The poll was particularly bad news for SF. The embattled education minister, Ms Ruane, could take no comfort from the finding that only 27 per cent were confident she would have new a post-primary transfer system in place by 2010 and only 21 per cent understood her plans. And, among anecdotal evidence that the party’s core working-class support was crumbling, following the disastrous performance in the

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74 Devolution “hasn’t made its mark yet”, Belfast Telegraph (7 May 2008).
75 N. McAdam, ‘A begrudging happy birthday to Assembly’, Belfast Telegraph (7 May 2008).
76 C. Thornton, ‘We’re in the dark over school plans’, and K. Torney, ‘Test the political parties can’t afford to fail’, Belfast Telegraph (6 May 2008).
2007 Dáil election and its inability to put manners on a resurgent DUP, the poll found SF had dropped to fourth place in public support.

In the past, SF had no reason to be concerned about its poll showing: before its governmental elevation through the ‘peace process’, its delegitimisation as a party because of its paramilitary links made its voters reluctant, like those of the DUP, to acknowledge their support. But a poll by the same organisation in the Belfast Telegraph in the run-up to the 2007 assembly election had correctly placed SF second in the party pecking order behind its sectarian unionist rival.77

The difference between the two results, as published, was deceptive: the apparent collapse from 22 per cent to 11 per cent exaggerated any change as the latter figure did not exclude the don’t-knows, won’t-say and don’t-votes. A correction for these would leave SF support at around 15 per cent. This was still however a worrying drop for the republican leadership, which had staked all since the late 1980s on persuading its activists that, even if the tactics had changed, the sacrifices for the ‘armed struggle’ would still be rewarded in an eventual united Ireland.

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77 N. McAdam, ‘Snapshot reveals the voters’ mood’, Belfast Telegraph (1 March 2007).
6.  Intergovernmental Relations

Elizabeth Meehan and Robin Wilson

6.1 ‘East-west’

The east-west dimension was prominent in this reporting period, with three British-Irish Council meetings, bi- and multi-lateral visits or events, and exchanges between heads of state. Unfortunately, the record of the November 2007 plenary of the British-Irish Inter-Parliamentary Body was still not available at time of writing, even though its 36th meeting was held on 28-29 April in Wexford.78

The eighth meeting of the BIC in environmental format took place in February, near Bangor in Co Down.79 The meeting was chaired by Joan Ruddock, UK minister for climate change, biodiversity and waste. Northern Ireland was represented by Ms Foster, the DUP environment minister, and Ms Ritchie, SDLP minister for social development. The republic’s delegation was led by John Gormley, Green Party minister for the environment, heritage and local government. The meeting considered climate change, renewable fuels and materials, integrated coastal-zone management and marine litter. It was noted that officials from Dublin and the Isle of Man were working on a revised discussion paper on the Sellafield nuclear reprocessing plant and radioactive waste, to be one of the main items for the next meeting in 2009.80

The tenth BIC plenary session was held in Dublin later that month.81 The UK delegation was led by the Welsh secretary, Paul Murphy. The Northern Ireland delegation, by far the largest, was led by the first and deputy first ministers, Messrs Paisley and McGuinness, and included their two juniors, Mr Paisley Jr (DUP) and Gerry Kelly (SF), and the ministers of education (Ms Ruane), enterprise (Mr Dodds), finance (Mr Robinson), health (Mr McGimpsey, UUP), and social development (Ms Ritchie). As the republic leads on drugs, much of the meeting was devoted to that topic. The first and deputy first ministers introduced child protection82 and it was

78 Irish Times (28 April 2008).
79 A meta-analysis of studies of the incidence of childhood leukaemia in the vicinity of nuclear sites has renewed grounds for concern in this regard—see New Scientist, 26 April 2008.
81 This included the growing problem of suicide among young people in Northern Ireland. Child protection attracted the attention of the Committee for the OFMDFM, which stressed the need for harmonisation on both the north-south and ‘east-west’ axes—Minutes of proceedings, 27 February 2008.
agreed that officials should consider, in a review of the BIC, how this and other issues introduced by other members might be brought into the work programmes.

The meeting also noted a consensus on the idea of a standing secretariat and it was agreed that detailed planning should take place. This had been an undercurrent since the establishment of the BIC, with a concern that London and Dublin, hitherto providing the secretariat, shared a lukewarm enthusiasm for the organisation, reflected in the modest frequency of plenary sessions.

When Mr Paisley Sr reported on the meeting to the assembly, most questions were about the substantive areas of the BIC’s work and the review of its programmes. Alban Maginness (SDLP) asked about the potential inclusion of the expansion of nuclear power in Great Britain. Oddly, in the light of the environment meeting, Mr Paisley did not mention Sellafield and said nuclear power was a matter for the British government, upon which the BIC would not ‘be prepared to venture an opinion’.

The third BIC meeting was of the demography group, led by Scotland—an addition to the work programmes introduced by the Scottish government at the London summit in 2006. It was held in Edinburgh in March and chaired by Nicola Sturgeon, deputy first minister. London and Dublin were respectively represented by Mr Murphy and Tom Kitt, a minister of state. The Northern Ireland delegation included the UUP employment minister, Sir Reg Empey, and the SF junior minister, Mr Kelly. The meeting considered the challenges presented by changes in fertility, life-expectancy and migration, noting that the contribution of migrants to economic and social life was valued. It also considered the work programme, which the Northern Ireland delegation accepted in principle while indicating it would seek agreement among executive colleagues.

The outgoing taoiseach, Mr Ahern, reflected on the BIC when addressing a conference marking the tenth anniversary of the Belfast agreement at the Institute for British-Irish Studies at University College Dublin. He described the participation at the BIC summit in the city as ‘a clear reminder that the year 1998 saw more than one significant constitutional innovation’ and he continued: ‘As well as the Good Friday Agreement, that year also saw the devolution settlements in Scotland and Wales.

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84 BIC communiqué, 31 March 2008.
The future of those devolved institutions will have important implications for everyone on these islands.85

One marker of the coexistence of the Northern Ireland and Scottish constitutional settlements was a three-day European Mediation Conference held in Belfast, again to coincide with the anniversary. This was organised jointly by the Scottish Mediation Network and Mediation Northern Ireland and was attended *inter alia* by the republic's minister for foreign affairs, Dermot Ahern.86 Writing in the *Irish Times* in the paper’s anniversary series, the taoiseach said that the ‘relationship between Britain and Ireland had been transformed’ and that there was ‘now a shared agenda based on our strong economic and cultural links and our vision for a peaceful, stable future for Northern Ireland’.87

The shared view of the Northern Ireland and Scottish first ministers, Mr Paisley and Alex Salmond, as reflected in the latter’s meeting with the former soon after devolution was re-established in Northern Ireland in May 2007,88 was that the JMC plenary (as well as the BIC) should be revitalised. All but the JMC Europe fell into abeyance in 2002.89 Having met Mr Salmond and his Welsh counterpart, Rhodri Morgan, Mr Murphy met the first and deputy first ministers in Belfast to address the ‘reinvigoration’ of the JMC system.90

In the more typically informal intergovernmental format, the environment minister, Ms Foster, the SF agriculture minister, Michelle Gildernew, and ministers from Scotland and Wales attended a meeting with the environment secretary, Hilary Benn, in London. Ms Foster noted that, while environmental legislation often originated in the EU, it was important to act ‘in concert with our DEFRA colleagues when preparing for, and acting on, such laws’.91

A number of visits were made by Northern Ireland ministers to Scotland. In December (but previously unreported here) the education minister, Ms Ruane, had

87 B. Ahern, ‘The Belfast Agreement 10 years on. We all worked together for peace and prosperity’, *Irish Times* (12 April 2008).
89 Since January 2008, the others have been merged into one new JMC to look at all domestic issues, Holyrood News, 16 April 2008, http://www.holyrood.com/content/view/2361/10552/.
91 Department of Environment news release, 6 February 2008.
met her Scottish counterpart, Fiona Hyslop. *Inter alia*, they discussed Gaelic-medium education, under-achievement and parental and community involvement in improving standards.\(^{92}\) In March, the environment minister, Ms Foster, had discussions with John Swinney, Scotland’s minister responsible for planning.\(^{93}\)

In between, in February 2008, the first and deputy first ministers went to Scotland ‘to build on the success of the Scottish First Minister’s visit to Northern Ireland’. Mr Paisley said it was important to ‘make the most of our historic ties and raise our understanding of each other’s history and culture’. Mr McGuinness stressed that ‘a spirit of cooperation [could] ensure that we can achieve much which would be to the betterment of all our peoples’.\(^{94}\) As well as meeting Mr Salmond, the two met the presiding officer of the Scottish Parliament and visited an anti-sectarian project at Murrayfield stadium. They were accompanied by their junior ministers, Mr Paisley Jr and Mr Kelly, who met Linda Fabiani, Scotland’s minister for Europe, external affairs and culture.

At the meeting with Mr Salmond, all three ministers agreed to give urgent consideration to the feasibility study on the possible reinstatement of the Campbeltown-Ballycastle ferry when it became available in the summer of 2008. They also agreed to work on a proposal for EU Interreg funding for securing renewable energy from the Atlantic coasts of Scotland, Northern Ireland and the republic. The Scottish government, in partnership with the others, had carried out a pre-scoping study for a sub-sea grid to collect and transmit green power.\(^{95}\)

A visit to Northern Ireland by Queen Elizabeth ‘coincided’, as it was put,\(^{96}\) with a visit by the republic’s president, Mary McAleese, both involved in the celebration of the 100\(^{th}\) anniversary of Queen’s University Belfast—with which Ms McAleese was previously engaged—being granted a royal charter as a university in its own right.\(^{97}\) There was a private meeting between the two heads of state (and their spouses). The fact that they met (by no means for the first time) was said by journalists ‘to

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\(^{92}\) Department of Education news release, 12 December 2007.

\(^{93}\) Department of the Environment news release, 7 March 2008.

\(^{94}\) OFMDFM news release, 19 February 2008.

\(^{95}\) OFMDFM news release, 20 February 2008.


\(^{97}\) From 1847 to 1908, it had been one of three Queen’s Colleges in Belfast, Cork and Galway—a kind of original national university of Ireland to provide places for Catholics and Dissenters when Trinity College was open only to Anglicans.
[again] trigger speculation about whether and when the queen [would] visit the Republic of Ireland".  

 Citizenship, in the sense of nationality, was a feature of the 1998 agreement in which the two governments ‘recognise[d] the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, and accordingly confirm[ed] that their right to hold both British and Irish citizenship [was] accepted by both governments’. According to Deaglán de Bréadún, the Home Office was cautious at the negotiating stage but, since the then prime minister, Tony Blair, approved, it went through. After the republic had left the Commonwealth, it retained a special status under British law, as did Irish nationals—neither a foreign government nor aliens respectively. More or less like Commonwealth nationals with the right of abode in the UK, Irish nationals were entitled to vote and stand in all British elections.

A recent review of citizenship by Lord Goldsmith for Gordon Brown—in the context of the prime minister’s interest in making the constitution clearer and his wish to see the articulation of a sense of ‘Britishness’—proposed however the phasing out of Irish (and Commonwealth) rights in the UK. He suggested that it was ‘right in principle not to give the right to vote to citizens of other countries living in the UK until they become UK citizens’ (or nationals). Lord Goldsmith noted that, because of the provision of the Belfast agreement, it would be necessary ‘to distinguish this group of Irish citizens from others’ and said that his proposal depended on finding ‘a satisfactory means of distinguishing between the two categories in a way that did not affect the position of those exercising rights under the Good Friday Agreement’.

The social dimension of citizenship was considered by Committee D of the British Irish Inter-Parliamentary Body, which worked on the topic from 2006 and reported to the November 2007 plenary. The report was considered by the assembly

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98 G. Moriarty, P. McGarry and J. Heaney, ‘Queen in North for 3-day visit’, Irish Times (19 March 2008).
99 D. de Bréadún, ‘The Belfast Agreement 10 years on: could the 26 ever really become the 32?’, Irish Times (10 April 2008).
100 De Bréadún speculated upon the possibility of a future settlement ‘of a 32-county independent republic with a fresh link with the Commonwealth on the clear understanding that there are no implications for Irish sovereignty’. He said that ‘Eamon de Valera regarded Commonwealth membership as a form of reassurance for Britain and the unionists that could potentially ease the path to unity’. Such an outcome was also toyed with in the 1990s but nothing came of it.
101 There are ‘qualifying requirements’ for Commonwealth nationals but not for the Irish because of the common travel area.
102 Later, British residents in Ireland acquired reciprocal rights, first in local-government elections in the 1960s and, in the 1980s, general elections (but not referenda).
Committee for the OFMDFM, which agreed to forward it to the office for comment. The report referred to the recent emphasis on ‘encouraging “Britishness” in order to improve community relations’. Without wishing to comment on the policy in general, the Committee felt it necessary to say that ‘it is important that, if individuals retain their citizenship, this will not prejudice their right to entitlements and benefits’. It noted ‘the importance of the Irish Community and all the ethnic communities in contributing to modern Britain and encourage[d] the voices of the Irish to be heard in British political and cultural life’.

If enacted, Lord Goldsmith’s proposal might have an adverse impact on British residents in Ireland, whose rights under Irish law have been based on the principle of reciprocity. It should also be seen in the context of the implications—for the Irish border and the travel rights within the UK of all people in Northern Ireland—of the two governments’ intentions to tag electronically all who enter and leave both countries. Taken together, these did not bode well for the continued diminishing importance of the north-south border in Ireland or for the philosophy underlying bi- and multi-lateral cross-border co-operation across these islands.

It became evident during the quarter, before the prime minister suffered devastating setbacks in the elections in England and Wales, and before he was rebuffed by Wendy Alexander over a referendum on Scottish independence, that his ‘Britishness’ agenda was paradoxically discomfiting exactly those to whom it might have been thought most welcome—Northern Ireland’s unionists. In a long Daily Telegraph article defending the union against secessionist claims, Mr Brown claimed the English, Scottish and Welsh could be ‘proud to be British’ also, evidently blind as to how his failure to make any reference to Northern Ireland would go down.

The former UUP leader and first minister, Lord Trimble, railed against him: ‘It would appear Gordon’s geographic compass is no better than his moral one.’ The DUP finance minister and East Belfast MP, Mr Robinson, accused the justice minister,

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105 Minutes of proceedings, 12 December 2007.
106 E. Meehan in R. Wilford and R. Wilson (eds), Northern Ireland Devolution Monitoring Report: January 2008, at: www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Jan08.pdf, pp. 40-2. Mr Brown assured Mr Paisley, in response to a letter from the latter as DUP leader, that there were ‘no plans for’ passport control between Northern Ireland and Great Britain arising from e-border arrangements, but he said there would be no fixed immigration control at the Irish border and that air passengers from Northern Ireland ‘may’ be subject to identity checks. Mr Paisley professed himself reassured that the prime minister had ‘so robustly defended the integrity of the United Kingdom’s border’—F. Millar, ‘Paisley reassured by Brown over North-UK travel rules’, Irish Times (9 January 2008).
107 G. Brown, ‘We have to defend the Union’, Daily Telegraph (25 March 2008).
Jack Straw, of double standards by allowing the Union flag to fly at any time from government buildings in London but retaining its restricted display in Northern Ireland.\textsuperscript{108} Pressed by the DUP enterprise minister and North Belfast MP, Mr Dodds, if he valued the union of Great Britain and Northern Ireland, as his predecessor had affirmed, Mr Brown felt obliged to reply: ‘Not only do I value the Union, but I will work to make that Union strong.’\textsuperscript{109}

6.2 North-south

The survey period was topped and tailed by encounters for the cameras between the two political leaders north and south. In February, the taoiseach arrived for a joint tourism promotion in the Ballymena bailiwick of the first minister, Mr Paisley; the latter joked about how he could ‘control’ Mr Ahern there.\textsuperscript{110} In fact, neither proved in control of subsequent political events and in May, after much water had flown under the bridge over the Boyne, the two principals appeared by the river in a swansong engagement to open a heritage centre marking the battle so frequently emblazoned on Orange banners.\textsuperscript{111}

A plenary meeting of the North/South Ministerial Council took place in February in Co Louth, in what the first minister described as the ‘shadow’ of the new security threat posed by the Real IRA. The taoiseach and the deputy first minister joined in condemning the organisation—though notably in the case of Mr McGuinness not because its violence was morally wrong but because it lacked a ‘strategy’. The NSMC reviewed progress since the last meeting in July 2007 and addressed transport and child protection.\textsuperscript{112} Mr Paisley later addressed the Dublin Chamber of Commerce with Mr Ahern and looked forward to greater economic co-operation.\textsuperscript{113}

A meeting of the NSMC in agriculture format took place in Co Fermanagh in April. The SF minister, Michelle Gildernew, shadowed by her DUP colleague, Ms Foster, at environment, met Mary Coughlan, her counterpart in the republic, and Éamon Ó Cuív, minister for community, rural and Gaeltacht affairs. The meeting discussed co-

\textsuperscript{110} G. Moriarty, ‘Cross-Border initiative to promote NI tourism’, \textit{Irish Times} (2 February 2008).
\textsuperscript{111} M. Lord, ‘It’s Broadway by the Boyne as leading man Bertie finally goes out with a bang’, \textit{Irish Times} (7 May 2008).
\textsuperscript{112} D de Bréadún, ‘Leaders join to denounce threats by Real IRA’, \textit{Irish Times} (8 February 2008).
\textsuperscript{113} M. Hennessy, ‘Business in Republic key to prosperity in North, says Paisley’, \textit{Irish Times} (8 February 2008).
operation on animal health and welfare, rural development, free movement of animals, plant health and Common Agricultural Policy reform.\textsuperscript{114} 

Earlier in the month, Mr Ahern announced his prospective resignation as taoiseach and FF leader, with valedictory claims to have brought peace and prosperity to Ireland.\textsuperscript{115} Mr McGuinness issued a statement of tribute, noting how the taoiseach had immersed himself in the final Belfast agreement negotiations despite the death of his mother.\textsuperscript{116} In contrasting tone, Mr Paisley said Mr Ahern had come ‘to realise that politically motivated “north-southery” with a nationalist trajectory was never going to be acceptable to our community’.\textsuperscript{117} 

