

DEVOLUTION MONITORING PROGRAMME 2006-08

Northern Ireland Devolution Monitoring Report

May 2008

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



The Devolution Monitoring Programme

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

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Acronyms

APNI	Alliance Party of Northern Ireland
BIC	British-Irish Council
BIIPB	British-Irish Inter-Parliamentary Body
BIIC	British-Irish Intergovernmental Conference
DARD	Department of Agriculture and Rural Development
DCAL	Department of Culture, Arts and Leisure
DE	Department of Education
DoE	Department of Environment
DEL	Department of Employment and Learning
DETI	Department of Enterprise, Trade and Investment
DFP	Department of Finance and Personnel
DHSSPS	Department of Health, Social Services and Public Safety
DRD	Department for Regional Development
DSD	Department for Social Development
DUP	Democratic Unionist Party
JMC	Joint Ministerial Committee
MLA	Member of the Legislative Assembly
NICVA	Northern Ireland Council for Voluntary Action
NIO	Northern Ireland Office
NSMC	North/South Ministerial Council
OFMDFM	Office of the First Minister and Deputy First Minister
PfG	Programme for Government
PSNI	Police Service of Northern Ireland
SDLP	Social Democratic and Labour Party
SF	Sinn Féin
UDA	Ulster Defence Association
UUP	Ulster Unionist Party
UVF	Ulster Volunteer Force

Executive Summary

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

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

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

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

The Programme for Government of the devolved administration was agreed, but only after the SDLP, minus its minister, voted with Alliance against the document, which carried Mr Robinson's clear stamp—a do-little programme which allowed the regional rate to be frozen in his budget. Following criticism of the shelving of the anti-sectarian

policy, *A Shared Future*—the executive having substituted an economic emphasis on ‘a better future’—the revised programme promised in tortuous prose ‘a shared and better future’.

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

Chronology of Key Events (January to April 2008)

- 28 January Northern Ireland Assembly passes revised Programme for Government, with SDLP joining Alliance in opposing.
- 18 February Ian Paisley Jr announces his resignation as OFMDFM junior minister.
- 19 February First and deputy first minister, Rev Ian Paisley and Martin McGuinness, travel to Scotland to reciprocate meeting with first minister, Alex Salmond, when he visited Belfast in June 2007.
- 26 February Jeffrey Donaldson is appointed by DUP a junior OFMDFM minister; budget bill completes its legislative passage.
- 4 March Mr Paisley Sr announces he will resign as first minister and DUP leader after investment conference in May.
- 2 April Bertie Ahern announces he will resign as taoiseach and leader of Fianna Fáil in May.
- 16 April First plenary meeting of British-Irish Council since Northern Ireland's devolved institutions collapsed in October 2002.

1. The 'Peace Process'

Rick Wilford and Robin Wilson

1.1 Introduction: arrivals and departures

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

One had immediate effect: Ian Paisley Jr resigned as a junior minister in the Office of the First Minister and Deputy First Minister, amid allegations of inappropriate lobbying and clientelism in connection with a proposed Giant's Causeway visitor centre.¹ The other two were signalled in advance: the first minister and Democratic Unionist Party leader, Rev Ian Paisley, flagged in February his resignation from both positions, with effect in May or June, following unrest within his party; and the taoiseach, Bertie Ahern, said he would leave the political stage in May, as he faced growing challenges, at a tribunal investigating planning matters and payments, to his account of his personal finances while finance minister in the early 1990s. Coupled with the departure of Tony Blair, announced in May 2007 just after the prime minister basked in the renewal of devolution at Stormont, this meant that most of the key players involved in putting together the Belfast agreement had departed, or were about to depart, the political scene after a decade of serpentine political negotiations.

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

¹ 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.

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

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

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

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

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

² Mr Cowen's nickname is 'Biffo', an acronym for 'Big Ignorant F...er From Offaly'.

³ H. McDonald, 'Minister to bar national sports stadium at Maze', *Guardian* (2 May 2008).

