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**Northern Ireland Devolution Monitoring Report
January 2009**

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



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The Devolution Monitoring Programme

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

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 at The Constitution Unit, UCL and the team leaders are as follows:

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Acronyms

APNI	Alliance Party of Northern Ireland
BIC	British-Irish Council
BIPA	British-Irish Parliamentary Assembly
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
UUP	Ulster Unionist Party

Executive Summary

Northern Ireland's political class ended another year of living dangerously with the devolved executive meeting once more—ending a five-month hiatus. The deadlock, arising from the refusal by the Democratic Unionist Party to accept the devolution of policing and justice by May 2008, had led Sinn Féin to veto meetings of the Executive Committee from June.

Amid the deepening economic crisis, public unease mounted, as a disconnect yawned between the continued prioritisation of constitutional issues by the dominant parties and the widespread aspiration for the focus to shift towards day-to-day, 'bread-and-butter' concerns. The *Belfast Telegraph* accused the politicians of 'living in some parallel province ... unaware of the rising anger'.

With business activity falling and unemployment mounting, particularly in construction, the business community lobbied hard for ministers to return to the executive table, concerned that public contracts were being held up. The CBI's regional director complained: 'We are in the midst of the world's worst financial crisis and our politicians cannot agree to sit down and talk to each other.'

In November, with fully 60 papers having accumulated in the Executive Committee's in-tray for signing-off, a deal was cobbled together which allowed the executive to reconvene. No date for the devolution of policing and justice was secured by SF, but there was a tacit belief that it would take place after the June 2009 European Parliament election, when the DUP faced an awkward challenge from a party defector and feared SF would top the single-transferable-vote poll.

Fractures remained, however, with the two parties still at loggerheads on other issues, notably the future of academic selection—with chaos looming after its termination this school year. At an angry meeting in west Belfast, one parent declared: 'This is an absolute shambles. I feel such anger that I do not have a clue what is going to happen to my child next year.'

The Ulster Unionist Party and SDLP ministers increasingly behaved as an opposition within the government, casting doubt alongside Alliance on the viability of the DUP-SF relationship. The UUP leader, Sir Reg Empey, described it as 'a coalition of the

“ourselves alone” parties, based on the principle of sustaining the divisions and building newer and higher walls’. There were tensions within his own party about a limited electoral liaison with the Conservatives, which provoked DUP ire over the prospect of unionist division at the next Westminster election in seats with a fine sectarian balance.

Chronology of Key Events

- 18 November 2008 First and deputy first ministers, Peter Robinson and Martin McGuinness, issue joint statement to assembly committee addressing devolution of policing and justice, breaking five-month deadlock between DUP and SF
- 20 November 2008 Executive Committee meets for first time in 154 days
- 15 December 2008 Finance minister, Nigel Dodds, presents mini-budget package to address economic crisis

1. The 'Peace Process'

Rick Wilford and Robin Wilson

1.1 Back to work

The 154-day hiatus in Executive Committee meetings ended on 20 November, following agreement two days earlier between the Democratic Unionist Party and Sinn Féin over the process to secure the transfer of policing and criminal-justice powers to Northern Ireland. A statement on 18 November by the first and deputy first ministers, Peter Robinson and Martin McGuinness, to the chair of the Executive and Assembly Review Committee of the Northern Ireland Assembly—charged to agree the modalities of the transfer—indicated a phased set of six actions, culminating in the creation of a Department of Justice.¹ The letter indicated that the arrangements were subject to a sunset clause extending no later than May 2012, when they would be replaced by permanent arrangements subject to agreement among the parties.

Underpinning the bilateral negotiations was the prior agreement that the justice minister would not, for the moment, be nominated by the DUP or SF and that s/he would be elected by the assembly *via* the 'parallel consent' procedure,² rather than the d'Hondt mechanism under which other departmental ministers are appointed. An earlier potential compromise had unravelled when it emerged that the DUP and SF disagreed on the connotation of the phrase 'at all times' in a letter Messrs Robinson and McGuinness had sent to the Executive and Review Committee in July.

This had said that devolution 'should be based on a single department in which policing and justice powers would reside with a single minister elected at all times from the assembly in a way which would ensure cross-community support'. The DUP said this referred to a requirement that a devolved policing/justice minister would have to enjoy cross-community assembly support (implying an effective DUP veto), while SF claimed it was a stipulation that the minister would always come from the assembly, rather than be appointed from outside.³

¹ available at www.ofmdfmi.gov.uk (18 November 2008).

² This requires the putative minister to command not just an assembly majority but concurrent majorities of designated 'unionist' and 'nationalist' members present and voting.

³ W. Graham, 'SDLP says "rabbit out of hat" over justice ministry', *Irish News* (22 October 2008).

While the joint statement indicated that John Larkin QC would be invited to become Northern Ireland's attorney general, it did not stipulate a target date for the transfer of power, albeit received opinion was that it would be within months. The timing would not just be governed by procedure, however, although it would require legislation at Westminster and Stormont.

The DUP would need to calculate whether the transfer should occur before or after the European Parliament election in June 2009, where its yet to be identified candidate would be confronted by the party's erstwhile MEP, Jim Allister QC—who jumped ship in 2007 following his party's decision to enter the power-sharing administration alongside SF. The contest stood to be bitter and the decision to agree the transfer in principle was guaranteed to sour further the intra-unionist atmosphere.

The prime minister, Gordon Brown, had urged devolution of policing and justice when he addressed the assembly in September 2008: 'To falter now, to lose the will that has defined your progress, would be worse than a setback, it would put at risk everything that has been achieved by the work and sacrifice of the past decade and more.'⁴ The DUP was then unmoved, with the party leader, Mr Robinson, and his heir-apparent, Nigel Dodds, not even applauding Mr Brown's address.⁵

It thus appeared propitious that the deal was made by the DUP and SF without hands being held by the prime minister, and the taoiseach, as in the past. Yet there was something Pilate-esque about the attitude of the two governments. In October, the largely absentee Northern Ireland secretary, Shaun Woodward, said London and Dublin were not working on contingency plans⁶—a stance the *Irish News* described as 'surprisingly relaxed'.⁷ The taoiseach, Brian Cowen, staring into a yawning fiscal gulf, told the SF TD Caoimhghín Ó Caoláin that, while Dublin would do all it could, 'Ultimately, however, people in the Northern Ireland Executive must work together.'⁸

Inevitably, the deal was deemed 'historic' in the Commons by Mr Woodward. But the DUP MP for Strangford, Iris Robinson—expressing views echoed by her husband

⁴ D. Keenan, 'PM urges Assembly to set date for devolved justice role', *Irish Times* (17 September 2008).

⁵ G. Moriarty, 'DUP rejects Brown's call for policing deadline', *Irish Times* (17 September 2008).

⁶ 'No contingency plan over deadlock', BBC news online (5 October 2008).

⁷ 'Stormont impasse calls for urgency', *Irish News* (6 October 2008).

⁸ M. O'Regan, 'Cowen praises SF on Executive', *Irish Times* (9 October 2008).

(see assembly section)—said Northern Ireland’s ‘transition to democracy’ would only be complete with a move to a voluntary governing coalition.⁹ Moreover, the bilateral DUP-SF axis left the other parties with executive seats, the UUP and SDLP, excluded, reinforcing the widely held view of an inner and an outer executive.

As the year ended, the first minister insisted the executive was more solid than its 1998-2002 predecessor. The DUP leader described his rapport with Mr McGuinness of SF as ‘a professional and business relationship that seeks to make progress, while taking into account each other’s sensitivities’.¹⁰ But the UUP leader, Sir Reg Empey, said:

Whatever Mr Robinson may say, the reality is that the relationship between the DUP and Sinn Fein is based on self-interest and carve-up rather than a genuine sharing of power for the benefit of Northern Ireland. What we have, in effect, is a coalition of the ‘ourselves alone’ parties, based on the principle of sustaining the divisions and building newer and higher walls.¹¹

Dolores Kelly of the SDLP meanwhile pointed to the list of remaining items on which the dominant executive parties had failed to agree—including a new policy on ‘community relations’.¹²

1.2 Neuralgic issues

One outstanding issue remained an Irish language act, much prized by SF and the SDLP. The DUP culture minister, Gregory Campbell—who, along with Mr Dodds, appeared rather more sceptical about the embrace of SF—insisted before the Culture, Arts and Leisure Committee of the assembly that there would be no such legislation. In a spirited exchange with the SF committee chair, Barry McElduff, the minister rejected any suggestion that the DUP had signed up to an act in the talks at St Andrews in October 2006, paving the way for renewed devolution, and stated his intention to press ahead with a languages strategy sensitive to the ‘Ulster-Scots’ lobby: ‘I have made it clear that I regard the disparity in funding between the Irish language and Ulster Scots as totally unsustainable and I will not preside over it.’¹³ The matter would not, however, go away. Dominic Bradley of the SDLP signalled he would table a private members’ bill to make Irish an official language.¹⁴

⁹ F. Millar, ‘North’s leaders in talks with Brown’, *Irish Times* (20 November 2008).

¹⁰ ‘Robinson: Sinn Fein coalition stronger than ever’, *Belfast Telegraph* (31 December 2008).

¹¹ ‘Robinson “airbrushed” coalition failings—Empey’, *News Letter* (3 January 2009).

¹² ‘SDLP slams “backlog” at OFMDFM’, *News Letter* (3 January 2009).

¹³ Minutes of evidence, Culture, Arts and Leisure Committee, 4 December 2008.

¹⁴ *Irish News* (20 November 2008).

A further chronic issue was the future of the Maze / Long Kesh prison site. The deputy first minister, Mr McGuinness, did however try to pour oil on those troubled waters during oral questions, responding to the DUP view that the proposed 'conflict transformation centre' there would be a republican shrine: 'The important thing for me is that we do not have a shrine at the Long Kesh site. We want a meaningful centre for conflict transformation ... that will contribute to world peace'.¹⁵ Whether such assurances would have the desired effect remained to be seen.

And then there was the long-running saga of a bill of rights, signalled in the Belfast agreement, which re-emerged on the agenda when the Human Rights Commission published its latest proposals.¹⁶ Two unionist commissioners, including Lady Trimble, dissented from the advice to the secretary of state, complaining that the socio-economic rights proposed exceeded the commission's remit.¹⁷ SF and the SDLP in turn supported the proposals, which included an unvarnished commitment to 'parity of esteem' for nationalism with unionism throughout.¹⁸ Alliance thus complained that 'these proposals further entrench the fallacy that everyone must be pigeon-holed into two communities.'¹⁹ Suggesting he might make haste slowly, the Northern Ireland Office junior minister, Paul Goggins, said he recognised there was 'a diverse range of opinion' and government would 'properly consider' before it would 'consult publicly'.²⁰

1.3 Not over yet

If there was at the end of the period a sense of stability about the devolved institutions, below the surface sectarian attitudes lingered. In October, in his first major interview since becoming first minister, Mr Robinson was uncomprehending

¹⁵ *Official Report*, 3 November 2008.

¹⁶ These were in fact the third set of proposals, yet they made little reference to the previous two, even though the second had sought to learn from the consultation on the first—Northern Ireland Human Rights Commission, *A Bill of Rights for Northern Ireland: Advice to the Secretary of State for Northern Ireland* (Belfast: NIHRC, 2008), at: [www.nihrc.org/dms/data/NIHRC/attachments/dd/files/51/A_Bill_of_Rights_for_Northern_Ireland_\(December_2008\).pdf](http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/51/A_Bill_of_Rights_for_Northern_Ireland_(December_2008).pdf)); Northern Ireland Human Rights Commission, *Progressing a Bill of Rights for Northern Ireland: An Update* (Belfast: NIHRC, 2004), at: http://nihrc.org/dms/data/NIHRC/attachments/dd/files/52/BOR_Progress_Report_Apr04.pdf); and *Making a Bill of Rights for Northern Ireland: A Consultation by the Northern Ireland Human Rights Commission* (Belfast: NIHRC, 2001), at: http://nihrc.org/dms/data/NIHRC/attachments/dd/files/52/BoR_consultation.pdf).

¹⁷ 'Proposed bill goes "far beyond" remit', *News Letter* (12 December 2008).

¹⁸ This though no international convention could be called on to legitimise the 'group rights' so conceived, except in as much as the Canadian Charter of Rights and Freedoms touched on New Brunswick—NIHRC, *A Bill of Rights for Northern Ireland*, p.100.

¹⁹ D. Keenan, 'Unionists react angrily to proposed Bill of Rights', *Irish Times* (11 December 2008).

²⁰ Northern Ireland Office news release, 10 December 2008.

when asked whether he should not see himself as a representative of the whole population, rather than the 'unionist community'.²¹ When the Parades Commission allowed on 2 November a parade through Belfast for members of the armed services, returned from Iraq or Afghanistan, and a counter-demonstration by SF—Mr Robinson called the decision to allow the protest 'a recipe for disaster'²²—widespread disorder was feared. In the event, despite the efforts of 'baying loyalists' to provoke a confrontation,²³ the parade and the protest passed off relatively peacefully.²⁴

Much less noisily greeted was the departure for Iraq on 1 January of the last general officer commanding Northern Ireland. Maj Gen Chris Brown said the post—ever-present since partition—had become an 'anomaly', with no GOC any longer in Scotland and Wales.²⁵ Though a garrison strength would be retained consistent with elsewhere in the UK, the GOC's departure (being replaced by a brigadier) was a signal event in the new Northern Ireland: in the wake of the formal ending in 2007 of the 38-year 'Operation Banner', the troops were, finally, off the streets.

Earlier in the period, the prime minister, Mr Brown, the then defence secretary, Des Browne, and Messrs Woodward and Goggins from the NIO had attended an Operation Banner commemoration service at St Paul's, marking the death of 763 soldiers and the injury of some 6,000 others.²⁶ Glossing the huge human-rights questions raised by the actions of the army in Northern Ireland, particularly in the early years when a spiral of repression and terrorism saw the IRA emerge from marginalisation to consolidate its power for decades,²⁷ Mr Woodward declared: 'We will always be in the debt of those whose courage, bravery and dedication were hallmarks of their service in Northern Ireland.'²⁸

An objective view of the past remained elusive as, at the end of the period, the report loomed of the consultative group established by the former Northern Ireland

²¹ *Hearts and Minds*, BBC Northern Ireland (30 October 2008).

²² *Irish Times* (28 October 2008).

²³ D. Keenan, 'Baying loyalists bring sense of menace back to Belfast streets', *Irish Times* (3 November 2008).

²⁴ 'Thousands attend Belfast parade', BBC news online (2 November 2008).

²⁵ 'Army presence to be scaled back in Northern Ireland', *Belfast Telegraph* (8 December 2008).

²⁶ *Newsline 6.30*, BBC Northern Ireland (10 September 2008).

²⁷ A. Silke, 'Fire of Iolous: the role of state countermeasures in causing terrorism and what needs to be done', in T. Bjørgo (ed.), *Root Causes of Terrorism: Myths, Reality and Ways Forward* (London: Routledge, 2005), pp. 241-55.

²⁸ NIO news release, 10 September 2008.

secretary, Peter Hain, to examine the challenge. The group is understood to have been made privy by the former commissioner of the Metropolitan Police Lord Stevens to filing-cabinets of evidence on collusion between the 'security forces' and loyalist paramilitaries, collected during his serial Northern Ireland inquiries. In December one of its co-chairs, the former Church of Ireland primate, Robin Eames, told Relatives for Justice, which campaigns on behalf of victims of alleged collusion:

The truth is we live in a sectarian, segregated and separated society. It is often said that more walls were built to keep communities apart since the ceasefire than during the conflict and there is a lot of truth in that. A cancer of sectarianism has eaten its way into many areas of life in this place. What has been achieved is the absence of violence but as long as the hatred, the suspicion and the desire for revenge remain, then the possibility of the return to violence looms over our society. We have made huge progress but the peace has not yet been won.²⁹

Amid worrisome evidence of growing sympathy for paramilitary violence (see public-attitudes section)—a product of the legitimisation of paramilitary narratives of the 'troubles' during the 'peace process', however the 'official' version remained unaffected—it emerged during the period that hundreds of civilian guards and technicians employed by the Policing Board had been warned they were targets for 'dissident' republicans.³⁰ The Independent Monitoring Commission said the threat from dissidents was higher than at any time since it began reporting four and a half years earlier.³¹ And in a rare interview, the head of MI5, Jonathan Evans, said on the centenary of the foundation of the organisation: 'Most people think it's all over in Northern Ireland. Unfortunately it is not. If you look at the last nine months there has been a real upswing in terrorist planning and attempted attacks by dissident republican groups.'³²

²⁹ 'Reconciliation will be at heart of report says Eames', *North Belfast News* (20 December 2008).

³⁰ 'Civilians targeted by dissident republicans', *Belfast Telegraph* (27 October 2008).

³¹ Independent Monitoring Commission, *Twentieth Report of the Independent Monitoring Commission* (London: Stationery Office, 2008, at: www.independentmonitoringcommission.org/documents/uploads/Twentieth%20Report.pdf).

³² F. Millar, 'Surge in dissident activity in North, warns head of MI5', *Irish Times* (8 January 2009).

2. Devolved Government

Rick Wilford and Robin Wilson

2.1 Executive tensions

In September, the SDLP leader, Mark Durkan, had floated at the British-Irish Association in Oxford the suggestion that aspects of the Belfast agreement, notably the arrangements for communal designation, should be treated as 'bio-degradable'. For his pains, Mr Durkan was attacked by the SF president, Gerry Adams, who chose to represent the proposals as endorsing sectarian inequality, rather than—as was their undoubted intent—seeking to weaken communal division. Mr Adams said:

What is being proposed by the SDLP leader is the abandonment of the principles of the Good Friday Agreement; and the principles of equality, and of partnership government, and the protections these provide for citizens. Many nationalists will be deeply troubled by these ill considered and irresponsible comments which would effectively accept a return to unionist majority rule.³³

But the deputy leader of the UUP, Danny Kennedy, argued

Unionists and nationalists are now sitting together in a devolved government. Now that this goal has been achieved, it is time to move towards a more normal institutional arrangement for cross-community government. Such an arrangement would require parties before entering government to agree the policy agenda they will pursue.³⁴

This could, of course, cut in more than one way: Alliance has pointed out to SF that it could involve the exclusion of the DUP.³⁵ But SF's great fear is losing the automatic position in government, and wider implicit political veto, accepted by London and Dublin throughout the 'peace process' against the backdrop of the not always implicit threat of renewed IRA violence. And during the hiatus in executive meetings, the deputy first minister, Mr McGuinness, attacked the sole SDLP minister, Margaret Ritchie, for taking part in a meeting with unionists but without SF—linking this to Durkan's alleged 'anti-powersharing blueprint'.³⁶

Ms Ritchie in turn attacked the DUP and SF for their lack of commitment to reconciliation, highlighting the Shared Future Neighbourhood Scheme she had

³³ N. McAdam, 'Talks to focus on Maze stadium', *Belfast Telegraph* (9 September 2008).

³⁴ D. Kennedy, 'Crisis in the Executive', *Fortnight* 461 (September 2008), p. 4.

³⁵ Private communication.

³⁶ G. Moriarty, 'North-south ministerial meeting called off', *Irish Times* (19 September 2008); G. Moriarty, 'SF and SDLP trade recriminations as stand-off over Executive continues', *Irish Times* (20 September 2008).

developed, in which five neighbourhoods in Northern Ireland had already agreed to participate. The minister said she saw these as akin to integrated schools, in offering an alternative to segregated living.³⁷ Ms Ritchie also demanded that the first and deputy first ministers accept her plans for tackling fuel poverty under 'urgent procedure', rather than waiting for the executive to reconvene.³⁸

Pressure on the executive to do so mounted from within the business community. The Construction Employers' Federation claimed public-sector projects worth £200 million could be allocated if the executive got back to business.³⁹ After 10 consecutive months of falling private-sector output, the Confederation of British Industry in the region said: 'CBI members believe it is essential that the Executive does meet in the near future to both reassure investors and consumers that they are putting all the people of this province at the top of their agendas, and not party interests.'⁴⁰

Business organisations sent an open letter to the government, via the *Belfast Telegraph* (see media section), calling on the executive to roll out capital projects to address the sharp fall in business confidence and rising unemployment.⁴¹ By early November, the CBI's regional director, Nigel Smyth, was complaining: 'We are in the midst of the world's worst financial crisis and our politicians cannot agree to sit down and talk to each other.'⁴²

Writing in the *Belfast Telegraph*, the UUP leader, Sir Reg Empey, explained his party's decision to move a motion in the assembly demanding that the executive meet immediately.⁴³ 'The media and public are already disillusioned. The novelty factor of the original DUP/Sinn Fein deal has worn off and people are now looking for credible answers to some very difficult socio-economic questions.'

³⁷ M. Ritchie, 'An action programme for shared neighbourhoods', *Fortnight* 461 (September 2008), p. 12-13.

³⁸ N. McAdam, 'Ritchie to move alone on fuel', *Belfast Telegraph* (3 October 2008).

³⁹ F. McDonnell, 'Sales and manufacturing hit in Northern exposure to slowdown', *Irish Times* (11 October 2008).

⁴⁰ F. McDonnell, 'Continued deadlock at Executive seen as further threat to Northern economy', *Irish Times* (14 October 2008).

⁴¹ R. Morton, 'Stormont must act to save our economy', *Belfast Telegraph* (29 October 2008).

⁴² F. McDonnell, 'North's economy slips into recession as Executive deadlock continues', *Irish Times* (4 November 2008).

⁴³ R. Empey, 'Key decisions needed to unlock doors of devolution', *Belfast Telegraph* (14 November 2008).

On 17 November, the respected former permanent secretary Maurice Hayes wrote pointedly in his *Irish Independent* column:

Not unreasonably, the man and woman in the street are becoming disillusioned by all this inactivity. Was it for this they endured the trauma of three or four decades of the Troubles, the intermittent shifts of the peace process, the promise of hope and the fear of failure, and the serial disappointments on the way to a new Stormont?⁴⁴

Later that day, it emerged that the executive would finally meet the following Thursday. Sir Reg said he hoped the agreement between the DUP and SF was not 'simply another fudge to get us out of this latest hole'.⁴⁵ The executive faced a pile of papers awaiting agreement which had reached 60.⁴⁶ It was anticipated the executive would meet weekly, rather than fortnightly, until these were cleared, though there was another long break over Christmas.

When the executive met the first and deputy first ministers were able to report a £400 million easement from the prime minister, Mr Brown, allowing a further deferral of the introduction of water charges and settlement of an equal pay claim for civil servants. It agreed, as environmentalists had feared, on a dilution of the restrictions on one-off rural housing set out in the planning guidance PPS14 issued under direct rule (revised as PPS21), on a regional Education and Skills Authority (now to be established in January 2010) and on phased abolition of prescription charges.

Once more, devolution appeared to be less about policy innovation than lobbying for more revenue from London while indulging populist opposition to exigent measures, such as revenue-raising and planning restrictions, at home. During the period, it emerged that, after an 18-month vacuum since the renewal of devolution, the direct-rule anti-poverty strategy, *Lifetime Opportunities*, had effectively been endorsed by the executive in lieu of the alternative it had been expected to craft.⁴⁷

Meanwhile, *Cohesion, Sharing and Integration*, the putative devolved successor to the 'community relations' policy, *A Shared Future*, was still awaited. One source suggested that what was envisaged was a document which would contain a 'strategy'

⁴⁴ M. Hayes, 'North paralysed by indecision as world moves on', *Irish Independent* (17 November 2008).

⁴⁵ D. Keenan, 'Deadlock broken as NI Executive set to meet', *Irish Times* (18 November 2008).

⁴⁶ N. McAdam, 'Policing to be devolved to Stormont "within months"', *Belfast Telegraph* (18 November 2008).

⁴⁷ Personal communication.

but not a 'structure' to deliver it—a recipe for a policy that would be purely aspirational and an implicit threat to the future of the Community Relations Council, envisaged as playing a key role under *A Shared Future*.

After the first renewed executive meeting, DUP and SF ministers appeared at a press conference, but UUP ministers were absent and the SDLP minister issued her own statement, saying the next meeting would address issues such as her priority of fuel poverty.⁴⁸ Executive divisions were out in the open after Mr Dodds presented a financial package to the assembly in December (see public-finance section).

Ms Ritchie said the package had left her departmental budget short of £30 million, which would be lost from the Northern Ireland Housing Executive's maintenance programme. The first minister, Mr Robinson, whose unease with Ms Ritchie had been palpable, said she didn't 'seem to know from one minute to the next what she is doing'.⁴⁹ The UUP leader, Sir Reg Empey, said the transfer of the fuel poverty scheme from the Department of Social Development to the first minister's office had been 'mean-spirited', while Ms Ritchie hit back, saying: 'It is this dismissal of opinions he doesn't like that makes me question whether or not Peter Robinson has the necessary qualities to lead a four-party coalition.'⁵⁰

2.2 Political clientelism

A recurrent theme since devolution was renewed has been the association of DUP ministers with a clientelistic style of decision-making—harking back to the old Stormont years—which was to lead to the departure from government of the junior minister Ian Paisley Jr.⁵¹ It emerged during the period that the environment minister, Sammy Wilson, had written to officials about 26 constituency cases, centring on planning issues, and discussed 32 face-to-face in his first three months as minister. The Northern Ireland Public Services Alliance said the minister's behaviour was putting officials in an 'invidious position'.⁵²

⁴⁸ OFMDFM news release, 20 November 2008; letter from education minister, 20 November 2008; G. Moriarty, 'Brown frees up £900m in funds as NI Executive meets', *Irish Times* (21 November 2008).

⁴⁹ '100,000 households get £150 boost', BBC news online (15 December 2008).

⁵⁰ N. McAdam, 'Snatch of fuel scheme from Ritchie was mean-spirited says Sir Reg', *Belfast Telegraph* (23 December 2008).

⁵¹ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: May 2008*, at: www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_May08.pdf, p. 10.

⁵² D. Gordon, 'Sammy Wilson's lobbying row grows', *Belfast Telegraph* (22 October 2008).

Later, Mr Wilson condemned a decision by the planning service to reject a 37-storey building proposed for Belfast city centre—nearly twice the height of the current tallest office block. The minister said: ‘Planning officers have a role to play in kick-starting the economy and in this case they have failed and failed abysmally.’⁵³ NIPSA expressed ‘shock’ at this criticism of decisions made by planners, stressing that they followed established procedures independently.⁵⁴

Mr Wilson also countermanded a decision by the Council for Nature Conservation and Countryside to designate an area near Strabane, Co Tyrone, as of special scientific interest because of geological features demonstrating glacial processes going back to the last ice age. The decision, which also contradicted the view of the department’s own Environment Agency, followed representations by landowners and quarrying interests.⁵⁵

Probity in public appointments was also at issue during the period. Felicity Huston, the public appointments commissioner, said in her annual report that she had been told the names of the four victims commissioners appointed by the first and deputy first minister in a supermarket, two weeks before the announcement. Such leaks were ‘unacceptable’ and she complained: ‘My office is housed in the middle of the civil servants I regulate. My budget is controlled by a department I oversee. I cannot appoint my own staff.’⁵⁶ The Central Appointments Unit published its own annual report on appointments in December. It showed that the proportion of female appointees to boards remained stuck on 32 per cent, while the proportion of female chairs had fallen in 2007-08 to 22 per cent, compared with 26 per cent in 2006-07.⁵⁷

2.3 Administrative reform

The review of public administration begun under the first devolved administration in 2002 has provoked most argument in so far as it has touched on the rationalisation of district councils. But it also aimed to address the system of area boards responsible

⁵³ ‘Planning service “an obstacle to Northern Ireland’s economic progress”’, *Belfast Telegraph* (12 January 2009).