At a conference addressed by Mr Ahern at the Institute for British-Irish Studies in Dublin, the Northern Ireland secretary, Shaun Woodward, said he would ‘live in our history as a true architect and ambassador for peace’.\textsuperscript{118} Mr Ahern however was less Panglossian, telling the conference: ‘The scourge of sectarianism is still all too evident in Northern Ireland. The peace walls still stand as an affront to our aspiration for a peaceful democratic society. There are no easy answers. This will be the work of a generation—perhaps more than one—to overcome. This problem must be tackled.’\textsuperscript{119} 

\textsuperscript{115} “I have never received a corrupt payment and I have never done anything to dishonour any office”, Irish Times (3 April 2008). 
\textsuperscript{116} OFMDFM news release, 2 April 2008. 
\textsuperscript{117} G. Moriarty, ‘Paisley praises leader who treated him like an equal’, Irish Times (3 April 2008). 
\textsuperscript{118} M. Hennessy, ‘Ahern praised as “architect and ambassador for peace”’, Irish Times (4 April 2008). 
\textsuperscript{119} “Scourge of sectarianism still exists in North”, Belfast Telegraph (3 April 2008).
7. **Relations with the EU**

*Elizabeth Meehan*

7.1 **Fisheries Council**

The SF agriculture minister, Michelle Gildernew, was extremely active in her preparation for the Fisheries Council, which met in December 2007 but on which she reported to the assembly in January. Ms Gildernew had detailed discussions with her Dublin counterpart, Ms Coughlan;\(^{120}\) the UK minister, Jonathan Shaw; and the Scottish minister, Richard Lochhead. She also had several discussions with the Assembly Committee for Agriculture and Regional Development\(^ {121}\) and visited all the Co Down fishing ports to meet industry representatives. She sought a briefing from scientists in the Agri-Food Biosciences Institute\(^ {122}\) and, with the UK and Scottish Ministers, twice met the EU fisheries commissioner, Joe Borg, ahead of the council meeting on 18-19 December.\(^ {123}\)

Addressing the assembly,\(^ {124}\) she said that she, Mr Lochhead and Mr Shaw had assembled a ‘formidable’ package of what they wanted, which was ‘far more extensive than those from other member states’. She said it had been a ‘tough battle’ as the commission was determined to cut cod fishing. However, they had succeeded in persuading the commission to reduce its proposed 25 per cent cut in days at sea for white-fish and prawn vessels in the Irish Sea to 18 per cent for cod vessels and 10 per cent for prawn vessels, and this was what had been presented to the council.\(^ {125}\) She had also secured an increase, instead of a cut, in the haddock quota, the promise of a specific total allowable catch for haddock fishing in the Irish Sea and what she presented as gains—environmentalists, of course, would see all such lobbying as presaging long-term losses for everyone—from the commission’s original position on herring and plaice. Despite her efforts, assembly members were not pleased.

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\(^{120}\) This built on close co-operation over the lifting of foot-and-mouth disease trade restrictions, creating a ‘fortress Ireland’ that enabled normality to be resumed reasonably quickly, and EU measures on the movement of sheep and cattle out of bluetongue-restricted areas—DARD news releases, 14 December 2007 and 9 April 2008.

\(^{121}\) The committee also met Mr Borg to support her case.

\(^{122}\) These scientists contribute to the knowledge of the International Council for the Exploration of the Sea, the body that makes recommendations to the European Commission on total allowable catches.


\(^{125}\) She also outlined other matters of considerable detail which could have the effect of there being no loss compared with 2007.
Ms Gildernew reminded assembly members that she was responsible for agriculture as well. In this role, she joined the first and deputy first ministers in a meeting in Brussels with the agriculture commissioner, Marian Fischer Boel. She had a further meeting with Ms Boel a few days later, along with the new DUP junior minister, Mr Donaldson, and representatives of the Scottish and Welsh offices in Brussels.

7.2 EU task force

The task force on Northern Ireland and the EU, established in the wake of the renewal of devolution by the commission president, José Manuel Barroso, and coordinated by the commissioner for regional policy, Danuta Hubner, returned to Belfast in December 2007 and, in January, the first and deputy first ministers went to Brussels to meet the two principals. They wanted to secure an extension to the life of the task force—to provide ‘a long-term opportunity for Northern Ireland to embed itself into the networks of Europe, to share our experiences and to achieve tangible benefits’, in the words of Mr Paisley.

The event was not, however, all cosmopolitan sweetness and light. Mr Barroso said Northern Ireland was ‘an inspiration for other parts of the world’, but Mr Paisley refused to shake Mr McGuinness’ hand in Brussels, while Mr McGuinness denied his stance was hypocritical given SF’s hostility to the EU reform treaty. Indeed, the DUP and SF are markedly Eurosceptic, with the former included in a recent analysis of ‘populist radical right’ parties in Europe and the latter defined as a borderline case outside the family.

The first stage of the task force’s work resulted in a report launched in April by Ms Hubner. It provided a stocktaking of Northern Ireland in comparison with other EU regions, and indicated how it could make the most of opportunities—networks and research and development—provided by EU membership. According to Ronald Hall, director of the commission’s regional directorate-general, Northern Ireland did not come out too badly from the comparative analysis. The continued task force

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126 OFMDFM news release, 10 January 2008.
129 OFMDFM news release, 11 December 2007. See also reference below to Mr Silva’s visit to Belfast in January 2008.
130 OFMDFM News Release, 10 January 2008.
134 OFMDFM news release, 14 April 2008.
represented a new kind of partnership between the region and the EU—one of ‘close consultation’ involving all departments.

The first minister claimed the report ‘showed the way forward’ and identified areas in which the task force could assist Northern Ireland ‘to make the most of opportunities that Europe could offer’. He noted the report’s comments on opportunities for improved participation in the Framework 7 programme by universities, research bodies and the private sector, as well as the chance Ms Hubner had offered for a talented individual from Northern Ireland to be placed in her cabinet.

Commenting on the task force’s role in fast-tracking Northern Ireland proposals for funding, the deputy first minister referred to forthcoming initiatives to promote networks and co-operation. Since May 2007, five programmes for Northern Ireland, amounting to €2bn, had been approved by the commission, and Mr McGuinness claimed that €1.1bn of this had been fast-tracked as a consequence of the task force. This, he said, would ‘help us to deliver our Programme for Government and to build an innovative economy’.

In connection with the task force, the commission director general for research and technological development, J M Silva, visited Belfast in January to provide expertise on the best use of EU and regional funding. It was also hoped he could assist companies and the executive by sharing knowledge of best practice in innovation and competitiveness and transfer of knowledge from universities to business. While public expenditure on research and development in Northern Ireland is above the UK average, private-sector R&D expenditure has been falling in real terms in recent years and represents only 0.6 per cent of gross value added—a significant factor in the paucity of globally-competitive firms in the region.

7.3 EU funding

During the period, the assembly Committee for Finance and Personnel was briefed on the Peace programme, which covers Northern Ireland and the six adjacent border

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135 OFMDFM news releases, 10 January 2008 and 14 April 2008.
136 He was received by the OFMDFM junior ministers, Messrs Paisley Jr and Kelly. The former said the domestic budget for innovation over the next seven years was £450 million, which the executive wanted to augment from Framework 7—OFMDFM news release, 22 January 2008.
counties of the republic and was introduced in the wake of the paramilitary ceasefires of 1994. The Northern Ireland Council for Voluntary Action and the Department of Finance and Personnel warned of a potential gap between the already extended Peace II and the new Peace III. Brendan McAllister, outgoing chair of Mediation Northern Ireland, told the international mediation conference in Belfast (see previous section) that, in all likelihood, there would be no more major EU aid after Peace III to bolster the ‘peace process’ and that other areas of conflict needed it more.

The first and deputy first ministers, as well as Noel Ahern, minister of state in the republic’s Department of Finance, attended a conference in Belfast at the end of April on the EU’s role in the ‘peace process’. In part, it was intended as a tribute to the EU—in particular to three key individuals who had been exceptionally committed to assisting Northern Ireland. The first, who could not be present, was the former commission president Jacques Delors, who had been especially concerned that he ‘could not stand by’ while a part of the EU was so ‘troubled’. The other two were those whom he had put in charge of the Peace programme: the former regional commissioner Monika Wulf-Mathies and Carlo Trojan, former commission secretary-general and head of the Delors task force that prepared for Peace I.

Much was made of the unique—at the time and not replicated at home—co-operation of the three MEPs in advising Mr Delors about how best to assist Northern Ireland and of the determination on the part of all, including Ms Wulf-Mathies and Mr Trojan, to set up the programme more urgently than was usual with EU initiatives. Several participants talked of a shift in Northern Ireland’s EU role, with Mr Hall likening it to moving from ‘intensive care’ to ‘being able to look after itself’.

### 7.4 Miscellaneous issues

On the theme of equality, the assembly Committee for the OFMDFM sought clarification of a comment that the first minister, Mr Paisley, was ‘not agreeable to the explicit inclusion of reference to transgender or gender reassignment’ in EU Gender Goods and Services regulations. On the other hand, the OFMDFM junior ministers, Messrs Donaldson and Kelly, expressed pleasure at meeting a delegation from the Northern Ireland Women’s European Platform—part of the EU-wide European

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139 Minutes of proceedings, 13 February 2008.
141 Address to the conference by Mr Trojan, who also pointed out that it had been Mr Delors’ decision that the EU should contribute to the International Fund for Ireland.
Women’s Lobby. The ministers stressed the executive’s commitment to addressing women’s disadvantages such as those in employment and pay, as well as their experience of domestic violence.\textsuperscript{143}

The Committee for the OFMDFM received a research paper on legislative scrutiny arrangements in the republic for EU matters during the period.\textsuperscript{144} It appeared, however, that both states in these islands would lose some of their influence on a significant area of EU work, justice and borders. Those members of the Council of Ministers representing states who had ‘opted in’ to the full Schengen arrangements\textsuperscript{145} had decided to exclude those that had ‘opted out’ from the establishment of the Frontex agency and from the drafting of regulations on biometrics in passports. The UK (joined by the republic and Slovakia) lodged an appeal against the decision. The European Court of Justice however upheld the decision—raising questions in the minds of some southern politicians about the risk of ‘opting out’ for a small state’s influence in the EU.\textsuperscript{146}

\textsuperscript{143} OFMDFM news release, 9 April 2008.
\textsuperscript{144} Minutes of proceedings, 5 December 2008. The assembly meanwhile agreed to nominate Sean Neeson (Alliance) for membership of the Regional Chamber of the Congress of Regional and Local Authorities of Europe—\textit{Official Report}, 14 April 2008.
\textsuperscript{145} The UK ‘opted out’ for its own reasons and the republic negotiated an ‘opt-out’ to preserve the common travel area between it and the UK.
8. Relations with Local Government

Rick Wilford and Robin Wilson

There was during the period an outcome, finally, to the long-running argument over the reorganisation of local government in the region.

A review of public administration had been initiated back in 2002 under the previous devolved administration. Following its report, now in the context of direct rule, the Northern Ireland Office had announced in 2005 that the number of councils would be reduced from 26 to seven.\(^{147}\) This proposal was supported only by SF, other parties congregating around a milder rationalisation to 15 to preserve ‘local identity’.

In July 2007, in the wake of the renewal of devolution, the DUP environment minister, Ms Foster, had announced a review of the review. In mid-March 2008, after two special executive meetings to discuss reform had been cancelled\(^{148}\)—opening the vista of local authorities having to be re-elected under the old arrangements in 2009—she announced there would be 11 councils.\(^{149}\)

The 11-council model had not received the unanimous endorsement of the executive, however. Presented as a compromise between the DUP and SF, the proposal was carried 7:2, UUP ministers dissenting.\(^{150}\)

The Northern Ireland Local Government Association, whose conference the minister had failed to attend (sending comments instead by video link),\(^{151}\) complained that the region had the weakest local authorities in Europe.\(^{152}\) And when the minister fleshed

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\(^{148}\) ‘Councils shake-up delay may lead to election’, Belfast Telegraph (5 March 2008).

\(^{149}\) Department of Environment news release, 13 March 2008. Details on the agreed model (‘11b’) are available on the Review of Public Administration website (www.rpani.gov.uk/): see p. 43 of the consultation document of March 2005. Agreement on the new configuration prompted Ms Foster to request the Northern Ireland secretary to postpone council elections for two years to 2011, and this was agreed—NIO news release, 25 April 2008.

\(^{150}\) The SDLP’s lone minister, Ms Ritchie, was in the US at the time but indicated her support by letter for the 11-council model. The model would, according to Ms Foster, mean that there would be no more than 460 local councillors in Northern Ireland, a reduction from the current figure of 582 with 60 in Belfast and 40 in each of the remaining ten new councils—BBC News Online (31 March 2008).

\(^{151}\) DoE news release, 7 February 2008.

\(^{152}\) ‘The shape of councils to come’, Belfast Telegraph (14 March 2008).
out the proposals, during an assembly debate after the Easter recess, she announced only a modest enhancement of powers for the enlarged councils:

- local development plan functions, development control and enforcement, and town and city-centre environmental improvements;
- local roads functions, including streetscaping, street lighting, off-street parking and permission for events on roads;
- urban regeneration functions, including Neighbourhood Renewal, a range of housing functions and some community development programmes; and
- a number of functions associated with local economic development, tourism, arts, sports and leisure.  

Unsurprisingly, NILGA declared itself disappointed by the ‘limited’ powers on offer.  

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155 ‘Will Ruane freeze out councillors?’, Belfast Telegraph (4 April 2008).
9. **Finance**

*Rick Wilford and Robin Wilson*

9.1 **Public freeze**

The revised budget\(^{156}\) published by the DUP finance minister, Mr Robinson, in January made some gestures to the centrist ministerial critics of his distinctly conservative draft version.\(^{157}\) He provided £205m more for the Department for Social Development, for social and affordable housing—shortly before the Nationwide building society revealed that five of the six counties with the fastest-rising house prices in the past decade had been in Northern Ireland, which now had the second-highest prices outside the south-east of England.\(^{158}\)

The SDLP minister, Ms Ritchie, had publicly declared her unhappiness at the adequacy of her allocation, and Chris Williamson, chief executive of the Northern Ireland Federation of Housing Associations, said he was ‘delighted’ with the enhancement.\(^{159}\) If the credit crunch began to bring prices down during the period, however, west Belfast was identified as the tenth most at-risk area of 646 in the UK in a survey of exposure to sub-prime mortgages; along with north Belfast this amounted to some 36,000 households.\(^{160}\) In the first quarter of 2008 repossessions were one third higher in Northern Ireland than in the comparable quarter of 2007.\(^{161}\)

Now at least Ms Ritchie could promise to build at least 5,250 social homes in three years to reduce the 38,000-long waiting list, which she was also able to link to an anti-sectarian and environmental agenda; anathema to the finance minister, who, in one executive meeting, said he could not work with her. There would be a new code for sustainable housing, a procurement strategy to improve energy efficiency and more mixed housing schemes where residents agreed to ban flags and sectarian kerbstone-painting. ‘More shared future housing schemes are coming forward and

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\(^{156}\) Department of Finance and Personnel news release, 22 January 2008. This represented an extraordinary turnaround: because of the ‘troubles’, prices in the region historically were far lower than in Britain, leading to a windfall gain for Northern Ireland professionals paid salaries determined at UK level.  


\(^{159}\) H. Carson, ‘Cash injection will see 6,000 new homes built’, *Telegraph* (23 January 2008).  


\(^{161}\) Northern Ireland Court Service news release, 9 May 2008.
this new housing agenda will help us realise our goal of a shared equal future,’ she said.\textsuperscript{162}

Among smaller budget changes came an additional £30m for the health department, especially for mental health, on which there had been a valuable review led by Prof Roy McClelland and to which the UUP minister, Michael McGimpsey, had also shown commitment. His reaction was that he had been ‘fully vindicated’.\textsuperscript{163} There was also £7.5m for the arts, following a campaign led by the Arts Council of Northern Ireland and the revelation that almost three-quarters of respondents to the consultation on the draft budget had favoured higher arts spending.\textsuperscript{164}

But Mr Robinson still trumpeted the budget as making the average household £1,000 better off, due to his three-year domestic-rates freeze (non-domestic rates would be pegged for the next two years to the rate of inflation). It passed the assembly with Ms Ritchie’s support, to comply with the ministerial code, while her party voted with Alliance against the budget—leading to acrimony and a condemnation by the finance minister.\textsuperscript{165}

There was criticism outside Stormont too, with a lean future ahead for public sector workers, set to bear the brunt of Mr Robinson’s 3 per cent per annum ‘efficiency savings’. The Northern Ireland Public Service Alliance, the union representing civil servants in the region, claimed 10,000 jobs were threatened over the budget period and warned of strike action over the announcement of more than 450 job losses at the Northern Ireland Housing Executive—which the NIHE in turn denied would affect the enhanced social-housing programme.\textsuperscript{166}

9.2 Private growth?

The budget was overshadowed to some extent by the outcome of the Varney review, which, as previously reported,\textsuperscript{167} had dished the all-party campaign for a reduction in corporation tax to the 12.5 per cent rate prevailing in the republic.\textsuperscript{168} A second report

\textsuperscript{162} N. McAdam, ‘Ritchie to the rescue with plan for 5,000 new homes’ and ‘Ritchie: I’ll build 5,000 houses’, \textit{Belfast Telegraph} (26 February 2008).

\textsuperscript{163} C. Regan, ‘McGimpsey pleased with health funding’, \textit{Belfast Telegraph} (23 January 2008).

\textsuperscript{164} M. McCreary, ‘£7.55 arts boost “will help but more funding is needed”’, \textit{Belfast Telegraph} (28 January 2008).


\textsuperscript{166} J. Heaney, ‘NI civil servants in strike threat over job cuts’, \textit{Irish Times} (27 March 2008).


\textsuperscript{168} The Varney review was debated by the assembly on 31 March 2008.
commissioned from Sir David Varney, to examine alternative means of improving the context for private investment in Northern Ireland, was imminent at time of writing.