1.2 Policing and justice

The taoiseach, Mr Ahern, and the prime minister, Mr Brown, met in Manchester in February, agreeing that the time was right for policing and justice to be devolved, but the DUP deputy leader, Mr Robinson, said this wouldn't happen while the IRA army council existed and the assembly—in which the DUP could exercise an effective veto under the Belfast agreement arrangements for 'cross-community support', reinforced by St Andrews—would decide.⁴ The SF president, Gerry Adams, said devolution of policing and justice was inevitable but the DUP leader, Mr Paisley, insisted on the 'triple lock' (requiring consent in the assembly, executive and Parliament) which his party had secured before the measure could pass.⁵

The Northern Ireland Office was keen to publicise the results of an opinion survey it had commissioned, showing majority support for devolution by May 2008.⁶ But the report of the assembly committee charged to explore the timing, scope and modalities of the transfer contained little that was agreed, save for the restated commitment in principle to devolve powers and for this to be to a single department. Whether there should be a single minister, joint ministers or a minister and a junior minister remained undecided.⁷

In the face of deadlock, politics moved from discussions at Stormont into the 'peace process' mode of representations in London and Dublin, with the associated language of antagonism and veiled threat. At the SF *ard fheis* in Dublin, Mr Adams said the future of power-sharing would be very largely decided by whether the DUP fulfilled 'its responsibilities and obligations' in terms of devolution of policing and justice and an Irish-language bill.⁸ But Mr Paisley insisted he had never signed up for the May deadline.⁹

Following a meeting between the taoiseach, Mr Ahern, the republic's foreign minister, Dermot Ahern, and Messrs Adams and McGuinness, the latter warned of 'a real

⁴ M. Hennessy and D. Keenan, 'Ahern accepts North policing powers delay', *Irish Times* (11 February 2008).

⁵ D. Keenan and H. McGee, 'Paisley and Adams clash over devolution of policing', *Irish Times* (12 February 2008).

⁶ G. Moriarty, 'Majority back devolution of policing', *Irish Times* (23 February 2008).

⁷ See the Assembly and Executive Review Committee's *Report on the Inquiry into the Devolution of Policing and Criminal Justice Matters*, available at www.niassembly.gov.uk. Mr Donaldson's elevation to the post of junior minister led to his replacement as chair of the committee by Jimmy Spratt (DUP), a veteran of 30 years service in the Royal Ulster Constabulary and a former chair of the Northern Ireland Police Federation—see www.ireland.com (3 March 2008).

⁸ "The situation has been transformed, the unimaginable has happened", *Irish Times* (3 March 2008).

⁹ D. de Bréadún, 'SF remarks on policing target date upset DUP', *Irish Times* (3 March 2008).

challenge for the Irish and British governments and for the process'.¹⁰ In hope rather than expectation, the Northern Ireland secretary, Shaun Woodward, published draft legislation for devolution of policing and justice—which the US president, George W Bush, was subsequently to back during the traditional handover of shamrock on St Patrick's Day in the White House by the taoiseach.¹¹

But the enterprise minister, Mr Dodds, insisted it would only happen when the DUP said so, adding for good measure that the Irish-language bill had been consigned to the 'dustbin'.¹² In return, his ministerial colleague at Regional Development, Conor Murphy, addressing the republican movement's commemoration of the Easter rising in west Belfast, warned the DUP: 'If you think by being belligerent and abusive, republicans will simply shrug our shoulders and give up on things which are important to this community, then you had better think again. If you want to do battle on these issues then so be it[;] we are well used to lengthy struggle.'¹³

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

1.3 Troubled memories

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

¹⁰ M. Hennessy, 'NI instability may scare US investors, Sinn Féin warns', *Irish Times* (11 March 2008).

¹¹ 'Devolved policing crucial—Bush', BBC News Online (17 March 2008).

¹² G. Moriarty, 'Sinn Féin and DUP hold talks in move to defuse growing tensions', *Irish Times* (12 March 2008).

¹³ G. Moriarty, 'Sinn Féin warns of DUP "posturing"', *Irish Times* (24 March 2008).

rather than fixing things for the 'victim-makers'¹⁴ and prominent victims themselves were angered by the amnesty suggestion.¹⁵

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

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

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

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

¹⁴ D. Keenan, 'Victims groups oppose amnesty for paramilitaries', *Irish Times* (9 January 2008).

¹⁵ L-A Henry, 'Victims left outraged at amnesty plan for killers', *Belfast Telegraph* (9 January 2008).

¹⁶ 'Merger of North's four health boards to save €70m', *Irish Times* (5 February 2008).

¹⁷ N. McAdam, 'MLAs in uproar over calling Troubles a "war"', *Belfast Telegraph* (19 February 2008).

¹⁸ 'The age of terror: ten days of terror', BBC2 (22 April 2004).

¹⁹ G. Moriarty, 'Paisley to name replacement in son's role today', *Irish Times* (26 February 2008).

²⁰ D. Keenan, 'Do not pick sham fights, Adams warns DUP', *Irish Times* (10 March 2008).