⁵⁴ D. Gordon, ‘Anger over Sammy Wilson’s skyscraper comments’, *Belfast Telegraph* (13 January 2009).

⁵⁵ D. Gordon, ‘Wilson ignores advice to preserve important site’, *Belfast Telegraph* (3 November 2008).

⁵⁶ D. Keenan, ‘North’s appointment chief scathing over leaks’, *Irish Times* (4 November 2008).

⁵⁷ Central Appointments Unit, *Public Appointments 2007/2008: Volume I* (Belfast: Office of the First Minister and Deputy First Minister, 2008, at: www.ofmdfmi.gov.uk/12th-annual-report-volume-1-composite.pdf).

for the administration of education (five) and health and social care (four). The outcome has proved to be a concentration of power at regional level in both cases.

In November Caitriona Ruane, the embattled SF education minister, introduced the first of two related Education Bills to establish the Education and Skills Authority.⁵⁸ The bill had its second stage a week later, during which the ESA was described by the minister as a decentralised organisation charged to close the attainment gap among children, co-ordinate the curriculum and the schools estate, employ all staff in grant-aided schools, appoint schools governors, provide the schools library service, strengthen child protection and introduce effective inspection.

The new authority was to be in place on 1 January 2010. But the SDLP's education spokesperson, Dominic Bradley described the bill as 'another example of her fiddling while Rome burns': the failure to resolve the post-primary transfer issue (see public-policies section) meant the ESA would be operating in a 'situation of unregulation'.⁵⁹

Another step in reshaping the administrative landscape was taken with the Health and Social Care Reform Bill, which reached its consideration stage in December. The bill proposed a public health agency separate from a new (regional) health and social care board. This was supported by the executive, according to the UUP health minister, Michael McGimpsey. But in an occasionally stormy debate some DUP MLAs opposed the separation, as a departure 'not in the interests of public health' from the integrated system of health and social care.⁶⁰

A major scheme designed to modernise—or, according to its critics, privatise—the Northern Ireland Civil Service estate, 'Workplace 2010', was meanwhile put on hold, in some measure due to the financial crisis. The programme would entail 65 properties being transferred to a private-sector partner under the Private Finance Initiative in return for a capital payment, the partner becoming responsible for major refurbishment. But as the owner of one of the two bidders was considering the sale of its subsidiary, procurement was suspended until early 2009.⁶¹

⁵⁸ Department of Education news release, 25 November 2008.

⁵⁹ *Official Report*, 1 December 2008. The final paper in the two-step transfer test was held on 21 November 2008; the test was taken by more than 15,000 children.

⁶⁰ *Official Report*, 1 December 2008.

⁶¹ Department of Finance and Personnel release, 31 October 2008.

3. The Assembly

Rick Wilford and Robin Wilson

3.1 From famine to feast

It emerged at the beginning of the period that, with the executive not meeting, the assembly was running out of legislative business. The regional secretary of the Irish National Teachers' Organisation, Frank Bunting, complained: 'The three month delay in Executive business is not the way any modern democratic country should be doing business. It is shocking that the Executive is not talking and business is not being done.'⁶² The UUP and Alliance also criticised the drying up of legislative proposals, evident at a meeting of the assembly business committee. The Alliance chief whip, Kieran McCarthy, rhetorically asked: 'Where is the delivery?'⁶³

Just two executive bills received royal assent during the period, the Charities Bill (9 September) and the Pensions Bill—itself 'parity' legislation—on 15 December. Eight other executive bills, at various stages of the legislative process, were however before the assembly and in January the Financial Assistance Bill was fast-tracked, enabling the executive to implement certain of the measures announced on 15 December, including a one-off payment of £150 to assist those experiencing fuel poverty (see public-finance section). There were also two private members' bills before the assembly: the Carers Allowance Bill and the Community Use of School Premises Bill, both tabled by David McNarry of the UUP.

In lieu of more practical demands following the summer assembly recess, intercommunal jousting featured during plenary debates. The first item of private members' business was an ill-tempered debate on a UUP motion condemning escalating instances of 'republican activity and violence' while supporting the rule of law, the police and the courts. This prompted John O'Dowd (SF) to claim that some in the dissident republican camp(s) were 'state agents'. He continued: 'I have a distinct feeling that people in the British intelligence agencies are opposed to the peace process and want to bring it down.'⁶⁴

⁶² 'Deal with our problems, MLAs told', *Belfast Telegraph* (12 September 2008).

⁶³ "'Executive has to get back to business'", *News Letter* (13 September 2008).

⁶⁴ *Official Report*, 15 September 2008.

Nationalist members supported an (unsuccessful) amendment from Dolores Kelly (SDLP), which included condemnation of loyalist activity and violence while reiterating support for the rule of law. The debate was a reminder of the tensions between and among the parties—as was the reiteration by the first minister, Mr Robinson, during oral questions later that day, that he wanted ‘to see power-sharing exist on a basis that is more voluntary than mandatory’.⁶⁵

The executive stand-off featured the following day in a debate on an SDLP motion tabled by the party leader, Mr Durkan, insisting on the recall of the executive. He accused SF of ‘a disgraceful dereliction of democratic duty’ by its refusal to endorse a recall.⁶⁶ The impasse loomed over the assembly throughout much of the period as recriminations were hurled, mostly at SF. This culminated in a motion laid by the UUP’s two ministers, Sir Reg Empey and Michael McGimpsey, days before the executive reconvened, calling for an immediate meeting. The debate attracted just three SF MLAs and neither Mr Robinson nor Mr McGuinness appeared.⁶⁷

Until 24 November, most of the 17 plenary sessions which took place were taken up with private members’ business, albeit three ministers did appear weekly to take oral questions and deliver ministerial statements. Among the latter were those relating to meetings of the North/South Ministerial Council (23 September) and the British-Irish Council (21 October), the September public-expenditure monitoring round (3 November), contingency arrangements for apprenticeship redundancies (11 November) and the Education and Skills Authority (25 November).

The debates ranged far and wide and included neighbourhood renewal (16 September), town centres and foetal alcohol spectrum disorder (22 September), integrated schools and planning in residential areas (23 September), energy price increases (29 September), dental care (30 September), regional investment inequalities (7 October), the regulation of private landlords and the protection of children and vulnerable adults (13 October), climate change (14 October), community safety (20 October), the location of public-sector jobs and financial advice for older people (21 October), the ‘disappeared’ victims of paramilitary violence (3 November), a levy on plastic bags (4 November), post-primary transfer and a new women’s and children’s hospital (10 November), alcohol misuse, the review of environmental

⁶⁵ *Ibid.*

⁶⁶ *Official Report*, 16 September 2008.

⁶⁷ *Official Report*, 17 November 2008.

governance and the drink-driving limit (11 November), and the report on economic competitiveness from Sir David Varney (17 November).

Following the executive resumption, there were seven further plenary sessions before the Christmas recess. On 8 December the deputy first minister, Mr McGuinness, announced that the executive had agreed 28 papers during four meetings (and one meeting of a sub-group). Where there had been a famine in executive business in the chamber, there would henceforth be more of a feast.

The joint DUP-SF statement announcing that the executive would reconvene had been made on 18 November—just hours before the assembly debated an SDLP motion calling on the executive to meet to tackle a raft of economic issues. The debate, spurred by the open letter from business leaders to the *Belfast Telegraph*,⁶⁸ allowed members to express some decidedly guarded optimism.

3.2 Abortion imbroglio

The one area on which all the main assembly parties could be guaranteed to join in unholy alliance remained abortion. In October, 40 members of ‘Alliance for Choice’—representing the number of women from Northern Ireland crossing the Irish Sea every week to secure a termination—lobbied MPs and met Diane Abbott to support her unsuccessful effort to amend the Human Fertilisation and Embryology Bill to extend the 1967 Abortion Act to the region. Its spokesperson, Goretti Horgan, said: ‘The 40 women will be telling MPs that saying “Leave abortion to the Northern Ireland Assembly” is like saying “Leave it to the Taliban to sort out women’s rights”’.⁶⁹

It was reported that ministers had prevailed on Labour MPs not to press the case for extension because of the deteriorating political situation in Northern Ireland.⁷⁰ The Northern Ireland secretary, Mr Woodward, linked the issue to that of devolution of policing and justice, when he told the Commons the government would not act ‘against the wishes of the people in Northern Ireland’ and that abortion was a matter for the assembly ‘once it has taken responsibility for criminal law’.⁷¹

⁶⁸ A survey of business leaders taken at Queen’s University had earlier given the clear message that the failure of the executive to meet was proving a hindrance to the regional economy—*Irish News* (16 October 2008).

⁶⁹ ‘NI abortion campaigners lobby British MPs’, *Irish Times* (9 October 2008).

⁷⁰ R. Prince and M. Beckford, ‘Abortion plans for Northern Ireland abandoned due to peace process’, *Daily Telegraph* (15 October 2008).

⁷¹ S. Lister, ‘Woodward: abortion won’t be extended to Northern Ireland’, *Belfast Telegraph* (14 November 2008).

4. The Media

Robin Wilson

As the executive hiatus continued into this period amid the deepening economic crisis, the media became increasingly assertive as popular ventriloquists, articulating the widespread aspiration (see public-attitudes section) that the political focus shift from constitutional deadlock to action on pressing, day-to-day issues. The charge was inevitably led by the *Belfast Telegraph*, the only one of the three regional dailies with a significant cross-communal readership.

The paper launched a prepared assault in early October. Below the splash ‘Don’t they realise the damage they’re doing?’ was a strapline saying ‘Another day of Executive inaction ... and another £34,000 is wasted away’, while a picture of Parliament Buildings carried the further strap ‘Dormant Stormont: how you are affected’.⁷² A double-page spread inside was headed ‘Stormont—why is it closed for business?’, with the strapline ‘Executive inaction ... 108 MLAs, 11 departments and a government that simply doesn’t govern’, with a raft of correspondents teasing out the consequences of inertia. The political correspondent, Noel McAdam, posed the question: ‘For how long can a government whose ministers are not meeting be considered a government?’⁷³ In an editorial, the paper insisted: ‘We were promised an Executive. We’re paying for an Executive. We deserve one that works.’⁷⁴

The *Irish Times* weighed in later that month. It editorialised: ‘At a time when living standards are under threat and economies across the world face into recession, it is a dreadful indictment of the political grandstanding of both the Democratic Unionist Party and Sinn Féin that the Northern Ireland Executive has failed to meet for four months.’ And it went on:

The time for political hand-holding in Northern Ireland should be long gone. Both the DUP and Sinn Féin actively campaigned for devolution. But, now that they have it, they persist in old habits and look to the British and Irish governments and to the US to take sides and to resolve their difficulties. It is time they shouldered the responsibilities of office and engaged in necessary compromise that is the art of government.⁷⁵

⁷² *Belfast Telegraph* (3 October 2008).

⁷³ N. McAdam, ‘Well, at least the fixed-term employees will be alright ...’, *Belfast Telegraph* (3 October 2008).

⁷⁴ ‘Important issues being held hostage’, *Belfast Telegraph* (3 October 2008).

⁷⁵ ‘The impasse in Northern Ireland’, *Irish Times* (28 October 2008).

In a later editorial in similar vein, the paper warned that public confidence was being 'frittered away in Northern Ireland by the leaders of an Executive that is failing to function as intended, because of political inflexibility and sheer bloody-mindedness'.⁷⁶

The *Belfast Telegraph* recognised in another leader that Northern Ireland's 'notoriously thin-skinned politicians' might think this a 'media-manufactured storm'. But in comments remarkable for their seething discontent, the paper concluded:

However, it seems that the politicians are living in some parallel province. They appear to be unaware of the rising anger, not just among the business community but also of the electorate at large, at their continued inaction. While many people have already lost their jobs and many more are fearful of what the immediate future will bring, those charged with running the province politically—and being paid very handsomely for so doing—are sitting idly by.⁷⁷

The enterprise minister, Ms Foster, responded to such concerns in an article in the paper. While claiming the executive had done much to grow the regional economy, she conceded: 'However, this good work is being undermined by the non-functioning image which is being portrayed of the Executive. In such a time as this, the Executive must prove itself that it is able to steer the province through this tough climate.'⁷⁸

As it emerged in a response by the first minister, Mr Robinson, to a question in the assembly on 17 November, that the executive was likely to meet the following Thursday, BBC Northern Ireland's political editor, Mark Devenport, reporting from Stormont, said the public had become 'sick and tired' of the stand-off, particularly in the context of the economic crisis.⁷⁹ The *Belfast Telegraph* claimed that 'the pressure on the politicians' was paying off but it warned that 'it has got to the stage where some people are beginning to openly question whether the establishment of a power-sharing administration was indeed an improvement on Direct Rule'.⁸⁰ Mr Devenport noted that 'with the Northern Ireland Executive now pledged to hold weekly meetings until its backlog has been cleared, voters will now be impatient to see some evidence that devolution can work'.⁸¹

⁷⁶ 'North needs to move on', *Irish Times* (12 November 2008).

⁷⁷ 'Politicians in a parallel province', *Belfast Telegraph* (30 October 2008).

⁷⁸ 'Executive must meet to save economy', *Belfast Telegraph* (10 November 2008).

⁷⁹ *Newsline 6.30*, BBC Northern Ireland (17 November 2008).

⁸⁰ 'Executive must grasp the nettle', *Belfast Telegraph* (18 November 2008).

⁸¹ M. Devenport, 'Agreement leaves unanswered questions', BBC news online (19 November 2008).

5. Public Attitudes and Identity

Robin Wilson and Elizabeth Meehan

5.1 Introduction

There were no significant polls published during this period and analysis of the 2008 Northern Ireland Life and Times survey results will not be possible until the next report. Here we include some further analysis of the 2007 survey—germane to what was set to be the neuralgic episode of the publication, at the end of January 2009, of the report of the consultative group on dealing with the region's 'troubled' past.

In the policy framework on 'community relations', *A Shared Future*, government indicated that the goal was to develop 'a normal, civic society, in which all individuals are considered as equals, where differences are resolved through dialogue in the public sphere, and where all people are treated impartially'.⁸² It was an ill omen that this policy was shelved when devolution was re-established in May 2007.⁸³ But do public attitudes suggest that such a 'normal' Northern Ireland is emerging?

If it were to be so, we would expect to find a commitment to universal norms—of democracy, the rule of law and human rights—widely respected across post-war western Europe and embodied since 1949 in the Council of Europe. We would also expect a move away from the nationalistic politics—geared to introducing, strengthening or removing borders—which led to war and now predominates elsewhere in Europe only in pockets: Flanders, the Basque Country, Cyprus, Bosnia-Herzegovina and Kosovo. We would anticipate a focus on the devolved assembly as the key political institution, rather than London and Dublin as evident throughout the 'peace process', and on day-to-day concerns rather than constitutional issues.

5.2 Universal norms

Unlike western Europe generally after World War II, when there was a consensus that nationalistic excess and intolerance had led to ruin—and that therefore universal norms were imperative and widely supported—in Northern Ireland there has been no

⁸² Office of the First Minister and Deputy First Minister, *A Shared Future: Policy and Strategic Framework for Good Relations in Northern Ireland* (Belfast: OFMDFM, 2005, at www.ofmdfmi.gov.uk/finalversion020506.pdf [accessed 7 January 2009]), p. 8.

⁸³ R. Wilford and R. Wilson (eds) *Northern Ireland Devolution Monitoring Reports: September 2007* (London: University College, www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Sept07.pdf), p. 7.

consensus on how the ‘troubles’ should be understood.⁸⁴ Indeed, the Belfast agreement, described by one negotiator as an ‘agreement to disagree’ about the future,⁸⁵ also reflected an inability to agree on the past and what was wrong with it.

The legacy of this normative ambivalence is evident in answers to the 2007 NILT questions about politically-motivated violence (Figure 1). When asked ‘Do you have sympathy with the reasons for violence from loyalist/republican groups even if you don’t condone the violence itself?’, 29 per cent expressed some sympathy *vis-à-vis* loyalist violence and 30 per cent with regard to its republican counterpart.

Figure 1: Do you have sympathy with the reasons for violence from loyalist/republican groups even if you don’t condone the violence itself (%)?

	Loyalist Groups	Republican groups
A lot of sympathy	3	5
A little sympathy	26	25
No sympathy at all	70	69
Don’t know	2	2
Total	100.0	100.0

Only small minorities expressed ‘a lot of sympathy’ (3 per cent and 5 per cent respectively) and there was the qualifying clause. It is still remarkable, though, given violence is so stigmatised in Europe, that such large proportions would be prepared to volunteer ‘sympathy with the reasons for violence’—a question focused essentially on its perceived legitimacy. Still more remarkably, that level of sympathy is nearly twice as high as the last time this question was asked, in 1998.⁸⁶

Particularly noticeable is that 11 per cent of Catholics expressed ‘a lot of sympathy’ when it comes to republican violence. If this is thought, a decade and a half into the ‘peace process’, to be perverse, it raises once more the question as to whether, in the pursuit of short-term *Realpolitik*, the ‘constructive ambiguity’ which characterised that process has engendered long-term problems for the legitimacy of democratic arrangements, as the former deputy first minister Séamus Mallon forcefully argued.⁸⁷

By universal standards, the most extreme denial of human rights and the rule of law during the ‘troubles’ was internment, introduced in 1971 and followed by an upsurge

⁸⁴ G. Dawson, *Making Peace with the Past? Memory, Trauma and the Irish Troubles* (Manchester: Manchester University Press, 2007).

⁸⁵ J. R. Wilson, *Ethnonationalist Conflicts, Consociationalist Prescriptions and the Travails of Politics in Northern Ireland* (PhD thesis, Queen’s University Belfast, 2008), p. 199.

⁸⁶ Data available at www.ark.ac.uk/nilt/1998/Political_Attitudes/LOYVIOL.html and www.ark.ac.uk/nilt/1998/Political_Attitudes/REPVIOL.html.

⁸⁷ Wilson, *Ethnonationalist Conflicts*, p. 208.

of violence before it was phased out in the mid-70s. Detention without trial has again come on to the public agenda, in the context of debate in the UK about detention of ‘terrorist’ suspects. The current government proposed, amid much opposition, extension of detention up to a limit of 42 days—nearly 10 times as long as that found by the European Court of Human Rights, in a 1988 ruling on a Northern Ireland case, to have contravened the requirement to bring a suspect ‘promptly’ before a court as required by article 5 of the European Convention on Human Rights.

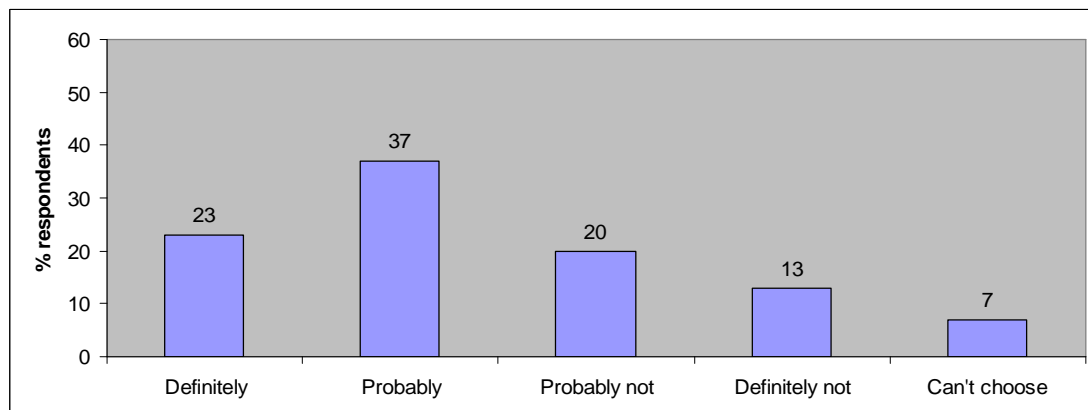
The NILTS question on this issue, however, found a clear majority of 58 per cent sympathetic to the notion that ‘the authorities’ should definitely or probably be allowed to detain people for as long as they wanted (Figure 2). This rose to 66 per cent among Protestant respondents—despite the question offering no limitation to the period of potential detention or indeed any restriction to ‘terrorist’ offences.

Figure 2: Do you think the authorities should have the right to detain people for as long as they want without putting them on trial (%)?

Definitely should have right	23
Probably should have right	35
Probably should not have right	21
Definitely should not have right	15
Can't choose	6
Total	100

Even the modest question as to whether protest marches—such as characterised the early civil-rights movement—should be allowed attracted striking dissensus (Figure 3). One third of respondents, rising to 36 per cent among Protestants, said such demonstrations should probably or definitely not be permitted.

Figure 3: Should organising protest marches and demonstrations be allowed (%)?



We should put these striking results in context. Most respondents did not express views which conferred legitimacy upon, still less personally condoned, paramilitary violence. Most did not *definitely* believe that the authorities should be able to detain people indefinitely and other civil liberties in the survey mostly attracted majority support. Yet, in another, international, context, survey research has found that Northern Ireland is a more 'bigoted' society than 18 comparator democracies.⁸⁸ The lack of consensus on fundamental norms of a civic society does not bode well.

5.3 Nationalistic politics

A commitment to universal norms goes with a commitment to the public good and, in particular, non-discrimination between fellow citizens. Nationalism, though, speaks the collectivist language of 'community', rather than the individualist discourse of the citizen, and advances one such imagined community over another.⁸⁹ It thus includes in Northern Ireland the 'unionist' version as well as the 'nationalist' version, however much these are conventionally counterposed.

Elections in the last decade have shown a big swing to the DUP and SF. The survey found these parties to enjoy a total support of 34 per cent of respondents, whereas in the survey in the year of the Belfast agreement their combined endorsement was only 16 per cent. It is true that these figures are significantly below contemporary electoral performances: in the 2007 assembly election the two parties secured 56 per cent between them. But the latter is likely significantly to exaggerate support: the NILTS question allows a none-of-the-above answer (15 per cent) more characteristic of electoral abstainers, and the more motivated supporters of the nationalistic parties may well turn out in greater numbers than their rivals at election time.

The official view in London and Dublin has, however, been to downplay concern about this political polarisation, on the grounds that these parties have moderated their stance. It is arresting therefore that a recent study of 'populist radical right parties' in Europe, which defines such parties as 'nativist' (nationalist plus xenophobic), authoritarian and populist, includes the DUP within the family.⁹⁰ And it

⁸⁸ V. Borooah and J. Mangan, 'Love thy neighbour: how much bigotry is there in western countries?', *Kyklos* 60:3 (2007), pp. 295-317.

⁸⁹ U. Özkırımlı, *Contemporary Debates on Nationalism: A Critical Engagement* (Basingstoke: Palgrave, 2005), pp. 89 and 102.

⁹⁰ C. Mudde, *Populist Radical Right Parties in Europe* (Cambridge: Cambridge University Press, 2007), p. 55.

places SF just on the borderline outside—being authoritarian, populist and nationalist, like the DUP, but nativist only towards the English and Protestants.⁹¹

The greatest success that any such party has achieved in general elections in recent years was a 27 per cent score by the Freedom Party of Austria in 1999⁹² and, when it was subsequently invited into government by the Christian Democrats, Austria faced sanctions from other EU members anxious that democracy was under threat. The next strongest performer, the Flemish Interest, is denied access to government by all the Belgian democratic parties for the same reason. Yet in the assembly election, the DUP scored fully 30 per cent, with a further 26 per cent for SF. What was thus the strongest performance in any election by the populist radical right across the continent was considered with equanimity in London and Dublin, with no concern in either capital about their democratic credentials.

There is, however, more positive news, supportive of the argument⁹³ that, over time, the embers of ethnic conflict tend to burn out as day-to-day concerns take over. Figure 4 shows that when respondents were asked to define their own identity in nationalistic terms four in ten preferred the plague-on-both-your-houses 'neither'.

Figure 4: Do you think of yourself as a unionist, a nationalist or neither (%)?

Unionist	36
Nationalist	24
Neither	40
Other	<1
Don't know	<1
Total	100

What is striking is how the 'neither' option rises in popularity as one goes down the age cohorts: close to half of under-45s adopted it. Unsurprisingly, there is also evidence that support for 'neither' has been rising over time: in the first NILT survey in 1998 it attracted the support of one third of respondents when it came second to 'unionist', favoured by 40 per cent, with one quarter identifying as 'nationalist'.

As Figure 5 shows, a related feature of the current survey is that, when asked how they would feel in the event of a vote for Northern Ireland to become part of a united Ireland, a much smaller proportion (12 per cent) of respondents said they would not

⁹¹ Mudde, *Populist Radical Right Parties*, p. 52.

⁹² Mudde, *Populist Radical Right Parties*, p. 44.

⁹³ R. Brubaker, *Ethnicity Without Groups* (Cambridge, MA: Harvard University Press, 2004).

be able to live with it than those who said they could live with it (46 per cent)—while not liking it—or would accept the wishes of the majority (39 per cent). Similar results occurred in response to a question about how people would feel if a majority of people *never* voted to become part of a united Ireland. Such findings corroborate the indications of a public preference for a higher priority to be given to policy issues.

Figure 5: If the majority of people in Northern Ireland ever/never voted to become part of a united Ireland do you think you ... (%)?

	Ever voted for united Ireland	Never voted for united Ireland
Would find this almost impossible to accept?	12	4
Would not like it, but could live with it if you had to?	46	34
Would happily accept the wishes of the majority?	39	58
Don't know	3	4
Total	100	100

5.4 'Bread and butter' issues

Also on the positive side of the balance, the 2007 survey, as previously, found a clear public preference for political argument to move on to policy rather than constitutional issues (Figure 6). Just 12 per cent of respondents wanted the latter to be prioritised.

Figure 6: Do you think it is more important that the Assembly spends its time dealing with policy issues or constitutional issues (%)?

Policy issues	65
Constitutional issues	12
Both equally	20
Don't know	3
Total	100

Again as in previous surveys, improving the health service and the economy/employment figured jointly as the two main concerns, well ahead of others. Even within the constitutional arena, devolution of policing and justice was seen as much more important than traditional border politics (Figure 7).

Figure 7: On constitutional issues that the Assembly will have to deal with, which of these do you think is the most important (%)?