As part of the deal brokered, with some difficulty, at St Andrews, the devolved administration hosted an investment conference in May, to attract foreign direct investment from the US. It was widely trailed by visits across the Atlantic by several ministers, including the first and deputy first ministers most recently in April. A round of meetings culminated in New York with the announcement by its comptroller, William C Thompson Jr, that $150m from the city’s pension funds was to be invested in the ‘Emerald Investment Development Fund’, targeting infrastructure projects in Northern Ireland.169

Though a welcome development, the exact nature of the investment plan remained to be disclosed. Mr Paisley welcomed the announcement as ‘truly a great day for us … [I]t confirms that Northern Ireland has turned a corner. We are now a sound investment location that can provide the right calibre of people and projects to successfully underpin further investment, particularly from the US.’ His sentiments were echoed by Mr McGuinness.170

Three days later, they had further cause for pleasure in welcoming the EU task force report (see EU section). On the same day, the finance minister, Mr Robinson, celebrated the announcement by his southern counterpart, Brian Cowen, that Northern Ireland companies would be afforded the opportunity to provide additional financial-service skills to companies based at the International Financial Services Centre in Dublin.171

When the investment conference opened in Belfast in early May, the DUP enterprise minister, Mr Dodds, saluted the attendance of more than 100 US corporate figures, as well as the by now taoiseach, Mr Cowen, the prime minister, Mr Brown, and the mayor of New York, Michael Bloomberg. The US president, George Bush, and the president of the European Commission, Mr Barroso, sent video messages.

Mr Brown attempted to secure the next day’s headlines with an eye-catching promise of £1bn extra public investment for the region—the DUP’s attempted price tag for

170 OFMDFM news release, 11 April 2008.
171 DFP news release, 14 April 2008.
joining SF in government had been £1bn in support. But, as with what was initially presented by himself (as chancellor) and the then Northern Ireland secretary, Mr Hain, in November 2006 as a £50bn package,\textsuperscript{172} there was much less to this than met the eye.

What the prime minister was offering was allowing the Northern Ireland executive to sell off a further £1bn of its family silver, keeping the proceeds rather than these going to the Treasury, on top of the £1bn leeway already available. The finance minister, Mr Robinson, was duly leery: it would already be a ‘considerable challenge’, he said, to achieve a £1bn assets sale in today’s climate; it was beyond ‘reasonable expectations’ to achieve double.\textsuperscript{173}

Mr Bush could not resist the temptation amidst his warm words—which rechristened Mr Dodds as Mr ‘Dobbs’\textsuperscript{174}—to make an ideological assertion: ‘Free-market policies have been proven effective in economies across the world and Northern Ireland has made it clear that you are open to foreign investment.’\textsuperscript{175} Ironically, the credit squeeze engendered by the very deregulation of the US economy meant the conference could not have come at a worse time to attract significant US capital.

The largest new US investment which could be trumpeted at the event was a mere £3m addition to an existing Belfast subsidiary (the Canadian company, Bombardier, did however announce an additional £70m investment in its longstanding Belfast plant).\textsuperscript{176} A CBI source questioned how senior some of the participants were and the Irish Times business correspondent reported: ‘They had come to Northern Ireland to see for themselves what the place was like, they said, not because they specifically had money to spend. They were on more of a “fact-finding” mission than an investment spree.’ She questioned whether the whole thing would turn out to be ‘a public relations exercise’.\textsuperscript{177}

\textsuperscript{173} D. Keenan, ‘Donaldson queries feasibility of Brown’s asset sale plan’, Irish Times (10 May 2008).
\textsuperscript{174} Newsline 6.30, BBC Northern Ireland (8 May 2008).
\textsuperscript{175} G. Moriarty, ‘Bush says economic ties between North, US can be strengthened’, Irish Times (9 May 2008).
\textsuperscript{176} ‘Investment: the deals announced’, Irish Times (9 May 2008).
\textsuperscript{177} F. McDonnell, ‘A warm welcome given, but what will follow?’, Irish Times (9 May 2008).
The conference was swimming against the tide of the wider economic slowdown. During the period private-sector output fell for three successive months\textsuperscript{178} and unemployment began to tip up.\textsuperscript{179} In any event, this was the fifth such event in Northern Ireland since the paramilitary ceasefires of 1994,\textsuperscript{180} yet the region has continued to stumble along at around 80 per cent of UK gross value added per head.

GVA is a function of employment and productivity, and Northern Ireland has underlying structural economic weaknesses. It has the highest economic inactivity rate (27 per cent) in the UK,\textsuperscript{181} among those in employment productivity (per hour worked) has been rising since the turn of the millennium at less than 1 per cent per annum\textsuperscript{182} and one in four adults are functionally illiterate and/or innumerate.

While the focus was on the American corporates in their private jets, this large pool of the impoverished received no political attention. Only in February did the education minister, Ms Ruane, establish a task force on literacy and numeracy following a critical report by the Westminster Public Accounts Committee in November 2006.\textsuperscript{183} And when the task force was due to report, it emerged that publication would be held up for a further two months—for its translation into Irish.\textsuperscript{184}

Meanwhile, against the backdrop of global energy inflation, Phoenix Gas announced a 28 per cent price increase and there were fears that electricity prices would rise by 30 per cent this year, devastating the budgets of households on the margin. The utility regulator, Iain Osborne, called for ‘political leadership’ to provide public money to assist the poor.\textsuperscript{185} That that group is disproportionately Catholic might have led SF to present itself in such a leadership role in the past. Its failure to do so may in part explain the remarkable erosion of its core support (see public attitudes section).

\textsuperscript{178}‘Slowdown continues to hit private sector firms’,\textit{ Belfast Telegraph} (11 March 2008).
\textsuperscript{179}Department of Enterprise, Trade and Investment news release, 19 March 2008.
\textsuperscript{180}‘PMs attend NI investment event’,\textit{ BBC News Online} (9 May 2008).
\textsuperscript{181}DETI news release, 19 March 2008.
\textsuperscript{183}Department of Education news release, 14 February 2008; K. Torney, ‘Minister finally unveils taskforce’,\textit{ Belfast Telegraph} (15 February 2008).
\textsuperscript{184}K. Torney, ‘Ruane in new schools wrangle’,\textit{ Belfast Telegraph} (22 April 2008).
\textsuperscript{185}F. McDonnell, ‘North’s energy consumers face fresh price hike’,\textit{ Irish Times} (25 April 2008); F. McDonnell, ‘NI electricity supplier seeks to increase prices’,\textit{ Irish Times} (3 May 2008).
10. Political Parties and Elections

Rick Wilford and Robin Wilson

10.1 Paisley’s departure

Rev Ian Paisley knows his Old Testament. He would be no stranger to the story of how the exiled Jew Daniel decoded the disembodied handwriting on the wall at the feast of Belshazzar. Daniel warned the king that ‘God has numbered the days of your reign and brought it to an end’ and that ‘you have been weighed on the scales and found wanting’. That night Belshazzar was to be killed.

When devolution was restored in May 2007, Mr Paisley stated his intention to remain as first minister until the next scheduled Assembly election in 2011. But unrest grew, first in his Free Presbyterian Church and then in his party about his apparently amicable relationship with the deputy first minister and the maverick conduct of his son Ian Jr. In January it was reported he would retire as MP at the next Westminster election. In February, his son was winkled out of office. After the Dromore council by-election later that month, the Upper Bann DUP MP, Jeffrey Donaldson, called for ‘presentational changes’—usually politicians’ code for a change in the person making the presentations.

Mr Paisley saw the writing on the wall and indicated in early March that he would go after the investment conference in May. He would stand down as first minister and DUP leader, though he planned to retain his role as an MP and an MLA for the moment—a mixed blessing for his successor, Mr Robinson, who would likely prefer a period of silence from him.

Interviewed by Andrew Marr for the BBC, Mr Paisley said he had no major regrets. He did ‘smash’ SF, as promised, as the latter had accepted ‘the right of Britain to govern this country’. He had not and would not shake hands with Mr McGuinness.

So why this paradox of engaging in the unpopular smiling routine, so routinely lampooned as the ‘Chuckle Brothers’, with a man whose hand he wouldn’t shake? Mr Paisley might well have felt that if some of his critics had known their bibles as well

186 F. Millar, ‘Paisley to step down as MP at next election’, Irish Times (17 January 2008).
187 G. Moriarty, ‘DUP sources admit succession a major issue’, Irish Times (20 February 2008).
188 ‘I have no major regrets—Paisley’, BBC News Online (9 March 2008).
as he, they would have realised that he was patronising the terrorist Prodigal Son while welcoming him back to the law-abiding home.

The more secular—though no less sectarian—wing of the DUP now taking over would have nothing with such sentimentality. As the assembly group unveiled Mr Robinson as its new (prospective) leader at Stormont, he ensured he would not be jointly photographed with Mr McGuinness at an event to promote EU programmes. For his part, Mr McGuinness—many of whose supporters were perfectly able to sense the patronising tone of Mr Paisley’s references to his ‘deputy’—said the new era would not see ‘Chuckle Brothers part two’.

10.2 SDLP’s future

The retiring FF leader, Bertie Ahern, had signalled interest in a new relationship with the SDLP, in the context of the party investigating what role it should play in the north. But following a business breakfast in Dundalk, Co Louth, on the ‘island economy, at which Mr Ahern was joined by the SDLP leader, Mr Durkan, the incoming FF leader, Mr Cowen, indicated caution on the idea of a merger.

Negative reaction among some SDLP members to the Ahern-Durkan meeting—which should not, it appears, be taken to imply enthusiasm for a marriage from the Durkan side—led the party to seek meetings with Fine Gael and Labour also. It did not bode well for the party, however, that it could be so uncertain about its basic values (never mind cavalier about its membership of the Party of European Socialists) that it had no clear view on whether it should ally itself with the more nationalistic and conservative side of the republic’s political spectrum (FF) or its more conciliatory (FG) and progressive (Labour) tendencies.

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190 B. Roche, ‘Cowen says FF talks with SDLP are not pointing to a merger’, Irish Times (19 April 2008); N. McAdam, ‘Merger menu as SDLP and FF have breakfast’, Belfast Telegraph (18 April 2008).
191 M. Hennessy, ‘SDLP to seek talks with parties over all-Ireland plan’, Irish Times (2 May 2008).
11. Public Policies

Rick Wilford and Robin Wilson

11.1 The ‘11+’

The SF education minister, Caitriona Ruane, was still at time of writing to announce her proposals for the replacement of academic selection. Unease mounted among educationalists, teachers, parents and, not least, children, for whom the future was becoming extremely uncertain. Any prospect, remote though it might have seemed at the restoration of devolution, that Ms Ruane would be able to carry unionist ministers with her when she eventually unveiled her proposals withered. Though the ‘message’—the abandonment of the ‘11+’—had considerable merit, it was lost in a fog of indecision, while her combative, ideological stance towards critics, inside and outside the assembly, compounded a sour political and public mood.

The beleaguered minister faced 29 questions from the assembly Education Committee—chaired by her DUP bête noire, Sammy Wilson—on the details of what would replace the current transfer test. She said it was ‘not possible’ to reply. She also rejected the suggestion—doubtless a DUP attempt to rein her in—that an executive sub-committee be established to seek consensus on the way ahead. This led to a warning from Mr Wilson that the executive could collapse, and later to competing claims between the minister and himself as to which (the other) was living in ‘cloud-cuckoo land’. The finance minister, Mr Robinson, said the executive had to be involved in line with the St Andrews agreement.

Meanwhile it emerged that Ms Ruane might not publish the finalised admissions criteria for post-primary schools until November 2009—after the first post-selection academic year had begun. She insisted: ‘Parents are confident that the changes will be in place in time for their children to transfer.’ But the SDLP’s education spokesperson, Dominic Bradley, said: ‘I think there is a huge amount of concern

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amongst the public. There is no doubt about that. Teachers’ union leaders spoke of ‘a void ahead’ and of their members being ‘in the dark’.

Matters became even more murky when the UUP obtained a private SF paper, indicating Ms Ruane’s intention to issue ‘guidelines’ for post-primary transfer, not including selection, to avoid having to legislate. The UUP leader and minister for employment and learning, Sir Reg Empey, said in such a ‘disastrous situation’ he would withdraw his officials from the area-planning process of secondary-school and college rationalisation. Mr Wilson accused her of ‘declaring war’ on grammars.

The vacuum created by Ms Ruane’s vacillation was partly filled by a pressure group, the ‘Association for Quality Education’, its members committed to selection. In late April the association announced that 31 post-primary schools—none Catholic—were to introduce their own tests across venues in Northern Ireland which, they insisted, would be fully compatible with the new secondary curriculum. Brendan Harron of the Irish National Teachers’ Organisation described this as ‘shocking’.

The spectre thus loomed that a further dividing line would be added to Northern Ireland’s already fragmented schooling system, segregated by religion and (effectively) by class, which so ill prepares its adults for a cohesive society (or indeed supplies the cohorts with technical/intermediate skills needed for a successful economy). The minister, unable to get legislation to end selection through the assembly, could indeed issue non-statutory guidance to that effect which the bulk of Catholic schools would accept, while within the ‘controlled’ (de facto Protestant) system selection would be in large measure retained at the behest of the grammars.

11.2 Unfavourable environment

As environmentalists had feared with devolution renewed, the minister, Ms Foster, announced looser regulation on one-off rural housing than envisaged under the direct-rule guidance PPS14, following the deliberations of an executive sub-committee. She would relax the farm viability test and rules on the replacement of

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199 ‘Still waiting for Ruane to clear the fog on transfers’, Belfast Telegraph (20 March 2008).
200 K. Torney, ‘SF declares war on schools’, Belfast Telegraph (16 April 2008).
201 BBC News Online (24 April 2008). Three days earlier, Lumen Christi College, a Catholic grammar in Derry, announced that it was to introduce its own admissions test. Both announcements led Ms Ruane to warn that her department would not fund or facilitate ‘a breakaway entrance test’—BBC News Online (21 April 2008).
202 BBC News Online (24 April 2008).
derelict buildings, she said, adding: ‘We are also considering relaxations for the appropriate development of small groups of houses.’

Friends of the Earth’s Northern Ireland director, John Woods, said: ‘As climate change and the end of the era of cheap oil drive up energy prices, it is madness to encourage people to live in places that are miles from all amenities.’ The Campaign for the Protection of the Countryside claimed a small group who want to make a quick buck from countryside development had lobbied heavily against the previous guidance.203

During the survey period, Ms Foster also issued draft planning guidance on wind energy. This suggested a ‘balance’ between ecological and visual-aspect concerns.204

A Sustainable Energy Association was launched at Stormont, responding to the decision by the executive to end Reconnect grants for solar-energy domestic installations and the absence of green building standards in Northern Ireland.205

Ironically, while the minister soft-pedalled on the environment, her party colleague at enterprise, Mr Dodds, told the annual dinner of the Northern Ireland Energy Institute that sustainable energy was a priority, pointing to evidence that 42 per cent of the power supply could come from renewable sources.206

204 DoE news release, 14 February 2008.
205 L. McKee, ‘How going green could mean more local jobs’, Belfast Telegraph (28 February 2008).
206 DETI news release, 4 March 2008.
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Northern Ireland Devolution Monitoring Report

September 2008

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

Three times per year, the research network produces detailed reports covering developments in devolution in five areas: Scotland, Wales, Northern Ireland, the English Regions, and Devolution and the Centre. The overall monitoring project is managed by Professor Robert Hazell and Akash Paun at the Constitution Unit, UCL and the team leaders are as follows:

Scotland: Prof Charlie Jeffery & Dr Nicola McEwen
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English Regions: Prof Martin Burch, Prof Alan Harding & Dr James Rees
IPEG, University of Manchester

The Centre: Akash Paun, The Constitution Unit, UCL

The Constitution Unit and the rest of the research network is grateful to all the funders of the devolution monitoring programme.

All devolution monitoring reports are published at: www.ucl.ac.uk/constitution-unit/research/devolution. Contact Akash Paun on a.paun@ucl.ac.uk for further information.
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Acronyms
APNI  Alliance Party of Northern Ireland
BIC  British-Irish Council
BIIPB  British-Irish Inter-Parliamentary Body
BIIC  British-Irish Intergovernmental Conference
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
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
PfG  Programme for Government
PSNI  Police Service of Northern Ireland
SDLP  Social Democratic and Labour Party
SF  Sinn Féin
STV  Single Transferable Vote
UDA  Ulster Defence Association
UUP  Ulster Unionist Party
UVF  Ulster Volunteer Force
Executive Summary

With the Northern Ireland power-sharing executive unable to meet from mid-June, with relationships between ministers variously reported as ‘dour and dire’ and characterised by ‘personal loathing’, and with Sinn Féin threatening to pull out of the government in response to serial sectarian vetoes by the Democratic Unionist Party, the real possibility loomed in this period that the devolved arrangements renewed after four and a half years in May 2007 could yet collapse once more.

The giggling routine of Rev Ian Paisley of the DUP and Martin McGuinness of SF was brought sharply to an end when the unsmiling Peter Robinson succeeded Mr Paisley as party leader and first minister. Deadlocks were cemented on a date for the devolution of policing and justice, legislation on the Irish language, the abolition of selection at 11, the future of the Maze prison and so on. An all-too-familiar pattern re-emerged, of party leaders flying to London to bend the prime minister’s ear against their adversary—behaviour which met a cooler welcome from the embattled No 10 incumbent than his indulgent predecessor.

Another, even more disturbing, pattern was also reappearing. Against the backdrop of public-attitudes evidence showing sympathy for the reasons given by republican paramilitaries for their violence had doubled in the decade since the Belfast agreement, ‘dissident’ republicans were able to exploit the discomfiture of their ‘mainstream’ counterparts to escalate their activities. Most dispiriting of all was research showing that there were now fully 83 ‘peace walls’ in Belfast at working-class communal interfaces—twice the officially recognised figure and far more than when the paramilitaries declared their ceasefires in 1994.

Ministers on both sides made clear in their speeches their awareness that the devolved executive had yet to ‘deliver’. An exasperated former editor of the Belfast Telegraph attacked in an open letter this ‘dithering’ government, ‘dominated by two of the most authoritarian and dogmatic parties in Europe’—the DUP chair of the health committee at Stormont appalled international opinion with homophobic attacks she defended as ‘the word of God’.