The most objective comment on all this came from another respected journalist, Ed Moloney—uniquely the author of books about both Mr Paisley and the IRA—at the launch of his latest text, *Paisley: From Demagogue to Democrat?*.²¹ Mr Moloney questioned why the DUP and SF, ‘with arguably the most responsibility in perpetuating the Troubles[,] were the ones who were rewarded when it ended’.²²

²¹ E. Moloney, *Paisley: From Demagogue to Democrat?* (Dublin: Poolbeg, 2008).

²² J. Heaney, ‘Paisley biographer questions DUP and SF’, *Irish Times* (13 March 2008).

2. Devolved Government

Rick Wilford and Robin Wilson

2.1 Victims of division

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

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

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

²³ 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. 22.

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

²⁵ 'Victims' legislation for spring', BBC News Online (22 February 2008).

²⁶ See Jeffrey Donaldson's statement, *Official Report*, 21 April 2008.

Underlying the dispute was a gulf of mutual incomprehension over what constituted a 'victim'—itself a proxy for the 'war over memory'²⁷ as to whether the 'troubles' should be interpreted as an IRA 'terrorist' campaign against the state or the product of a British 'imperialist' occupation of Northern Ireland in collusion with loyalist paramilitary forces. Republicans favoured a collective designation of all those who died, avoiding, to Protestant horror, any issue of individual responsibility—even including perpetrators as victims. Unionists insisted, by contrast, that only 'innocent' victims should be so designated, rejecting any recognition of those killed by the 'security forces' and downplaying loyalist killings (and collusion) by comparison with those by the IRA—in turn incurring Catholic incomprehension that one human life should be valued above another, depending on who the perpetrator happened to be.

Those working in support of victims testify that the bereaved and the otherwise mentally and physically scarred continue to come forward and psychological difficulties are experienced by the successor generation. The lengthy and politicised process of the appointment of a victims commissioner—originally envisaged in a 1998 report by a former head of the civil service²⁸ as a champion to give victims a public voice—will have done little to heal those scars.

2.2 Programme for Government

Debate continued during the period on the first draft Programme for Government of the new administration, which could most charitably be described as concise.²⁹ Particular criticism focused on the shelving of the direct-rule policy on 'community relations', *A Shared Future*.

In January, five north Belfast Protestant clergy wrote to the unionist-oriented *News Letter*,³⁰ complaining of the failure of the executive to tackle sectarianism. They wrote: 'We have poor inter-community relationships, effective apartheid in housing across our villages, towns and cities; community division (exemplified in, but not confined to the physical structures of peace walls); slow pace of reconciliation; sectarianism and fractured educational provision. Our real angst is that a suggested programme for government almost totally fails to acknowledge these profoundly

²⁷ G. Dawson, *Making Peace with the Past? Memory, Trauma and the Irish Troubles* (Manchester: Manchester University Press, 2007).

²⁸ K. Bloomfield, *We Will Remember Them* (Belfast: Northern Ireland Office, 1998, at: www.nio.gov.uk/bloomfield_report.pdf).

²⁹ 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. 23-4.

³⁰ *News Letter* (14 January 2008).

difficult issues exist.’ The response from the DUP junior minister in OFMDFM, Mr Donaldson, was that power-sharing was the ‘shared future’³¹—an interpretation which seemed to confuse politics as means with the ends it aimed to realise.

In a change which would have brought a wry smile from Orwell, the draft programme had significantly replaced the language of ‘a shared future’ with ‘a better future’, in line with its prioritisation of the economy—a much more convivial focus for members of the political class than the challenge of tackling the communal divisions in which they were so deeply implicated. The revised PfG³² published by Messrs Paisley and McGuinness, introduced the clumsy circumlocution of ‘a shared and better future’.³³

The foreword still stressed, however the subordination of social concerns: ‘Growing the economy is our top priority.’³⁴ And the document itself indicated that most changes made had been ‘to the detail of the P[ublic] S[ervice] A[greement]s’.³⁵ The SDLP, bar the party’s minister, Ms Ritchie, joined Alliance in voting against the programme, passed by 60-24 in the assembly.³⁶

The document still contained no policies as such (as distinct from aspirational targets and individual actions). A document analysing responses to the draft³⁷ reflected concerns not only about the absence of *A Shared Future* but also the lack of an anti-poverty strategy, following the binning of the direct-rule version there too, *Lifetime Opportunities*. The revised programme promised that these policies would follow.

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

³¹ *Good Morning Ulster*, BBC Radio Ulster (14 January 2008).

³² Northern Ireland Executive, *Building a Better Future: Programme for Government 2008-2011*, at: www.pfgbudgetni.gov.uk/finalpfg.pdf.

³³ *ibid.*, p. 4.