Devolution of policing and justice	53
Securing Northern Ireland's union with the United Kingdom	26
Bringing about a United Ireland	9
None of these	7
Don't know	6
Total	100

Relating to this, and again in line with results from earlier surveys, while respondents were more likely to believe that it was the UK government which continued to call the shots, they overwhelmingly wanted the assembly, rather than Westminster, to be the key political institution influencing the way Northern Ireland is run (Figure 8).

Figure 8: Which of the following has the most influence/ought to have most influence over the way Northern Ireland is run (%)?

	Which has most influence	Which ought to have most influence
Northern Ireland Assembly	36	68
UK government at Westminster	45	11
Local councils in Northern Ireland	7	11
Irish Government	2	3
European Union	3	2
Other	1	1
Don't know	5	3
Total	100	100

5.5 Conclusion

The latter trends represent more positive pointers, but they do not outweigh the disturbing trends earlier identified. Thus, the continued dominance of nationalistic politics has seen 'bread-and-butter' issues—critically, the future of academic selection—deadlocked on sectarian lines and the devolution of policing and justice postponed, while the assembly has adopted little by way of legislation other than measures maintaining parity with Westminster. A decade on from the Belfast agreement, the survey evidence indicates there is still some road to travel towards a 'normal' Northern Ireland.

6. Intergovernmental Relations

Elizabeth Meehan and Robin Wilson

6.1 'East-west'

The main east-west topics in this period (aside from the Interreg project recorded in the EU section) were meetings of the Joint Ministerial Committee and the British-Irish Council and the assembly's responses to the latter. These responses also revealed historic developments within the British Irish Inter-Parliamentary Body and between it and the BIC.⁹⁴

The previous monitoring report recorded the resumption of the non-EU side of the JMC system; the June plenary had discussed, among other things, marine and coastal matters. Thereafter, further discussion and negotiation of the UK Marine and Coastal Access Bill had ensued and, at a JMC meeting on 27 November 2008, agreement was reached on a UK-wide approach to marine planning. The agreement was more significant for Scotland and Wales than Northern Ireland because it devolved functions to the former two but not the last. Indeed, there was considerable coverage of the 'groundbreaking decision' in the Scottish press.⁹⁵

Nevertheless, the Northern Ireland first and deputy first ministers, Messrs Robinson and McGuinness, welcomed the agreement. The former referred to the contribution the UK bill would make to sustainability and European obligations and was particularly pleased that it was through the JMC that progress had been made. The latter looked forward to developing legislation in Northern Ireland in due course to complement the bill and to do so in consistency with the other administrations.⁹⁶

There were two BIC meetings during the period, the second of which (on drugs misuse) was not attended by a Northern Ireland delegation.⁹⁷ The first, in which Northern Ireland did take part, was a plenary.

⁹⁴ Unfortunately, the absence so far of BIIPB records means that a full account of these last developments cannot yet be provided, though something of them is recorded on the basis of the assembly debate on the BIC meeting.

⁹⁵ J. Haworth, 'Scotland spreads net of control over sea to 200 miles from shore', *Scotsman* (28 November 2008).

⁹⁶ Cabinet Office news release, CAB/113/08, 27 November 2008.

⁹⁷ Nor was there a report on it to the assembly. The meeting took place on the day the Executive Committee met at Stormont for the first time in five months.

The sectoral meeting was held in London on 20 November 2008, the main topic being community-based ways of dealing with drug use. The meeting also reviewed the work carried out in 2008. Although no Northern Ireland delegates were present, the region did feature in the review—in particular, its hosting of a seminar on using advances in prevention science to guide prevention of substance misuse. Ministers also agreed on areas of work for 2009 to be led by Guernsey (drugs in prisons), the Republic of Ireland (drug deaths indices) and Scotland (an area still to be decided). It was agreed that the Isle of Man would host the next meeting.⁹⁸

A couple of months earlier, on 26 September, a plenary session had been held in Scotland. The taoiseach, Mr Cowen, represented the republic's government, while the UK government was represented by the Welsh secretary, Paul Murphy. The largest delegation, of six, came from Northern Ireland, led by the first and deputy first ministers.⁹⁹ The meeting reviewed the work of the council, agreeing on programmes that could be regarded as completed and on work to be developed or initiated.¹⁰⁰

It was agreed that work on tourism had reached its natural end and that work on 'e-health' had been superseded by EU developments. Progress in other areas—the environment, knowledge economy, transport, and minority languages—was noted. The community-based approach to drug misuse (see above) was adumbrated here and the voluntary sector was highlighted with regard to social inclusion.

New work on demography—ageing and migration—was agreed, with the republic and Northern Ireland taking the lead on measurement and research respectively, as was a proposal from Scotland to adopt a work programme on energy. It was further agreed that this work stream, together with others from the UK (digital inclusion), Northern Ireland (child protection and collaborative spatial planning) and Wales (early years) should be considered at the next plenary, in Wales, in February 2009.

On the ongoing strategic review of the BIC, ministers endorsed an agreement on the parameters for a standing secretariat and noted a proposal for an enhanced

⁹⁸ BIC communiqué, 20 November 2008, www.british-irishcouncil.org.

⁹⁹ The other Northern Ireland delegates were: Conor Murphy, minister for regional development; Arlene Foster, enterprise, trade and industry; Margaret Ritchie, social development; and Jeffrey Donaldson, (DUP) junior Minister in OFMDFM.

¹⁰⁰ An agenda item was added to any other business so that ministers could discuss the global economic crisis.

secretariat remit. They discussed further the basis for the secretariat's location¹⁰¹ and its costs, as well as further work to be done on accountability and financing structures. It was agreed full proposals would be considered at the Wales meeting.

The first minister reported on the plenary to the assembly on 21 October 2008. Answering a question from the chair of the Committee for the OFMDFM, Mr Robinson explained delays in the strategic review by reference to the seriousness of the council's attention to its work streams. The expansion of work programmes showed the 'increased level of involvement of each of the Administrations' and this inevitably impinged upon the objectives of the review, he said.

Asked by the SDLP MLA Alex Attwood about 'impediments' to new work streams in 'the north-south architecture', the first minister claimed the east-west dimension was not moving ahead of the north-south axis but 'catching up'. He and the deputy first minister were 'committed to ensuring that all the institutions move forwards apace'. Later, he reassured Alban Maginness, also of the SDLP, that by no means did he mean to imply a brake on north-south work until east-west programmes had caught up. He noted that his experience of positive co-operation with the south was matched by that of his nationalist colleagues with the other administrations of the BIC.¹⁰²

The assembly debate on the BIC elicited some information about the British-Irish Inter-Parliamentary Body, now renamed the British-Irish Parliamentary Assembly. The SF MLA Barry McElduff said he had attended a meeting of the BIPA the previous day in Newcastle-upon-Tyne and asked the first minister if he envisaged any role for the body in overseeing the BIC. Noting that Committee D of the BIPA had just completed a report on the rights of migrant workers, he suggested that, to avoid reinventing the wheel, OFMDFM should consider it.

It was odd to see an announcement of the ending of the unionist boycott of the BIIPB dropped into a debate about something else. But that is what happened when Mr Robinson said the two main unionist parties would be taking their place in the newly named BIPA. He claimed that it no longer focused only on Northern Ireland problems 'in the British Irish context' but now addressed 'wider British Isles issues'. In being, in

¹⁰¹ Northern Ireland had submitted a bid, as had Scotland and Wales with the Isle of Man also a possibility—according to the first minister, Mr Robinson, during debate on his statement to the assembly on the BIC meeting (*Official Report*, 21 October 2008).

¹⁰² Mr Robinson's dismissive reference to the North/South Ministerial Council in his new year statement (see below) will not however have assuaged SDLP doubts in this regard.

this way, 'more inclusive', the two unionist parties could now participate. The first minister agreed that, 'to some extent', the BIPA could play a useful role if it shadowed some of the work of the BIC. He and the deputy first minister were prepared 'to play our full part in any invitations to attend'.

6.2 North-south

North-south co-operation has become much less politically controversial since the Belfast agreement. It is much more difficult to (mis-)represent as a vehicle for a unitary Irish state than when the 1974 power-sharing executive was brought down by a 'loyalist' strike. But the dominance of the DUP and SF in the executive—with the former's instinctive suspicion of 'north-southery' and the latter's commitment to a project of rolling unification—mean the potential for co-operation for mutual benefit and a wider project of reconciliation have not been fulfilled to the maximum.

It emerged during the period, for example, that the environment minister, Mr Wilson, had decided that direct-rule appointees to advisory bodies domiciled in the republic would no longer be appointed by him under devolution. This provoked nationalist ire¹⁰³ and an extremely testy interview on BBC Radio Ulster with the minister.¹⁰⁴

Mr Robinson parried the refusal of SF to countenance executive meetings from June to September 2008 by vetoing meetings of the NSMC. In turn, the SF minister of agriculture and rural development, Michelle Gildernew, insisted on meeting the republic's minister for agriculture, fisheries and food, Brendan Smith, and the minister for community, rural and Gaeltacht affairs, Eamon O'Cuiv, in Co Cavan, even though the meeting had no formal status. Ms Gildernew stressed: 'This meeting is a continuation of our regular meetings on north-south issues.'¹⁰⁵

After the hiatus ended, her colleague at education, Ms Ruane, shadowed by the DUP junior minister in OFMDFM, Mr Donaldson, met her counterpart, Batt O'Keeffe, in Dublin to discuss educational underachievement. They agreed the initial work programme for an Educational Achievement Working Group.¹⁰⁶

¹⁰³ G. Moriarty, 'SDLP queries bar on people from Republic advising Wilson', *Irish Times* (11 September 2008).

¹⁰⁴ *Good Morning Ulster*, BBC Northern Ireland (11 September 2008).

¹⁰⁵ Department of Agriculture and Rural Development news release, 19 September 2008.

¹⁰⁶ Department of Education news release, 10 December 2008.

The polarised political positions on north-south relationships were evidenced in predictable new year statements. The DUP leader, Mr Robinson, questioned the value of the NSMC, whereas the SF president, Mr Adams, said 2008 had seen further progress in 'bedding-down the all-Ireland political institutions'.¹⁰⁷

Not all barriers to co-operation come from the north, however. A recurrent theme has been reticence in the republic's Industrial Development Authority, in the context of competition between the two economies on the island. During the period, it emerged from a freedom of information request that the taoiseach, Mr Cowen, had been briefed by the authority before his meeting as finance minister with his then northern counterpart, Mr Robinson, in April 2008, when he announced that finance companies in the republic would be facilitated in setting up back office offshoots in the north.¹⁰⁸ According to the briefing, 'The IDA did express some concerns with the Government promoting what they regarded as a competitor jurisdiction for investment and they were worried that Invest NI would use this announcement when promoting other financial services initiatives which they are pursuing with other potential investors.'¹⁰⁹

A key concern in the republic during the period was the dramatic shift in the pound-euro exchange rate to near parity. This drove shoppers to Newry in Co Armagh, in droves—just as the republic was moving into a deep recession, with the bursting of the housing and credit bubble. Bizarrely, this led the republic's finance minister, Brian Lenihan of FF (whose subtitle is 'the republican party'), to suggest that it was a 'patriotic duty' to shop south of the border.¹¹⁰

Evidence that dioxin had been discovered in pigs led to an island-wide pork scare during the period. Yet it was the (UK) Food Standards Agency which took the media spotlight, with the north-south Safefood marginal. This was a product of the situation, as with tourism, where the north-south body deriving from the Belfast agreement was an addition to, rather than replacement for, similar bodies in the two jurisdictions.¹¹¹

¹⁰⁷ D. Keenan, 'Robinson queries use of North-South ministerial council', *Irish Times* (2 January 2008).

¹⁰⁸ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: May 2008*, at: www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_May08.pdf, p. 49.

¹⁰⁹ S. Carswell, 'IDA concerns over North-South plan', *Irish Times* (10 November 2008).

¹¹⁰ 'Lenihan renews plea to consumers to shop at home', *Irish Times* (3 December 2008).

¹¹¹ C. Harrison, 'Pork safety: risk to health is negligible', *Belfast Telegraph* (9 December 2008).

7. Relations with the EU

Elizabeth Meehan

The main EU topics for this period were various social issues, fisheries, the north-south/east-west Interreg programme (noted in previous monitoring reports) and larger aspects of Northern Ireland's relations with the EU.

As to the first, in September, the education minister, Ms Ruane, celebrated European Languages Day at Shimna Integrated College, designated in 2006 as a language specialist school.¹¹² A month later, the UUP minister for employment and learning, Sir Reg Empey, met Jan Figel, European commissioner for education, training, culture and youth, to discuss Northern Ireland's participation in the Bologna process—the scheme to create a European Higher Education Area by 2010.¹¹³ Sir Reg also launched the Northern Ireland European Social Fund programme for 2007-13. He said it would bring £114 million to help people into sustainable employment and improve workforce skills; 76 projects had been approved under the first call.¹¹⁴

Several actions were also undertaken during the period to implement EU rules for employees in the event of childbirth or adoption. These culminated in the approval of amended regulations by the assembly on 10 November 2008.¹¹⁵

The fisheries minister, Ms Gildernew, passed on some of her responsibilities because of maternity leave.¹¹⁶ Hence, both she and her SF colleague at Regional Development, Conor Murphy, were active in the run-up to the November and December EU Fisheries Councils. Mr Murphy, and ministers from the other devolved administrations, met the commissioner, Joe Borg, two days before the full council meeting in November. It was clear then that negotiations were going to be difficult, and so it proved. Despite 'some flexibility on the baseline to be used to measure

¹¹² European Language Days, sponsored jointly by the Council of Europe and the EU, were initiated in 2001—Department of Education news release, 26 September 2008.

¹¹³ Department of Employment and Learning news release, 22 October 2008. Participation in this process is linked with the ambitions of the EU task force on Northern Ireland; see below.

¹¹⁴ DEL news release, 22 October 2008.

¹¹⁵ The need for further action had arisen because of a legal challenge in 2007 in Great Britain to the UK's implementation of 2002 amendments to the 1976 equal treatment directive and the consequent Sex Discrimination (Northern Ireland) Order 1976—DEL news release, 25 September 2008; *Official Report*, Approval of the Maternity and Parental Leave, etc and the Paternity and Adoption Leave (Amendment) regulations (Northern Ireland) 2008, 10 November 2008.

¹¹⁶ Department of Agriculture and Regional Development news release, 7 October 2008.

fishing effort' and some concessions to 'vessels which followed cod avoidance plans', no flexibility was allowed on the requirement to reduce fishing effort by 25 per cent.¹¹⁷ Ms Gildernew was back in her role for the December council. Because of the critical state of cod (and plaice) stocks, severe restrictions were still insisted upon, but there were concessions on nephrops (prawns) and haddock.¹¹⁸

Previous reports have recorded development of an Interreg programme linking the two jurisdictions in Ireland and the west of Scotland. During the period, to warm ministerial welcomes in all three, the EU awarded nearly £5 million to marine scientists for research into renewable energy from marine plant life. The research will be led by the Scottish Association for Marine Sciences in Oban, in partnership with Strathclyde University, Queen's University Belfast, the University of Ulster and the Institutes of Technology in Dundalk and Sligo.¹¹⁹

It has been a recurring theme over the years that Northern Ireland's institutions are inadequately equipped to make the most of the EU and to make the administration more visible within it. Signs of determination to do better were evident in this period. The EU featured quite prominently in the deputy first minister's progress report on the Programme for Government to the assembly Committee for OFMDFM.

Mr McGuinness told the committee that implementation of the European aspect of the PfG would focus on the executive's formal response to the Barroso task force report on Northern Ireland (see previous monitoring reports). He said that 'for the first time, we shall have a comprehensive, cross-departmental and ambitious strategy and action plan, which has the potential to increase European funding to this region by millions of pounds'. The strategy would cover better integration, secondment of staff, greater uptake of the Erasmus programme and other educational schemes, as well as better networks and relationships with neighbours.¹²⁰ His undertaking to submit the strategy and action plan to the committee after departmental ministerial clearance was hampered by the failure of the executive to meet until November.

One week later the committee announced new terms of reference for its handling of European affairs, the second element of which was to scrutinise the executive's

¹¹⁷ DARD news releases, 17 and 19 November 2008.

¹¹⁸ DARD news release, 19 December 2008.

¹¹⁹ Department of Enterprise, Trade and Industry news release, 18 December 2008.

¹²⁰ Northern Ireland Assembly, Committee for the OFMDFM, Minutes and Evidence, 1 October 2008.

strategic approach outlined by Mr McGuinness. The first was to review its own role and to make recommendations for improved scrutiny and engagement, while the last covered any EU policy falling within the committee's remit.

In November—after the resumption of executive meetings—the first and deputy first ministers, Messrs Robinson and McGuinness, received the president of the European Parliament, Hans-Gert Pöttering, on a two-day visit. The regional political situation, the response to the Barroso task force and the global economic crisis were discussed. The president addressed MLAs in the Senate Chamber and he visited schools and an interface group to talk about their work, respectively, on education for diversity and reducing sectarian tensions.¹²¹

¹²¹ OFMDFM news release, 14 November 2008.

8. Relations with Local Government

Robin Wilson

Preparations continued during the period for the new configuration of 11 local authorities in Northern Ireland, replacing the current 26. As discussed in previous reports, this represented a compromise between the seven authorities favoured by the Review of Public Administration, supported by SF, and the 15 preferred by the other parties. But it ensured that one of the key goals of the RPA, co-terminosity of local-authority boundaries with those of other public bodies, was sacrificed, while the rationalisation of the district councils will be associated with only a modest enhancement of their very limited powers.

In September, the president of the Northern Ireland Local Government Association, Arnold Hatch of the UUP, attacked the proposals over the number of new councils, their boundaries and their lack of power. And he complained: 'When Direct Rule pertained, the prospects for local councils was [*sic*] much brighter. The Assembly is destroying them, but maybe the MLAs don't want to lose any of their powers.'¹²² The following month, the environment minister, Mr Wilson, announced the formation of 11 'transition committees' to prepare for elections to the new authorities in May 2011.¹²³

¹²² V. Gordon, 'Local government head slams new super councils', *Belfast Telegraph* (20 September 2008).

¹²³ DoE news release, 27 October 2008.

9. Finance

Rick Wilford and Robin Wilson

9.1 Facing the crisis

The public unease about the absence of corporate devolved government for five months was driven by a widespread sense that the executive was fiddling while Northern Ireland burned—or, rather, its swathe of citizens on low incomes froze. Over three in ten Northern Ireland adults are not in employment, and for those who are earnings are significantly lower than the UK average at every decile.¹²⁴ Worse still, 34 per cent of households were classed as fuel poor in 2006, as against 7 per cent across the UK (in 2005), a rise from 23 per cent in 2004 largely due to fuel price rises¹²⁵—rises in advance of the recent price gyrations.

Yet in September, in the middle of the hiatus and with winter approaching, the two key private utilities, NIE and Phoenix Gas, announced further increases, of one third and 19 per cent respectively, in electricity and gas prices. These came on top of respective increases of 14 and 28 per cent earlier in the financial year. The Utility Regulator chief executive, Iain Osborne, said it was up to politicians to set social policy, and to decide whether the better off paid more so that the most vulnerable paid less, and he said he hoped the executive would meet soon.¹²⁶ Neither aspiration was to be realised. The minister for social development, Ms Ritchie, complained that the failure to hold executive meetings threatened to hold up payments of £200 to vulnerable households to help with fuel bills, estimated to affect 160,000 people.¹²⁷

To put this in context, an OECD report was to find fuel prices had risen by 30 per cent in the UK in the past year; though much lower than the increase in Northern Ireland, this was twice the EU average change.¹²⁸ As senior citizens demonstrated outside Stormont against the fuel price hikes—it emerged that day ministers inside would get back to governing together—their spokesperson, Bill Carson, said:¹²⁹

The fact that electricity has gone up by 52% in a year is really frightening. I think energy suppliers have a responsibility to look very closely at what they

¹²⁴ See www.statistics.gov.uk/downloads/theme_labour/ASHE_2007/2007_gor.pdf.

¹²⁵ Northern Ireland Housing Executive, *Northern Ireland House Condition Survey 2006* (Belfast: NIHE, 2007, at: www.nihe.gov.uk/housing_conditions_survey_2006.pdf), p. 21.

¹²⁶ 'Huge jump for gas and power bills', BBC news online (10 September 2008).

¹²⁷ D. Young, 'Stormont cold war to hit fuel payments', *Belfast Telegraph* (24 October 2008).

¹²⁸ V. O'Hara, 'NI power price hikes highest in Europe', *Belfast Telegraph* (6 November 2008).

¹²⁹ V. O'Hara, 'Pensioners march on Stormont', *Belfast Telegraph* (17 November 2008).

are doing. Some companies in the UK operate a social tariff to make sure the vulnerable get the best possible tariffs they can run to. If the Executive delay action we are going to go into the cold, really hard parts of the winter months. And I don't think we can afford that.

What this was meaning in human terms became all too apparent. Citizens Advice revealed that it had engaged clients owing £5.5 million in the quarter from July to September, compared with £2.5 million over the same period in 2007.¹³⁰ And in November, the Northern Ireland Courts Service revealed that third-quarter mortgage repossessions had jumped to more than 1,000, a 93 per cent increase on the same period the previous year.¹³¹ In December, as the oil price spike receded, NIE and Phoenix Gas announced cuts in tariffs of 11 and 22 per cent respectively. But this still left bills respectively 35.5 and 18 per cent higher than they were in June.¹³²

By now, the executive was once more meeting, and the news came on the day the finance minister, Mr Dodds, announced the outcome of the most recent public-expenditure monitoring round.¹³³ Recognising that 'as ours is a small, open and regional economy, the Executive controls only a limited set of levers', he disclosed the fast-forwarding of construction projects worth £115 million over the next two financial years, bringing the total capital investment in 2008-09 to £1.5 billion. (One landmark project, the Titanic signature project, had already been announced by the first minister, Mr Robinson, at the beginning of December.¹³⁴) Mr Dodds also announced £20 million for a farm-nutrients management scheme, £4 million for school maintenance, £2.5 million for road maintenance, £1.8 million for public-transport works, and £5 million for social-housing construction in the current year.

Also included in his statement was £15 million to alleviate fuel poverty and Mr Dodds pointed out that this was in excess of the bid put forward by the SDLP social development minister, Margaret Ritchie. With barely concealed *Schadenfreude*, the finance minister disclosed that his scheme, a one-off payment (in January) of £150, would benefit 100,000 households by extending it to those in receipt of pension

¹³⁰ D. Gordon, '40% jump in victims of debt', *Belfast Telegraph* (24 October 2008).

¹³¹ Northern Ireland Courts Service news release, 14 November 2008.

¹³² L. Fergus, 'Electricity down 11%, gas bills to fall by 22%', *Belfast Telegraph* (15 December 2008).

¹³³ *Official Report*, 15 December 2008.

¹³⁴ Designed to boost the local tourist industry, work on the five-storey building begins in January 2009 and should be completed in time for the centenary of the ship's demise in April 2012, in the process having created some 600 jobs in the construction industry—Department of Enterprise, Trade and Investment news release, 27 November 2008; BBC news online (1 December 2008).

credit, a group of 35,000 households excluded from the Department for Social Development proposal, which was confined to those on income support.¹³⁵

To rub salt in the wound, Mr Dodds noted that ‘Ms Ritchie did not prioritize the warm homes scheme in Executive discussions’, much to the ire of SDLP MLAs in the chamber—and Ms Ritchie, who was briefing the press at the time that her housing budget had been cut in a ‘smash and grab raid’, a claim denied by Messrs Robinson and Dodds.¹³⁶ During his wind-up speech following the subsequent debate on the global economic downturn, the deputy first minister, Mr McGuinness, could not resist a jibe at the besieged social development minister (emphasis added):

Recently the DUP and Sinn Féin have done something the SDLP said that they would never do. After we began working together, the SDLP kept telling people that it would never last and that it would fall apart ... there is no prospect of the Executive falling apart. The job of every Member of the Executive, *even those who are the sole representatives of their party*, is to play a team role.¹³⁷

Acknowledging that there had been ‘difficult scenes’ at the executive over her proposals to tackle fuel poverty, Ms Ritchie insisted that she would not be ‘bullied’ by other ministers. And with many sympathetic to her party wondering whether it should sustain the DUP-SF dyarchy, she warned that ‘if there comes a time when Executive colleagues and others deliberately stop me from delivering, then that will give my party, and myself, an opportunity to consider our role in government’.¹³⁸

Mr Dodds’ statement came on the back of earlier decisions by the executive, including the freezing of domestic rates for the next two years, the freezing of industrial and regional rates at 2007-08 levels for 2009-10, the deferral of water charges for a further year, the extension of the free-fares scheme to all over 60 year-olds, and the reduction (to £3 from January) and eventual abolition (in April 2010) of prescription charges. These measures were enhanced by a small business rates-relief scheme and the freezing in cash terms of non-domestic rates for 2009-10.

¹³⁵ This had sectarian implications: the relatively higher age profile of the Protestant community and the concentration of unemployment among Catholics meant the addition of recipients of pension credit would see proportionately more Protestant beneficiaries.

¹³⁶ BBC news online, 15 December 2008.

¹³⁷ Martin McGuinness, *Official Report*, 15 December 2008. The SDLP’s rejoinder came from Alex Attwood, the party’s spokesperson on policing and criminal justice: ‘Martin McGuinness is right in a way when he claims the SDLP are not part of the team. We are not part of the DUP team while SF are fully paid members ... Martin McGuinness can play on Peter Robinson’s team if he wants, the SDLP won’t be.’—SDLP news release, 17 December 2008.

¹³⁸ BBC news online, 13 December 2008.

In commending his colleague's statement during the subsequent debate,¹³⁹ Mr Robinson reiterated the executive's determination to 'alleviate short-term hardship' by, *inter alia*, working with the energy regulators 'to make tariff changes for those in fuel poverty' and suggesting that the Northern Ireland Housing Executive might act as an energy broker to secure discounted energy for its tenants. He also impressed on the assembly the need for the executive to act quickly in addressing people's needs and to that end announced that OFMDFM was to bring forward a bill in January 'to provide permissive powers to implement remedial action in response to any circumstances that the Executive agrees warrants rapid and effective action ... and to deal effectively with poverty and disadvantage'.

The triad of Messrs Robinson, Dodds and McGuinness were at pains to assert that devolution was working for the benefit of Northern Ireland and, in the deputy first minister's view, that the executive was up to the job: 'With our collective will and ability, we can meet any challenge that is thrown at us and deliver a community in which wealth is created and shared'. It was left to his party leader, Mr Adams—during one of his rather rare contributions to debate—to restore ideological normality: 'We need to end the nonsense of two competing economies on this island. We need greater fiscal autonomy and the ability to gather taxes and manage our economy independent of British Treasury restraints.'

9.2 Fiscal pressures

The Dodds package was welcomed by business representatives, the mainstay of the administration's support, which had been severely tested by the hiatus in executive meetings.¹⁴⁰ The secretary of the Construction Industry Group, Ciaran Fox, had warned the Regional Development Committee of the assembly a week before the deadlock was broken that unemployment within the industry would rise to 10,000 by June 2009—sooner if the executive did not bring forward investment projects. He claimed that the Scottish government had brought forward £100 million worth of work from 2010-11. 'Why is this not happening in Northern Ireland?' he asked.¹⁴¹

¹³⁹ *Official Report*, 15 December 2008.