Yet as Northern Ireland’s large umbra of non-employed and penumbra of low-paid were hit hard by the credit crunch and soaring food and fuel prices, a paper on the
anti-poverty strategy shelved since direct rule was among 24 stuck in the executive pending tray. And in August, when the heavens opened over the city, the absence of departmental co-ordination built into the Belfast agreement to spare the politicians’ sectarian blushes meant there was not even a unified emergency helpline for inundated households to call.
Chronology of Key Events

31 May 2008  Rev Ian Paisley is replaced by Peter Robinson as leader of the Democratic Unionist Party

5 June 2008  Mr Robinson is nominated as first minister and Martin McGuinness of Sinn Féin is renominated as deputy first minister

6 June 2008  Six hours of crisis talks take place at Downing Street, involving Messrs Robinson and McGuinness and the prime minister

19 June 2008  Executive Committee meets for last time during period, as SF blocks meetings in response to DUP vetoes of its desiderata

4 August 2008  Messrs Robinson and McGuinness present agreed view on devolution of policing and justice—but not a date

24 August 2008  SF TD threatens his party will collapse devolved executive given delay on devolution of policing justice

26 August 2008  Mr Robinson warns of ‘very serious consequences’ if meeting of Executive Committee scheduled for 18 September blocked by SF

3 September 2008  Independent Monitoring Commission reports that IRA army council no longer operational or functional
1. The ‘Peace Process’

Rick Wilford and Robin Wilson

1.1 Growing crisis

For years, UK government officials had been keen to suggest that when the old fundamentalist warhorse Rev Ian Paisley, leader of the Democratic Unionist Party since he founded it in 1971, gave way to his longstanding deputy, Peter Robinson, the latter would betray a more ‘pragmatic’ stance. This turned out to be wishful thinking: if Sinn Féin had been happy to indulge Mr Paisley as first minister when he was perceived as en route to the knacker’s yard, the succession of Mr Robinson to the leadership at the end of May 2008 presaged a growing political crisis for the devolved institutions little over a year after their painstaking re-establishment.

Even as Mr Paisley stepped down with a valedictory speech in Belfast, a ‘highly-placed’ SF source warned that the party might not renominate Martin McGuinness as deputy first minister, alongside Mr Robinson’s elevation to the position of first minister, which would thereby provoke an early election. The anonymous briefer said:

We are being vetoed at every turn. The British Government promised us the transfer of policing and justice in May, Culture Minister Edwin Poots has blocked the Irish Language Bill, and [the] DUP have refused to even negotiate on Caitriona Ruane’s education proposals. It’s a progression of Ian Paisley’s ‘never-never’ attitude [at a rally opposing the 1985 Anglo-Irish Agreement]. It’s one-party rule and we can’t go on like this indefinitely.¹

Officially, the party—not keen to be blamed for any derailing of the institutions—called this ‘speculation’ but it said the issue was outstanding matters from the St Andrews Agreement of 2006.² There it believed it had secured commitments from the only agent its ideology dictates it to believe really matters, the UK government, notably on the devolution of policing and justice by May 2008, which it could present as a further withdrawal of the ‘British state’ from Ireland, and on Irish-language legislation, which it could claim was part of the cultural redefinition of Northern Ireland as Irish.

² M. Canning, ‘Sinn Féin refuses to comment on McGuinness renomination’, Irish News (2 June 2008).
But the new DUP stallion, Mr Robinson, quickly bared his teeth, dismissing the
suggestion of a failure to nominate as ‘ludicrous’ and saying he couldn’t foresee SF
being given ministerial responsibility for policing and justice. The DUP pointedly
appointed Jeffrey Donaldson as its director of elections, an indicator of its readiness
to contend any sudden poll.

The ‘peace process’ familiar under the former Downing Street incumbent, Tony
Blair—in which he would buy off competing Northern Ireland ethnic politicians by
short-term concessions—now resumed, though with an apparently less emollient,
and certainly otherwise engaged, interlocutor in Gordon Brown. With the SDLP
leader, Mark Durkan, warning that the DUP was exercising the veto SF had allowed it
to acquire at St Andrews, Mr Adams and Mr Robinson saw the prime minister
separately on the same day. While Mr Adams said the discussion had been ‘full and
frank’, a government source said the situation was ‘not perceived as reaching crisis
point’.

SF thus gave way at the 11th hour on the renomination of Mr McGuinness (see
devolved-government section), in return for a joint statement with Mr Robinson
looking forward to ‘working together’ and a commitment by Mr Brown to the
implementation of St Andrews. The Ulster Unionist Party leader, Sir Reg Empey,
warned, however: ‘The shenanigans of the last week have put us back months in that
the instability which is at the core of the Executive has been brought back into sharp
focus.’ Sir Reg, Mr Durkan and the Alliance Party leader, David Ford, all complained
that the DUP and SF were still beating a path to Downing Street, unable to resolve
their differences at home.

After their (re)nomination as first and deputy first ministers, Messrs Robinson and
McGuinness were involved in six hours of talks at Downing Street. The DUP
complained about the presence of the republic’s minister for foreign affairs, Micheál
Martin, while SF was unnerved by the fact that the DUP meanwhile issued four
statements from party figures, variously claiming that SF’s ‘bluff’ had been called and

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6 S. Lister, ‘Adams: talks with PM were full and frank’, Belfast Telegraph (4 June 2008).
7 G. Moriarty, ‘North leaders agree deal on Assembly posts’, Irish Times (5 June 2008).
8 N. McAdam, ‘More talks at Downing Street in a bid to mend divisions, Belfast Telegraph (5 June 2008).
9 N. McAdam, ‘A day of farewells for First Minister Paisley’, Belfast Telegraph (6 June 2008).
10 F. Millar, ‘DUP and SF to hold policing talks in Belfast’, Irish Times (7 June 2008).
that the party was advancing a ‘pro-unionist agenda’ at Stormont, where it exercised ‘control’.\(^\text{11}\)

There were further tensions between the two parties, as Mr Brown provided £6m to safeguard Irish-language broadcasting in Northern Ireland for a further two years, which the DUP insisted was a sop in lieu of Irish-language legislation.\(^\text{12}\) In an assembly debate described as ‘fiery’ at times, the DUP and SF were at loggerheads on Irish-medium education, with the SF leader, Mr Adams, warning unionists that they were making ‘a huge mistake’ by pretending they were in charge of the political institutions.\(^\text{13}\)

Meanwhile, Mr Robinson announced at Stormont plans for a ‘Unionist Academy’, a sort of DUP think tank, and a ‘British Cultural and Equality Unit’, to provide unionists with legal advice to fight what he described as the removal of British emblems from Northern Ireland ‘There has been something of a culture war in Northern Ireland,’ he said. ‘We intend to fight back.’\(^\text{14}\)

Scheduled executive meetings were serially postponed from mid-June (see devolved-government section)—leading the SDLP leader, Mark Durkan, to urge the early recall of the assembly\(^\text{15}\) to press ministers into meeting, not least to address the growing economic crisis.\(^\text{16}\) As relations between the parties deteriorated, Messrs Adams and McGuinness met Mr Brown again, a day after he had once more seen the first minister.\(^\text{17}\)

Messrs Adams and Donaldson traded claims as to who was at fault, with the former blaming the DUP for failing to engage on a range of issues and the latter blaming SF for blocking agreement on executive papers.\(^\text{18}\) Despite having gone on holiday in the US, the DUP leader, Mr Robinson, escalated the rhetoric: ‘Gerry Adams is a block to progress. Instead of lecturing the DUP he should stop blocking the transaction of

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\(^{11}\) G. Moriarty, ‘DUP taunts Sinn Féin as talks resume at Stormont’, *Irish Times* (9 June 2008).
\(^{13}\) W. Graham, ‘Unionists are “irrationally hostile” to Irish language’, *Irish News* (25 June 2008).
\(^{15}\) The assembly was in recess from 5 July to 31 August 2008.
\(^{16}\) SDLP news release, 20 July 2008.
\(^{17}\) *Newsline 6.30*, BBC Northern Ireland (23 July 2008).
Executive business. The DUP will not be rolling over for him or any Republican.\(^\text{19}\) The new party deputy leader, Nigel Dodds, chipped in that SF was being ‘childish’—a comment whose overtones of sectarian patronisation would not have escaped republicans. But the SDLP deputy leader, Alasdair McDonnell, accused Mr Adams of seeking to bring the assembly down by Christmas, while manoeuvring to avoid the blame.\(^\text{20}\)

On the critical issue of devolution of policing and justice, talks continued at Downing Street, at the Northern Ireland Office and involving the republic’s government over the summer, as did direct negotiations between the DUP and SF. On 4 August, the first signs of movement emerged when Messrs Robinson and McGuinness wrote jointly to the assembly’s Assembly and Executive Review Committee, tasked to report on the matter, indicating proposals on which their two parties were agreed.

First, there would be a combined policing and justice department headed by a single minister; secondly, the minister would be elected on a cross-community vote in the assembly (ie not by means of the d’Hondt procedure, which would have automatically ceded the post to the SDLP); and, finally and crucially, neither the DUP nor SF would nominate one of its MLAs for the position. This raised but did not resolve the issue of whether there would be an additional member of the executive or whether two existing departments would be merged to keep the number to ten, the limit in the Northern Ireland Act 1998 implementing the Belfast agreement.\(^\text{21}\)

The proposals would in effect leave the nomination open to the Alliance Party, the SDLP or the UUP—indeed in theory to any of the three remaining single MLAs belonging to the Green Party, the Progressive Unionist Party or the Independent Health Coalition. But David Ford, leader of Alliance, immediately rejected all speculation that his party was interested in the post, a view reiterated in subsequent weeks.\(^\text{22}\) The UUP dismissed the proposals as a ‘hollow announcement’, believing that the early transfer of powers would prove destabilising, especially in the context of the inability of the two major parties to convene executive meetings. That left the SDLP which, in the words of its justice spokesperson, Alban Maginness, would ‘actively pursue their democratic entitlement to hold any future policing and justice

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\(^{19}\) S. McCaffrey, ‘Stormont crisis deepening as Robinson hits out at Adams’, *Belfast Telegraph* (26 July 2008).


portfolio’; the party accused the DUP and SF of ‘Executive gerrymandering that will deny the SDLP a Ministry that would rightly [under d’Hondt] be ours’.  

For his part, Mr Adams was determined that the finger of blame would be pointed at the DUP, recalling that unnamed party figures had called for an end to mandatory coalition government—Mr Robinson had done so repeatedly (see devolved-government section)—which he interpreted as a desire to return to ‘majority rule’. Mr Adams called on London and Dublin to ‘make progress by other means’ if the DUP refused to play political ball.  

Later that month, a veteran SF TD, Caoimhghin Ó Caoláin—not an anonymous source but a kite-flyer—said SF would pull its ministers out of the Stormont government and deal with the British unless policing and justice were devolved. It was ‘totally unacceptable’, he told a meeting in Co Cavan, that the deadline had been May yet there was still no date for a transfer.  

For the DUP, Mr Donaldson said Mr Ó Caolain’s statement began to ‘cast significant doubt on Sinn Fein’s commitment to making progress in Stormont’, while the UUP leader, Sir Reg Empey, warned of ‘a full blown crisis’ for the executive if Mr McGuinness did not dissociate himself from the remarks. The finance minister, Mr Dodds, talked again of ‘childish tantrums’.  

The temperature was notched up a degree or two by the first minister, who warned that if the next scheduled executive meeting (18 September) was disrupted ‘there would be very serious consequences, not only for the good governance of Northern Ireland but for those who would stop Northern Ireland being governed properly’. He upped the ante still further by writing an angry letter to the SF minister for regional development, Conor Murphy.  

Mr Robinson claimed that Mr Murphy had broken the Pledge of Office by allegedly making changes to a paper on the regional-development strategy till 2025 agreed at the executive—it was reported these amounted to 157, including on the trivial but neuralgic issue of whether Northern Ireland is called ‘Northern Ireland’—and he

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23 SDLP news release, 4 August 2008.  
24 D. Keenan, ‘Adams says Dublin and London may have to intervene’, Irish Times (11 August 2008).  
25 ‘SF threatens to collapse assembly’, BBC news online (24 August 2008).  
26 N. McAdam, ‘SF threatens to collapse Executive’, Belfast Telegraph (25 August 2008).  
27 N. McAdam, ‘DUP and Sinn Fein talks on political impasse to begin next week’, Belfast Telegraph (28 August 2008).  
28 ‘Stormont must meet warns Robinson’, BBC news online (26 August 2008).
threatened legal action against the minister. SF dismissed the letter, saying that as it did not also have the signature of Mr McGuinness it had no status.29

Few could doubt the potential seriousness of the situation, and the issues were not confined to policing/justice and the Irish language. There was also the socially as well as ethnically divisive matter of the future of academic selection (see public-policies section). The seismic question of ‘dealing with the past’ remained an unexploded device as the consultative commission headed by two former clerics, Denis Bradley and Robin Eames, postponed publication of its findings, due in the summer, until the autumn. Meantime, however, the fraught issue of the Maze prison site rumbled on.

The plan not only included a multi-sports stadium, with the conciliatory potential of bringing Gaelic sports, soccer and rugby at one site—already publicly owned—but also, at the behest of SF, a ‘conflict transformation centre’ (dubbed by its DUP opponents a ‘shrine to terrorism’). The matter was discussed afresh at the assembly’s Finance and Personnel Committee on 25 June, when the department’s permanent secretary, Leo O’Reilly, admitted that the estimated cost of developing the site had risen significantly and that a clear and unequivocal business case had yet to be made. But the former culture minister, Edwin Poots (DUP), who had leant towards the Maze development (in his bailiwick), said senior civil servants ‘had been opposed to the project from its inception’, fuelling SF anger over the delay on a decision and hardly endearing him to his party colleagues.30

1.2 Rumblings on the ground

Contemporary paramilitarism provided a rising volume of noises off. The Northern Ireland secretary, Shaun Woodward, told the Commons that ‘dissident’ republican activity had reached its highest level for five years.31 Mr Woodward’s statement came a few days after the murder of Emmet Shields in Derry, a killing attributed to the dissidents.

The killing was condemned in a statement from the first and deputy first ministers, but with notable differences of tone undermining their joint appeal: Mr Robinson said it had been ‘cowardly’, a conventional dismissal of paramilitary as against official military forces which fight in uniform; Mr McGuinness said, by contrast, that those

29 N. McAdam, ‘Fresh row pushes Executive deeper into crisis’, Belfast Telegraph (29 August 2008).
30 BBC news online (6 June 2008).
involved did not ‘represent’ anyone, implicitly upholding the legitimacy of the mainstream republican movement and the violence it had previously exercised.\(^\text{32}\) Neither would have appeared a compelling argument to the perpetrators. Worryingly, the Northern Ireland Life and Times Survey showed that 11 per cent of Catholics felt ‘a lot of sympathy’ for the reasons republican paramilitaries gave for violence during the ‘troubles’\(^\text{33}\)—nearly double the level of the aftermath of the Belfast agreement.\(^\text{34}\)

A month later, the chief constable, Sir Hugh Orde, said the threat posed by up to 80 dissidents was ‘as high as it has been’ during his tenure, and that they had claimed responsibility for murder attempts on five police officers in the previous eight months, including a land-mine attack in Co Fermanagh in June.\(^\text{35}\) Perhaps even more ominously, again in Co Fermanagh, for the first time the dissidents used Semtex—acquired from IRA dumps by dissidents in the wake of the Belfast agreement—in an attack on police officers, one of whom was injured.\(^\text{36}\) Towards the end of August, the sporadic attacks continued, when a sniper opened fire on patrol officers in Craigavon and petrol bombs were launched against officers in south and east Belfast.\(^\text{37}\)

It emerged that between June 2007 and the same month in 2008 around 16 police officers had been forced to move house due to paramilitary threats.\(^\text{38}\) It was also evident that IRA defections to the dissidents had fuelled the violence.\(^\text{39}\) The principal targets were Catholic police officers, to delegitimise the reconstituted service, but the NIO junior minister, Paul Goggins, was able to welcome news in the PSNI annual report that Catholics now represented 24 per cent of officers—just a little off target in terms of the 10-year goal of 30 per cent set by the Patten review in 1999.\(^\text{40}\)

A scary portrayal of life in working-class Catholic communities emerged meanwhile in evidence to the belated trial arising from the fatal stabbing of Robert McCartney, allegedly by IRA members, outside a Belfast bar in January 2005. His sisters, campaigning for justice on his behalf, had been met by a wall of silence from republicans.

\(^{32}\) OFMDFM news release, 24 June 2008.
\(^{33}\) See www.ark.ac.uk/nilt/2007/Political_Attitudes/REPVIOL.html.
\(^{34}\) See www.ark.ac.uk/nilt/1998/Political_Attitudes/REPVIOL.html.
\(^{35}\) See www.telegraph.co.uk (28 July 2008).
\(^{37}\) Belfast Telegraph (27 August 2008).
\(^{39}\) H. McDonald, ‘ Provisional IRA defectors behind new Ulster violence’, Guardian (1 September 2008).
\(^{40}\) NIO news release, 26 June 2008.
At Belfast Crown Court key witnesses were screened off, for their own protection, from everyone but the judge and lawyers. Mr McCartney’s best friend, Ed Gowdy, when challenged as to why he had not told the truth in initial police interviews, said: ‘There were paramilitaries involved … I know from where I live what I’m allowed to say and what I’m not allowed to say.’ Mr McCartney’s fellow victim, Brendan Devine, said he had met the IRA four times since the episode—the first time in an SF office. Terence Davison was acquitted of murder, on the basis of the limits and the contradictions of their evidence and that of an anonymous ‘Witness C’, but it emerged that there had also been a ‘Witness A’ and a ‘Witness B’ who had declined to appear out of fear. The McCartney sisters had themselves been victims of severe intimidation.