¹⁴⁰ F. McDonnell, 'Business sector backs NI economic package', *Irish Times* (16 December 2008).

¹⁴¹ 'Unemployment in Northern Ireland's construction industry to reach 10,000', *Belfast Telegraph* (12 November 2008).

Two days after the mini-budget¹⁴² package, however, the seriousness of the economic backdrop was being indicated by unemployment figures showing the biggest monthly increase (in claimants) since the 1980 recession.¹⁴³ The problem was that the ‘Barnett squeeze’, which had hit Northern Ireland hard in recent years,¹⁴⁴ allied to the explicitly anti-Labour budget¹⁴⁵ of Mr Dodds’ predecessor, Mr Robinson, which had frozen the regional rate—the executive’s only discretionary tax—for three years, had left the executive with no room for enhanced public expenditure (as against reallocations and changes of timing) to address the crisis.

In September, a Department of Education paper to the assembly Education Committee had said there was a £217 million backlog in school-estate maintenance. But the department’s deputy secretary, John McGrath, told the committee: ‘There is little prospect of any significant funds becoming available.’¹⁴⁶ The SF minister, Ms Ruane, met the Belfast Education and Library Board after the board had decided to suspend all its meetings until the minister met it to address its financial plight; she could only say she hoped for more money from the next monitoring round.¹⁴⁷

In the biggest spender, health, meanwhile, the UUP minister, Michael McGimpsey, said up to 2,500 jobs would go because of the ‘efficiency’ savings in health and social services over three years Mr Robinson had demanded. Alliance blamed the ‘dire consequences’ of his 2007 budget.¹⁴⁸

Policing and prisons also consume a large chunk of expenditure in Northern Ireland. Until those are devolved, this is of no concern to Mr Dodds. Following the agreement to reconvene the executive, the first and deputy first ministers, Messrs Robinson and McGuinness, accompanied by Mr Dodds and the SF regional development minister, Conor Murphy, met the prime minister, Mr Brown, on 19 November. Their aim was

¹⁴² The Executive Committee had not followed the practice of the 1998-2002 devolved administration of publishing an annual, rolling Programme for Government and matching budget, satisfying itself with the brief three-year programme, and the associated budget, agreed in January 2008.

¹⁴³ DETI news release, December 17th 2008.

¹⁴⁴ J. Aldridge, ‘Financing devolution: 2008 and beyond’, in A. Trench (ed.), *The State of the Nations 2008* (Exeter: Imprint Academic Press, 2008), pp. 157-60.

¹⁴⁵ 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, p. 61.

¹⁴⁶ K. Torney, ‘£217m cost of urgent repairs to schools’, *Belfast Telegraph* (11 September 2008).

¹⁴⁷ DE news release, 15 October 2008.

¹⁴⁸ D. Keenan, ‘Up to 2,500 health service jobs may go over three years in Northern Ireland’, *Irish Times* (11 October 2008).

not only to seek financial help with the effects of the current economic crisis but also to agree a settlement for the future financing of policing and criminal justice.

But the NIO signalled in early December that devolution would bring only further budgetary headaches, when agreement was reached on balancing this year's police budget after an awkward stand-off with the Policing Board.¹⁴⁹ The board had been concerned about the cost of the Historical Enquiries Team looking over cold 'troubles' cases, which had earlier threatened to run out of money. But the NIO refused to provide any additional funding, and the issue was only postponed as the board dipped into the next year's budget to balance this year's. Gregory Campbell of the DUP had warned that unless Mr Brown, was willing to pay £300 million a year for the next three years, to cover items such as the long-delayed police training college, devolution of policing and justice would be impossible. But the Northern Ireland secretary, Mr Woodward, said the Treasury settlement was 'extremely good'.¹⁵⁰

On the revenue side, following consultation on the regional rate—where direct-rule reform had moved its basis from imputed rent to capital values—Mr Dodds confirmed the Executive's decision to reduce the maximum capital value for domestic rating to £400,000,¹⁵¹ to rate empty homes at 100 per cent and improve data sharing powers to enhance uptake of rate rebate and rate relief.¹⁵² He had earlier announced the deferral of a proposed derelict-land tax.¹⁵³

The minister also announced incentives for domestic investment in improved insulation. He indicated that the first residents of low-carbon homes (scored 4 or 5 on the Code for Sustainable Homes) would receive up to two years exemption from rates, and the first residents of zero-carbon homes (scoring 6) would be exempt for five.¹⁵⁴

¹⁴⁹ NIO news release, 2 December 2008.

¹⁵⁰ J. M. Brown and J. Burns, 'Unionists see funding threat to policing deal', *Financial Times* (21 November 2008).

¹⁵¹ As one of the concessions it secured from Downing Street as a *quid pro quo* for accepting devolution, a £500,000 ceiling had earlier been introduced.

¹⁵² Department of Finance and Personnel news release, 30 October 2008.

¹⁵³ DFP news release, 23 October 2008.

¹⁵⁴ DFP news release, 23 December 2008.

10. Political Parties and Elections

Robin Wilson

10.1 The Conservative embrace

The main story of the period continued to be the developing, but now clearly limited, liaison between the UUP and the Conservative Party. During the Conservative conference it emerged that there were difficulties in the talks with the historic sister party in Northern Ireland, arising from its enmeshing with a sectarian political culture. While the party leader, David Cameron, was passionate for a merger, the UUP was reluctant to lose the Union flag in its logo in favour of the green Tory tree.¹⁵⁵

Moreover, the former UUP leader, Lord Trimble, told the conference that the party would fight every Northern Ireland seat at the next Westminster election. His former party colleague but now DUP junior minister, Jeffrey Donaldson, complained that this would be at the expense of 'unionist unity' in seats like South Belfast—won last time by the SDLP candidate, Alasdair McDonnell.¹⁵⁶ Ruling out a merger, the current UUP leader, Sir Reg Empey made plain that his focus was constitutional politics rather than the normalisation of Northern Ireland when he said: 'What this is about is the security of the union going forward 30 or 40 years ahead.'¹⁵⁷

His own party conference was postponed, amid unease about the proposed relationship with the Tories on the part of the liberal and social-democratic wings of the UUP, represented respectively by Sylvia Hermon, MP for affluent north Down, and Chris and Michael McGimpsey and Fred Cobain, rooted in working-class Belfast.¹⁵⁸ Uncertainty was compounded by Lady Hermon's support for the prime minister's package to rescue the financial system and, particularly, by Sir Reg's statement on encouraging intra-unionist unity by a transfer arrangement for the European election with Mr Allister's 'Traditional Unionist Voice'. Though the UUP leader denied this represented an electoral 'pact',¹⁵⁹ it was described by one

¹⁵⁵ F. Millar, 'Empey and Cameron to review progress on new party', *Irish Times* (30 September 2008).

¹⁵⁶ 'Cameron admits UUP difficulties', BBC news online (29 September 2008).

¹⁵⁷ N. McAdam, 'Tories and UUP: no merger on the cards', *Belfast Telegraph* (1 October 2008).

¹⁵⁸ G. Moriarty and D. Keenan, 'UUP holds off conference to allow debate on Tory links', *Irish Times* (9 October 2008).

¹⁵⁹ 'Sir Reg rejects talk of TUV election pact', *News Letter* (14 October 2008).

Conservative as precisely the ‘sectarian and tribal politics’ the merger idea was meant to represent a break from.¹⁶⁰

The UUP executive endorsed an electoral arrangement with the Conservatives, such that they would run on a joint ticket in European and Westminster elections¹⁶¹—well short of earlier merger talk. The DUP condemned the proposition on sectarian vote-splitting grounds.¹⁶²

Mr Cameron was rapturously received at the UUP conference, when it went ahead in Belfast in November. He told delegates, in language which caused something of a *frisson* in Dublin:

As Prime Minister, I will always honour Britain’s international obligations. I will continue to work closely and constructively with our nearest neighbours in the Republic of Ireland and I will always uphold the democratic wishes of people here in respect of their constitutional future. But I will never be neutral when it comes to expressing my support for the Union. I passionately believe in the Union and the future of whole of the United Kingdom. We’re better off together—England, Northern Ireland, Wales and Scotland—because we all bring our strengths to the mix.¹⁶³

This would represent a shift in official tone, were the Tories to win the next election, from the studied neutrality adopted ever since the Anglo-Irish Agreement of 1985 which led to the severing of the ‘Conservative and Unionist Party’ umbilical cord. And the Cameron presence clearly energised a well-attended conference.

But Chris McGimpsey expressed his dissent, while Lady Hermon was absent—in mourning for her husband, the former chief constable Sir John Hermon. And when the two parties announced a joint committee to advise on candidates, the UUP side notably included Lord Maginnis, a liberal unionist who had stressed the need for the party to maintain an independent identity.¹⁶⁴

By contrast, the more tenuous feelers put out by the former FF leader, Bertie Ahern, to extend his party’s organisation in Northern Ireland were finally cut by his successor. Mr Cowen made clear in September: ‘We haven’t actually proceeded with it. A number of other issues arose since then in terms of the North itself.’ He went on:

¹⁶⁰ F. Millar, ‘Tory concerns over prospects of successful UUP merger’, *Irish Times* (16 October 2008).

¹⁶¹ ‘UUP agrees on Conservative pact’, BBC news online (20 November 2008).

¹⁶² ‘SF forced DUP hand on policing: Empey’, *Belfast Telegraph* (21 November 2008).

¹⁶³ H. McDonald, ‘“I want Ulster Unionists in cabinet”’, *Observer* (7 November 2008).

¹⁶⁴ F. Millar, ‘Tory/UUP electoral alliance body named’, *Irish Times* (6 January 2008).

'We have obviously had a change of leadership. [The North] remains an option for the party, but I am concentrating . . . on the strategic review of our own organisation within the Republic.'¹⁶⁵

SF, of course, fervently wants to be seen as a significant party across the island, and while the enterprise minister, Ms Foster, won a bellwether Fermanagh council byelection for the DUP, the SF vote held up.¹⁶⁶ But during the period it was evident the party was still digesting the shock of its poor performance in the 2007 Dáil election. In January 2009, the SF leadership signalled in advance of the party's *ard fheis*—the leadership position is rarely challenged at the conference—that there would be a change of personnel, with figures from the south being promoted to senior positions.

The party leader, Mr Adams—whose weak capacity on TV to handle political issues in the republic was widely seen as a factor in the 2007 outcome—nevertheless said he had no plans to step down after a quarter century as president. 'I do not see myself as a Northern leader,' he said.¹⁶⁷

10.2 Partners sparring

While the DUP and SF were deadlocked over devolution of policing and justice, the DUP published a party-political broadcast which said nothing about power-sharing but trumpeted the control the party had allegedly secured at Stormont and how this had purportedly also secured the union.¹⁶⁸ The DUP had readied its manifesto for an emergency assembly election, in anticipation of any executive collapse.¹⁶⁹ The party leader, Mr Robinson, told the DUP conference that he would not 'bow to threats' and he appeared ready to face a renewal of the Northern Ireland 'blame game' when he said: 'If devolution fails it will not be because unionists have failed to live up to any agreement that we reached.'¹⁷⁰

¹⁶⁵ M. Hennessy, 'Plans to organise in North off the agenda', *Irish Times* (17 September 2008).

¹⁶⁶ D. Keenan and N. Dumigan, 'DUP Minister wins council byelection in Fermanagh', *Irish Times* (18 September 2008).

¹⁶⁷ M. Hennessy, 'Adams plans to stay as leader despite SF reshuffle', *Irish Times* (9 January 2008).

¹⁶⁸ BBC Northern Ireland, 30 October 2008.

¹⁶⁹ Private communication.

¹⁷⁰ 'Robinson "won't bow to threats"', BBC news online (1 November 2008); 'Robinson backs powersharing in first DUP conference speech', *Belfast Telegraph* (1 November 2008).

The SF MEP Bairbre de Brún showed her party was equally prepared to play the blame game. In a speech to a republican commemoration in Co Louth, she said the issue was not just the dispute over policing and justice:

People should not be surprised or confused by the current situation in Stormont. Remember the DUP were a party formed to oppose power sharing. Remember Peter Robinson fronted the 'Smash Sinn Fein' campaign. They led the opposition to the Good Friday Agreement before embracing the all-Ireland institutions it established.¹⁷¹

Whether the DUP could best SF in the June 2009 European election was a key consideration for the party—seriously complicated by the threat from Mr Allister. It emerged that the party was having difficulty securing a high-profile candidate—knowledge of, or interest in, European affairs not essential—with Mr Dodds reportedly reluctant to be pressed, as he would have to stand down as MP and this would jeopardise his chances of taking over as party leader from Mr Robinson. It was suggested that this might be resolved by the latter writing to the former confirming he would hand over the leadership in an agreed time, in return for Mr Dodds taking on Mr Allister.¹⁷² But by the end of the period the DUP had still to select a candidate.¹⁷³

One quandary in the argument between the DUP and SF over policing and justice was whether Alliance would facilitate a compromise by indicating its willingness to accept the justice portfolio. Alliance has become increasingly critical of the entrenched sectarianism of the devolved structures over the decade since the Belfast agreement, and a unilateral move to save the two most sectarian parties' blushes did not appeal to a party which nevertheless feels obliged to act in the public interest.

The Alliance leader, David Ford, appeared to bend to the pressure in September when he said: 'No politician of any wit ever says never.'¹⁷⁴ But days later he told his party conference that talk of devolving policing and justice was premature and he would not provide sticking plaster for the executive.¹⁷⁵

¹⁷¹ B. McCaffrey, 'Sinn Fein and DUP tensions increase', *Irish News* (10 November 2008).

¹⁷² C. Simpson, 'Dodds tipped as DUP candidate for Europe', *Irish News* (13 December 2008).

¹⁷³ W. Graham, 'DUP puts back selecting Euro election candidate', *Irish News* (10 January 2009).

¹⁷⁴ 'Party not ruling out justice role', BBC news online (17 September 2008).

¹⁷⁵ 'NI facing abyss warns Alliance leader', RTE news online (20 September 2008).

11. Public Policies

Rick Wilford and Robin Wilson

11.1 Impasse on '11+'

The protracted policy impasse over academic selection continued during the period, as the clock ticked down to its abolition at the end of this academic year with nothing clear as to the future of transfer to post-primary schools. The Department of Education confirmed there was no alternative plan if the proposals by the education minister, Ms Ruane, for the graduated replacement of selection were rejected in the assembly, bringing nearer the prospect of unregulated chaos.¹⁷⁶

The minister faced what was reported as a 'heated' assembly question time on the issue and a testy ministerial interview the next morning with BBC Radio Ulster led to a slew of hostile listener responses.¹⁷⁷ Her way continued to be blocked by the pro-selection unionist parties and the head of the School of Education at Queen's University, Prof Tony Gallagher, said of the executive parties with their mutual vetoes: 'They are sitting with their fixed positions shouting at one another.'¹⁷⁸

On the ground, primary heads reported increasing anxiety. David McCartney, principal of Brooklands in the Dundonald area of east Belfast, said:

Parents are at my door every day asking me what is happening but I can't provide them with answers. All I can say to them is that there may be some aspect of academic selection when their children go into P7 next year ... My son is in P6. I can't tell him what is going to happen and I also can't tell the other parents. That just isn't good enough ... The 11-plus will come to an end at the end of this year and we do not know what will replace it. That's just crazy.¹⁷⁹

At a meeting in west Belfast, Ms Ruane was attacked by angry parents of children in the penultimate primary school class. One said: 'This is an absolute shambles. I feel such anger that I do not have a clue what is going to happen to my child next year.'¹⁸⁰

¹⁷⁶ K. Torney, 'No "plan B" if Ruane schools plan not backed', *Belfast Telegraph* (23 September 2008).

¹⁷⁷ *Good Morning Ulster*, BBC Radio Ulster (23 September 2008).

¹⁷⁸ D. Keenan, 'NI Executive urged to agree deal on education reform', *Irish Times* (24 September 2008).

¹⁷⁹ K. Torney, 'Heads' fury at 11-plus confusion', *Belfast Telegraph* (24 September 2008).

¹⁸⁰ K. Torney, 'Parents hit out at Ruane over exam "shambles"', *Belfast Telegraph* (25 October 2008).

While the nationalist parties were united in their opposition to selection, class tensions within the Catholic community burst into the open during the period. Hitherto, the 30 or so grammar schools which had subscribed to the plan for a private test, to maintain selection in part of the system, had been wholly or mainly Protestant. But the leading Derry Catholic grammar school Lumen Christi opened a breach when it defied the minister by saying it would go ahead with its own entrance test when the 11-plus ended.¹⁸¹

Lumen Christi was quickly followed by another in Enniskillen, St Michael's Boys College, despite a letter from the bishops to all Catholic schools the previous month opposing just such initiatives.¹⁸² The mainly Catholic *Irish News* reported that as many as six more schools would follow suit¹⁸³ and St Patrick's Grammar of Downpatrick was next to come out.¹⁸⁴

More positively, representatives of the four main churches broke the sectarian deadlock on the issue by endorsing an approach for which a group of educationalists had been privately lobbying in recent months. As rehearsed many times in these reports since the controversy over the abolition of selection in the previous period of devolution, the potential area of consensus, reconciling the predominant Catholic concern for equality with the predominant Protestant concern about diversity, was that selection at 11 be replaced by individual 'election' at 14 of curricular choices.

The inter-church statement cast this as 'the disappearance of academic selection at age 11 and the use of criteria to access certain courses and pathways at the age of 14 which could include, amongst others, academic criteria', which could imply the retention of an element of testing at that stage.¹⁸⁵ The statement was immediately endorsed by the beleaguered minister, who had herself been persuaded to move on to this terrain.¹⁸⁶ Michael Wardlow of the Northern Ireland Council for Integrated Education said: 'If theologically diverse partners can put their differences behind them for the sake of our children, then surely our politicians can similarly put party

¹⁸¹ S. Doyle, 'Catholic school to go ahead with tests', *Irish News* (30 September 2008).

¹⁸² M. Taggart, 'Grammar to run own entrance test', BBC news online (2 October 2008).

¹⁸³ S. Doyle, 'Six more Catholic schools to defy Ruane', *Irish News* (3 October 2008).

¹⁸⁴ K. Torney, 'School defies Ruane on tests', *Belfast Telegraph* (4 October 2008).

¹⁸⁵ K. Torney, 'Churches unite in bid to break 11-plus stalemate', *Belfast Telegraph* (5 November 2008); G. Moriarty, 'Churches intervene in educational dispute', *Irish Times* (6 November 2008).

¹⁸⁶ DE news release, 5 November 2008.

positions behind them and place children back at the centre of the debate.¹⁸⁷ The head of steam was aided by advertising by the Irish Congress of Trade Unions in favour of ending selection, which the minister also immediately welcomed.¹⁸⁸

Ms Ruane's stature and popularity however continued to diminish. A survey of the assembly Education Committee, conducted by the *Belfast Telegraph*, disclosed that each of its six unionist members had called on her to resign, while the two SDLP members and the single Alliance member expressed unhappiness with her performance—leaving only her two SF colleagues to express confidence.¹⁸⁹ One tool that had been much vaunted by the department since 2001, as an aid to the future of the transfer process, was 'pupil profiling'. But in mid-December it announced that, following a pilot scheme, schools were to revert to traditional annual reports—though these could not be used for academic selection.¹⁹⁰

Ms Ruane's insouciance about the need for public support for her efforts—particularly in the Protestant community—was betrayed in a visit to schoolchildren in Twinbrook, west Belfast, where she praised the IRA hunger-strike leader Bobby Sands, who had lived in the area. A complaint was made to the police that she had breached the legislation introduced at Westminster—without a thought to Northern Ireland—outlawing the 'glorification of terrorism'.¹⁹¹

At the conclusion of the period, the minister published a policy on sustainable schools, a contentious issue because of the tens of thousands of unfilled school places in the region's segregated system and the need for rationalisation. Ms Ruane identified six criteria for a school to be treated as sustainable: strength of links to the community, educational experience of children, enrolment trends, school leadership and management, accessibility and financial position.¹⁹²

In another education initiative, the UUP minister for employment and learning, Sir Reg Empey, initiated the first review across the UK of variable student fees. As NUS-

¹⁸⁷ NICIE news release, 5 November 2008.

¹⁸⁸ DE news release, 7 November 2008.

¹⁸⁹ 'Committee members tell Ruane to quit', *Belfast Telegraph* (21 November 2008).

¹⁹⁰ BBC news online (17 December 2008).

¹⁹¹ G. Moriarty, 'Minister's praise for hunger striker Sands prompts complaint to police', *Irish Times* (22 December 2008).

¹⁹² DE news release, 13 January 2009.

USI¹⁹³ organised demonstrations against fees across the region, the most effective at the University of Ulster at Coleraine, Sir Reg appointed Joanne Stewart of the Institute of Directors to lead the review.¹⁹⁴

11.2 Economic policy vacuum

During the period the news became dominated not by the conventional sectarian political agenda but by a steady drip of job losses, particularly in manufacturing. The DUP minister for enterprise, trade and investment, Arlene Foster, announced a review of economic policy by an all-male panel of (respected) economists and a businessman. Implicitly confirming that the executive had no specific policies to translate the priority given to the economy in the Programme for Government, Ms Foster stressed the theme of raising Northern Ireland's weak productivity rate.

Northern Ireland's poor performance is, however, equally a product of weak employment, the lowest of any UK region, implying a focus on social programmes for which the DUP no appetite. There was also no evidence in the team appointed that the minister had appreciated the urgency of ecological considerations, in the light of the comparative advantage enjoyed by companies which embrace markets for environmental technologies and the broader imperative of eco-efficiency.¹⁹⁵

Ms Foster subsequently chaired a meeting of the Economic Development Forum in Belfast to discuss the economic situation. The forum, which brings together the social partners, also discussed the skills needs of Northern Ireland businesses and the need to secure affordable credit for firms and their customers.¹⁹⁶

Meanwhile, in further evidence that the executive tends to think of economic policy as reducible to lobbying for US investment, the first and deputy first ministers, Messrs Robinson and McGuinness, retraced the steps of Mr McGuinness and his former partner, Rev Ian Paisley, to the US the previous December, to meet political and business figures in Washington and New York. In the capital, while they met the lame-duck president, George W Bush, they made no effort apparently to meet the transition team of the incoming Barack Obama.

¹⁹³ In an interesting, and interestingly stable and effective, resolution of Northern Ireland's constitutional conundrum, the student movement has for decades had a regional structure, affiliated to both the UK National Union of Students and the Union of Students in Ireland.

¹⁹⁴ DEL news release, 3 December 2008.

¹⁹⁵ DETI news release, 1 December 2008.

¹⁹⁶ DETI press release, 5 December 2008.

At a Fortune 500 dinner hosted by the US special envoy to Northern Ireland, Paula Dobriansky, they repeated the executive's economic slogan that the region is 'open for business'. Arriving in New York in the aftermath of the maelstrom which had hit Wall Street, Mr Robinson said: 'We have come to the financial heartland of America to secure the economic future of Northern Ireland.'¹⁹⁷

A genuine policy development during the period was a new sexual health strategy unveiled by Mr McGimpsey, expressing concern about the continuing high rate of teenage pregnancies in Northern Ireland.¹⁹⁸ The strategy aimed to reduce the incidence by one quarter by 2013, but the problem reflects deep poverty in the region's lowest-income urban neighbourhoods, allied to the impact of social conservatism on girls' expectations and teenagers' knowledge about their sexuality. At the launch, the chief medical officer, Michael McBride, expressed concern about growing HIV incidence, albeit rising from a low absolute level.¹⁹⁹

Finally, during the period the environment minister, Mr Wilson, repeated his denial that climate change was anthropogenic. He declared: 'I don't care about CO₂ emissions to be quite truthful ...'²⁰⁰ His party did, nevertheless, vote for the Climate Change Bill at Westminster.

¹⁹⁷ OFMDFM news releases, 2 December 2008.

¹⁹⁸ at: www.dhsspsni.gov.uk/dhssps_sexual_health_plan_front_cvr.pdf).

¹⁹⁹ DHSSPS news release, 1 December 2008.

²⁰⁰ 'Environment minister Sammy Wilson: I still think man-made climate change is a con', *Belfast Telegraph* (31 December 2008).

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The **Constitution** Unit

**DEVOLUTION
MONITORING
PROGRAMME
2006-09**

Northern Ireland Devolution Monitoring Report

May 2009

Professor Rick Wilford & Robin Wilson

Queen's University Belfast (eds.)



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The Devolution Monitoring Programme

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

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Northern Ireland Devolution Monitoring Report

May 2009

Rick Wilford & Robin Wilson (eds.)

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Acronyms

APNI	Alliance Party of Northern Ireland
BIC	British-Irish Council
BIPA	British-Irish Parliamentary Assembly
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
UCUNF	Ulster Conservatives and Unionists—New Force
UUP	Ulster Unionist Party

Executive Summary

- There was a renewed spike of violence in Northern Ireland, with four ‘dissident republican’ murders and the re-emergence of ‘punishment’ shootings.
- The trade unions mobilised thousands at peace rallies, and the murderers were called ‘traitors’ by the Sinn Féin deputy first minister, Martin McGuinness.
- The UK government was keen to build on the changed relationship between SF and the state by advancing the devolution of policing and justice, with enabling legislation rushed through Westminster.
- Only a trickle of devolved legislation was presented to the assembly by the executive, and opinion data revealed a weakening of confidence in the achievements of the assembly and of trust in ministers.
- The Ulster Unionist Party and the SDLP argued that the Programme for Government should be rewritten in the context of the gathering economic crisis, but this was rejected by the Democratic Unionist Party first minister, Peter Robinson.
- Chaos loomed in the forthcoming school year, with both Catholic and ‘controlled’ (predominantly Protestant) grammar schools voting with their feet to defy by the SF education minister’s plan to abolish selection, by introducing tests of their own.
- In both cases, the devolved government looked disturbingly like a spectator as events unfolded.

Chronology of Key Events

- 28 January 2009 Launch of report of consultative group on 'dealing with the past' marked by visceral clashes.
- 11 February 2009 Civilian shot dead by Irish National Liberation Army in Derry.
- 4 March 2009 Legislation enabling devolution of policing and criminal justice to Northern Ireland passed through Westminster.
- 7 March 2009 Two soldiers killed and two colleagues and two civilians injured in Real IRA attack at Co Antrim barracks.
- 9 March 2009 Continuity IRA murder police constable in Co Armagh.
- 11 March 2009 Thousands join trade union demonstrations demanding peace across Northern Ireland.

1. The 'Peace Process'

Rick Wilford and Robin Wilson

- 'Dissident' republicans killed four during the period.
- 'Mainstream' republicans however rallied to defence of the system.
- Devolution of policing and justice was enabled by Westminster legislation.

1.1. Renewed violence

The survey period was overshadowed by the murder of two soldiers, Sappers Patrick Azimkar and Mark Quinsey, and the wounding of two other soldiers and two civilian pizza delivery workers, by the Real IRA at Massereene barracks, Antrim, and the murder in Craigavon, Co Armagh, of a police officer, Stephen Carroll, by the Continuity IRA—all within 48 hours in early March. The attacks, which followed the killing in February by the Irish National Liberation Army of a civilian, Jim McConnell, in Derry,¹ were a baleful reminder of how the past still haunted Northern Ireland.

Official anxiety about the threat from the 'dissidents', albeit way below that once posed by the (Provisional) IRA,² had already been reflected in police statistics showing there had been almost 2,500 stop-and-search episodes in the last quarter of 2008—nearly two and a half times the figure for the same period in 2007. The Sinn Féin Policing Board member Martina Anderson said this was 'shocking and unacceptable'.³ At a Policing Board meeting in Derry, with dissidents protesting outside, the chief constable, Sir Hugh Orde, defended the practice as 'a direct result of those small groups of dissident republicans trying to kill people'.⁴

In the past, such police and army 'harassment' had been a recruiting sergeant for the (Provisional) IRA. Indeed, the republican leadership's anxiety about the dissidents was also evident, with the pro-SF *Andersonstown News* in Belfast attempting to delegitimise as 'criminal' the dissidents' activities—activities not at all dissimilar to those the IRA used to claim to be 'political' in motivation.

¹ S. Breen, 'INLA claims responsibility for murder of Derry drug dealer', *Sunday Tribune* (15 February 2009).

² B. Rowan, 'Dissidents lack support and guns but threat is real', *Belfast Telegraph* (20 February 2009).

³ V. Kearney, 'Jump in stop and search power use', BBC news online (17 February 2009).

⁴ 'Orde defends stop and search rise', BBC news online (18 February 2009).

The lethal attacks on the 'security forces', when they came, were artfully timed: Sir Hugh had deployed members of the Special Reconnaissance Regiment to assist the Police Service of Northern Ireland in surveillance and intelligence-gathering, in the wake of MI5's decision to raise its threat assessment from 'substantial' to 'severe'.⁵ The deployment was not announced by the chief constable at a regular meeting of the Policing Board on 5 March, much to the ire (and embarrassment) of its SDLP and, especially, SF members. But the threat assessment, and the report by the Intelligence and Security Committee⁶ that MI5 continued to devote 15 per cent of its resources to 'Irish-related terrorism', underlined the gravity of the situation and persuaded Sir Hugh to make the operational decision to deploy the army specialists—itsself a recognition of the depleted intelligence capacity of the PSNI.

On 4 March, the legislation paving the way for the transfer of policing and criminal justice powers passed through Westminster, *via* a guillotine motion. The dissidents would no doubt prefer those powers to remain with the Northern Ireland Office, enabling them to represent the PSNI as instrument of the despised 'Brits'. But while the bill was successfully navigated, it did not specify a date for the transfer of powers.

The SDLP leader, Mark Durkan, described the prospect of imminent devolution as a 'pretence' and the Democratic Unionist Party leader, Peter Robinson, claimed that it would make 'no sense' to devolve policing and justice until the devolved executive received the resources necessary for successful implementation.⁷ But the NIO was keen to push for devolution once the European election was over in June—to the extent of being willing to offer a further financial package to Northern Ireland, addressing legacy issues such as deafness claims arising from the 'troubles'.⁸

The murders of the two soldiers were the first for 12 years.⁹ In a conventional response, the prime minister, Gordon Brown, said the attack would not 'derail' the 'peace process', while the SF deputy first minister and former leading IRA figure, Martin McGuinness, declared: 'The war is over.'¹⁰ Subsequently visiting the barracks and Stormont, Mr Brown insisted the attack reflected the strength, rather than

⁵ BBC Northern Ireland news online (5 March 2009).

⁶ BBC Northern Ireland news online (6 March 2009).

⁷ HC Debs, 4 March 2009; F. Millar, 'MPs approve legislation on policing and justice powers', *Irish Times* (5 March 2009).

⁸ D. Keenan, 'Policing powers push to come after election', *Irish Times* (11 May 2009).

⁹ 'Two die in "barbaric" Army attack', BBC news online (8 March 2009).

¹⁰ *World Briefing*, BBC World Service (8 March 2009).

weakness, of the political process. Yet that very process has legitimised paramilitary narratives, as reflected in much greater sympathy for paramilitary rationalisations of violence than in 1998, particularly among Catholic youth among whom the dissidents recruit¹¹—and particularly in the context of the repeated vetoing by the DUP of SF political demands, as successive devolution reports have highlighted.

Mr McGuinness was more open than ever about his former IRA role, and he could offer no compelling reason why what dissidents did now should be any less legitimate than what the IRA did during its ‘war’, particularly when the 1970s power-sharing initiative—which collapsed in part because it did not bring the end to IRA violence Protestants hoped—offered if anything an outcome more favourable to nationalist constitutional goals than the 1998 Belfast agreement.¹² It was noted that while other parties in Northern Ireland instantly condemned the attack, a statement did not emerge from the SF president, Gerry Adams—saying it was ‘wrong and counterproductive’—until 14 hours later.¹³

Nor did the first and deputy first ministers issue a joint statement until two days after the killings,¹⁴ while the statement to the Commons by the Northern Ireland secretary, Mr Woodward, recycled the ineffectual 1970s cliché ‘The men of violence will not succeed.’¹⁵ More impressively, hundreds of churchgoers from the four main denominations arrived at the site the following morning to take part in an impromptu, cross-community service.¹⁶ But police vehicle checkpoints and the re-enhancement of the trimmed VIP protection programme were worrisome echoes of the past.¹⁷

The situation deteriorated with the first fatal shooting, in Craigavon, Co Armagh, of a member of the PSNI, the night of the prime minister’s visit. The first and deputy first ministers, who had been planning yet another political-cum-economic lobbying trip to

¹¹ See Northern Ireland Life and Times Survey data, vis-à-vis republican violence, at www.ark.ac.uk/nilt/2007/Political_Attitudes/REPVIOL.html and www.ark.ac.uk/nilt/1998/Political_Attitudes/REPVIOL.html.

¹² *The World this Week*, RTE Radio (8 March 2009).

¹³ G. Moriarty, D. Keenan and C. Lally, ‘Security forces on high alert against further dissident attacks’, *Irish Times* (10 March 2009).

¹⁴ OFMDFM news release, 10 March 2009.

¹⁵ NIO news release, 10 March 2009.

¹⁶ ‘A show of solidarity in Northern Ireland to keep past at bay’, *Belfast Telegraph* (8 March 2009).

¹⁷ *10 O’Clock News*, BBC (8 March 2009); ‘My former deputy has shown real leadership, says Paisley’, *Belfast Telegraph* (16 March 2009).

the US, had delayed their trip after the Antrim attack. They now returned from London having flown there *en route*.¹⁸

On 9 March normal business in the assembly was altered to enable all party leaders to make statements about the Massereene incident and, a day later, the same procedure was applied to enable politicians to make further statements following the murder of the police officer. The mood in the chamber on each occasion was understandably sombre. But, if anyone feared that the actions of the dissidents would create division between the DUP and SF, such apprehension was misplaced.

Speaking immediately after the first minister, Mr Adams said: 'SF does support, and SF will support, the police in the apprehension of those involved in Saturday night's killings. We have a responsibility to defend the peace and these institutions, and to oppose the actions of those who would attack or seek to undermine them.' He continued: 'SF will, not just here and in the media, but in the communities that it represents, go toe-to-toe with those who would try to drag the people of the island, particularly the North, back into conflict.'¹⁹ For his part, the first minister said: 'At the weekend we saw in bold and terrible relief a glimpse of what we had left behind. It was an act intended to divide us ... It was designed to turn us back ... Today, in the House and outside of it, let the answer be loud and clear: we are not turning back.'²⁰

The message was repeated the next day by party leaders in the chamber. Indeed, the phrase 'unity of purpose' became the *leitmotif* of the following days and weeks across these islands and in the US, as politicians and others gathered for St Patrick's Day. In particular, the deputy first minister was unequivocal. Speaking alongside Mr Robinson and the chief constable at a news conference at Stormont Castle, Mr McGuinness described those responsible for the murders as 'traitors to the island of Ireland' and called on all sections of the community to assist the police in apprehending those responsible, 'who don't deserve to be supported by anyone'.²¹

These were arresting, indeed startling, words and prefigured similarly robust remarks by Mr McGuinness in the assembly chamber. During oral answers, shortly after his return from the US, he reiterated his condemnation: 'In a situation in which people

¹⁸ G. Moriarty and D. Keenan, 'PSNI officer shot dead in Craigavon ambush by dissidents', *Irish Times* (11 March 2009).

¹⁹ *Official Report*, 9 May 2009.

²⁰ *Ibid.*

²¹ BBC Northern Ireland news clip, 10 March 2009.

are determined to destroy a peace process and a political process that has been painstakingly built over many years, and when one is asked to take sides, there is only one side to take: that of peace and democracy.²²

To the dissidents, however, this was simply an act of apostasy to the republican 'tradition' Mr McGuinness still espoused. A representative of Republican Sinn Féin, 'political wing' of the Continuity IRA, said Mr McGuinness needed to 'look closer to home for who the traitors are'.²³ The deputy first minister was subsequently told by police that his own life was under dissident threat.²⁴ And it was reported that MI5 believed the dissidents had the 'capability and intent' to place bombs in Britain.²⁵

As with the Masserene churchgoers, the most unanswerable demand for no return to the murderous past came from the street, unencumbered with ideological baggage. The trade unions organised peace vigils across Northern Ireland,²⁶ attracting thousands of citizens in a modest echo of the vast demonstrations in 1993 which did much to bring about the paramilitary ceasefires of the following year.²⁷

The dissident killings were however part of a pattern increasingly evident over the past 18 months or so (as we have noted in successive reports) and, while there were no more fatalities during the period, violent incidents continued. Particularly disturbing was the resurgence of 'punishment' shootings—formerly used by the 'mainstream' and now deployed by the 'dissident' paramilitaries as an assertion of social control over working-class urban neighbourhoods. The PSNI reported 20 'punishment' attacks during the period.²⁸ These could also be interpreted as a sign of growing confidence that a decommissioned IRA could no longer maintain its sway.

That the political process had so far managed to withstand the test was encouraging. The absence of any reaction from the fractured loyalist paramilitaries eased anxiety about a spiral of tit-for-tat killings. It emerged however that in the wake of the murders the first minister, Mr Robinson, had met the leaders of the Ulster Defence

²² *Official Report*, 23 March 2009.

²³ *Independent* (12 March 2009).

²⁴ 'Dissidents issue SF death threat', BBC news online (24 April 2009).

²⁵ S. Rayment, 'Dissident republicans preparing to bomb UK', *Sunday Telegraph* (26 April 2009).

²⁶ 'Thousands attend murder protests', BBC news online (11 March 2009).

²⁷ J. R. Wilson, *Ethnonationalist Conflicts, Consociational Prescriptions and the Travails of Politics in Northern Ireland*, Phd thesis (Belfast: Queen's University, 2008), p. 18.

²⁸ BBC Northern Ireland news online (4 April 2009); NIO news release, 9 March 2009.

Association and the Ulster Volunteer Force. If intended to deter them, this was nevertheless an action hardly consonant with the requirement of the Pledge of Office that he uphold the rule of law.²⁹

In early April, the secretary of state, Shaun Woodward, appearing before the Northern Ireland Affairs Select Committee, hinted that loyalists could be moving towards decommissioning their weapons.³⁰ Another sign of changed times was that this year there was no Easter message from the IRA—a remarkably similar one appeared from the ‘Sinn Féin leadership’—to mark the anniversary of the 1916 rising.

The Real IRA took over the mantle. It lectured the deputy first minister that his were the ‘actions of a traitor’ and claimed that it, rather than the IRA, had killed the informer Denis Donaldson in 2006. It warned that not only were police and soldiers threatened but, as had earlier been the case with the IRA, those supplying them were deemed ‘legitimate targets’. The Real IRA ‘army council’ claimed that there had been ‘an upsurge in young people and others seeking to join our ranks’.³¹

Central to the ‘dissident’ narrative is the idea that the PSNI is essentially unchanged from the Protestant-dominated Royal Ulster Constabulary. In 2001, consequent upon the 1999 Patten report,³² the government introduced provisions guaranteeing that Catholics would comprise half of new recruits, with a view to achieving a 30 per cent Catholic composition by 2010-11. At the time of Patten, the Catholic proportion was 8.3 per cent. As of 31 March 2009, however, according to NIO figures, it was 26.14 per cent, suggesting the target would be reached on time.³³

²⁹ N. McAdam, ‘Robinson in talks with loyalists’, *Belfast Telegraph* (3 April 2009). In April, the High Court ruled against the social development minister, Margaret Ritchie, over her (popular) decision in 2007 not to fund the ‘Conflict Transformation Initiative’, a project linked to the UDA. The court agreed with the minister that she had been entitled to consider public concern over the absence of UDA commissioning. But it said she had broken the ministerial code in not forwarding legal advice to her executive colleagues—NICS news release, 30 April 2009.

³⁰ Answer to question 11, NIASC meeting, 1 April 2009. Mr Woodward said that the current extension to the decommissioning legislation, which provides immunity for weapons handovers, was the final one and the act would not be extended beyond August 2009—B. Rowan, ‘Loyalists hint at move on weapons’, *Belfast Telegraph* (23 March 2009).

³¹ ‘Statement from the Real IRA to be read out at the 32-county Sovereignty Movement commemoration in Derry tomorrow’ and S. Breen, ‘How Real IRA killed Denis Donaldson’, *Sunday Tribune* (12 April 2009).

³² Independent Commission on Policing for Northern Ireland, *A New Beginning: Policing in Northern Ireland* (1999, at: www.nio.gov.uk/a_new_beginning_in_policing_in_northern_ireland.pdf).

³³ NIO news release, 31 March 2009. Over the same period, and of arguably equal importance in changing the culture of policing, female composition almost doubled—from 12 per cent in 2001 to 23.4 per cent in 2009.

The implementation of Patten took place on the watch of Sir Hugh Orde, but in mid-April it was announced that he was to leave his post as chief constable to become president of the Association of Chief Police Officers, following a ballot of its 342 members. Sir Hugh had been keen to move on: earlier in 2009 he had failed to secure the post of Metropolitan Police commissioner.

1.2 Unslayed demons

Orwell wrote in 1984: 'And if all others accepted the lie which the Party imposed—if all records told the same tale—then the lie passed into history and became truth. "Who controls the past" ran the Party slogan, "controls the future: who controls the present controls the past."' And the period began with the controversy attending the publication of the report by the Consultative Group on the Past, co-chaired by the former Anglican primate, Lord Eames, and the former Derry priest Denis Bradley.³⁴

The group had been established to address how the wounds of Northern Ireland's 'troubles' might be healed, but at the launch of the report wounds were reopened by one proposal—that a £12,000 'recognition payment' be made to all bereaved families.³⁵ The proposal had been leaked in an ill-advised media briefing, so that by the time of the launch tempers were running very high—especially among those who took great exception to the proposition that the families of those responsible for paramilitary violence, irrespective of their communal background, should be accorded moral equivalence with their police, army or civilian victims.

The principal protagonists got their retaliation in first. The DUP leader, Mr Robinson, claimed the leaked proposal would 'blur the line between the terrorist and the innocent victim'.³⁶ He met the Northern Ireland secretary, Mr Woodward, and he said: 'The Secretary of State is now fully aware that the DUP does not consider such an outcome as set out in the Eames Bradley report as offering any basis for dealing with

³⁴ The report is available at www.ni.gov.uk.

³⁵ The proposal mirrored the 'Remembrance Fund' established in 2003 by the former taoiseach, Bertie Ahern, to provide support for those injured or the bereaved families of those killed (85 in total) or injured during the 'troubles'. There, an 'acknowledgement payment' of 15,000 euro was paid to the victims' next of kin, including relatives of paramilitaries, a total of 27 of whom were killed in the republic.

³⁶ L. Smyth and B. Rowan, 'Troubles compensation an insult to victims, says First Minister', *Belfast Telegraph* (24 January 2009).

the Troubles from which we have emerged.³⁷ His SF counterpart, Mr Adams, meanwhile said his party would only support a truth commission established by the United Nations or ‘another reputable agency’, not the UK government.³⁸ These clashing positions reflected the conflict over the conflict—which for the DUP pitted (implicitly only republican) ‘terrorists’ against legitimate state forces, while for SF it represented an unsuccessful attempt by the British state (and its perceived loyalist allies) to resist a just war of national liberation.

The launch in Belfast’s Europa hotel—once described as the most bombed in Europe—proved chaotic, as Protestant protesters repeatedly heckled Messrs Eames and Bradley. Some of this was grandstanding, the huge number of cameras recalling how the world’s media camped in the hotel amid the early 1970s mayhem. There were several hundred people in the hall, many of them ‘troubles’ veterans in one capacity or another, albeit now with greyer hair. Among them was Mr Adams, who became the target for sustained haranguing by a right-wing unionist politician.

His was, admittedly, a bizarre presence, given he became ‘officer commanding’ of the second battalion of the IRA in Belfast in April or May of 1971, rising to OC of the Belfast brigade by his arrest in July 1973, during which time the Belfast IRA was responsible for 211 deaths.³⁹ The visceral emotions on show revealed that for all the official claims, particularly for international consumption, of how far Northern Ireland had come, in reality that journey had ended up with a mainly peaceful society subject to the same unresolved sectarian political antagonism evident prior to 1969.

Indeed, Lord Eames said of the proposed ‘recognition’ payment: ‘This small gesture encapsulates a conflict which has lasted 40 years or 400 years and is still as prevalent today as it has ever been. We are still fighting about who was right or righter, who had moral justification, and who had God on their side.’⁴⁰

The uproar led to a debate in the assembly on 2 February, on a motion tabled by the DUP condemning the proposals, ‘which equate perpetrators of violence with their

³⁷ ‘First minister condemns “offensive” Troubles cash plan’, *Belfast Telegraph* (27 January 2009).

³⁸ B. Rowan, ‘Adams in truth body warning as PM meets Eames and Bradley’, *Belfast Telegraph* (23 January 2009).

³⁹ R. English, *Armed Struggle: A History of the IRA* (London: Macmillan, 2003), p. 110.

⁴⁰ G. Moriarty, ‘Eames says £12,000 is a way to tell families “sorry for your troubles”’, *Irish Times* (29 January 2009).

victims'. The motion was carried, while amendments from Alliance and SF, in their separate ways encouraging members to reflect on the other 30 recommendations as a means of engaging in a constructive debate, were defeated.

A key recommendation thereby clouded was a three-person 'Legacy Commission', chaired by an international figure, charged to combine the processes of reconciliation, justice and information recovery during a five-year mandate, at the end of which the door would close on the past—save for an annual day of 'reflection and reconciliation' to remember those killed and injured (the group could not achieve agreement on a shared memorial). A 'Reconciliation Forum', comprising the Legacy Commission and the existing Commission for Victims and Survivors (but sitting uneasily with the Community Relations Council), would be tasked to tackle social issues relating to the conflict, funded through a £100 million bursary.

The Legacy Commission would also take over the role of the Historical Enquiries Team, which has been re-examining 'troubles' murder files—'taking into account the receding possibilities' of prosecution. While the latter point offended those intent on pursuing justice on behalf of the killed and maimed, the proposed Legacy Commission also provoked the ire of SF, as Mr Adams had anticipated.

Within a month the Northern Ireland secretary, Mr Woodward, had ruled out the recognition payment, since 'there isn't a consensus on it ... clearly the time is not right'.⁴¹ The other recommendations remained, however, under active consideration.

Nothing symbolises Northern Ireland's 'troubled' past more than what remains of the Maze prison. During the period, the DUP finally closed the door, as expected, on the site becoming an iconic sports stadium, able to accommodate the rugby played by Protestants, the Gaelic sports played by Catholics and the soccer played by both.

The DUP culture minister, Gregory Campbell, blamed the lack of political consensus—code for his party's hostility to the 'conflict transformation centre' republicans had insisted on as part of the project, to present the prison as a Northern Ireland Robben Island and so present themselves in the guise of righteous strugglers against a domestic *apartheid*—and the lack of funding.⁴² Mr Campbell's colleague at

⁴¹ BBC News Online, 25 February 2009.

⁴² G. Gordon, 'No sports stadium at prison site', BBC news online (28 January 2009).

environment, Sammy Wilson, later told a unionist MLA—who wanted to see what was left of the prison bulldozed—that he had asked the Northern Ireland Environment Agency to review the listing of the section of the site where the centre would be located. The deputy first minister, Mr McGuinness, said he would be ‘shocked’ if any minister thought this would be a good idea.⁴³ The first and deputy first ministers subsequently issued a bland statement, indicating a development corporation would be established to address the future of the 360-acre site, but with no clear indication as to what would happen to it.⁴⁴

1.3 Conclusion

The period saw the dissident republican challenge to the renewed devolved arrangement since 2007 reach its most lethal level to date. That challenge was effectively rebutted by a show of unity in defence of what had become the *status quo*. But the lack of an agreed narrative as to what was wrong about the ‘troubles’, which could only be found in universal norms of democracy, human rights and the rule of law, meant the clear message from the street was still refracted by the parties through the ideological prisms of the past—leaving a chink through which the dissidents could still believe the future was worth fighting for.

⁴³ L. McKee, ‘Anger over unionist demand to bulldoze Maze site’, *Belfast Telegraph* (10 March 2009).

⁴⁴ OFMDFM news release, 8 April 2009.

2. Devolved Government

Robin Wilson

- The environment minister, Sammy Wilson, challenged the UK government on the basis of his scepticism about climate change.
- The legislative flow from the executive was notably modest.

2.1 Hostile climate

If there was one member of the Executive Committee who seemed determined to keep himself in the headlines during this quarter—not always to the pleasure of his colleagues, even those from his own party—it was the DUP environment minister. In January, addressing an area beyond his brief, Mr Wilson asserted that firms in the region should show preference to Northern Ireland job applicants in the downturn. This would be in flagrant breach of EU requirements on the free movement of labour and Bob Collins, chief commissioner of the Equality Commission, complained: ‘You can't restrict applications for positions on the basis of a preferred national identity. The law is crystal clear.’⁴⁵

As unofficial action spread across the UK energy sector over the outsourcing of contracts, the UUP minister for employment and learning, Sir Reg Empey, in an implicit criticism of his DUP counterpart, said:

Much has been made of the phrase ‘British jobs for British workers’ implying that local people should have priority for jobs over those from other EU countries or those legitimately in the UK workforce. This is not possible, nor is this necessarily desirable. Migrants who are legally entitled to work here have the same employment rights as local workers. I would point out that many thousands of workers from Northern Ireland have jobs and contracts in other parts of the EU and beyond, and would be adversely affected if similar approaches were adopted in other countries.⁴⁶

These sentiments were echoed by Lord Mandelson, when he visited the region as business secretary (see finance section). He said: ‘Of course we want to see people being able to find work in their communities ... but to say that we should then start excluding workers from Europe or internationally, well, I think that could prove counter-productive.’⁴⁷

⁴⁵ ‘Give locals jobs priority: Wilson’, BBC news online (26 January 2009).

⁴⁶ Department of Employment and Learning news release, 3 February 2009.

⁴⁷ ‘Sammy’s “UK citizens first” remark is criticised’, *Belfast Telegraph* (7 February 2009).

Mr Wilson's second target was the UK government itself, with the key environmental concern of climate change as its focus, and questions about his judgment escalated into calls for his replacement. When he was appointed in June 2008, he had gratuitously attacked 'bearded, sandal-wearing, Guardian-reading, muesli-eating environmentalists'.⁴⁸ And it emerged in February that he had written to the Department of Energy and Climate Change, blocking DECC advertising in Northern Ireland urging households to do more to stem greenhouse-gas emissions. In interviews, he asserted his scepticism on climate change had scientific foundation and suggested the Scottish government had rejected the DECC advertising (in fact, Edinburgh had already developed a campaign of its own).⁴⁹

John Woods of Friends of the Earth described the minister's decision as 'completely irresponsible', while the SDLP's environment spokesperson, Tommy Gallagher, attacked his 'maverick posturing'⁵⁰. His UUP counterpart, Roy Beggs Jr, said he was making Northern Ireland 'a laughing stock around the world' and the DECC minister Joan Ruddock said: 'My commitment to this campaign is guided by the best science, the most up-to-date information and the evidence—the increasing frequency of extreme weather we are experiencing and seeing across the globe.'⁵¹

Mr Wilson was defended by the DUP finance minister, Nigel Dodds, who said he had 'provoked a debate'.⁵² But his departmental predecessor and now enterprise minister, Arlene Foster, another party colleague, said in a written answer that there was 'huge potential' for green jobs in Northern Ireland—with the industrial development agency, Invest NI, due to produce a strategy by the end of 2009.⁵³

In April, the DUP first minister, Mr Robinson, effectively slapped down the environment minister, when he told the assembly:

⁴⁸ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: September 2008*, at: www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Sept08.pdf, p. 21.

⁴⁹ *Europe Today*, BBC World Service, and *Newsline 6.30*, BBC Northern Ireland (9 February 2009).

⁵⁰ 'Sack Sammy call after climate change ad ban', *Belfast Telegraph* (9 February 2009).

⁵¹ H. McDonald and J. Jowit, 'DUP stands by climate change sceptic minister of environment', *Guardian* (11 February 2009).

⁵² H. McDonald, 'Row over climate change ad will not cost minister his job, says colleague', *Observer* (15 February 2009).

⁵³ 'DUP call for green investment "not at odds with Sammy Wilson"', *Belfast Telegraph* (17 February 2009).

I think the scientific evidence is on the side of those of us who believe that man is having an impact on climate and therefore there is a necessity on the part of the Executive to be dealing with those issues ... The position as outlined in the Programme for Government directly flows from the DUP manifesto of 2007 to which all the people in this party are obliged to keep and to uphold.⁵⁴

And, in a joint written answer to a question from an SF MLA, the first and deputy first ministers said: 'It is clear that climate change is one of the most serious problems facing the world. While we recognise that it requires action internationally, we are determined to play our part in addressing this challenge.'⁵⁵ But Mr Wilson directly contradicted his party leader days later, saying: 'I don't believe it's one of the most serious problems facing the world at all.'

This did not bode well for his political future. And the minister's isolation was highlighted when the assembly's Environment Committee proceeded to establish an inquiry into climate change—doubtless in the full knowledge that not many witnesses would be likely to offer evidence Mr Wilson would find convivial.⁵⁶ The committee had already supported a motion of no-confidence in the minister in February, the first time this had happened since devolution had been renewed.⁵⁷

2.2 Involution, inertia

The most illuminating aspect of the episode was when Mr Wilson described the offending advertising in a TV interview as 'New Labour propaganda', which he had no intention of allowing into Northern Ireland.⁵⁸ This recalled the comment by the then DUP finance minister, Mr Robinson, when he insisted his 2007 rates-freezing budget was not a 'Labour' initiative but 'made in Northern Ireland'.