The episode bore out a new academic portrayal of the republican movement, querying the ‘official rhetoric of transition’ from violence to democracy supported by London and Dublin. Yet during the survey period, the NIO finally agreed, despite the opposition of the SDLP, to ‘accredit’ republican as well as loyalist ‘restorative justice’ schemes in working-class neighbourhoods previously supported by Atlantic Philanthropies, which distributes the fortune of the Irish-American Chuck Feeney (who had also, as an individual, bankrolled SF). Pressure from the SDLP, however, had ensured that these schemes were subject to greater constraints in terms of safeguards for alleged offenders and the requirement that they co-operate with the police than the NIO had originally envisaged.

A compelling signal of the continuing grip maintained by paramilitaries, loyalist and (dissident) republican, on their respective communities was the publication of police statistics indicating that paramilitary beatings and shootings between April and June had tripled compared with the same period in 2007. In addition, low-level inter-communal violence—some of it portrayed as ‘recreational rioting’ involving youngsters—remained a neuralgic issue at interfaces which, according to an

41 S. Breen, “Telling police IRA business, do you think I’m f***ing nuts?”, Sunday Tribune (1 June 2008).
42 ‘McCartney friend “quizzed by IRA”’, BBC news online (4 June 2008).
46 NIO news release, 30 July 2008.
48 Belfast Telegraph (18 August 2008).
experienced community worker in north Belfast, demonstrated that the underlying ‘frustration and fear’ in each community had not gone away.49

It was reported that four Catholic families, including a deaf and wheelchair-bound widow, were seeking emergency transfers from their homes in the Carrick Hill area of north Belfast following repeated sectarian attacks, with the Oaklee Housing Association reporting 20 attacks in the past year.50 During the period, shocking research was published, showing that there were now 83 ‘peace walls’ at Belfast interfaces, mainly in the north of the city—twice the officially recognised figure.51

The all-party Westminster group on integrated education visited the new barrier at Hazelwood integrated primary school. Its leader, Alf Dubs, said: ‘If Northern Ireland is to become a peaceful and stable society then peace walls should be coming down and not going up … This wall is a major symbol of Northern Ireland’s problems and shows the urgent need for actions to counter segregation and sectarianism.’52

One key means of dispelling fear, particularly among Catholics, would be the decommissioning of loyalist arsenals, yet to occur. In May 2007, the Ulster Volunteer Force announced it would be putting its weapons ‘beyond reach’ but, more than one year on, Gusty Spence—who helped found the modern day UVF in 1966 and read its ‘beyond reach’ statement—said it ‘meant nothing’ because it fell short of decommissioning, a view he had made plain to the UVF at the time.53 Mr Spence insisted that the UVF leadership had to have the confidence to put its arms beyond use, in the manner of the IRA. Earlier in the month, the chief constable and the NIO security minister, Mr Goggins, held talks with the Ulster Political Research Group and ‘other leading loyalists’—ie the self-styled ‘brigadiers’ of the Ulster Defence Association, the largest loyalist paramilitary group—to warn them that time was running out on the handing over of their weapons, although what sanctions might be applied if they did not comply were uncertain.54

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50 ‘Catholic families seek housing transfers’, UTV News Online (2 June 2008).
52 ‘Group explores integrated system’, BBC News Online (16 May 2008).
53 Belfast Telegraph (18 August 2008). In May 2008, the secretary of state ‘de-specified’ the UVF (and the related Red Hand Commando)—that is to say, recognised the organisation to be in ceasefire mode—in light of its commitment to assume a ‘non-militarised, civilian role’ as announced by Mr Spence a year earlier.
54 Belfast Telegraph (2 August 2008). On 7 May Mr Woodward indicated that the legal mechanism (the Independent International Commission on Decommissioning) for disposing of weapons would not last indefinitely and that when its writ expired paramilitary organisations would be treated as criminal gangs.
1.3 Forcing the issue

With a view to the ‘traditional’ British-Irish gearing up of autumn pressure on the Northern Ireland parties, after another summer marked by both crisis and lethargy, the Northern Ireland secretary, Mr Woodward, and the republic’s justice minister, Dermot Ahern, wrote to the Independent Monitoring Commission asking for an ‘ad hoc’ report ‘clarifying its assessment of the completion of the transformation of PIRA’. But on behalf of the DUP Mr Donaldson said that ‘removing the IRA from the stage’ was not ‘the only factor’ in a decision to devolve policing and justice. His leader, Mr Robinson, said the party remained ‘of the unshakable view that those powers can only be transferred whenever there is the required community confidence’, while for SF Mr McGuinness criticised the further recourse to the IMC by the two governments.

A PSNI assistant chief constable, Peter Sheridan, said the IRA command no longer posed a ‘security threat’. But the ruling army council was not being disbanded, though its members were not being replaced as they died or resigned. The IMC duly reported that the army council was neither ‘operational’ nor ‘functional’, in a context in which the IRA was withering away. Supported by Dublin, the prime minister, Mr Brown, said this provided ‘reassurance’. But the DUP insisted on formal disbandment, to which on behalf of the republican movement Mr Adams reacted dismissively. As the DUP and SF met the next day to address their wide agenda of differences, the SF leader warned: ‘There’s a real concern out there and it isn’t just among republicans that elements within the DUP are not reconciled to the concept of partnership government.

Beyond the DUP, the ‘Traditional Unionist Voice’, led by the DUP defector and MEP Jim Allister, would not countenance any prospect of an SF minister becoming involved in policing and justice at any time. If, however, the powers were to be devolved on the basis of the proposals put forward by Messrs Robinson and

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55 NIO news release, 6 August 2008.
57 D. Keenan, ‘Robinson says SF devolution claim “false”’, Irish Times (8 August 2008).
60 D. Keenan, ‘IRA army council “redundant”’, Irish Times (4 September 2008).
61 N. McAdam, ‘DUP: talks to end summer of stalemate “useful”’, Belfast Telegraph (4 September 2008).
62 By contrast, ACC Sheridan said he would have ‘no problem’ with a police and justice minister who had a background in the IRA—Derry Journal (26 August 2008).
McGuinness on 4 August, Mr Allister would seek to mobilise further support, not least when he contested the European Parliamentary election in 2009—threatening the DUP’s aim of yet again topping the poll.

The meetings between the DUP and SF continued as the clock ticked down on 18 September, with a view to resolving their differences. The prime minister, Mr Brown, indicated he would arrive in Belfast two days before that latest deadline, to try to break the proverbial logjam once again.63

A respected former permanent secretary and key figure in the Patten Commission, Maurice Hayes, told the John Hewitt Summer School of ‘the risk of the re-emergence of a cyclical pattern as a generation of young people who have not experienced the actuality, the horror and the cost of violence, react against the ineffectiveness of politics and politicians, their predecessors having been persuaded to turn away from violence on the promise that politics could deliver’. Dr Hayes sardonically noted that the fact that the executive had not been meeting, as SF and the DUP remained deadlocked, was hardly a ‘great advertisement for democratic politics’.64

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63 ‘Prime minister to visit next week’, BBC news online (9 September 2008).
64 G. Moriarty, ‘Risk of return to violence remains if politics is seen not to deliver—Hayes’, Irish Times (30 July 2008).
2. Devolved Government

Rick Wilford and Robin Wilson

2.1 Paisley departs

Rev Ian Paisley’s long-flagged departure as first minister and DUP leader finally occurred during the survey period. During his (uncharacteristically) brief resignation statement to the assembly, Mr Paisley wryly noted that it was ‘one of the few Houses that I have not been thrown out of’, yet few doubted he had been nudged aside by the DUP’s grey suits. Tributes, some not so generous as others, were paid to ‘the big man’—including one less than fulsome from the SF leader, Gerry Adams, citing an Irish proverb to summarise a remarkable political journey: ‘It is a wise man who can change direction for the common good; it is a lucky man who lives long enough to enjoy it.’

Mr Paisley’s final formal act was to nominate Mr Robinson as first minister and he, together with Mr McGuinness—nominated by Mr Adams—took the Pledge of Office. In their speeches, both metaphorically rolled up their sleeves and looked to the future in which the executive and the assembly had, in Mr Robinson’s words, ‘to deliver’.

The new first minister could not resist expressing, in barely coded terms, his unshakeable preference for a voluntary coalition, affirming that ‘we must work to transform the institutions to ensure that we move to democratic normality in the years ahead’. But he acknowledged that, given a four-party ‘mandatory coalition’, he would need to work with all executive members ‘in delivering for the people who elected us’. He turned to Abraham Lincoln, no less, in sketching out his vision: ‘let us strive on to finish the work we are in and bind up the wounds of our divided community’.65

Mr McGuinness also struck a mutedly harmonious chord in committing himself ‘to working these institutions with the new First Minister, a committed unionist, to deliver for all of the community’—adding, as an interesting if not puzzling suffix, ‘Bringing about change does not impact on our respective political ideologies’. He too insisted he was not afraid of hard work and, like his decidedly non-identical political twin, defined the key task as ‘delivering a real and marked improvement in people’s lives’.

He concluded by reiterating that ‘the war is over’ and that in the future difference must not mean division or threat but ‘something to cherish and celebrate’.

It was the UUP leader, Sir Reg Empey, who began to sound the discordance of intra-executive relations. While wishing the new duo well, he noted that during the year of restored devolution there had not been an occasion when the leaders of the four executive parties had met to discuss the way forward—which, he observed, was ‘one of the reasons why the First Minister’s term has started in an atmosphere of crisis’.

2.2 Reshuffle

Mr Robinson’s elevation from finance minister to first minister led to a reshuffle of his DUP team. The widely expected removal of Mr Poots as culture, arts and leisure minister was confirmed; Gregory Campbell, who had held the social development brief for a ‘rotated’ period in the first devolved executive, replaced him. Nigel Dodds, already promoted by Mr Robinson to the deputy leadership of the DUP, moved to the Department of Finance and Personnel, while the environment minister, Arlene Foster, moved to take up Mr Dodds’ post of enterprise, trade and investment.

The reshuffle showed no concern for Catholic sensitivities. And the greatest surprise was the appointment of Sammy Wilson to the environment portfolio. He attacked ‘bearded, sandal-wearing, Guardian-reading, muesli-eating environmentalists’ and ‘Green fanatics’—views the SDLP bemoaned as ‘flat earth’. He told the assembly Environment Committee that he would vote against the UK Climate Change Bill, claiming taxpayers would not support targets that would leave them out of pocket or restrict their ability to drive.

Later, Mr Wilson caused outrage with an article in the News Letter attacking the ‘green gang’ with their ‘hysterical pseudo-religion’, rehearsing the long-discredited notion that sunspot activity might have been responsible for global temperature

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66 Ibid.
67 While it is difficult to refute the rumours of an intrinsic crisis within the executive, according to Mr Robinson only three cross-community votes had been triggered around the ‘cabinet’ table since the restoration of devolution in May 2007—answers to oral questions, Official Report, 9 June 2008.
68 Mr Robinson made it clear he anticipated another reshuffle within 18 months, ‘to show the depth of talent in the party and to use it effectively’—DUP news release, 10 June 2008.
69 Talkback, BBC Radio Ulster (10 June 2008).
70 G. Moriarty, ‘Wilson “flat earth” view criticised’, Irish Times (11 June 2008). As one seasoned observer put it, Mr Wilson’s appointment was akin to putting King Herod in charge of an orphanage.
variations. John Woods of Friends of the Earth said Mr Wilson was ‘like a cigarette salesman denying that smoking causes cancer’.

All bar Ms Foster continued to double as Westminster MPs—unthinkable in Wales or Scotland. Indeed, Mr Robinson appeared to hope by his action that Ms Foster could win the Fermanagh / South Tyrone constituency, with its fine ethnic balance, next time. Yet in recent times only the moderate UUP figure Ken (now Lord) Maginnis has been able to win from the Protestant side in what is now an SF seat.

Mr Robinson also took the opportunity to change his assembly team. David Simpson replaced Mr Campbell as chair of the Social Development Committee; Mervyn Storey took over Mr Wilson’s role as chair of the Education Committee and, in turn, was replaced as vice-chair of the Finance and Personnel Committee by Simon Hamilton. Jimmy Spratt replaced Mr Simpson as a DUP member of the Policing Board and was in turn replaced by Robin Newton as vice-chair of the Employment and Learning Committee. Jeffrey Donaldson retained his post as junior minister in the OFMDFM.

Meanwhile, an accountant, Bruce Robinson, was appointed head of the Northern Ireland Civil Service, having been permanent secretary at the Department of Finance and Personnel and the Department of Enterprise, Trade and Investment. For several years, he had been head of the Industrial Development Board, now incorporated into Invest NI. It was a choice which chimed with the conventional economic focus of the Programme for Government.

2.3 Executive (in)action

Four executive bills received royal assent during the survey period: the Budget (no 2) Bill (2 July), the Child Maintenance Bill (2 July), the Mesothelioma Bill (2 July) and the Local Government (Boundaries) Bill (23 May). The latter was the final piece of legislation taken through the assembly by the outgoing environment minister, Ms Foster.

It followed DUP-SF agreement to reduce the number of district councils from 26 to eleven—after a protracted stand-off between SF, in favour of seven, and the other

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73 ‘Wilson row over green “alarmists”’, BBC news online (5 September 2008).
74 ‘Robinson shows his hand’, News Letter (11 June 2008).
75 OFMDFM news release, 16 May 2008.
parties, preferring fifteen—and for the districts to be divided into wards. The boundaries of the districts and the wards would now be resolved by the local government boundaries commissioner. The bill provided that Belfast would be divided into 60 wards and each of the ten remaining districts into 40, yielding a total of 460 councillors (compared with the current 582). The protracted restructuring of local government has meant the postponement by two years, to 2011, of the next scheduled district-council elections.

In another long-running saga, Ms Foster had earlier taken the decision\(^{76}\) not to establish an independent Environmental Protection Agency, much to the dismay of environmentalists and the independent Review of Environmental Governance, chaired by Tom Burke, which had recommended the creation of just such an agency.\(^{77}\) Prof Burke said it was a ‘great shame’ that Ms Foster had ‘caved in to the Ulster Farmers’ Union’, complaining that the DUP (as with SF) had not even made a submission to his panel (which reported in June 2007) and that the submissions he had received, outside of that from the UFU, had been virtually unanimous in favour of an independent agency.\(^{76}\) Mr Woods of Friends of the Earth said he was ‘deeply disappointed’ and that, as the three other executive parties had each made manifesto pledges to an independent agency, this was a ‘test for democracy’.\(^{79}\)

Instead, Ms Foster decided to retain the existing Environmental and Heritage Service and reorganise it as a Department of Environment executive agency, with effect from 1 July.\(^{80}\) On 9 June, however, the assembly speaker announced he had received a valid Petition of Concern (ie signed by at least 30 MLAs), requesting that the decision be referred back to the executive for consideration, a procedure instituted by the St Andrews Agreement. The matter had been duly referred on 4 June. But the postponement of subsequent executive meetings meant no outcome was reached by the end of the survey period.

Lengthy controversy had also surrounded the appointment of a victims’ commissioner—where there was to have been one, the DUP and SF finally agreed in

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\(^{80}\) DoE news release, 27 May 2008.
January 2008 that there would be four.\textsuperscript{81} On 3 June Mr Paisley, in one of his last acts as first minister, and Mr McGuinness announced the establishment of the Commission for Victims and Survivors, complete with a budget of £36m, following the coming into force of the relevant act.\textsuperscript{82} But the controversy was set to continue: a legal challenge to the process of appointing the four commissioners was launched by Michelle Williamson, whose parents were murdered by the IRA in the 1993 Shankill Road bombing in Belfast. Ms Williamson contended that there was no legal authority to appoint four people and that the first and deputy first ministers had based their decision on religious belief or political opinion rather than merit.

Meantime, there was still no sign of the document to address Northern Ireland’s deep communal divisions, ‘Cohesion, Sharing and Integration’, which the OFMDFM had been hoping to launch at the policy conference of the Community Relations Council at the end of April. As the survey period closed, it was being suggested that a version would go to the assembly Committee for the OFMDFM in September. But a draft suggested an approach considerably attenuated from \textit{A Shared Future}, the document launched under direct rule in 2005, with lack of policy commitment among the principal executive parties reflected in an emphasis instead on funding and the role of local government. The deputy first minister, Mr McGuinness, did however tell a conference in Derry on cross-border partnerships in multicultural communities: ‘The future that we are building here for all people must be founded on intercultural dialogue at every level of society.’\textsuperscript{83}

If there was little substantive policy progress, there was much consultation. On 29 May, Messrs Paisley and McGuinness announced a consultation as part of the long-overdue review of the Civic Forum. Created under the terms of the 1998 agreement the forum was eventually convened in 2000 and was unable to meet following the collapse of devolution in October 2002. Originally, it comprised 60 members drawn from ten sectors of civic society, its chair appointed jointly by the then first and deputy first ministers, David Trimble and Séamus Mallon. The outcome of the consultation,


\textsuperscript{82} Just how little the pain of victims has diminished with time was indicated by the tenth anniversary of the Omagh atrocity, in which 29 people (one a woman pregnant with twins) were killed by the Real IRA—the single largest loss of life during the ‘troubles’. While some of the bereaved did attend the official ceremony—as well as their own annual commemoration—others boycotted the event, unhappy with the presence of a number of unnamed politicians.

\textsuperscript{83} OFMDFM news release, 17 June 2008.
conducted by the former head of the Northern Ireland European office in Brussels and exploring a range of comparators, was anticipated in the autumn.