It recalled, too, the insistence by the DUP junior minister in the OFMDFM, Jeffrey Donaldson, that the belated extension of the 1967 Abortion Act to Northern Ireland sought by the Labour MP Diane Abbott during the passage of the Human Fertilisation and Embryology Act in 2008 should be resisted because the Northern Ireland

⁵⁴ 'SF: DUP's climate change stance means Sammy must go', *Belfast Telegraph* (22 April 2009).

⁵⁵ D. Gordon, 'Stormont facing a climate change rift', *Belfast Telegraph* (21 April 2009).

⁵⁶ 'Environment Minister Sammy Wilson set for heated exchanges on global warning', *Belfast Telegraph* (5 May 2009).

⁵⁷ N. McAdam, 'DUP rallying round Sammy after vote of no confidence', *Belfast Telegraph* (13 February 2009).

⁵⁸ H. McDonald, 'Calls for Stormont environment minister to quit over CO2 ad ban', *Guardian* (10 February 2009).

Assembly would not accept it.⁵⁹ Ditto the unashamedly homophobic comments by the DUP chair of the Health, Social Services and Public Safety Committee, Iris Robinson, in June that year, and the suggestion by her colleague chairing the Education Committee, Mervyn Storey, that creationism should be taught in schools.⁶⁰

Indeed, Mr Storey returned to the fray during this period, demanding that the Ulster Museum in Belfast 'balance' with a creationist alternative an exhibition about evolution and fossils following its reopening this year, marking the century and a half since *The Origin of Species*. The museum calmly responded that it would 'explain the conventional scientific theories internationally accepted by scholars and scientists to describe life on earth from the earliest evidence of fossils'.⁶¹

A thread ran through all these arguments. Each pitched what was now evidently the dominant party in the executive against enlightenment and cosmopolitanism. Devolution under primarily DUP tutelage was increasingly resembling the *involution* of the unionist *ancien régime*, pre-1968, ironically insulated from wider UK politics.⁶²

Mr Wilson did draw a veil during the period over what had been widely perceived as an exercise of clientelism characteristic of the old Stormont. Eight years after the original Giant Causeway visitors' centre had been burnt down, the minister brought an end to the saga of its replacement. Outcry had followed the announcement⁶³ by his predecessor, Ms Foster, that she was 'minded' to favour a proposal from a private developer and DUP member, Seymour Sweeney, and in January 2008 she had turned it down. In January 2009, Mr Wilson announced that a proposal by the National Trust, based on a design by Dublin-based architects who had won an

⁵⁹ Fully five years after a Court of Appeal direction that the Department of Health, Social Services and Public Safety clarify the legal position in Northern Ireland, the department issued guidelines during the period, against the opposition of the DUP, indicating that abortion was only legal in the region where 'it is necessary to preserve the life of the woman or there is a risk of real and serious adverse effect on her physical or mental health, which is either long term or permanent'—G. Moriarty, 'Guidelines clarify when abortion is legal in North', *Irish Times* (21 March 2009).

⁶⁰ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: September 2008*, at: www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Sept08.pdf, pp. 29-30.

⁶¹ 'Darwin display at museum angers creationist MLA', *Belfast Telegraph* (13 February 2009).

⁶² K. Bloomfield, *A Tragedy of Errors: The Government and Misgovernment of Northern Ireland* (Liverpool: Liverpool University Press, 2007), p.16.

⁶³ 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. 19-21.

international design competition under direct rule in 2005, would now go ahead.⁶⁴ But he subsequently signalled a tilt on planning decisions towards developers in general, affirming in an assembly statement that ‘substantial weight’ should be given to the economic benefits of proposals, where the latter were ‘significant’.⁶⁵

The most distinguishing feature of the executive during the period, however, was simply its inert character. When the schedule of the Committee for the OFMDFM was published in April, it emerged that it would have virtually no legislation, coming from the first and deputy first ministers, to scrutinise in the run-up to the summer recess. Dolores Kelly of the SDLP said: ‘Executive business in the Assembly has practically dried up, leaving us with recycled motions worthy of a sixth form debating society.’⁶⁶

2.3 Conclusion

Devolution to Edinburgh and Cardiff was often cast by its advocates as allowing of more ‘progressive’ policy outcomes than would accrue from Westminster legislation, notably in the surge of support for Scottish devolution during the Thatcher years and the ‘clear red water’ the Welsh first minister, Rhodri Morgan, sought to put between his own administration and that in London. Devolution to Northern Ireland, by contrast, was enthusiastically supported by successive UK governments, anxious to divest themselves of the responsibilities of direct rule.

The trajectory thus pursued was the path of least resistance, legitimising ideologies of Protestant-unionism and Catholic-nationalism which are incapable of generating policy options from within their own discourses that engage meaningfully with wider debates in the exercise of devolved power. By May 2009, two years into renewed devolution, what seemed from a Westminster standpoint to be a problem more and more solved raised more and more questions when looked at from Belfast.

⁶⁴ Department of Environment news release, 27 January 2009.

⁶⁵ DoE news release, 11 May 2009.

⁶⁶ N. McAdam, ‘Row looming over Stormont logjam’, *Belfast Telegraph* (22 April 2009).

3. The Assembly

Rick Wilford and Robin Wilson

- Most debates were at the initiative of individual MLAs.
- The assembly was unable to agree on when policing and justice would be devolved or to resolve the impasse over selection at 11.

3.1 Legislation

There were 27 plenary sittings of the assembly between January and the end of April, during which five executive bills received the royal assent: the Building Regulations Bill, the Public Authorities (Reform) Bill, the Health and Social Care (Reform) Bill, the Financial Assistance Bill and the Budget Bill. A further four were at various stages of the legislative process. To say the least, this was a very thin legislative timetable.

The most controversial was the Financial Assistance Bill, equipping the first and deputy first ministers, acting jointly, to provide a rapid response through financial assistance to address the impact within the region of the global economic downturn. The haste with which the bill was pulled together prevented pre-legislative consultation, much to the ire of MLAs—especially from the UUP and the SDLP.

The fact that the first minister described the bill as ‘the most important piece of legislation to be tabled since the return of devolved government’⁶⁷ typified the tendency of the administration to reduce policy-making to lobbying for, and dispensing, (other) taxpayers’ money. It also served to fan the flames of suspicion of what the SDLP called a ‘power grab’ by Messrs Robinson and McGuinness—as did the fact that no amendments were accepted by them. That perception fed into a wider sense that the Executive Committee tilts along an axis described by the two major parties and further soured relations with the other two executive parties.

3.2 Debates

Besides the stormy passage of the above bill, the chamber witnessed other charged debates—including, on 19 January, the tabling of a motion by Simon Hamilton of the DUP calling on the first and deputy first ministers to reduce the number of

⁶⁷ *Official Report*, 13 January 2009.

government departments and to redirect monies saved to public services. This has been a long-standing campaign by the DUP and, never slow to seize an opportunity, its members used the economic crisis to bolster their arguments, as well as the prospect of a devolved Department of Justice, increasing the departmental tally to 12. In the event, the motion was carried: it was supported by the DUP, UUP and Alliance, while SF abstained. An SDLP amendment, calling *inter alia* for a new standing committee tasked to control the costs of government, was defeated.

On 20 January the assembly debated, occasionally angrily, the first report by the Assembly and Executive Review Committee on the arrangements for the devolution of policing and justice. The DUP insisted on its veto over the identity and party affiliation of a prospective minister—for which read a veto on SF up to and beyond 2012. Previously, the two parties had agreed that neither would nominate for the post up to that date and that, rather than employing the d'Hondt rule to appoint the minister, a nominee(s) would be appointed on the basis of a cross-community vote in the chamber. The self-denying ordinance adopted by the two largest parties does not, however, extend beyond 2012, as confirmed by the legislation passed at Westminster (see 'peace process' section).

DUP backbenchers were however quick to reassure their supporters that, as Ian Paisley Jr put it, the party 'has been handed a veto for all time'. The abandonment of d'Hondt greatly angered the SDLP, to which the department would have been allocated under its application, but it acknowledged *sotto voce* that in all likelihood it would be an Alliance member who would become Northern Ireland's first minister for policing and criminal justice in due course.

On 2 February the SF education minister, Caitriona Ruane, gave a statement on the future of post-primary education—against the background of uncertainty, confusion and anger about her inability to command consensus referred to in successive reports. Having previously proposed a three-year interim arrangement, during which selection tests would be set by the Council for the Curriculum, Examinations and Assessment and administered on a tapering basis, she now withdrew that proposal in the face of DUP hostility. In its stead, Ms Ruane issued guidance contained in 'Transfer 2010' for which all schools would be obliged by law to 'have regard'.⁶⁸

⁶⁸ Published 2 February 2009 and available at www.deni.gov.uk.

It was, in effect, an admission of failure. The retention of academic selection was sought and secured by the DUP in the negotiations at St Andrews in October 2006 paving the way for the renewal of devolution. Thus, while the '11+' was conducted for the last time in 2009, post-primary schools would be free next academic year to set and administer their own entrance tests within an unregulated environment (see public-policies section). The guidance merely said that 'use of academic admissions criteria' was 'not recommended'.

During an ill-tempered debate, members of all parties bar SF pointed to the chaos that would ensue. In place of a test, the minister described a set of admissions criteria which included, as the first, that applicants (children) to a post-primary school entitled to free school meals 'gain admissions at the same rate as all other applicants'.⁶⁹ The guidance set out a 'menu' of additional criteria—including whether a sibling attended the relevant school, the identity of the feeder/primary school, the parish, the catchment area and the nearest suitable school—interpreted by her many critics as a postcode lottery. The Transfer 2010 proposals were to be the subject of a twelve-week consultation; there was no likelihood they would promote consensus.⁷⁰

The relative dearth of executive legislation to debate meant much of the plenary business was tabled by private members. Their attention, beyond the dissident killings, focused on the economy. A statement by the DUP finance minister, Mr Dodds, on the executive's 2008 strategic stocktake of public expenditure⁷¹ forecast a reduction in the resources available to the executive over the next two years. The statement described a bleak prospect, confirmed by growing unemployment.⁷²

One response by the OFMDFM was to establish a Cross-Sector Advisory Forum, including five ministers and 30 business and economic stakeholders (see public-finance section). On 20 April, the first minister made a statement to the assembly on

⁶⁹ This was obviously geared to minimising social election. Perversely, it was interpreted as discriminatory by the UUP education spokesperson, Basil McCrea, on the grounds that Catholic children were more likely to be entitled to free school meals.

⁷⁰ The relationship between the minister and all other parties plumbed new depths, as conveyed by minutes of the Education Committee meeting of 10 March 2009, which confirm that they all supported resurrection of the three-year interim arrangement withdrawn by Ms Ruane.

⁷¹ *Official Report*, 20 January 2009.

⁷² Department of Enterprise, Trade and Investment news release, 18 March 2009. This indicated that, at the end of February 2009, 42,000 people were claiming unemployment-related benefits. Over the year to February, this represented an increase of 18,100 (75.7 per cent), marginally greater than the UK-wide rise (74.9 per cent).

its work. He set the bar rather low, describing the goal of the executive as 'doing all that we can do to mitigate the worst effects of the economic downturn'.⁷³

3.3 Committees

Besides the report of the Assembly and Executive Review Committee on policing and criminal justice, there were 11 other committee reports. There were three on the committee stage of legislative proposals: the Diseases of Animals Bill (Agriculture and Rural Development Committee), the Civil Registration Bill and the Presumption of Death Bill (both Finance and Personnel Committee). Three were issued by the Public Accounts Committee: the Private Finance Initiative contract for Northern Ireland's new vehicle testing facilities, road openings by utilities and legal practitioner fraud against the health and social services. Three more came from the Social Development Committee on the consultation on the implementation of the Neighbourhood Renewal Strategy, from the Employment and Learning Committee on its review of teacher training, and from the Enterprise, Trade and Investment Committee on credit unions. The Procedure Committee meanwhile published two reports: on written ministerial statements and assembly questions.⁷⁴

The latter attracted particular attention: the first and deputy first ministers had submitted evidence proposing that oral questions to the OFMDFM be held once a month, rather than fortnightly as currently. Given that the incumbents do not, unlike their predecessors in 1999-2002, appear together to take questions but rather alternate, this would have meant Messrs Robinson and McGuinness would each appear only once every two months. The committee resisted the proposal, recommending maintenance of the *status quo*. It did however propose that, in place of the current practice where three ministers each take questions for 30 minutes on Mondays, two should appear on Mondays and one on Tuesdays. The report, which if accepted would require changes to standing orders, awaited assembly ratification.

3.4 Conclusion

The 'deliberative turn'⁷⁵ in discussion of democracy in political science has stressed that the latter is about talking as well as voting, with a view to resolving the differences thrown up by the election of representatives of diverse perspectives. This conception has been extended to the claim that the associated 'requirement of

⁷³ *Official Report*, 20 April 2009.

⁷⁴ See Committees page at www.niassembly.gov.uk.

⁷⁵ J. S. Dryzek, *Deliberative Democracy and Beyond: Liberals Critics, Contestations* (Oxford: Oxford University Press, 2000), p. v.

reciprocity' could ease the tensions of ethnically divided societies.⁷⁶ But the assembly discussion of the '11+' imbroglio showed that zero-sum thinking was still prevalent among Northern Ireland's elected representatives, particularly those drawn from the Protestant community.

⁷⁶ I. O'Flynn, *Deliberative Democracy and Divided Societies* (Edinburgh: Edinburgh University Press, 2006), p. 9.

4. Public Attitudes and Identity

Lizanne Dowds

- Trust diminished in devolved ministers over the past year.
- Belief in assembly's achievements also continued to fall.

4.1 New NILTS data

Preliminary results from the 2008-09 Northern Ireland Life and Times Survey indicated that, as of the end of 2008 and the beginning of 2009, support for devolution over all other constitutional options remained fairly steady—at 53 per cent, compared with 55 per cent over the previous year. Within these results there was a drop-off in support among some Protestants, associated with a swing back towards support for direct rule (Figure 1).

Figure 1: Constitutional preferences 2007-2008 (%)

	2007	2008
Protestants		
To remain part of the UK with direct rule	17	25
To remain part of the UK with devolved government	72	64
To reunify with the rest of Ireland	3	4
Independent state	4	3
Other answer	1	1
Don't know	3	2
Catholics		
To remain part of the UK with direct rule	4	7
To remain part of the UK with devolved government	35	36
To reunify with the rest of Ireland	47	39
Independent state	6	8
Other answer	1	3
Don't know	7	7

Trust in ministers also fell back over the past year. Between 2000 and 2007 trust in most of the main parties had risen significantly (with the exception of the UUP, where trust had remained steady at a fairly high 50 per cent). Most notable had been the increase in trust for SF and DUP ministers: Catholic trust in a DUP minister had more than doubled from 2000, while Protestant trust in SF had risen similarly.

But by the end of 2008 the picture was different. There was a distinct loss of trust in ministers across all the main parties and SF and the DUP thus lost much of the gains they had made between 2000 and 2007 (Figure 2).

Figure 2: Respondents who ‘definitely’ or ‘probably’ would trust a minister from each party (%)

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?

	2000	2007	2008
DUP	33	49	37
SDLP	43	51	40
SF	17	35	22
UUP	51	50	41

Between 2002 and 2008, responses to the question ‘Overall, do you think that the Northern Ireland Assembly has achieved a lot, a little, or nothing at all?’ became progressively less positive. From a high of optimism in 2002, when Catholics in particular were highly positive about what the assembly had done, opinions shifted.

In the latest survey, only between 50 and 60 per cent in either community felt that the assembly had achieved something (Figure 3). Perhaps this was to be expected: many felt the existence of the assembly at all in the early years was something of an achievement and this perhaps has become taken for granted.

Figure 3: Respondents who think that the assembly has achieved ‘a lot’ or ‘a little’ (%)

	2002	2003	2007	2008
Catholics	86	69	69	54
Protestants	70	54	62	57

4.2 Conclusion

The NILTS survey was carried out before the scandal relating to MPs’ expenses broke. The view emerging of ministers and of the achievements of the assembly could thus not be encouraging for the parties.

5. Intergovernmental Relations

Elizabeth Meehan and Robin Wilson

- Intra-UK fiscal strains and a perceived threat to the British-Irish common travel area dominated ‘east-west’ relations.
- Progress on north-south co-operation continued to be limited by DUP foot-dragging.

5.1 ‘East-west’

The impact of the economic crisis also featured in ‘east-west’ exchanges. When the UK business secretary visited Belfast in early February, the first and deputy first ministers, Messrs Robinson and McGuinness, urged Lord Mandelson to ensure that members of the Presbyterian Mutual Society would have their savings fully secured by the UK government.⁷⁷ They also discussed the failure of some banks to support businesses in the region.⁷⁸ The enterprise minister, Ms Foster, welcomed the fact that the finance measures announced by his department on 14 January would extend to Northern Ireland and she urged the banks to use the new Enterprise Fund.⁷⁹

In mid-February, in an assembly debate on the budget, the finance minister, Mr Dodds, said the anticipated requirement for major savings in Whitehall could have a big impact on Northern Ireland. He would be challenging the chancellor, Alistair Darling, to honour the settlement agreed in the Comprehensive Spending Review for the period to 2011.⁸⁰ At a meeting to discuss the UK economy at the end of the month, hosted by the prime minister, Mr Brown, and attended by the leaders of all the devolved administrations, the first and deputy first ministers emphasised that they were relying on the undertaking by the prime minister, when he was chancellor, that any ‘efficiency’ savings in Northern Ireland would be retained within the region.⁸¹

⁷⁷ Reporting on a British-Irish Council summit of 20 February 2009, the first minister told the assembly he had made it plain afterwards to the prime minister, Mr Brown, that the run on the Presbyterian Mutual Society had been caused, at least in part, by the government’s support for UK banks, members moving their savings to where there was a guarantee. Mr Brown said he wished to receive the report of the investigation into the society before deciding on any assistance—*Irish Times* (26 February 2009); *Official Report*, 23 March 2009.

⁷⁸ OFMDFM news release, 6 February 2009.

⁷⁹ Department of Enterprise, Trade and Investment news release, 6 February 2009.

⁸⁰ Department of Finance and Personnel news release, 17 February, 2009.

⁸¹ The problems were also discussed at the British-Irish Council on 20 February 2009 and were reflected in the first minister’s account to the assembly—BIC *communiqué*, 20 February 2009, at: www.british-irishcouncil.org; *Official Report*, 23 March 2009.

Mr Dodds was still worried when on 12 March he attended a multilateral meeting in Edinburgh—not, seemingly, called a Joint Ministerial Committee meeting—with Yvette Cooper, chief secretary to the Treasury, and the finance ministers of the other devolved administrations.⁸² In the event, the budget did not allow Northern Ireland to retain savings and funding for 2010-11 was, accordingly, reduced by £123 million. Though disappointed, Mr Dodds noted that the outcome was less bad than he had feared and that the chancellor had highlighted ‘some offsetting allocations’.⁸³

To add to budgetary concerns, a review of the Barnett formula began in January. Lord Barnett, having pressed for such a review, told a Lords Committee that he had never intended it to be more than a temporary device lasting about a couple of years. It had acquired a formal status only when the Thatcher and Major governments had kept it in place. He now feared its unfairness would so upset people in England that they would demand a separation.⁸⁴ Meanwhile, in April, the current Conservative opposition accused the UK government of having overpaid government in Dublin by £135 million in 2007 for the costs of health care for people who had worked in the UK (and paid National Insurance contributions) and returned to the republic.⁸⁵

Previous monitoring reports have referred to the potential adverse impact on the common travel area—and, in particular, on residents of Northern Ireland—of the development by government in London and Dublin of electronic border controls. At the beginning of this period, the UK government introduced into the Lords its Borders, Citizenship and Immigration Bill. Sprawling over policing, customs, immigration, naturalisation and citizenship, its clause 46 (subsequently 48) was on the common travel area. The intention was to amend the Immigration Act of 1971 to close a supposed loophole purportedly allowing major abuses by illegal immigrants, traffickers, those posing security threats and other criminals.⁸⁶

⁸² DFP news release, 12 March 2009. The devolved finance ministers had met earlier in the year on a trilateral basis (in London) to consolidate their ambition to approach the Treasury on a collective basis—DFP news release, 23 January 2009. A similar trilateral meeting had been held in the margins of the BIC summit on 20 February.

⁸³ DFP news release, 22 April 2009.

⁸⁴ *Scotsman* (29 January 2009).

⁸⁵ BBC news online (9 April 2009).

⁸⁶ The Borders, Citizenship and Immigration Bill [HL] was laid before the Lords on 14 January 2009 (HL Bill EN 15). The second reading took place on 11 February—HL Hansard, cols. 1128-1213; clause 46 was dealt with at the committee stage on 4 March—HL Hansard, cols. 753-774; now clause 48, it was dealt with at the report stage on 1 April—HL Hansard, cols. 1096-1137; and the third reading was on 22 April, HL Hansard cols.1535-43. It was also considered by the Lords Select Committee on the Constitution—see Constitution Committee,

Clause 48 was defeated as a result of opposition led by the Liberal Democrats and the Conservatives.⁸⁷ But at its third reading, the Home Office minister Lord West suggested the matter would have to be looked at again during the Commons passage. Considerable disquiet was expressed by the Northern Ireland Human Rights Commission,⁸⁸ as well as within the house. The criticisms ranged widely:

- the lack of quantified evidence of the threat and, thus, of the gains to be secured through the change;
- the introduction (under an earlier section of the bill) of a combined customs and immigration UK Borders Agency (UKBA) force to carry out so-called intelligence- or risk-led checks on identity on the north-south border and between Northern Ireland and Great Britain—this being set in the context of the ‘normalisation’ of (still sensitive) policing in Northern Ireland;⁸⁹
- the disruptive effect of these checks on residents of border areas going about their daily business (they may not normally take identity on shopping trips!);
- likelihood of their discriminatory effect on people of ethnic-minority background who might be Irish or British citizens and who, equally, might not be carrying passports but who might be more likely to be picked out because, in the eyes of UKBA officers, they do not ‘look’ Irish or British;⁹⁰
- the potential disruption of such checks to inward tourism and the lives of those who travel frequently between the islands to visit families, attend sporting events and so on;

Seventh Report, Part 3 of the Borders, Citizenship and Immigration Bill, House of Lords 11 March 2009.

⁸⁷ It was Lord Glentoran, of Northern Ireland, who led Conservative opposition to the clause, with Lords Smith (former vice-chancellor of the University of Ulster) and Shutt (with a house in Cork and a strong interest in Northern Ireland) leading for the Liberal Democrats. Lord Glentoran reiterated suspicions he had voiced in November 2007 that the measure was designed to strengthen the borders of Great Britain, not the UK. On the other hand, he commended the opposition alternative—‘an upgraded electronic border round the whole of the British Isles [*sic*]’ in close collaboration with the republic—as the only way ‘to avoid disrupting 90 years of free travel around the British Isles and alienating an integral part of the United Kingdom, several Crown dependencies and a close and important neighbour’.

⁸⁸ Northern Ireland Human Rights Commission, Submission on the Borders, Citizenship and Immigration Bill, for the House of Lords Second Reading, 11 February; Briefing Paper for the House of Lords Committee Stage, 25 February 2009.

⁸⁹ The NIHRC pointed out that the UKBA force would not have the same standards, training and accountability as the PSNI.

⁹⁰ The commission provided substantial evidence, also cited in the debates, challenging the UKBA’s claim that such checks would never be based on race profiling.

- the ‘open door’ that the measure would provide towards future full passport controls on Crown Dependency and Northern Ireland routes;⁹¹ and
- the possibility of extension from air and sea ports to ‘international’ railway stations, affecting not only Belfast Central Station but also stations on the Dublin route used for local journeys: Lisburn, Lurgan, Portadown and Newry.

There was also considerable unease about the effectiveness of consultation with the various partners in the common travel area, despite some assurances to the contrary. Peers were disappointed that more use had not been made of the British-Irish Council and the British-Irish Inter-Parliamentary Body/Assembly.

A BIC summit meeting was held in Cardiff on 20 February 2009.⁹² At the suggestion of the Northern Ireland delegation, members began by discussing the global downturn. After this, the lengthiest period of discussion, they went on to social inclusion (with special reference to the role of the voluntary sector) and reviewed the council’s work on early years, minority and lesser-used languages, misuse of drugs, the impact of climate change, transport (including the mutual recognition of driving disqualifications and of penalty points, expected to be operational by spring 2009) and demography. New areas of work were announced, in energy, digital inclusion, housing and collaborative spatial planning—this last to be led by Northern Ireland under the direction of the ministers for regional and social development.

On the administration of the BIC,⁹³ the council agreed on core functions, staffing profiles and secondment arrangements and noted the information provided by each of the administrations that had offered to host the standing secretariat. It endorsed the proposal that the costs should be shared among all the members. Reporting to the assembly on 23 March 2009, the first minister, Mr Robinson, noted that there was

⁹¹ Lord Smith succeeded in introducing an amendment that immigration matters would not be introduced under an order in council—HL Hansard col. 1119, 1 April 2009.

⁹² British-Irish Council *communiqué*, 20 February 2009, at: www.british-irishcouncil.org. See also the first minister’s account to the assembly, *Official Report*, 23 March 2009. The republic’s delegation was led by the taoiseach, Brian Cowen, and the UK’s by the Welsh secretary (with special responsibility for the BIC), Paul Murphy. The Northern Ireland delegation was the largest, including the first and deputy first ministers, Messrs Robinson and McGuinness; the OFMDFM junior minister Jeffrey Donaldson; the culture minister, Gregory Campbell; the social development minister, Margaret Ritchie; the finance minister, Nigel Dodds; and the regional development minister, Conor Murphy.

⁹³ An assembly question had been asked about this in January, translating into a debate about the relative importance of the North/South Ministerial Council and the BIC. The deputy first minister, Mr McGuinness, was clear that both were important and that they were not in competition—*Official Report*, 26 January 2009, AQO 1860/09.

a paper comparing the costs of the various possible locations, which could be made available to the Committee for the OFMDFM.

The (renamed) British-Irish Parliamentary Assembly met in Donegal at the end of March. There was, as yet, no record of this meeting. From interventions during debates on the Borders, Citizenship and Immigration Bill, it must have discussed the issues recorded above.⁹⁴ And, indeed, in the now available record⁹⁵ of the previous meeting, a full report on e-borders and the common travel area was promised.⁹⁶

Here, it can be confirmed⁹⁷ that there was a very warm welcome for the new members, David McClarty and Lord Maginnis of the UUP and Jim Wells of the DUP. It can also be confirmed that the body agreed to change its name from the British Irish Inter-Parliamentary Body to the British-Irish Parliamentary Assembly.⁹⁸ It was noted that the name change reflected the shift from the original purpose of the body to the institution recommended in the St Andrews agreement of 2006 and the fact that it now thoroughly encompassed all the British and Irish parliamentary institutions.

Nevertheless, questions remained about how the assembly could be equally relevant to all participants. Members again discussed its relationship to the BIC—whether the council was an executive that the parliamentary body could/should scrutinise, whether a standing BIC secretariat would open up new possibilities in this direction, whether there could be joint plenaries and whether there could be reports from the BIC and attendance at the assembly by council representatives. It was agreed to send the report of the debate to the BIC and to request a response.⁹⁹

⁹⁴ Lord Brooke suggested that, while the body had seemed to be running out of its original purpose, the government, through the bill, had given it a *raison d'être*—HL Hansard, 4 March 2009, col, 772. Lord Glentoran said he had been congratulated in Donegal on his stance by representatives of the other administrations and the Crown Dependencies, 'every man jack of whom [was] against' clause 48—HL Hansard, 1 April 2009, col. 1097.

⁹⁵ British-Irish Parliamentary Assembly, Official Report of the Thirty-Seventh Plenary Conference, 19-21 October 2008, Newcastle Marriott Hotel, Newcastle-upon-Tyne.

⁹⁶ Business Report from Committee A (Political and Sovereign Affairs), *ibid*, p. 58.

⁹⁷ In the absence of the formal record for the January monitoring report, this and other matters were gleaned from other sources. One important matter that was not referred to in the previous report is that it was agreed that Peter Hain, one of the co-chairs, should write to the UK foreign secretary and the Northern Ireland secretary, requesting that surveillance information, previously sought by the Royal Ulster Constabulary from the GCHQ listening centre, be made available to the families of the victims of the Omagh bomb. It was also agreed that the other co-chair, Niall Blaney, would seek any similar information in Dublin's possession—*ibid*, p. 36.

⁹⁸ Rules and Future of the Body, *ibid*, pp. 5, 21.

⁹⁹ *Ibid*, p. 21.

As to bilateral meetings, the DUP junior minister in the OFMDFM, Mr Donaldson, was impressed by potential lessons for Northern Ireland he detected in a visit to the Cardiff Bay Regeneration Project.¹⁰⁰ His party colleague at the Department of Environment, Mr Wilson, visited the Cairngorms National Park in Scotland in April, to assist the executive in deciding whether there should be national parks in Northern Ireland and, if so, where.¹⁰¹

The cordial relationship established between the former DUP first minister, Rev Ian Paisley, and his Scottish National Party counterpart, Alex Salmond, had appeared to induce some DUP suspicion. Mr Paisley's successor, Mr Robinson, answering a question on his statement about the BIC,¹⁰² said however that the 'east-west' axis had developed during this assembly and that 'a Scottish Nationalist Government in Scotland and a power-sharing Administration in Wales [had] led to much more independence of thought, and a desire to build up the east-west relationship'.

5.2 North-south

A full meeting of the North/South Ministerial Council took place in Derry on 23 January 2009. The taoiseach, Brian Cowen, led 12 ministers from the republic, while the first minister, Mr Robinson, led the 10-strong northern team. But the lack of political commitment to this agenda from DUP ministers was evident in the *communiqué*.¹⁰³ The meeting largely comprised a review of the (wide-ranging) work already in train, without further commitments being made. The longstanding issues of north-south civic and parliamentary fora, mooted in the Belfast agreement nearly 11 years earlier, were once more long-fingered. Even a discussion of the dramatic economic challenges facing the two parts of the island led to no concrete outcome.

In an apparent easing during the period of his previous hostility to appointing members of boards from the republic,¹⁰⁴ the DUP environment minister, Mr Wilson, appointed Prof Gabriel Cooney from University College Dublin to chair the north's

¹⁰⁰ OFMDFM news release, 19 February 2009.

¹⁰¹ Department of Environment news release, 30 March 2009.

¹⁰² *Official Report*, 23 March 2009.

¹⁰³ NSMC *communiqué*, 23 January 2009, at:

www.northsouthministerialcouncil.org/index/publications/joint-communications/plenary-jc/plenary_jc_23_january_2009.htm.

¹⁰⁴ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2009*, at: http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Jan09.pdf, p. 37.

Historic Monuments Council.¹⁰⁵ But lack of party interest in anything more than going through the north-south motions was evident in an assembly debate on a DUP resolution asking the executive to consider whether the NSMC had any value. The party chair, Lord Morrow, said there was no economic reason why 'this North-South stuff' should continue, following the exhaustion of the Celtic Tiger. Under pressure from SF that this would contravene the Belfast agreement, he insisted his party sought the 'demise' of the agreement.¹⁰⁶

London and Dublin certainly believed the 'stuff' should continue, in the wake of the 'dissident' killings. The republic's foreign minister, Micheál Martin, and the justice minister, Dermot Ahern, met the Northern Ireland secretary, Mr Woodward, and the security minister, Paul Goggins, at Hillsborough Castle, to discuss the enhanced threat.¹⁰⁷ A further meeting of the NSMC, in 'institutional' format, took place in Dublin in April; afterwards, the first minister, Mr Robinson, said the 'political community' in the north would 'stand together' against the dissident threat.¹⁰⁸

There was also a 'sectoral' meeting of the NSMC, on agriculture, during the period, discussing animal health and welfare issues. The SF agriculture minister, Michelle Gildernew, shadowed by Mr Wilson of the DUP, met the republic's agriculture, fisheries and food minister, Brendan Smith, at Farmleigh House, outside Dublin.¹⁰⁹

A driving force for north-south, 'people-to-people' connections over the years, the NGO Co-operation Ireland (formerly Co-operation North), was recognised during the period. The Queen and the president of the republic, Mary McAleese, were guests at Hillsborough at an event, hosted by the Northern Ireland secretary, Mr Woodward, to pay tribute to CI's 30-year existence.¹¹⁰

¹⁰⁵ D. Gordon, 'Wilson appoints a Dublin adviser despite his liking for Northern Ireland staff', *Belfast Telegraph* (5 February 2009).

¹⁰⁶ G. Moriarty, 'DUP chairman says North-South Council should be abolished', *Irish Times* (10 February 2009).

¹⁰⁷ 'Killers don't have the power to halt peace: ministers', *Belfast Telegraph* (11 March 2009).

¹⁰⁸ NSMC *communiqué*, 28 April 2009, at: www.northsouthministerialcouncil.org/index/publications/joint-communiqués/institutional-ic/institutional_ic_28_april_2009.htm; D. de Breadún, 'Dissidents will not undermine cross-party administration in North, says Robinson', *Irish Times* (29 April 2009).

¹⁰⁹ Department of Agriculture and Rural Development news release, 20 March 2009.

¹¹⁰ NIO news release, 7 May 2009.

5.3 Conclusion

The BIC was only established, following unionist pressure, as an ideological counterweight in the Belfast agreement to the NSMC demanded by nationalists. Yet for all they had fought a 'war' with extraordinary human cost against the British state, republicans were now inexorably drawn to the practical value of collaboration with other UK jurisdictions, particularly Scotland and Wales—and the DUP to the same point, even though both latter jurisdictions had nationalist parties in government.

Yet the DUP was still ideologically resistant to developing to the full the collaborative relationship with the republic. There were here too benefits of mutual interest, but the principal prize was reconciliation among Irish men and women. And that held no attraction for a party like the DUP, whose *raison d'être* remained cultural defence.

6. Relations with the EU

Elizabeth Meehan

- The devolved government responded to the Barroso taskforce on the European Union and Northern Ireland.

6.1 Barroso taskforce

As previous reports have indicated, the renewal of devolution in May 2007 led to a further expression of European goodwill towards Northern Ireland, embodied in a taskforce led by the European Commission president, José Manuel Barroso, which completed its work in 2008. In April 2009, the first minister, the deputy first minister and the two junior ministers in their office, Mr Donaldson and Gerry Kelly (SF), visited Mr Barroso to present their plan of action in response.¹¹¹

On 21 April, the deputy first minister reported to the assembly.¹¹² He said the commission president had described the taskforce as a long-term commitment—‘a marathon rather than a sprint’—and had undertaken that the commission would support action to achieve its goals until the end of the current EU financial period in 2013. The executive’s plan, *Priorities for European Engagement*,¹¹³ was described by Mr McGuinness as ‘an important watershed’: it was the first time that ‘collective European policy and programme priorities’ had been identified and set in a ‘framework for mainstreaming Europe within each Department’s strategic and financial planning processes’.

He reported on the first action plan for 1 July 2008 to 31 March 2009, claiming that good progress had been made, and announced key inward and outward visits in connection with the 2009-10 action plan. Future plans would be consistent with financial years and synchronised with normal business and the Programme for Government. The deputy first minister outlined arrangements for scrutiny of the current year and those proposed for the following years.¹¹⁴

¹¹¹ OFMDFM news release, 31 March 2009. Mr Donaldson had also visited Brussels a fortnight before with the agriculture minister, Ms Gildernew, when they, with representatives from the EU offices of the Welsh Assembly and the Scottish Government, met the agriculture commissioner, Marian Fischer Boel—OFMDFM news release, 14 March 2009.

¹¹² *Official Report*, 21 April 2009.

¹¹³ Available in the assembly library.

¹¹⁴ These comprised: annual progress reports to be delivered by the Barroso taskforce working group composed of the junior ministers and departmental deputy secretaries; annual reports on achievement, together with a draft plan for priorities and new targets for the coming

In delivering his report, Mr McGuinness noted the impact of the global crisis¹¹⁵ and referred to other issues that they had raised with Mr Barroso.¹¹⁶ The delegation had also met the president of the European Parliament, Hans-Gert Pöttering, other commissioners,¹¹⁷ ambassadors and other figures from EU institutions and other regional representative offices in Brussels.

Questions to the deputy first minister covered the possibility of an international centre of expertise on conflict resolution, the role of Northern Ireland's three MEPs and funding programmes for urban regeneration and small business. Disappointment was expressed about the time taken for the executive's response to come into the public domain and the lack of reference to the offer by the taskforce leader and regional affairs commissioner, Danuta Hübner, of a place in her cabinet for an assembly member¹¹⁸ or to the voluntary sector, praised in the taskforce report. It was also noted that, while the executive's response referred to a regional strategy and policy on cohesion, sharing and integration, neither of these was actually yet in place.

6.2 Fisheries and ferries

The Fisheries Council met in December 2008 but the first opportunity for a ministerial statement was on 12 January 2009.¹¹⁹ The minister, Ms Gildernew, reminded the assembly that there were two main aspects: 'total allowable catch' (TAC) and the amount of time a fleet could spend fishing ('fishing effort'). After outlining the labyrinthine matters, including conflicting scientific findings about stocks, that had had to be considered by the council, she told MLAs she (and other interested ministers) had succeeded in reducing the commission's initial and compromise proposals to cut the TAC for nephrops (prawns) (8 per cent, then 5 per cent) to 2 per cent for the Irish Sea, while it remained at 5 per cent for other areas. This was

year compiled by the working group and forwarded to the executive; and visits each summer to Brussels by OFMDFM ministers to discuss progress and to seek support for plans for the new year.

¹¹⁵ He reinforced the connection between the economic crisis and the need for stronger relations with EU partners in answering questions.

¹¹⁶ These included a state-aid application in connection with Bombardier's CSeries aircraft and the Titanic tourism project in east Belfast, while Mr Barroso had expressed his sympathies over the recent shootings in Northern Ireland.

¹¹⁷ They met the trade and internal market commissioners, Catherine Ashton and Charlie McCreevy respectively, with whom they also discussed Bombardier.

¹¹⁸ Mr McGuinness said a Northern Ireland civil servant had been seconded for five months; Ms Hübner would not be a commissioner for much longer but the executive would seek to 'intensify engagement' with her successor.

¹¹⁹ *Official Report*, 12 January 2009.

significant for Northern Ireland since, following diversification as a result of cod depletion, 90 per cent of its fleet now caught prawns rather than cod. Because of the continued depletion of cod stocks, the commission remained adamant that a 25 per cent TAC cut was needed. An increase in Northern Ireland's haddock take was secured and, while there were cuts in plaice and whiting, the quotas were in any case, she said, under-fished in the Irish Sea. The commission had been persuaded to abandon a proposal to cut the herring TAC.

On a happier note, under INTERREG IVA, EU funding of £233,000 was awarded to the Small Ferries Project, a partnership linking the two Irish jurisdictions and Scotland. Its purpose was to estimate the demand for ferries on at least eight routes and to develop vessel designs that could cater for different island and rural-community needs, as well as plans for appropriate port infrastructure and innovative common procurement strategies.¹²⁰

6.3 Bilateral links

In his report on the EU taskforce, the deputy first minister referred to the ambition to build the 'best possible relationships with other Europeans'. Earlier, some of his colleagues had been doing just this. At the beginning of February, the trade minister, Ms Foster, led 'the biggest-ever Northern Ireland business mission to a European Market', involving meetings with her Dutch counterpart,¹²¹ visiting Dutch companies which had invested in the region, promoting Northern Ireland companies in the Netherlands and meeting decision-makers in the Dutch tourism industry.¹²²

In the course of the visit, she announced an £11 million partnership between Wrightbus of Ballymena and the Dutch company VDL Groep to supply the London bus operator, Arriva, with 57 buses.¹²³ On her return, there was a favourable reception to her mission in the assembly, whose Agriculture Committee sent a delegation to the Netherlands to explore environmental and quality aspects of farming.¹²⁴ In March, as tourism minister, Ms Foster promoted Northern Ireland at the ITB Berlin travel show and, on the same day as enterprise minister, welcomed

¹²⁰ Department for Regional Development news release, 18 March 2009.

¹²¹ At the second annual dinner of the Northern Ireland – Netherlands Trade and Export Society, she referred to the success of Invest NI's 'Going Dutch' programme—Department of Enterprise, Trade and Investment news release, 5 February 2009.

¹²² DETI news releases, 22 January 2009, 4 February 2009 and 6 February 2009.

¹²³ DETI news release, 5 February 2009.

¹²⁴ Northern Ireland Assembly, Committee for Agriculture and Rural Development news release, AGR 06/08/09, 31 March 2009.

Bombardier's announcement that Deutsche Lufthansa had agreed to buy up to 60 of its new CSeries aircraft.¹²⁵

In April, the education Minister, Ms Ruane, received the under-secretary of state for the Polish Ministry of Education to discuss the needs of Polish children in schools in Northern Ireland.¹²⁶ Ms Ruane linked this discussion with her recent launching of a policy to support newcomer children, to enable them to have access to the full curriculum: 'Our schools and community can gain genuine advantages by welcoming and embracing these new cultures.'

6.4 Conclusion

The goodwill shown by the EU towards Northern Ireland has been an enduring feature of the last two decades, with the region enjoying 'objective one' status in terms of structural funding, despite have been above the threshold of 75 per cent of *per capita* gross domestic product, and then the successive iterations of the Peace programme. The Barroso taskforce was the latest manifestation of this interest.

It is possible to respond to this in an instrumental and even sectarian fashion: the outgoing 'Traditional Unionist Voice' MEP, Mr Allister, persistently criticised the Special Support Programme for Peace and Reconciliation for not giving enough money to 'Protestant' groups, failing thereby to appreciate the very purpose of the project. But this sustained engagement has provided a 'cosmopolitanising'¹²⁷ influence on Northern Ireland, counterbalancing to a degree the tendencies towards involution highlighted above (see executive section).

¹²⁵ DETI news releases, 11 March 2009.

¹²⁶ Department of Education news release, 3 April 2009.

¹²⁷ U. Beck and E. Grande, *Cosmopolitan Europe* (Cambridge: Polity Press, 2007).

7. Relations with Local Government

Robin Wilson

- Local-government elections were formally postponed till 2011.

7.1 Review of public administration

As previous reports have catalogued, the outworking of the review of public administration initiated by the previous devolved administration in 2002 has proceeded at a snail's pace. This was mainly because of the inability of the parties to agree on how severe should be the rationalisation of the region's 26 district councils, now to be reduced to eleven.

Elections to the new authorities—the independent review team had envisaged seven—were originally slated for 2009. During the period, an order was passed at Westminster postponing the local elections to 2011. The junior NIO minister, Paul Goggins, said this made 'practical sense'.¹²⁸

Other aspects of the reform process continued to be effected during the period. As part of the dismantling of the five area education and library boards, the DUP culture minister, Mr Campbell, launched the centralised Libraries NI.¹²⁹ And in similar developments linked to the demise of the four health and social services boards, the UUP health minister, Michael McGimpsey, appointed members to three new regional structures: the Health and Social Care Board, the Patient and Client Council and the Public Health Agency.¹³⁰

This was not without irony. The animating spirit behind the review had been discommoded unionist hostility to the 'quangos' which had, within this perspective, usurped the day-to-day government of Northern Ireland from democratically elected politicians under direct rule. But the review found little appetite—or confidence—among district councillors to assume more substantial powers than the very limited competences assigned to the 26 authorities when they were established in 1973 and little changed since, and it recommended only modest further enhancements.

¹²⁸ NIO news release, 12 February 2009.

¹²⁹ DCAL news release, 2 April 2009.

¹³⁰ DHSSPS news release, 8 May 2009.

7.2 Conclusion

The inevitable result will be twofold. Local government in Northern Ireland will not be distinctively more powerful come 2011 but it will certainly be less local. And the alphabet soup of quangos will remain—even if the letters are rearranged.

8. Finance

Robin Wilson

- Statistics revealed the severe economic and social impact of the recession.
- The DUP resisted pressure for the Programme for Government and budget to be rewritten to respond to the crisis.
- The first and deputy first ministers tried to trammel criticism by the *Belfast Telegraph* of the devolved government's performance.

8.1 Gathering crisis

Evidence grew, if any were needed, during the period of the severity of the economic crisis. Regional unemployment had surged by 10,000 in the latter half of 2008, making the annual increase in joblessness the largest since 1971.¹³¹ Six towns in Northern Ireland were among ten across the UK which had seen the highest increase in unemployment in the year to November 2008, with construction job losses driving the trend.¹³² The Construction Employers' Federation warned that there could be 30,000 lay-offs over the next six months.¹³³

The visit by the business secretary, Lord Mandelson, came in the wake of an announcement by the planemaker Bombardier that it was laying off 300 agency workers due to falling demand. He remained determinedly upbeat, however, recalling his stint as Northern Ireland secretary: 'It is good to be back and to see the progress that has been made in Northern Ireland since I was last here. These positive changes are down to the hope and determination of the people of Northern Ireland and their politicians to achieve a peaceful, more prosperous future.'¹³⁴

Lord Mandelson's tone sat uneasily with evidence which emerged a week later of the social impact of the deepening recession. The Northern Ireland Courts Service reported that actions for repossession in respect of mortgages had leapt in the last quarter of 2008 to 939, 73 per cent more than in the same period of 2007,¹³⁵ while the Housing Rights Service said inquiries to its debt service had tripled in 2008.¹³⁶

¹³¹ F. McDonnell, 'North has largest unemployment increase in 37 years', *Irish Times* (22 January 2009).

¹³² 'Northern Ireland tops league of dole queue rises', *Belfast Telegraph* (22 January 2009).

¹³³ S. Ross, 'Fears for 30,000 construction jobs', *Belfast Telegraph* (27 January 2009).

¹³⁴ DETI news release, 6 February 2009.

¹³⁵ Northern Ireland Courts Service news release, 13 February 2009.

¹³⁶ 'Help sought over housing debt up 300%', *Belfast Telegraph* (13 February 2009).

The pressures on public employment arising from the Treasury-inspired 3 per cent 'efficiency savings' included in the 2007 budget by the then finance minister, Mr Robinson, were meanwhile hitting home in the biggest government spender, the Department of Health and Social Services and Public Safety—where the minister, Mr McGimpsey, said he had to save £700 million over the three-year period of the comprehensive spending review. The Royal College of Nursing feared that more than 700 nursing jobs were at risk.¹³⁷

The finance minister, Mr Dodds, while warning that there were 'some tough choices for the Executive to make in the coming years', however presented a wholly positive picture to the assembly.¹³⁸

Over the past year, the Executive has shown its ability to move swiftly to deal with the impact of the global economic downturn. To help individuals deal with the pressures facing them we have moved on a number of fronts, for example by reducing the cost of prescription charges with a view to abolishing them next year, by introducing a new fuel poverty package for low income households, by freezing regional rates, and by ensuring pensioners can travel free on public transport. This, however, only tells half the story. We have also been able to support local businesses at this time in a number of ways. I have frozen non-domestic rates and announced that I will introduce a small business rate relief scheme. I have also set a target for the public sector to ensure invoices are paid within 10 days, to help local firms with their cash flow. Perhaps most significantly of all, though, I am overseeing the delivery of over £1.4 billion of capital investment in infrastructure projects, such as roads, schools and hospitals. This is more than double what we spent only five years ago and will further increase next year.

Not all were convinced, though, that these numbers added up. The UUP MLA David McNarry was only rehearsing a widely touted estimate when he claimed that there was a £1 billion budget shortfall.¹³⁹ And that very day, the *Belfast Telegraph* launched a 'Let's Get Back to Work' campaign. It was immediately supported by Alex Attwood, SDLP MLA in the joblessness blackspot of west Belfast, who said: 'The Executive cannot twiddle their thumbs while the economy goes to the wall.'¹⁴⁰

The regional director of the Confederation of British Industry, Nigel Smyth, said the initiatives that had been announced at Stormont had not been sufficient to rescue

¹³⁷ 'Assembly backs health jobs motion', BBC news online (10 February 2009).

¹³⁸ DFP news release, 16 February 2009.

¹³⁹ 'Call to rethink Stormont priorities', *Belfast Telegraph* (16 February 2009).

¹⁴⁰ 'Stormont must put jobs first', *Belfast Telegraph* (16 February 2009).

struggling industries like construction. 'The Executive's commitment to the economy has still not convinced many business people,' he said.¹⁴¹

The three-year freeze on the rates, to which Mr Dodds referred, has placed tight constraints on the social-housing budget. The result has been that rising unemployment in construction has been matched by increasing numbers without a home. The Northern Ireland Housing Executive reported during the period that homelessness had risen by half in six years, to more than 40,000.¹⁴²

The regional rate is the only source of discretionary revenue-raising for the devolved executive. Refusing to exercise it has left the executive entirely at the mercy of the Treasury. And, returning to the assembly the following day, Mr Dodds warned of 'swingeing cuts' in spending in 2010-11 due to Treasury pressures for further 'efficiency savings'.¹⁴³ At the BIC in Cardiff in February (see intergovernmental-relations section), the deputy first minister, Mr McGuinness, said the executive was under 'huge pressure' financially.¹⁴⁴

The Cross-Sectoral Advisory Forum on the crisis convened by the first and deputy first ministers looked suspiciously like the list of organisations they had met over preceding months to hear views on how to resolve it—beginning, remarkably, with the banks.¹⁴⁵ The latter were indeed to be included, alongside business, the farmers, the unions and the voluntary sector. But it was unclear what value this forum would add to the existing Economic Development Forum.¹⁴⁶ When February's unemployment figures revealed a 75 per cent jump over the previous year, the enterprise minister, Ms Foster, was only able to say that there was 'no quick fix'.¹⁴⁷

The impotence of government was highlighted when the Department of Finance and Personnel announced in February that it was abandoning its 'Workplace 2010' plan for the foreseeable future—certainly beyond 2010—as the programme for

¹⁴¹ 'The Executive's commitment to the economy has still not convinced many business people', *Belfast Telegraph* (16 February 2009).

¹⁴² 'Housing waiting list goes up 50%', BBC news online (18 February 2009).

¹⁴³ DFP news release, 17 February 2009.

¹⁴⁴ D. de Bréadún, 'DUP and SF united against North cuts', *Irish Times* (21 February 2009).

¹⁴⁵ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: September 2008*, at: www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Sept08.pdf, p. 46.

¹⁴⁶ S. Ross and N. McAdam, 'Dodds cash warning to Executive', *Belfast Telegraph* (6 March 2009); D. Keenan, 'Northern consultative body to meet next month', *Irish Times* (7 March 2009).

¹⁴⁷ 'Jobless increase by 75% in a year', BBC news online (18 March 2009).

modernisation of the civil-service estate by use of the Private Finance Initiative was suspended. Having previously been held up by the acquisition of one of the preferred bidders, Trillium, by the other, Telereal, discussion with the latter had revealed that it would be impossible for the contractor to raise the debt finance in the current economic climate.¹⁴⁸ The programme had been attacked by the unions and other critics as mortgaging the future and threatening employee conditions.

Privatisation was, however, still bringing insecurity to civil servants. It emerged that month that the permanent secretary of the Department for Regional Development had complained to the DFP about the effects of the privatisation of human-resource functions. His leaked memo referred to officials being 'significantly underpaid' in January, a failure to elicit 'a meaningful response' from the company, HRConnect, and a requirement that his department make 'emergency payments' as a result.¹⁴⁹

8.2 Government under pressure

During their eventual trip to the United States around St Patrick's Day (see 'peace process' section), the first and deputy first ministers were able to associate themselves with an announcement by the New York State comptroller that \$30 million of an Emerging Europe investment fund would be spent in Northern Ireland.¹⁵⁰ But announcements of job losses by BBC Northern Ireland's economics correspondent, Kevin Magee, continued on an almost nightly basis, with the worst episode the revelation that Bombardier was now to cut almost 1,000 jobs due to the impact of the recession on demand for business aircraft.¹⁵¹ Further redundancies at the electricity-generator firm F G Wilson, another major manufacturing employer, brought the total there in recent months to 600.¹⁵²

The first minister, Mr Robinson, could only complain: 'We have to recognise the limitations that exist for a devolved administration. Unfortunately Bombardier will feel just as powerless as we do.' The UUP MEP Jim Nicholson said, however: 'A Programme for Government written in 2007 must surely be revisited in light of the global economic crisis.' And the SDLP deputy leader, Alasdair McDonnell, said:

¹⁴⁸ DFP news release, 20 February 2009.

¹⁴⁹ D. Gordon, 'Memo shows concern over civil service payroll firm', *Belfast Telegraph* (24 February 2009).

¹⁵⁰ OFMDFM news release, 16 March 2009.

¹⁵¹ S. Ross and N. McAdam, '975 workers are laid off at Shorts', *Belfast Telegraph* (2 April 2009).

¹⁵² 'F G Wilson staff hit by fresh wave of redundancies', *Belfast Telegraph* (2 April 2009).