At the end of May, the ODMDFM junior ministers, Mr Donaldson and Gerry Kelly (SF), launched another consultation, on the role and powers of a commissioner for older people. The decision to create such a role had been taken earlier in 2008 and an advertisement had already appeared for an ‘older people’s advocate’, tasked to raise issues in their interests until the legislation was in place.\(^{84}\)

A still further consultation document emerged from the OFMDFM, on a strategy for victims and survivors. It devoted just one paragraph to the critical issue of ‘dealing with the past’. It shunted most of the issues into the lap of the four-member Victims Commission and the victims’ and survivors’ forum it was charged with establishing. A Victims and Survivors Service was in addition to be set up, which would take over the funding of victims groups from the Community Relations Council—an odd proposal, given the expertise which the latter has developed and the trust it inspires being at arm’s length from government.\(^{85}\)

2.4 Rising unease

There was a rising sense of querulousness during the survey period about this executive inertia. The first minister, Mr Robinson, who had doubtless seen the Belfast Telegraph poll on the anniversary of the renewal of devolution indicating nearly three quarters of respondents had seen no difference,\(^{86}\) told the Irish News that the assembly needed to become more meaningful to the people of Northern Ireland and that this would ‘require it to be shown that it can deliver’.\(^{87}\)

After his nomination, the former editor of the paper, Ed Curran, had sent Mr Robinson a stinging open letter which attacked his ‘dithering’ government, pointing to ‘a number of extremely worrying and potentially destructive issues looming on the horizon’ such as devolution of policing and justice. Mr Curran did not mince words:

> We happen to have a coalition government at Stormont dominated by two of the most authoritarian and dogmatic parties in Europe …

\(^{84}\) OFMDFM news release, 29 May 2008.


\(^{87}\) W. Graham, ‘DUP and SF to intensify talks over the summer’, Irish News (25 June 2008).
The outside world may jump up and down with appreciation of Ian Paisley and Martin McGuinness sharing power. But the locals aren’t. Many people are strangely subdued about Stormont. They are in two minds as to whether it is worth having.\footnote{E. Curran, ‘Is that a poisoned chalice behind you, Peter’, \emph{Belfast Telegraph} (12 May 2008).}

The Maze site was one of those ‘potentially destructive’ issues. A memo from Mr Robinson leaked to the \emph{Belfast Telegraph} said the proposed stadium would cost £379m, three times the original estimate, and would not represent value for money.\footnote{N. McAdam, ‘Revealed: document that may sink Maze stadium’, \emph{Belfast Telegraph} (20 May 2008).} SF said the DUP leader was just dressing up his opposition in economic terms and insisted that if there was to be no stadium at the Maze there would be no stadium at all, as the party would veto any other proposal in the executive. An SDLP MLA for North Antrim, Declan O’Loan, commented: ‘This is what everything has been building up to … It does not bode well for the system of government we have …’.\footnote{G. Moriarty, ‘Maze-site stadium looks uncertain amid divisions’, \emph{Irish Times} (26 June 2008).} As the chair of the 2012 Olympics organising committee, Lord Coe, visited the region, the secretary of state, Mr Woodward, expressed his frustration in the Commons that if the stadium were not built Northern Ireland would be unable to benefit.\footnote{News at One, RTE Radio, 4 July 2008.}

The minister for employment and learning, and UUP leader, Sir Reg Empey, said the executive was ‘missing an overall strategic direction’, that issues were being ‘delayed’ and ‘blocked’ and that discussions of unresolved items were often confined to SF and DUP political advisers. He warned against the devolution of policing and justice in this ‘arm-wrestling’ context.\footnote{D. Keenan, ‘UUP leader says Executive not functioning properly’, \emph{Irish Times} (5 July 2008).} An SDLP source was quoted as saying: ‘Reg is absolutely right, it’s actually much worse than that. What’s more, things have worsened under the new [DUP] leadership.’\footnote{D. Rusk, ‘Executive fails to meet for a month amid stalemate fears’, \emph{Irish News} (11 July 2008).}

Public unease grew as it became apparent that SF was blocking the executive from meeting, pending movement by the DUP on its key concerns, with a failure to meet on any of three Thursdays after 19 June.\footnote{Newsline 6.30, BBC Northern Ireland (22 July 2008).} After the ‘Twelfth of July’ break, the next potential meeting, on 24 July, was also postponed, as UUP, SDLP and Alliance figures queried the capacity of the DUP and SF to work together.\footnote{N. McAdam, ‘Sinn Fein insists Maze stadium will go ahead’, \emph{Belfast Telegraph} (20 May 2008).} Even the politically appointed ministerial advisers failed to have an anticipated meeting that
week, against a backdrop of some 30 papers signed off by the first minister, Mr Robinson, but not yet by the deputy first minister, Mr McGuinness.\footnote{N. McAdam, ‘Assembly is bogged down, can MLAs dig themselves out? Will they? Won’t they?’, \textit{Belfast Telegraph} (22 July 2008).}

The UUP leader, Sir Reg, claimed the executive was ‘paralysed’ at a time when citizens were feeling inflationary pressures.\footnote{K. Reid, ‘Political commentary: London calling’, \textit{UTV news online} (22 July 2008).} The social-development minister, Margaret Ritchie, protested that she had written to the first and deputy first ministers, complaining that three draft bills—including one on affordable housing—were being held up, yet she had had no response after a fortnight. While the OFMDFM said ministers were engaged in business as usual, she said ‘cabinet-style government’ was essential.\footnote{W. Graham, ‘Twenty-four papers in Stormont limbo’, \textit{Irish News} (12 August 2008).}

A list of outstanding papers, reduced to 24 by temporary approval given to six, was published by the \textit{Irish News}. Critically, it included the direct-rule anti-poverty strategy, \textit{Lifetime Opportunities}, on which again a successor was long awaited.\footnote{NICVA eNews, 16 June 2008, available at: \texttt{nicvalist@nicva.org}.} The Northern Ireland Council for Voluntary Action articulated NGO pressure in launching a Child Poverty Coalition, involving 17 voluntary organisations working in this area.\footnote{T. McGurk, ‘Old tensions resurfacing in “dire” Stormont atmosphere’, \textit{Sunday Business Post} (15 June 2008).}

In this fetid atmosphere, the republican-orientated columnist on the \textit{Sunday Business Post} Tom McGurk said he had been told by an executive insider that the atmosphere around the table was ‘dour and dire’.\footnote{A. Kane, ‘Government of “personal loathing and tunnel vision”’, \textit{News Letter} (4 August 2008).} His UUP counterpart in the \textit{News Letter}, Alex Kane, said relationships were characterised by ‘personal loathing’.\footnote{Newsline 6.30, BBC Northern Ireland (16 August 2008).}

The inability of the executive to respond effectively to public concerns was encapsulated by floods of biblical proportions in Belfast and its environs following torrential rain in mid-August. As the waters rose, so did the anger of the inundated households, telling BBC Northern Ireland they were being met with out-of-hours answerphone messages when they contacted statutory agencies: the organisation of the executive as 11 largely independent fiefdoms meant the devolved government...
could not even provide a unified emergency helpline.\footnote{L. McKee, ‘Floods blame game begins’, \textit{Belfast Telegraph} (19 August 2008).} The executive did, however, issue a statement the next day about emergency payments\footnote{Northern Ireland Executive news release, 17 August 2008, at: www.northernireland.gov.uk/executive-statements-index/executive-statement-on-flooding-17-08-08.htm.}—its first in over a year.

In this context that, addressing the British-Irish Association conference in Oxford at the conclusion of the survey period, the SDLP leader, Mr Durkan, shifted his party’s stance from implacable defence of the Good Friday agreement and called for constitutional reform. He said the ‘arguably sectarian’ system of communal designation—the basis for the deadlocking vetoes in the executive—should be replaced in the next assembly term by a strong bill of rights. And he talked about a ‘political realignment’ more consonant with a ‘shared future’\footnote{‘Power-sharing should end soon says Durkan’ and ‘SDLP calls for end to cross-party coalition’, \textit{Irish News} (6 September 2008).}.

His comments were welcomed by Danny Kennedy of the UUP, who said: ‘There is a widespread political feeling that the structures that got us to where we are now are perhaps not the best vehicle to take us forward.’\footnote{M. Canning, ‘Unionists welcome Durkan comments’, \textit{Irish News} (8 September 2008).} They were however rubbished as ‘fantasy politics’ by Martina Anderson of SF.\footnote{‘Durkan’s plan is “fantasy politics”—Anderson’, \textit{Derry Journal} (9 September 2008).}
3. The Assembly

Rick Wilford and Robin Wilson

3.1 ‘God bless you please, Mrs Robinson’?

Iris Robinson, the DUP chair of the assembly’s Health, Social Services and Public Safety Committee, had already made her mark in the house—being the first MLA to be suspended following the restoration of devolution in 2007. She was at the seat of controversy again in this period, inside and outside the assembly, over remarks on homosexuality on regional radio and at the Northern Ireland Grand Committee.

On a BBC talk show, Ms Robinson declared that homosexuality was an ‘abomination’ and that gays could be ‘turned around’ with psychiatric treatment. She claimed merely to be retailing the ‘word of God’ but Dolores Kelly of the SDLP called for her to be removed as committee chair. The police were asked to investigate after a complaint from a gay activist in Co Down, invoking the 1987 Public Order Order.

The first minister defended his wife—the Robinsons attend an Elim Pentecostal evangelical church—but the deputy first minister, Mr McGuinness, said the comments were harmful and distressing. The internationally respected New Scientist magazine attacked Ms Robinson in an editorial, arguing that there was no scientific foundation for her position and expressing concern that someone of her views could be chair of the health committee.

Pressure grew on Ms Robinson, and her party, following further comments at Westminster, in which the Strangford MP suggested homosexuality was ‘viler’ than child sex abuse. The UUP MLA John McCallister said she had become an ‘embarrassment’ who should be removed from her position. But her husband once again defended her, saying that ‘all Iris did was quote the Bible’.

110 Stephen Nolan Show, BBC Northern Ireland (6 June 2008); D. Keenan, ‘Anger after MP says gays can be “turned”’, Irish Times (7 June 2008).
111 E. Moulton, ‘Police probe Iris Robinson’s “gay” remark’, Belfast Telegraph (9 June 2008).
112 ‘McGuinness: Robinson’s criticism of gay people harmful and distressing’, Belfast Telegraph (11 June 2008).
113 ‘Why homosexuality is not unnatural’, New Scientist (18 June 2008).
114 D. McAleese, ‘11000 demand PM reprimands Iris for her outburst on gays’, Belfast Telegraph (23 July 2008).
Gay Pride march in Belfast however attracted political figures from all the other parties in support.¹¹⁷

Meanwhile, unionist as well as nationalist MPs opposed an amendment in the name of Diane Abbot to the Human Fertilisation and Embryology Bill, which would have extended the 1967 abortion provisions to Northern Ireland. While the Northern Ireland political class was at loggerheads on so much else, all four main parties—and the main church leaders—united in opposing a woman’s right to choose in correspondence to MPs. Ms Abbott said women in Northern Ireland deserved the same rights as elsewhere in the UK and that there was a clear pro-choice majority in Parliament. But the ostensible unionist MP for Lagan Valley, Mr Donaldson, said: ‘We will be vigorously opposing any move to override the wishes of the people of Northern Ireland and the Northern Ireland Assembly.’ And Mr Durkan, leader of an ostensibly social-democratic party, said the episode showed the need for devolution of policing and justice powers.¹¹⁸

The DUP leader, Mr Robinson, had a series of meetings with the Conservative leader, Mr Cameron, hoping to block the Abbot amendment and mend fences over the DUP’s bail-out of the government over detention of terrorist suspects, against the background that party hopes of a Westminster relationship with the Tories after the next election might be imperilled by Iris’s remarks (see political parties and elections section).¹¹⁹ Meantime, the United Nations committee on the Convention on the Elimination of Discrimination against Women called for an end to the ‘punitive provisions’ in Northern Ireland, urging the ‘state party’ to initiate a consultation on abortion law.¹²⁰

The new DUP chair of the Education Committee, Mr Storey, made equally fundamentalist comments during the survey period. Like his American evangelical counterparts, he said creationism should be taught alongside evolution in schools, implying there was a legitimate debate between the two. But he went further: in an ‘ideal’ context, he said, evolution would not be taught at all.¹²¹

¹¹⁸ ‘MPs pushing abortion rights in NI’, BBC news online (23 July 2008); S. Lister, ‘MPs unite to fight law that will make abortions available in Northern Ireland’, Belfast Telegraph (24 July 2008).
¹²⁰ G. Moriarty, ‘UN committee urges abortion law reform’, Irish Times (1 August 2008).
¹²¹ ‘Call to teach biblical creation as science’, News Letter (6 August 2008).
In the run-up to the renewal of devolution in May 2007, London and Dublin worked hard to persuade others, and perhaps themselves, that the DUP was now a ‘moderate’ party. The extremely right-wing ideological stances adopted by Mr Wilson (see executive section), Ms Robinson and Mr Storey suggested this was wishful thinking.

3.2 Assembly business

There were ten plenary sessions between 27 May and 1 July, when the assembly rose for the recess. Although, as noted earlier, only four bills received royal assent during the survey period, there was a considerable legislative programme for the committees and the house to deal with, including some complex and controversial measures. These included the Charities Bill, which reached its final stage on 30 June, and the Budget (no 2) Bill, which reached the same stage on 24 June.

A number of legislative measures fell into the category of parity legislation, including the Mesothelioma Bill, the Child Maintenance Bill, the Social Security Benefits Up-Rating Order and the Pensions Bill, each of which had still to complete the legislative process. Among the more controversial measures were the Local Government Boundaries Bill and the Commission for Victims and Survivors Bill, each of which received royal assent on 27 May.

Besides their reports on legislative proposals, three substantive reports emerged from statutory committees during the period: Renewable Energy and Land Use (Agriculture and Regional Development Committee, 24 June); Child Poverty (Committee for the Office of the First and Minister and Deputy First Minister, 4 June); and Training for Success (Employment and Learning Committee, 28 May). The standing Public Accounts Committee produced two reports (the Hospitality Association of Northern Ireland, 30 June, and the Northern Ireland Tourist Board’s management of Rural Cottage Holidays Ltd, 17 June), while the Standards and Privileges Committee published its report on a complaint by John Dallat MLA against Ian Paisley Jr (12 June), concerning the alleged financial benefit to Mr Paisley relating to a home provided by a constituent; the committee accepted that the complaint could not be substantiated.

On 19 June 2008, the assembly’s Social Development Committee met off the Stormont estate at the headquarters of the Northern Ireland Council for Voluntary Action, in north Belfast. Some 50 representatives of the voluntary sector were
sympathetically received by the committee as they pressed their concern about cuts faced by voluntary organisations as result of public-sector ‘efficiency savings’ (see finance section). NICVA has also been concerned that vital work in community relations, community development and community learning could be threatened by the absence of mainstream government support to replace declining funding streams, such as the EU ‘Peace’ programme.

4. **The Media**

*Robin Wilson*

4.1 **Hacked-off hacks**

The media mood darkened in this survey period, as the devolved executive ground to a halt. The *Belfast Telegraph* reported at the end of May the threat by SF to block the appointment of Mr Robinson as the new first minister a few days later, threatening the collapse of the devolved institutions.¹²³ The day before the nomination, the paper splashed with the hardly understated headline ‘ONE DAY LEFT TO SAVE STORMONT’.¹²⁴ Ignorance in London of the sectarian political crisis meanwhile proved blissful, however, as a spectacularly ill-timed *Guardian* editorial on Northern Ireland blithely declared: ‘Normal news is good news’.¹²⁵

The *Irish News*, which has a predominantly Catholic readership, showed little sympathy with SF’s brinkmanship. It editorialised: ‘Potential investors, who heard our leading figures stress the importance of stability and cooperation at a major economic conference only last month, would hardly have been impressed if the political structures had collapsed at the first hint of a serious disagreement.’¹²⁶ After the crisis had been for the moment averted, Rebecca Black noted in the paper: ‘The new first minister and deputy first minister seemed set on cementing their reputation as the Brothers Grimm by refusing to appear together after their nomination, leaving the waiting press scratching their heads.’¹²⁷

In a bizarre episode, a glossy magazine which was to have trumpeted the executive’s achievements, a year on from the renewal of devolution, was binned as it was ready to go to the printers—due to a dispute between the DUP and SF about the content, allegedly over the use of Irish. Ironically, the front page was to say: ‘What’s really changed since devolution?’ and ‘What’s the executive ever done for us?’¹²⁸

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¹²⁴ M. McCreery, ‘One day left to save Stormont: executive could fall if parties fail to end stalemate’, *Belfast Telegraph* (4 June 2008).
¹²⁵ ‘Normal news is good news’, *Guardian* (3 June 2008).
¹²⁸ C. Thornton, ‘Stormont feelgood magazine binned as parties wrangle’, *Belfast Telegraph* (9 June 2008).
The *Belfast Telegraph*, which revealed the episode, commented: ‘The ordinary man and woman in the street would be entitled to ask today what chances the parties at Stormont have in settling their differences over policing and justice and the Irish language, when they appear unable to agree over the wording in the pages of a “feel good” 16-page magazine.’ Indeed, editorials in the paper grew increasingly restive as the deadlock continued, with one headlined ‘Do the job you were elected to do’ conveying the mood.

Similar sentiments emerged from a paper based in the deeply divided north of the city. The *North Belfast News* editorialised: ‘The Office of the First and Deputy First Minister says it recognises the need to grasp the nettle on interfaces in North Belfast. That’s fine but we need more than platitudes on the issue, we need delivery.’

This frustration came against the backdrop of the increased confidence of dissident-republican paramilitaries. Following the sniper attack on a policeman in Craigavon and the riots in south and east Belfast, a headline in the *Belfast Telegraph* sent a frisson of déjà-vu: ‘Shots, bombs and stones in a day of violent mayhem’.

### 4.2 First-grade row

The pressure on the finances of ITV, which led the company to seek release from its public-service obligations also led during the survey period to a spat with UTV. Sir Michael Grade told City analysts: ‘We cannot go on in a position where we are subsidising Scottish Television and Ulster.’

The UTV chief executive, John McCann, complained to Ofcom in response that ITV was raking in ‘millions of pounds’ in subsidy benefits while failing to distribute the proceeds to regional broadcasters. And Michael Wilson, managing director of UTV Television, said: ‘I absolutely refute the notion that UTV is in any way subsidised by ITV.’ He accused ITV of ignoring the going rate for programmes UTV received from ITV, the subsidising of ITV plc digital channels and the failure of ITV to pass on to regional companies any of the savings from the Carlton/Granada merger.

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129 ‘Papering over the cracks’, *Belfast Telegraph* (9 June 2008).
130 *Belfast Telegraph* (27 August 2008).
131 ‘Will is there now to begin to bring the walls down’, *North Belfast News* (16 May 2008).
5. Public Attitudes and Identity

Lizanne Dowds

In the last report, support for devolution over all other constitutional options was running at a fairly steady 55 per cent (as of the end of 2007), with a slight rise in support among Catholics and a fall among Protestants over the preceding year. Not bad news for supporters of devolution, especially considering that support had risen since 2001 from a base of 43 per cent overall. But the political landscape has changed over those years with the rise of SF and the DUP as the dominant nationalist and unionist parties. Key to the success of devolution is then the extent to which DUP and SF politicians have succeeded or failed in gaining the trust of the electorate. The Northern Ireland Life and Times Survey revisited this issue in 2007 and the results provide food for thought—especially since this reading was taken before the recent difficulties on policing and justice.

Figure 1: Trust in ministers in the Northern Ireland Executive

Thinking about the ministers in the Northern Ireland Executive, how much would you trust a minister from each of these parties to act in the best interests of all the people in Northern Ireland? First, a minister from the Democratic Unionist Party or DUP?

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<th></th>
<th>2000 (%)</th>
<th>2007 (%)</th>
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<tr>
<td><strong>A minister from the DUP</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Definitely or probably trust</td>
<td>33</td>
<td>49</td>
</tr>
<tr>
<td>Neither trust nor distrust</td>
<td>26</td>
<td>29</td>
</tr>
<tr>
<td>Definitely or probably distrust</td>
<td>34</td>
<td>19</td>
</tr>
<tr>
<td>Don’t know</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td><strong>A minister from SF</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Definitely or probably trust</td>
<td>17</td>
<td>35</td>
</tr>
<tr>
<td>Neither trust nor distrust</td>
<td>20</td>
<td>31</td>
</tr>
<tr>
<td>Definitely or probably distrust</td>
<td>57</td>
<td>32</td>
</tr>
<tr>
<td>Don’t know</td>
<td>6</td>
<td>2</td>
</tr>
</tbody>
</table>

Both parties have come a long way in terms of public confidence in the last seven years. In 2000 only 17 per cent of respondents said they would definitely or probably trust a minister from SF to act in the best interests of all the people in Northern Ireland. This doubled to 35 per cent in 2007. Conversely, levels of distrust dropped

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from 57 per cent in 2000 to 32 per cent in 2007. Less dramatically, trust in DUP ministers rose significantly, from 22 per cent to 49 per cent, and distrust dropped from 34 per cent to 19 per cent. Looking at the picture within the two main religious communities underlines how far perceptions of these two parties have changed over the course of the greater part of the decade.

Figure 2: Trust in DUP ministers among Catholics

<table>
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<tr>
<th>A minister from the DUP</th>
<th>2000 (%)</th>
<th>2007 (%)</th>
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</thead>
<tbody>
<tr>
<td>Definitely or probably trust</td>
<td>17</td>
<td>41</td>
</tr>
<tr>
<td>Neither trust nor distrust</td>
<td>30</td>
<td>31</td>
</tr>
<tr>
<td>Definitely or probably distrust</td>
<td>45</td>
<td>24</td>
</tr>
<tr>
<td>Don’t know</td>
<td>7</td>
<td>3</td>
</tr>
</tbody>
</table>

Catholic trust in a ‘DUP minister’ more than doubled between the two surveys, from 17 per cent to 41 per cent, while distrust almost halved. Although it was still the case that a quarter of Catholics would not trust a DUP minister to act in the best interests of all the people in Northern Ireland, this was still a fairly strong endorsement of devolution in practice. Among Protestants too support rose (not shown in table): 43 per cent in 2000 would trust a DUP minister, compared with 58 per cent in 2007.

Figure 3: Trust in SF ministers among Protestants

<table>
<thead>
<tr>
<th>A minister from SF</th>
<th>2000 (%)</th>
<th>2007 (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definitely or probably trust</td>
<td>6</td>
<td>25</td>
</tr>
<tr>
<td>Neither trust nor distrust</td>
<td>14</td>
<td>30</td>
</tr>
<tr>
<td>Definitely or probably distrust</td>
<td>75</td>
<td>44</td>
</tr>
<tr>
<td>Don’t know</td>
<td>5</td>
<td>2</td>
</tr>
</tbody>
</table>

Protestant trust in a minister from SF quadrupled, albeit from a negligible 6 per cent in 2000, to just a quarter of Protestants in 2007. Catholic trust rose from 39 per cent to 50 per cent over the same period. SF has by no means won the trust of Protestants in Northern Ireland but perceptions have changed significantly. Overt Protestant distrust was dramatically cut from 75 per cent to 44 per cent by events, personalities and devolution itself over the greater part of this decade. The key question is what impact more recent events may have had on this trust.
6. Intergovernmental Relations

Elizabeth Meehan and Robin Wilson

6.1 ‘East-west’

The highlight of this quarter was a meeting in plenary form of the Joint Ministerial Committee—a highlight because it was the first such meeting for six years. The meeting was held on 25 June 2008. Though the prime minister had given the Welsh secretary, Paul Murphy, responsibility for restoring the JMC, the meeting was chaired by the Lord Chancellor and justice secretary, Jack Straw, acting on behalf of Mr Brown. Northern Ireland’s first and deputy first ministers, Messrs Robinson and McGuinness, went with the intention of seeking an assurance from the UK government that there would be no further increases in fuel excise duty—the executive’s uninterest in environmental concerns has already been highlighted (see devolved-government section).

According to the subsequent statement, a ‘number of matters related to finance’ would be ‘remitted to further discussions’ between the finance ministers and the Treasury on a quadrilateral or bilateral basis.

Participants noted the existence of close day-to-day contacts but agreed that good government could be assisted by working together even more closely. To this end, there might be a JMC (Domestic) to parallel the JMC (Europe). The question of disputes was raised and it was agreed that officials would examine how best this could be done consistently with the provisions of the Memorandum of Understanding that had established the JMC. It was also agreed to update the MOU.

The social inclusion group of the British-Irish Council held its third ministerial meeting in Cardiff on 20 May, focused on child poverty and lone parents. The Northern Ireland Executive Committee was represented by Mr Poots, minister for culture, arts and leisure, and Mr Murphy, minister for regional development.

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135 The JMC (Europe) in contrast, met four times in the year leading up to June 2008; HC Written Answers for 18 June 2008, cols. 945W-946W.
139 The other delegations were led by: Wales, the chair, Brian Gibbons, minister for social justice and local government; UK, Stephen Timms, minister for employment and welfare reform; Republic of Ireland, Gerry Mangan, director of the Office for Social Inclusion; Scotland, Stewart Maxwell, minister for communities and sport; Isle of Man, Dudley Butt, political member for the social services division; Jersey, Paul Router, minister for social security; and Guernsey, Al Brouard, deputy minister for social security.
work in the coming year would examine the contribution of the voluntary sector in promoting social inclusion. Mr Poots gave an account of the meeting to the assembly on 9 June 2008, when he was reminded that child poverty was on the agenda of the Office of the First Minister and Deputy First Minister and asked about actions to be taken to achieve ambitions and targets.¹⁴⁰

The meeting of the British-Irish Inter-Parliamentary Body reported here took place in Oxfordshire on 26-27 November 2007 but the record¹⁴¹ (still not the final version¹⁴²) of the meeting did not become available until this quarter. There is no record of any description yet for the spring 2008 meeting (28-29 April) in Wexford. In November 2007, unionists were still boycotting the BIIPB, their absence being a recurring theme in a debate on the first motion involving a future name and the functioning and business of the body.¹⁴³

During the debate it was noted that the St Andrews Agreement provided a stronger basis for the existence of an ‘east-west’ inter-parliamentary body (as well as a north-south one) than the Belfast agreement. It was agreed that the existing body (possibly renamed an assembly¹⁴⁴) was the obvious basis on which to build. However, a number of anomalies were noted which would need to be addressed.

The BIIPB originated as a partnership between two parliaments and, in this context, ministers from the two states were periodically invited to address it and to submit themselves to questions;¹⁴⁵ however, ministers from the devolved administrations did not yet do likewise. The relationship with the British-Irish Council would also need to be resolved: hitherto, the BIIPB had been denied observer status and nor had the BIC responded to invitations to attend BIIPB meetings. The matching of inter- or trans-national assemblies with corresponding executives elsewhere¹⁴⁶ was used to

¹⁴¹ See www.biipb.org.
¹⁴² Hence, there are no formal page or paragraph numbers to record.
¹⁴³ The week before had seen the first meeting of the Oireachtas Joint Committee on the Implementation of the Good Friday Agreement to which Westminster MPs were invited as observers—with speaking, but not voting, rights. Members noted that, from the north, SF and SDLP MLAs had accepted the invitation but unionists did not want to be observers.
¹⁴⁴ It was suggested that the name British-Irish Parliamentary Assembly (on a par with the NATO Parliamentary Assembly) would be put forward by the Standing Committee to the plenary meeting at Wexford in the spring of 2008.
¹⁴⁵ It was noted that, while even the taoiseach had done this, no British prime minister had ever appeared and it was agreed that Mr Brown should be encouraged to do so.
¹⁴⁶ The Nordic Council and the Assembly of the Western European Union, now known as the Interparliamentary European Security and Defence Assembly.
inform suggestions about how comparable forms of accountability\textsuperscript{147} could be achieved in the mosaic of relationships in the case of Ireland and the UK.

It was also observed that the BIIPB’s (or successor’s) agenda would need to develop in the light of the enlarged membership and the changed political situation in Northern Ireland. The origins of the bilateral parliamentary partnership had lain in the conflict within Northern Ireland and a tense relationship between the two parliaments. While the fragility of the peace in Northern Ireland was not to be underestimated and left unattended, the body would need to address issues that encompassed the interests of all members and find ways of conducting business so as to handle them effectively. A number of such issues were mentioned—for example, Sellafield risks, international law on the continental shelf around Ireland and the UK, the poor road link in Scotland from the closest\textsuperscript{148} crossing point between the two islands and the threat of government (as opposed to airline) requirements for passports for travel from Belfast to London and Dublin.

The meeting was addressed by the Northern Ireland secretary, Shaun Woodward, who was questioned about the common travel area, immigration checks and the rumoured passport requirements. Mr Woodward said that a government requirement that passports be carried was not envisaged but then went on to say that it and other matters continued to be discussed in regular meetings of officials of the two states. Moreover, in answering a question about the then new ferry between Donegal and Derry, he said he ‘would not speculate’ on whether it or crossings on the whole north-south border would constitute points of entry under forthcoming legislation. He told the meeting that the objectives of both governments were the same and that pragmatism, as well as principle, was a key part of the review taking place in the UK.

Mr Woodward was also asked about the continuing status or role of the secretary of state for Northern Ireland, compared with the now part-time ones for Scotland and Wales. As and when policing and criminal justice is eventually devolved, it is likely that the NIO will be axed and merged into a new ‘Department of the Regions’ alongside the Scottish and Welsh Offices. Mr Woodward speculated that discussion on the future role of his office might begin to take place in the summer of 2008.

\textsuperscript{147} Though the focus was on the wider British-Irish arena of accountability, the meeting also referred to the need for more parliamentary scrutiny of the North/South Ministerial Council.

\textsuperscript{148} And the busiest route across the Irish Sea, according to the first minister, Alex Salmond, when he visited Belfast for the opening of the new ferry terminal there—Scottish Government news release, 4 June 2008.
He also referred to the role of the centre when answering a question about the delay in Northern Ireland in passing an Irish Language Act. He suggested that, while the UK government had to be sensitive to things that mattered to people in Northern Ireland, Westminster intervention in a situation where legislation was now in the hands of devolved institutions would be to ‘run a coach and horses through the whole principle of the devolutionary settlement’.

The meeting received reports from its committees and there was a substantial debate on the report by Committee D on *The Irish Community in Britain* (Doc No 131).\(^{149}\) BIIPB members suggested that, in what they otherwise acclaimed as an excellent report, there might be a little too much emphasis on the Irish in England at the expense of both similarities to them and differences from them amongst the Irish in Scotland or Wales. With respect to Ireland, returning migrants, often elderly, found themselves back in a country that was different from the one they had left.

As to other developments during this period, it was reported, were there to be a new secretary of the regions, that the current defence secretary, Des Browne, was in the frame.\(^{151}\) The Tories however warned: ‘The Northern Ireland Executive has not met in ages and the political institutions are still weak, so to suggest abolishing the Cabinet position of Secretary of State for Northern Ireland is extremely foolish.’\(^{152}\)

### 6.2 North-south

There were various developments on the north-south front. The deputy first minister, Mr McGuinness (but no unionist) launched in Derry a web site, Border People, developed by the Centre for Cross-Border Studies. This is to assist the 23,000 who cross the border every day for work or study with practical arrangements, such as taxation or how qualifications translate.\(^{153}\)

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149 Irish-language legislation had, however, been a commitment made in an annex to the St Andrews Agreement—see [www.standrewsagreement.org/annex_b.htm](http://www.standrewsagreement.org/annex_b.htm).

150 Another substantial debate took place on the work of Committee A on the Mutual Recognition of Penalty Points. The draft regulations on the mutual recognition of driving infringements covered Great Britain and Northern Ireland and, hence, represent an east-west issue. Indeed, it was being considered by the British-Irish Council. These regulations would cover the recognition in all parts of the islands of offences in any other part which lead to disqualifications and were likely to come into effect from about now. But the committee was particularly concerned with the urgency in 2007 of sorting out penalty points for lesser offences in the Republic of Ireland and Northern Ireland—more of a north-south issue.

151 Belfast Telegraph (12 August 2008).


The lord mayors of Belfast (Jim Rodgers), Cork (Donal Counihan) and Dublin (Paddy Bourke) met in Dublin—the first such tripartite engagement since 1955.\textsuperscript{154}

The SF agriculture minister, Ms Gildernew, shadowed by the DUP culture minister, Mr Poots, met the republic’s communications, energy and natural resources minister, Mr Ryan TD, for an aquaculture and marine sectoral meeting of the North/South Ministerial Council at Dublin Castle. The ministers welcomed the opportunity to discuss the operation of the Foyle, Carlingford and Irish Lights Commission.\textsuperscript{155}

Ofcom pointed in its ‘Nations and Regions’ report to the extent of take-up of RTE in Northern Ireland and the failure yet to arrive at a solution to preserve this in the context of the digital switchovers north and south.\textsuperscript{156} This has already proved problematic for radio, with digital radios unable to pick up RTE in Northern Ireland.

Finally, it emerged under a freedom-of-information demand that the republic’s Industrial Development Authority had expressed concerned about potential increased competition from Northern Ireland when the then southern and northern finance ministers, Brian Cowen and Mr Robinson, agreed in April 2008 arrangements for firms in the Irish Financial Services Centre in Dublin to move some of their operations north of the border where surplus graduate labour was available.\textsuperscript{157}

\textsuperscript{155} Department of Agriculture and Rural Development news release, 21 May 2008.
\textsuperscript{156} J. Stinson, ‘North may lose RTE in digital switchover’, \textit{Irish News} (22 May 2008).
\textsuperscript{157} A. Beesley, ‘IDA warned of Northern competition’, \textit{Irish Times} (30 June 2008).
7. Relations with the EU

Elizabeth Meehan

There is little to report upon during this quarter—perhaps less because of inactivity than because of the absence of much information. As noted above (see intergovernmental-relations section), the briefing for the reconstituted general JMC meeting referred to regular meetings of the JMC (Europe) during the past year. Yet there was no reference to any of these on official Northern Ireland websites.\textsuperscript{158}

In addition to inter-executive forums, an inter-parliamentary one was revitalised in December 2007. The EC-UK Forum consists of the chairs or convenors of EU affairs/scrutiny committees in the Lords, the Commons and the devolved parliaments/assemblies.\textsuperscript{159} The chair of the Northern Ireland Assembly Committee for the Office of the First Minister and Deputy First Minister attended a meeting of it in Edinburgh on 30 June 2008 but I have been unable to trace any record.\textsuperscript{160}

On the critical issue of the world trade talks, the SF minister of agriculture, Michelle Gildernew, adopted a pro-farmer stance, looking to align herself with her southern counterpart in a vituperative attack on the EU representative, Peter Mandelson: ‘It is my intention to champion the cause of the local farmer at every opportunity. I will work closely with the Dublin Government and my colleague Brendan Smith to have a collective approach on behalf of farmers across the island.’\textsuperscript{161} She met members of the Dáil Committee on Agriculture, Fisheries and Food and reiterated her concerns,\textsuperscript{162} repeating the exercise when she met Mr Smith in the context of the Agriculture and Fisheries Council in Luxembourg in June 2008.\textsuperscript{163}

There, they discussed not only the World Trade Organisation negotiations but also the all-island animal health and welfare strategy, bluetongue, the Common Agricultural Policy health check scheme, and the impact of rising fuel prices on the

\textsuperscript{158} In searching other—official and media—websites, I found one reference to one meeting of the JMC (Europe), in an MSP’s question and the minister’s answer, in the Scottish Parliament in March 2008.
\textsuperscript{160} Minutes of Proceedings (MoP) of the Committee for the OFMDFM, 18 June 2008.
\textsuperscript{161} ‘World trade talks could ruin future of agriculture’, DARD news release, 30 May 2008.
\textsuperscript{162} DARD news release, 18 June 2008.
\textsuperscript{163} DARD news release, 24 June 2008.
fishing industry. The following month in Brussels she met EU officials, including a member of the cabinet of the agriculture commissioner, Mariann Fischer Boel, and the official in the commission’s Maritime and Fisheries Directorate responsible for Atlantic fisheries. With the latter, she raised concerns about the total allowable catch and quotas for Irish Sea stocks and about the latest scientific advice that recommended a reduction in the shellfish (nephrops) quota.

Four members of the assembly Committee for the OFMDFM spent two days in Brussels in June 2008. Their programme, motivated by a desire for Northern Ireland to be more active in influencing European legislation, included meetings with the Irish and British ambassadors and senior commission officials. They were briefed on the Lisbon Treaty, the Barroso Taskforce on Northern Ireland (covered in recent reports), EU institutions, the work of the Office of the Northern Ireland Executive in Europe and the commission’s programme for tackling discrimination.