‘People are scared, people are angry and they quite reasonably expect the First Minister and Deputy First Minister to do something better than waiting for “Gordo”.’¹⁵³

The Belfast agreement had stipulated that there be an annual Programme for Government and associated budget. The OFMDFM has been responsible for the former, the DFP the latter. But this requirement has simply been ignored by the current administration, with the DUP holding the positions of first and finance ministers. In the absence of a 2008 budget, the SDLP recommended a series of savings to allow expenditure of more than £400 million, including on employment protection, wage subsidies and training to cushion the effects of the recession. But there was no interest from the OFMDFM.¹⁵⁴

The 29-strong Cross-Sectoral Advisory Forum met in April, and a number of members advanced the case for a ‘green new deal’ to revive the Northern Ireland economy. But when it was put to the first minister afterwards that the Programme for Government needed to be rewritten, Mr Robinson dismissed the (female) reporter’s persistent questions in increasingly intemperate terms.¹⁵⁵ The SDLP leader and former finance minister, Mr Durkan, subsequently complained that the forum was ‘much the same thing’ as the Economic Development Forum, and he described it as ‘largely a PR exercise designed to give the impression that people are being listened to and things are being done’.¹⁵⁶ The Belfast business correspondent of the *Irish Times* wrote:¹⁵⁷

There is a mounting sense of frustration in certain quarters about how the North’s Executive is responding to the growing economic crisis unfolding across Northern Ireland. There are issues about whether the Northern Ireland Executive has an overall plan in place to deal with what effect the economic downturn is having locally, or whether individual Ministers and departments are simply writing their own script as they go along.

Previous monitoring reports have made plain, in the (now discontinued) section on the media, that in the absence of a formal opposition at Stormont—arising from the formation of the executive by the d’Hondt rule—that role had been assumed *de facto*

¹⁵³ M. McCreary, ‘Executive feels as powerless as Bombardier, says First Minister’, *Belfast Telegraph* (3 April 2009).

¹⁵⁴ N. McAdam, ‘SDLP’s plea for economy debate falls on deaf ears’, *Belfast Telegraph* (8 April 2009).

¹⁵⁵ *Newsline 6.30*, BBC Northern Ireland (6 April 2009).

¹⁵⁶ N. McAdam, ‘Three groups for economic policy is a waste: SDLP’, *Belfast Telegraph* (30 April 2009).

¹⁵⁷ F. McDonnell, ‘North’s economic problems require cross-community effort’, *Irish Times* (7 April 2009).

by the *Belfast Telegraph*. Stung by its 'Back to Work' campaign, in an extraordinary move, the first and deputy first ministers wrote not to the editor of the paper but to its owner, the tycoon Anthony O'Reilly, to complain of its supposedly 'relentless negativity' and seeking a meeting to discuss their 'concerns'.

Messrs Robinson and McGuinness wrote: 'We do not seek to fetter in any way the freedom of the press, but by the same token we do not expect to see a campaign ostensibly about creating jobs being used to denigrate and undermine the Executive and the Assembly.' The whole episode only came to light through a blogger, Mick Fealty.¹⁵⁸ The duo subsequently met the editor of the paper, its chief executive and the chief executive of the Independent News and Media group, flown over from London.¹⁵⁹ One prominent *Belfast Telegraph* journalist confided his annoyance with the paper's hierarchy for not responding more robustly to this political challenge.

Frustration spilled on to the streets of Belfast, with several hundred trade unionists joining an angry rally organised by the Irish Congress of Trade Unions in mid-April. Speakers criticised the first minister for saying that expenditure plans would not be revisited in light of the crisis and called for a more activist approach to preventing redundancies and assisting jobless workers. One official said the problem wasn't what the *Belfast Telegraph* reported but that jobs were being lost.¹⁶⁰

The SDLP, UUP and Alliance took the opportunity of the budget when it came to renew their demand that the Programme for Government and budget be urgently revised—despite the first two parties being in government.¹⁶¹ With the scale of health and social services expenditure making it the largest target for 'efficiencies', the UUP health minister, Mr McGimpsey, chose the platform of the annual Unison health conference in Harrogate to describe the budget as 'bleak'. The minister declared: 'Health and social care in Northern Ireland cannot deliver further savings without impacting on patient care and standards. This must not be allowed to happen. The pace of the efficiency drive is too quick and is causing too much pain.'¹⁶²

¹⁵⁸ M. Hennessy, 'O'Reilly criticised by McGuinness and Robinson over "Telegraph" coverage', *Irish Times* (15 April 2009).

¹⁵⁹ *Newsline 6.30*, BBC Northern Ireland (15 January 2009).

¹⁶⁰ 'Ministers' attack on Telegraph slammed by union chief' and 'First Ministers "should apologise" over Telegraph criticism', *Belfast Telegraph* (18 April 2009).

¹⁶¹ D. Keenan, 'Executive gets £50m boost but greater efficiencies demanded', *Irish Times* (23 April 2009).

¹⁶² DHSSPS news release, 22 April 2009.

Undeterred from his small-government trajectory, the finance minister mooted the possibility of a further deferral of the introduction of water charges, which are to be added to the regional rate—rehearsing the canard that water was already being paid for through that vehicle.¹⁶³ The SF regional development minister, Conor Murphy, however told the assembly the deferral had deprived the executive of £200 million in the current financial year, and there was ‘no other third party or fairy godmother’ to pay for the necessary improvements in the water and sewerage infrastructure.¹⁶⁴

Mr Dodds linked the potential for budgetary savings to the longstanding DUP demand for fewer departments and a smaller assembly. Because the call came from that quarter, though perfectly rational, it was predictably rejected by the SDLP and SF. Mr MacDonnell of the SDLP said that before devolution, when there were six departments, ministers had struggled to manage their briefs, though this was in reality a product of their being direct-rule ministers with loyalties to Westminster and constituency commitments on the other side of the Irish Sea.¹⁶⁵

8.3 Conclusion

The period ended as it had begun, with baleful economic and social statistics. PricewaterhouseCoopers reported an increase in insolvencies of 35 per cent in the first quarter of 2009, compared with the same period in 2008, the biggest annual increase in ten years.¹⁶⁶ And the Northern Ireland Courts Service announced a further 35 per cent increase in actions for mortgage repossession, with more than 1,000 writs and summonses issued during the quarter.¹⁶⁷ The overwhelming sense during the period was that the devolved executive, confronted with the regional impact of the global economic crisis—and even allowing for the absence of macro-economic powers among its competences—was behaving like a rabbit caught in the headlights.

¹⁶³ The point of the recommendation by the independent commission chaired by Prof Paddy Hillyard of Queen’s University was that it would lay this claim to rest: the portion of the cost of water *not* covered by the regional rate would be added to the latter—see R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2008*, at: http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Jan08.pdf, p. 60.

¹⁶⁴ ‘Water charge plans look set to be deferred again by Stormont’, *Belfast Telegraph* (24 April 2009).

¹⁶⁵ D. Keenan, ‘Dodds warned on cutting departments to pre-devolution levels’, *Irish Times* (24 April 2009).

¹⁶⁶ F. McDonnell, ‘Insolvency figures for NI businesses jump 35% in first three months of year’, *Irish Times* (8 May 2009).

¹⁶⁷ Northern Ireland Courts Service news release, 8 May 2009.

9. Political Parties and Elections

Duncan Morrow and Robin Wilson

- The European election was set to be fought as another battle for regional ethnic predominance.
- Local party objections scaled back the liaison between the Conservative Party and the UUP.
- The first minister and SF were caught up in the Westminster expenses furore.

9.1 Violence and vetoes

As chronicled in these reports over the years, devolution in Northern Ireland is part of an uncertain calculus. On the one hand, the politics of national rivalry forms the continuing axis of party politics; on the other, solutions imposed from outside run the risk of weakening regional democratic responsibility. The agreements of 1998 and 2006 sought to resolve this conundrum and build up a democratic political framework through an unusual distribution of power across the system and a range of devolved powers focused on concrete social, economic and environmental issues. The promise was of a new and transcendent political system which would mitigate national competition and allow real democratic and practical progress. The risk was that continuing competition would lead to terminal gridlock, in which all collective decision-making and responsibility was negated by ethnopolitical competition.

Radical, if necessary, change has proved complex and costly. In the month that Sir Hugh Orde signalled his retirement as the first chief constable of the PSNI, the cost of policing change—by far the most significant success of the ‘peace process’ to date—was revealed as over £1 billion.¹⁶⁸ And there was still no final agreement on the devolution of policing and justice.

The implications of this came to the fore with a new clarity during the period. The dissident murders underlined the risk that politics in Northern Ireland would continue to be assailed by radical anti-agreement elements, who could draw on deep reserves of historic antagonism to give shape to more generalised resentments around an embedded ‘cause’.

¹⁶⁸ *Belfast Telegraph* (22 April 2009).

The vocal opposition of SF to the decision by Sir Hugh to call on specialist army intelligence backing to address the dissident threat highlighted the dilemma facing the party, in simultaneously representing its actions as progress towards long-term objectives (a united Ireland free of British rule) and offering support for the new arrangements to provide security and stability within Northern Ireland. The dilemma deepened when the two British soldiers, the historic enemy of the IRA, were shot dead. Paradoxically, and tragically, it may have eased when Const Stephen Carroll was murdered. The condemnation of the dissidents by the republican leader Mr McGuinness, alongside the chief constable and his DUP counterpart, Mr Robinson, was widely regarded as historic in its clarity and vehemence.

While the events showed that political leaders were united in their purpose, they also highlighted that disaffection from the political process had taken root in some places. And, problematically for the future of a united front, the dilemmas of the past had clearly not been resolved, as indicated by the launch of the report of the consultative group (see 'peace process' section). Unionist politicians took the opportunity to underline that they did not accept the current (broadly humanitarian) definition of 'troubles' victim. Meanwhile, SF came under sustained criticism when its youth wing organised a 30th-anniversary tour of the site of the IRA bombs at Warrenpoint, Co Down, when 19 British soldiers lost their lives.¹⁶⁹

The Eames-Bradley report joined the other legacy issues of intercommunal violence—the bill of rights proposition and the still-awaited report by Lord Ashdown on parading—on the long finger of political uncertainty. All were reports to the secretary of state rather than to the assembly, and there was little sign of any appetite by regional politicians to strike a meaningful compromise.

The possibility of mutual veto has been recognised since the devolved institutions were first designed. The issue around which this possibility has crystallised most sharply has been education reform (see assembly and public-policies sections). The consequence has been a noisy stand-off. Although the SF education minister, Ms Ruane, announced her blueprint for progress without selection in February, this could not be enforced on recalcitrant unionist opponents.

¹⁶⁹ *Irish Times* (9 January 2009).

At the SDLP conference in Armagh in January, in comments which would touch a raw nerve with grassroots republicans, the party's sole minister, Margaret Ritchie, said: 'Be it policing and justice, the Irish language, the Maze, post-primary education or even extending funding to loyalist paramilitaries, the DUP is making all the running and Sinn Féin is trailing along behind them.'¹⁷⁰ SF unsurprisingly dug deep into its traditional ideological repertoire to reassure the faithful, and counter the dissidents, with a party-political broadcast based on the party's 90th anniversary rally in the Mansion House in Dublin, marking the inaugural meeting there of the first Dáil. Through historical footage and voice-over, the party sought to assume the mantle of inheritors of a tradition also claimed, of course, by Fianna Fáil and Fine Gael.¹⁷¹

The deputy first minister, Mr McGuinness, insisted to the SF ard fheis (conference) that 'unionist majority rule is gone, and gone forever'. Northern Ireland was no longer just an Orange state: 'It is now an Orange Green state,' he said.¹⁷² (He might have added, *sotto voce*, that there was no intention to go beyond orange and green.) The ard fheis was notable for the effective promotion to deputy leader of Mary Lou McDonald, the Dublin MEP, in recognition of the weakness of the northern-dominated party in southern politics, but Ms McDonald faced the risk that she could lose her seat in June as the constituency was reduced from four to three seats.¹⁷³

Meanwhile, SF faced the acute embarrassment—given its rhetorical promotion of an 'equality agenda'—of agreeing a £15,000 settlement of a discrimination claim by a longstanding female party worker who had been made redundant in 2007 and, she claimed, denied the opportunity to apply for two jobs subsequently given to younger men. The party refused to admit liability.¹⁷⁴

If education was the scene of ministerial discomfiture for SF, the environment played a similar role for the DUP (see executive section), leading to the vote of no confidence by the Environment Committee. Yet this may only have reinforced the sense of powerlessness, as the status of ministers is not a matter of the confidence of the assembly but of each party leader. In the case of both Ms Ruane and Mr Wilson, it was made clear resignation was out of the question. These decisions were

¹⁷⁰ 'DUP agenda dominates Executive, says Ritchie', *Irish Times* (26 January 2009).

¹⁷¹ Broadcast on BBC Northern Ireland, 19 February 2009.

¹⁷² D. Keenan, 'Unionist majority rule "gone forever"', *Irish Times* (23 February 2009).

¹⁷³ P. O'Brien, 'Power play: SF moves to strengthen its profile', *Irish Examiner* (23 February 2009).

¹⁷⁴ 'Sinn Fein pay £15K to settle case', BBC news online (19 February 2009).

unlikely to have any consequences in terms of the core electorates of the larger parties, yet they might further alienate the non-aligned and less partisan.

9.2 European election

But if education brought home the difficulty of delivering consensus on radical reform under the current institutional arrangements, the issue which could concentrate minds is the economic crisis. Manufacturing has suffered a serious recession. Worse, the dreams of the Programme for Government that the 'peace process' might be the launching pad for a new era of global investment and prosperity have been dashed. Above all, the cuts in public services, when they come, are likely to savage.

While the SDLP called for a substantial revision to the three-year budget agreed in 2008, the appeal was dismissed by the DUP (see finance section). The issue did however allow the SDLP and the UUP the opportunity to cast themselves as the 'responsible opposition' (while both remained in government). A similar alignment was evident when the SDLP, UUP and Alliance attacked the DUP and SF over the way the Financial Assistance Bill to address some of the symptoms of poverty centralised power in the OFMDFM (see assembly section). It was evident too in response to the announcement of the abandonment of Workplace 2010 (see finance section). The fact that the decision emerged in a news release angered the UUP, which insisted it should have been announced in the assembly, while the SDLP called for an independent review.¹⁷⁵

Yet the degree to which either the UUP or SDLP could attract additional support would be severely tested in the European election. On the other hand, the recession will have severe consequences for populist politics, and will challenge all political parties in the course of elections over the next two years.

Looking ahead to the European election, the chief electoral officer, Douglas Bain, announced that applications for postal voting would be subject to 'more rigorous' scrutiny, building on anti-fraud measures taken since legislation introducing individual (rather than household) registration in 2002. Noting that some 20,000 people voted by post or proxy in each Northern Ireland election, he said there was 'abuse'. While

¹⁷⁵ D. Gordon, 'Collapse of government offices sell-off sparks row', *Belfast Telegraph* (21 February 2009).

not showing his hand, he said he would bring in measures to counter fraud, which would be referred to the police where detected.¹⁷⁶

Within unionism, the election was being shaped by the DUP as a battle with Mr Allister's 'Traditional Unionist Voice'. While it remained unlikely that he would retain his European seat, the contest brought to a head a dispute between former allies that has been festering since devolution in 2007 and which took on added dimensions for the DUP as a result of the Dromore by-election in spring 2008.¹⁷⁷

Even before the party's candidate had been selected, the leader, Mr Robinson, urged Protestant voters to give first preferences to the DUP to stop SF—his partner in government, as Mr Allister kept stressing—topping the poll. Envisaging even more monolithically sectarian politics, he wrote: 'I believe that in the future the time will come when unionism will be represented by a single political party.'¹⁷⁸ After Diane Dodds was picked as the DUP runner—following the refusal of her husband, Nigel, to be pressed—Mr Robinson upped the ante of the republican bogey, writing in the (mainly Protestant) *News Letter*: 'A Sinn Fein victory would have a devastating impact upon the morale of the pro-Union community of Northern Ireland.'¹⁷⁹

As the campaign got under way, with no hint that European topics would figure on the agenda, Ms Dodds said the issue was 'defeating republicanism'.¹⁸⁰ Speaking in Cookstown, Co Tyrone, Mr Robinson claimed that republicans were no longer 'boasting' of a united Ireland by 2016: 'On all fronts and at every level we have rolled back the nationalist agenda and are following our unionist agenda.'¹⁸¹ This was hardly the language of genuine power-sharing.

Perhaps the most interesting element in the election was the candidacy of Jim Nicholson, a UUP MEP now standing for the 'Ulster Conservatives and Unionists—New Force' (UCUNF). This was the clumsy name for the electoral alliance forged by

¹⁷⁶ Electoral Office news release, 26 February 2009.

¹⁷⁷ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: May 2008*, at: www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_May08.pdf.

¹⁷⁸ P. Robinson, 'Now is the time for all good unionists to show teamwork', *Belfast Telegraph* (23 January 2009).

¹⁷⁹ P. Robinson, 'Unionism must win two Euro seats—Robinson', *News Letter* (23 February 2009).

¹⁸⁰ D. Keenan, 'Parties in North begin posturing for EU election', *Irish Times* (2 May 2009).

¹⁸¹ 'Republican boasts have ceased, says Robinson', *News Letter* (6 May 2009).

the UUP leader, Sir Reg Empey, with David Cameron's Conservatives.¹⁸² The alliance is largely seen as the creation of the former UUP leader, now British Conservative peer, David Trimble, and has not been without controversy. The only UUP MP, Sylvia Hermon, was conspicuous by her absence at the launch.¹⁸³

Subsequently, a Conservative member of the committee working on the liaison, Jeffrey Peel, resigned, complaining of the 'little Ulster mentality' of many UUP members.¹⁸⁴ And it emerged from documents obtained by the BBC that the Conservatives had proposed in 2008 a merger which would have created the 'Northern Ireland Conservative and Unionist Party'. The leader would have been Mr Cameron, with Sir Reg Empey as treasurer and a five-strong executive of three Conservatives and two UUP representatives. The UUP had balked at the proposal, refusing to abandon its 103-year-old history.¹⁸⁵ Most UUP MLAs surveyed by BBC Northern Ireland were determined that 'Ulster' remain in the name (though, of course, the historic province of Ulster is nine counties, not six).¹⁸⁶ Hence the scaling back to a pact for European and Westminster elections and the 'UCUNF' circumlocution.

Mr Cameron sent a video message to the UUP agm in April, saying he wanted Northern Ireland 'brought back into the mainstream' of UK politics: 'I want MPs from Northern Ireland serving in a Conservative Government at Westminster.' He said Northern Ireland could move on from focusing on constitutional battles, because the issue was 'settled'.¹⁸⁷ Yet that was not quite the tone of the address by the party leader, Sir Reg. While he too spoke of placing Northern Ireland 'at the very heart of British politics', he rehearsed the implicitly sectarian argument (developed by Lord Trimble) that the 'greatest challenge to the union' came from increasing abstention 'within the pro-union electorate'—ie by Protestants.¹⁸⁸

Lady Hermon later made clear that she would not stand under the 'UCUNF' banner at the next Westminster election, as she was 'not a Tory'.¹⁸⁹ While the European

¹⁸² *Irish Times* (28 February 2009).

¹⁸³ *News Letter* (28 February 2009).

¹⁸⁴ D. Keenan, 'Peel resigns from joint committee', *Irish Times* (7 March 2009).

¹⁸⁵ S. Walker, 'Tories wanted to merge with UUP', BBC news online (30 March 2009).

¹⁸⁶ K. Mullin, 'UUP MLAs concerned about brand', BBC news online (4 February 2009).

¹⁸⁷ 'David Cameron wants UUP members in future government', *Belfast Telegraph* (25 April 2009).

¹⁸⁸ D. Keenan, 'Cameron wants MP from UUP in cabinet', *Irish Times* (27 April 2009).

¹⁸⁹ D. Keenan, 'Sole Ulster Unionist MP declines electoral pact', *Irish Times* (14 May 2009).

elections were not seen as a critical test of the 'new force', failure to maintain the current UUP seat would be a major blow.

For nationalists, the possibility of a second seat (there are three overall) was probably still more fantasy than reality. Most commentators believed that Bairbre de Brún of SF was likely to retain her seat, although any hint of disaffection would be seized on by those looking for chinks in the party's support.

The SDLP put considerable effort into the candidacy of Alban Maginness, the first ever nationalist mayor of Belfast.¹⁹⁰ The party continued however to suffer from a general lack of focus, and most observers believed any SF weakening would be reflected in reduced turnout rather than a swing to the SDLP. Alliance chose a relatively unknown candidate in Ian Parsley, a councillor in North Down, probably with a view to boosting his profile and increasing the prospect of winning a second assembly seat in that constituency in 2011.¹⁹¹

9.3 Expensive expenses

The intensifying row over Westminster expenses inevitably extended to Northern Ireland. Sixteen of the eighteen MPs from the region are also MLAs, and some district councillors as well—an indication of how devolution is perceived, unlike in Scotland and Wales, as just another platform for political representation rather than policy innovation and implementation. The *Belfast Telegraph* revealed that these 16 MPs were accumulating salaries and expenses totalling nearly £5 million per year.

The UUP leader, Sir Reg, said: 'In an era when people are gasping for jobs, it does not send out a good signal when some people are holding down two or three.'¹⁹² The dual mandate has a particular significance for the dual-career family of Peter (first minister) and Iris (health committee chair) Robinson, who between them accrue pay and expenses of around half a million pounds per year with their Westminster as well as assembly seats, employing their three children and a daughter-in-law. The first minister was riled by a *Daily Mail* story headlined 'The swish family Robinson'.¹⁹³

¹⁹⁰ *Irish News* (26 January 2009).

¹⁹¹ *Irish Times* (23 March 2009).

¹⁹² D. Gordon, 'Double-jobbing sends wrong signal in recession, says Reg', *Belfast Telegraph* (2 April 2009).

¹⁹³ D. Gordon, 'Robinson: my anger at "sleaze" campaign', *Belfast Telegraph* (6 April 2009).

SF's own farming of expenses also came under media scrutiny, as part of the *Daily Telegraph's* focus on the story. Here there was no question of individual SF MPs benefiting: true to its 'democratic centralist' character, the party receives all elected members' income on their behalf and allocates a stipend based on the average industrial wage. But what was exposed was how an abstentionist party, already in receipt of almost £2/3 million since a deal was struck with the UK government eight years ago on staffing, office and travel costs, had also claimed nearly £1/2 million on rental payments for London properties¹⁹⁴—despite its five MPs claiming less than £1,000 on average for flights to London in 2007-08.¹⁹⁵ As with the DUP, and in sharp contrast to the self-flagellatory mood at Westminster, the party was unapologetic.¹⁹⁶

Northern Ireland is often treated as a backwater in UK politics, where different rules are deemed to apply. But the egregious behaviour of the region's MPs—both the double-jobbers and the abstentionists—attracted the attention of the Committee on Standards in Public Life. The committee indicated it would be holding a public hearing in Belfast in the summer.¹⁹⁷

9.4 Conclusion

Change in Northern Ireland remains achingly slow. The dilemma of national antagonism *versus* the need for partnership continues to play out in complex and long-lasting patterns.

The institutions of the agreement have been coming under increasing scrutiny, with both unionist parties committed to changing the mandatory coalition to a voluntary version,¹⁹⁸ albeit without any clear nationalist partner capable of delivering such change, although electoral considerations could lead to a reduction in the number of ministries after the next assembly election. In the context of a weariness with politicians and an anomie arising in part from recession, however, the real electoral question could be the degree to which politics continues to connect with voters at all.

¹⁹⁴ A. Alderson, D. Barrett and A. Jamieson, 'MPS' expenses: Sinn Fein claimed £500,000 for second homes', *Sunday Telegraph* (10 May 2009).

¹⁹⁵ D. Gordon, 'Sinn Fein in new row over payments', *Belfast Telegraph* (11 May 2009).

¹⁹⁶ D. Keenan, 'SF defends £500,000 London allowances', *Irish Times* (11 May 2009).

¹⁹⁷ Personal communication; D. Gordon, 'MPs expenses probe to scrutinise issue of double-jobbing politicians', *Belfast Telegraph* (28 April 2009).

¹⁹⁸ *Irish Times* (3 March 2009).

10. Public Policies

Robin Wilson

- Most grammar schools defied the SF education minister on the maintenance of selection.

10.1 Devolution fails testing challenge

With so little by way of policy development during the period (see assembly and executive sections), the impasse over what would replace the transfer test in determining access to post-primary schools, run for the last time this academic year, continued to dominate the agenda. In a generally positive report on the region's education system, the chief inspector, Stanley Goudie, nevertheless highlighted the continuing 'achievement gap' between high and low performers and called for a 'clear, overall direction of travel for our system of post-primary education'.¹⁹⁹

As expected, however, the executive failed to agree on the proposals from the SF education minister, Ms Ruane. She said she had been 'blocked' by the DUP and would now bring forward guidance²⁰⁰—it being clear legislation would not pass the assembly. This heralded the unregulated system many educationalists had feared as the lowest-common-denominator outcome.

The Commission for Catholic Education announced it was setting up a working group 'to manage the chaos'.²⁰¹ When the commission reported, it advocated a transition to 2012 during which some over-subscribed grammars could employ an agreed test.²⁰²

The minister however meanwhile told the assembly she was withdrawing the compromise plan she had offered, in which an end to selection would be phased over three years. The DUP's education spokesperson, Mervyn Storey, challenged the minister to produce the legal advice on which she had acted and claimed she had

¹⁹⁹ Department of Education news release, 28 January 2009.

²⁰⁰ 'Minister accuses DUP over 11-plus', BBC news online (30 January 2009).

²⁰¹ K. Torney, '11+ results out, but what next?', *Belfast Telegraph* (6 February 2009).

²⁰² D. Keenan, 'Catholic body backs short-term use of entrance exam in Northern schools', *Irish Times* (31 March 2009).

been 'forced to concede that academic selection can continue in Northern Ireland'.²⁰³
The minister said the information was 'privileged'.²⁰⁴

It had emerged in January that grammar schools in Ballymena and Magherafelt, areas of Co Antrim and Co Derry respectively, were co-operating across the denominational barrier in developing common tests of their own.²⁰⁵ Subsequently, it was reported that 28 mainly Catholic schools would apply an English and mathematics test.²⁰⁶ The Association for Quality Education, with 33 'controlled' state (overwhelmingly Protestant) schools signed up for its proposed test, met the Catholic Heads Association and they agreed to aim for a unified test in 2010.²⁰⁷

This meant most of the region's 69 grammar schools were set to defy the minister. She did however receive the support of some 90 principals of non-selective Catholic schools.²⁰⁸

10.2 Conclusion

Just as it appeared that the executive was powerless to assuage the global economic crisis, in the face of working-class anxiety, it thus became evident that its deadlocked passivity on selection was being matched by a much more effective mobilisation of the middle class, to protect its entrenched control of the very particular Northern Ireland education system.

²⁰³ 'Ruane urged to publish legal advice on transfer plans', *Belfast Telegraph* (3 February 2009).

²⁰⁴ K. Torney, 'Ruane refuses to release legal guidance', *Belfast Telegraph* (18 February 2009).

²⁰⁵ 'Schools link up for entrance test', BBC news online (22 January 2009).

²⁰⁶ 'Alternative exam details released', BBC news online (7 April 2009).

²⁰⁷ K. Torney, 'Grammar schools aim for single entrance test from 2010', *Belfast Telegraph* (11 April 2009).

²⁰⁸ K. Torney, 'Catholic principals back Ruane's plan', *Belfast Telegraph* (20 April 2009).

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