About the same time, Sean Neeson MLA (not a member of the committee) asked the OFMDFM about when its ministers had last visited the Brussels office. This was a means of making an unfavourable comparison with the other devolved administrations’ European offices, in terms of resources and accessibility to a wider swathe of people than the executive. The deputy first minister, Mr McGuinness, said that the office was anxious to assist all assembly members, not just ministers, and all areas of government, including local, as well as civic society, universities and other organisations. He agreed other offices were better resourced and said the situation would be monitored to ensure Northern Ireland’s interests were represented as effectively as possible.

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8. Relations with Local Government

Rick Wilford

The period saw legislation (see devolved-government section) to implement the compromise, following the Review of Public Administration initiated six years earlier, to reduce the number of district councils from 26 to eleven. A boundaries commissioner, Dick Mackenzie, was subsequently appointed by the new environment minister, Mr Wilson, to determine the new configuration.\textsuperscript{167}

\textsuperscript{167} DoE news release, 30 June 2008.
9. Finance

*Rick Wilford and Robin Wilson*

9.1 Economic woes

With its large sump of non-employment (nearly 30 per cent of the adult population) and large stratum of low pay, a large swathe of the Northern Ireland population with neither savings nor slack in household budgets has been hit hard by sharp inflation in fuel and food necessities. A parliamentary question—notably by a Liberal Democrat rather than a Northern Ireland MP—revealed that the region had the highest UK fuel prices, at almost 5 per cent of disposable income, as against 3.4 per cent in Scotland. The MP, Jo Swinson, said: ‘The Government must urgently investigate why people in Northern Ireland are paying such a high proportion of their income in domestic fuel costs.’

The privatised Northern Ireland Electricity announced a 14 per cent price increase, following a 28 per cent rise from Phoenix Gas, and further price surges were anticipated as the period ended. A Northern Ireland Audit Office report found 34 per cent of households were suffering from fuel poverty, up from 27 per cent in 2001, despite expenditure of £98m on the Warm Homes Scheme.

As households gave up on capital investments to cope with current expenditure, a Bank of Ireland / University of Ulster survey found that house sales had dropped by half in the second quarter. The Northern Ireland Court Service reported that actions for home repossession had been 59 per cent higher in the second quarter than in the comparable period of 2007. Department of Communities and Local Government figures showed house prices had fallen faster in Northern Ireland, by 9.4 per cent, in the year to June than any other region, though prices remained in absolute terms higher than the UK average. The Royal Institute of Chartered Surveyors meanwhile reported that construction workloads had declined in the last quarter at a rate faster than at any time for 12 years.

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172 Northern Ireland Court Service news release, 8 August 2008.
It was in this straitened context that the SDLP minister for social development, Ms Ritchie, established a fuel poverty task force.\(^{175}\) She also announced plans for housing associations to buy houses from those otherwise facing default or the remaining part of mortgage where nearly paid off, with in each case the individual then paying rent to the association.\(^{176}\) The first and deputy first minister, Messrs Robinson and McGuinness, oddly began a round of meetings on rising food and fuel prices by seeing representatives of the banks and other financial institutions; they offered no ideas of their own on easing the pressures on low-income households.\(^{177}\)

9.2 Fiscal conservatism

The focus of the outgoing finance minister, Mr Robinson, was however elsewhere, pursuing the ‘efficiency savings’ that were the corollary of his budget—with the three-year rates freeze to please the Protestant middle class its centrepiece.\(^{178}\) A document was leaked to the Irish News indicating job losses of up to 3,000 in the Belfast Trust, the largest of the reorganised health trusts which employs more than 22,000 overall. Brian Campfield of the Northern Ireland Public Service Alliance blamed the 3 per cent savings requirement, as well as inherited deficits.\(^{179}\)

Voluntary organisations had been worried that public-sector organisations would find discretionary expenditures which could be curbed in the voluntary sector. A snapshot by the Northern Ireland Council for Voluntary Action showed that 54 of its member organisations were facing the combined loss of more than 130 jobs, loss of support to more than 160 volunteers and loss of services to more than 6,500 people.\(^{180}\)

Mr Robinson was at least able to offer better news on tackling the chronic problem of Northern Ireland’s fragmented departments spending their allocations. Presenting the spending outturns for 2007-08 as his ministerial parting shot, he claimed progress in bringing down underspending, both on capital and current accounts, through ‘strong, focused and effective action’: the £8.2bn current expenditure represented 98 per cent of the maximum outlay. Inevitably, he still argued that departments could make better

\(^{175}\) DSD news release, 14 May 2008.
\(^{176}\) DSD news release, 2 June 2008.
\(^{177}\) OFMDFM news release, 21 July 2008.
\(^{179}\) F. McDonnell, ‘Union warns planned health cuts in North could put 3,000 jobs at risk’, Irish Times (20 May 2008).
\(^{180}\) NICVA news release, 10 June 2008.
The UUP Department of Employment and Learning minister, Sir Reg Empey, pointed out that some of his programmes were demand-dependent.  

9.3 Bushed

Among the first of their joint public engagements, the first and deputy first minister, Messrs Robinson and McGuinness, hosted a meeting with the US president, George W Bush, who touched down on 16 June as the last stop on his purportedly valedictory European tour. Mr Bush’s four-hour visit, his second to Northern Ireland, occasioned little public interest but much popular ire: his cavalcade brought traffic in and around Belfast to a juddering halt. SF MLAs meanwhile joined protesters outside gates, leading the commentator Eamonn McCann to remark: ‘To say that the position of Sinn Fein is anomalous is to put it very mildly indeed.’

The ostensible purpose of the stop-over was to put the presidential seal of approval on the new political pairing and to wish them well—not least on the back of the investment conference held in Belfast in May, which had attracted a number of prospective US investors. Yet the fanfare that attended the conference had, thus far, borne few tangible gains, as the new first minister acknowledged: ‘OFMDFM will be working hard over the coming months to capitalise on the success of the event. The full outcome of the conference will take some time to come to fruition.’

As the survey period came to a close, industrial-development officials said they were still working on leads and hoped for long-term results. But the Irish Times business correspondent wrote of an ‘undeniable reality’ that not only had the world ‘economic goalposts’ moved but the ‘political climate’ at home had deteriorated.

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181 Department of Finance and Personnel news release, 3 June 2008.  
182 Department of Employment and Learning news release, 3 June 2008.  
183 Newsline 6.30, BBC Northern Ireland (16 June 2008); G. Moriarty and D. Keenan, ‘Bush urges NI leaders to continue making history’, Irish Times (17 June 2008). The visit also led to the cancellation of the assembly’s plenary session scheduled for 16 June.  
185 Official Report, 9 June 2008. During answers to oral questions the first minister remarked that a potential ‘120 new high-quality jobs’ could be created following inward investment by two US information-technology companies.  
186 F. McDonnell, ‘Are the days of wine and roses over in the North?’, Irish Times (26 August 2008).
10. Political Parties and Elections

Rick Wilford and Robin Wilson

10.1 Cultivating Cameron

Both the major unionist parties emerged at the centre of UK politics during the survey period, albeit for different reasons. The DUP voted with the government over the proposal to extend the limit for detention of ‘terrorist’ suspects to 42 days, thereby providing the majority of nine which was the margin of victory.\(^{187}\) The decision by the party to support the government led to accusations, not least by the Conservatives, that it had sold out for a mess of undefined potage, a charge stoutly refuted by the DUP. No obvious benefits flowed from its support of the government’s position and the prime minister, Mr Brown, rejected the allegation that any deal was done to ‘buy’ DUP votes.\(^{188}\) But a DUP source told the *Irish Times*: ‘These are things for another day, with a grateful government hopefully.’\(^{189}\) The SDLP leader, Mr Durkan, said his party had been offered a deal but was unwilling to trade with civil liberties.\(^{190}\)

The DUP’s support irked the Conservative Party and, in turn, the latter’s decision to embark on a new relationship with the UUP irritated the DUP. In late July Sir Reg Empey and David Cameron announced that, following a series of discreet meetings which began in October 2007, the two parties had agreed to establish a joint working group ‘to explore the possibilities of closer cooperation leading to the creation of a new political and electoral force in Northern Ireland’.\(^{191}\)

There were, of course, historic links between the two parties that were finally severed in the wake of the Anglo-Irish Agreement of 1985, and so the repairing of the breach was of some significance. For the Conservatives, it fitted with their goal of becoming again a UK-wide party, while for the UUP it created the opportunity at least for the exercise of some direct influence in a future Westminster government, possibly via David Trimble who joined the Tories in 2007.

Mr Cameron suggested Lord Trimble would have ‘a strong part to play’ in a future Tory administration, and he appeared to support a full merger between the parties.

\(^{187}\) The UUP’s sole MP, Sylvia Hermon, also voted with the government—HC Deb, 11 June 2008.

\(^{188}\) See *Newsletter*, 9 July 2008.

\(^{189}\) ‘DUP votes save Brown from Commons defeat on terror Bill’, *Irish Times* (12 June 2008).

\(^{190}\) ‘DUP deny government bought votes’, BBC News Online (12 June 2008).

when he said: ‘I would like this to go all the way.’\textsuperscript{192} The Conservative leader spoke of a ‘new force’ in Northern Ireland politics, which he said should not be confined to ‘Orange or Green and constitutional issues’.

But two difficulties emerged. First, his UUP counterpart, Sir Reg, made it clear he was still enmeshed in ‘orange or green’ when he referred to the discussions between FF and the SDLP about a new relationship and said: ‘What’s sauce for the goose is sauce for the gander.’\textsuperscript{193} Secondly, a veteran party member and Labour supporter in the impoverished Shankill area of Belfast, Chris McGimpsey, said: ‘Many members of the UUP are more comfortable with left-of-centre politics and, more importantly, that is the position of a large number of our voters, particularly in urban areas.’\textsuperscript{194}

The announcement—which could presage a joint UUP/Conservative candidate at next year’s European Parliament election for the three-seat (STV) Northern Ireland constituency—nevertheless clearly wrong-footed the DUP. Sir Reg’s defence of the arrangement, namely that it addressed ‘the threat posed to the UK by the growth of nationalism’, cut little ice with the DUP.\textsuperscript{195} The party’s deputy leader, Mr Dodds, dismissed the new relationship, claiming that it would hamper the ability of unionists to put ‘the interests of the Union and unionism first’ and that ‘being free from having the fetter of an imposed whip, whether it is Tory or Labour, means we are best placed to speak, negotiate and represent the people who have elected us.’\textsuperscript{196}

This statement carried the tang of sour grapes and certainly did little to promote amity between the two unionist parties. Whereas the outgoing leader, Mr Paisley, had raised the spectre during a valedictory interview of a merger of the UUP and DUP\textsuperscript{197} and his successor had echoed the need to promote greater cooperation between them—‘If in the future that does brings us so close together that we can have one organisation, then so be it’\textsuperscript{198}—Sir Reg dished any such idea. At the annual general meeting of the Ulster Unionist Council, with the impending announcement of

\begin{footnotesize}
\begin{enumerate}
\item N. McAdam, ‘Ulster Unionists in merger talks with Cameron’s Tories’, \textit{Belfast Telegraph} (24 July 2008).
\item G. Moriarty, ‘Conservatives and UUP in discussions on possible tie-in’, \textit{Irish Times} (25 July 2008).
\item C. McGimpsey, ‘A number that adds up for Cameron, but not for the people’, \textit{Observer} (Irish edition, 7 September 2008).
\item \textit{Belfast Telegraph} (20 August 2008).
\item BBC news online (24 July 2008).
\item BBC news online (30 May 2008).
\item \textit{News Letter} (4 June 2008).
\end{enumerate}
\end{footnotesize}
the new relationship with the Conservatives up his sleeve, he was unequivocal in his rejection of overtures from the DUP.\textsuperscript{199}

Sir Reg did not dismiss co-operation between the two parties in certain policy areas, but the first test of UUP-DUP relations under Mr Robinson’s tutelage came with the death of the DUP councillor in Enniskillen, Co Fermanagh, Joe Dodds—father of the party’s new deputy leader. Rather than support a co-option, the UUP forced the calling of a by-election which, in the view of the enterprise minister, Ms Foster (a local MLA), was ‘an unbelievable decision that could cost unionism a seat’ (to SF). The UUP was unmoved and, in the event, Ms Foster was selected as the DUP candidate—enabling the UUP runner, Basil Johnston, to claim this made a mockery of her party’s commitment to end the dual mandate.\textsuperscript{200}

10.2 Cowen cooler

Meanwhile, on the ‘green’ side of the communal divide, the flirtation between the SDLP and FF had given rise to concern within the former that the latter was seen as the only valid southern suitor. In this period, the SDLP thus went to see not just FF but also Fine Gael and Labour in Dublin, to discuss future relationships.\textsuperscript{201}

The new FF leader, Mr Cowen, had however been noticeably cooler on the idea than his predecessor, Bertie Ahern. And he meanwhile said in Belfast: ‘We are in the very preliminary stage of a process which is about Fianna Fail working with fellow democrats in Northern Ireland to see how we can best represent the people. I don’t think people should think that there is any imminent change about to take place.’\textsuperscript{202}

There was, meanwhile, further evidence during the quarter of atrophy of core SF support in the face of the exhaustion of its onwards-and-upwards united-Ireland narrative. A councillor in Dungannon, Barry Monteith, resigned from the party, blaming ‘disillusionment’ with a strategy which he no longer believed would lead to Irish unification.\textsuperscript{203}

\textsuperscript{199} UUP news release, 31 May 2008.
\textsuperscript{200} News Letter (18 August 2008).
\textsuperscript{201} D. de Bréadún, ‘SDLP in “exploratory” talks with Dail parties’, Irish Times (4 July 2008).
\textsuperscript{202} ‘Cowen plays down merger talk’, UTV news online (2 July 2008).
\textsuperscript{203} ‘Sinn Féin resignation’, Belfast Telegraph (6 August 2008).
11. Public Policies

Rick Wilford and Robin Wilson

11.1 Education

The future of post-primary education was another major row between the DUP and SF still awaiting resolution during this period. In mid-May, the education minister, Ms Ruane (SF), engaged in a U-turn by announcing that she was to allow grammar schools to select their pupils for a further three years, on a sliding scale—50 per cent of intake in 2010, 30 per cent in 2011 and 20 per cent in 2012—but thereafter admissions were to be based on non-academic criteria. The new test would be drawn up by the Council on the Curriculum, Examinations and Assessment, the local exams body, rather than enabling schools to set their own.

Her volte face was in part a response to the earlier decision by thirty grammar schools (under the umbrella of the ‘Association for Quality Education’) to devise their own ‘common entrance tests’, subsequently published in mid-June. Ms Ruane’s improvised scheme would, however, require cross-party support to become a reality and that was highly unlikely. According to the former chair of the Education Committee (and now environment minister), Mr Wilson, ‘under no circumstances’ would the DUP agree to academic selection being removed from the statute books: ‘Why would we when it was agreed at St Andrews that selection would remain unless there was cross-party support to ban it?’

Ministers emerged from the next executive meeting blaming each other for the selection impasse, with Ms Ruane rejecting a unionist proposal for a sub-committee to address the issue and an SDLP proposal for an open discussion by the executive as a whole, insisting she would go ahead with her own plans. But the then first minister, Mr Paisley, insisted St Andrews had given his party a veto and described the SF position as ‘entirely unacceptable’, while the deputy first minister, Mr McGuinness, attacked the SDLP minister, Ms Ritchie, for ‘effectively aligning herself...”

204 K. Torney, ‘Ruane u-turn on tests’, Belfast Telegraph (14 May 2008).
205 Belfast Telegraph (18 June 2008).
206 K. Torney, ‘Ruane u-turn on tests’, Belfast Telegraph (14 May 2008). Ms Ruane was also at the centre of controversy over her decision to fund a third Irish language school in Derry—despite the advice of civil servants in her Department that there was sufficient provision there—which, according to one of her unionist critics, had ‘sectarianised the Irish language’. See Official Report, 24 June 2008. It was an ill-tempered debate.
with the unionist parties.'\textsuperscript{207} Ms Ruane told the \textit{Belfast Telegraph}: ‘I am the Minister for Education and I will bring about the change that is needed.’ The UUP education spokesperson, Basil McCrea, warned: ‘This is a constitutional crisis and if it is not resolved it will lead to the downfall of the Assembly and the Executive.’\textsuperscript{208}

Reaction among educational stakeholders was less polarised. When Ms Ruane proposed a transitional one-hour test of literacy and numeracy, the regional secretary of the Irish National Teachers’ Organisation, Frank Bunting, said this was sensible and pragmatic.\textsuperscript{209} The unions generally gave a guarded welcome, and the head of the integrated-education lobby, Michael Wardlow, said: ‘This is not the time for stand-offs or political vetoes.’\textsuperscript{210}

11.2 Health

The health minister, Michael McGimpsey, introduced a bill—part of the outworking of the Review of Public Administration—to establish notably centralising health reforms. There would be:

- a single Regional Health and Social Care Board to replace the existing four Health and Social Services Boards, focusing on commissioning, resource management and performance management and improvement;
- a Regional Agency for Public Health and Social Well-being to subsume the Health Promotion Agency but with much wider responsibility for health protection, health improvement, health inequalities and public health;
- a Regional Support Services Organisation to provide functions across the range of health and social care, subsuming most services provided by the Central Services Agency; and
- a single Patient and Client Council to replace the four Health and Social Services Councils.\textsuperscript{211}

Mr McGimpsey also announced that the minimum age for tobacco purchase was being raised to 18, following practice in the other UK jurisdictions and the republic.\textsuperscript{212}

\textsuperscript{207} D. Keenan, ‘DUP and SF split over proposed education reforms’, \textit{Irish Times} (16 May 2008).
\textsuperscript{208} K. Torney, ‘Education crisis point: SF and DUP at loggerheads over school selection plans’, \textit{Belfast Telegraph} (16 May 2008).
\textsuperscript{209} ‘Education impasse “can be broken”,’ BBC news online (17 May 2008).
\textsuperscript{211} Department of Health, Social Services and Public Safety news release, 23 June 2008.
\textsuperscript{212} DHSSPS news release, 30 June 2008.