³⁴ *ibid.*, p. 2.

³⁵ *ibid.*, p. 22.

³⁶ N. McAdam, ‘SDLP is criticised after vote’, *Belfast Telegraph* (29 January 2008).

³⁷ www.pfgbudgetni.gov.uk/analysis.pdf.

to tackle fuel poverty, combat climate change and stimulate the market in domestic renewable energy technologies.³⁸

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

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

2.3 Ministerial change

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

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

³⁸ L. McKee, 'Winds of climate change', *Belfast Telegraph* (20 February 2008).

³⁹ D. Gordon, 'Call grows for a new environmental regulator', *Belfast Telegraph* (1 February 2008).

⁴⁰ L. McKee, 'The time is right for green agency say campaigners', *Belfast Telegraph* (21 February 2008).

⁴¹ D. Keenan and J. Clark, 'Foster rejects private Causeway visitors' centre', *Irish Times* (30 January 2008).

⁴² D. Gordon, 'DoE planners were against causeway visitor centre plan', *Belfast Telegraph* (6 February 2008).

⁴³ D. Gordon, 'New row builds pressure on Jnr', *Belfast Telegraph* (18 February 2008).

In February Mr Paisley Jr resigned as junior minister in OFMDFM, but he was unrepentant. He said: 'Unlike my critics, I believe in putting my constituents first. Working for their interests is something I believe I can do with more success from the back benches, than from the current position I hold as a junior Minister.'⁴⁴ A few days later it was reported that Mr Paisley Sr was being investigated by the parliamentary standards commissioner, John Lyon, over payments to his son amounting to £9-11,000 per year for assistance.⁴⁵

Jeffrey Donaldson replaced Mr Paisley Jr in OFMDFM.⁴⁶ Indicating his disposition, he said he was 'not here to cosy up to Sinn Féin'.⁴⁷

⁴⁴ 'Statement by Ian Paisley jnr', *Irish Times* (19 February 2008).

⁴⁵ D. Gordon, 'Paisley is facing Commons inquiry', *Belfast Telegraph* (21 February 2008).

⁴⁶ OFMDFM news release, 26 February 2008.

⁴⁷ G. Moriarty, 'Donaldson to keep his distance in dealing with SF', *Irish Times* (27 February 2008).

3. The Assembly

Rick Wilford

3.1 Legislation

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

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

Other legislation included two reserved matters referred by the Northern Ireland secretary, the Draft Criminal Justice Order (28 January) and the Draft Sexual Offences (Northern Ireland) Order (4 February). The first, according to the chair of the *ad hoc* committee which considered it, represented 'the largest criminal justice Order ever introduced in Northern Ireland'.⁴⁸ Its scope and complexity, and the extreme time constraints under which *ad hoc* committees generally operate, reinforced the case for the devolution of policing and criminal justice, to enable more protracted and exacting scrutiny of such proposals.

3.2 Debates

The unlikelihood of that occurring in the foreseeable future became further evident during a debate on 'private armies', initiated by David McNarry (UUP).⁴⁹ As he put it

⁴⁸ Alban Maginness (SDLP), *Official Report*, 28 January 2008.

⁴⁹ *Official Report*, 4 February 2008.

in opening, 'how can we contemplate the devolution of policing and criminal justice if the private army of republicanism still exists in any potentially operational form, with its command and control structures intact?' It was a rhetorical question: unionist members took every opportunity to goad SF MLAs throughout the ill-tempered affair, though the latter gave as good as they got in respect of loyalist paramilitaries. Several diehard DUP members made it abundantly clear, as William McCrea put it, that 'if SF or any other group imagine that somehow, in May or October, policing and justice powers will be devolved, they are up a gum tree'. He went on: 'There will be no movement on that issue until all paramilitary organizations are ... destroyed.'⁵⁰

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

This was not least at question time (especially on 10 March and 21 April), when it was evident that Ms Ruane's relations with the Education Committee had reached a nadir and that she was determined to push ahead with the ending of the transfer test. As to the committee, one of whose roles was to advise and assist, Ms Ruane brusquely averred: 'I have yet to see any evidence of that.' On the substantive issue, she was adamant: 'People can wriggle on a hook, bay at the moon and howl at the wind, but change must and will come.'⁵¹

3.3 Committees

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

⁵⁰ *ibid.*

⁵¹ *Official Report*, 10 March and 21 April.

education and library boards—were especially critical of the relevant departments (respectively, Social Development and Education).

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

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

4. The Media

Robin Wilson

4.1 End of a dynasty

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

The *Belfast Telegraph* reported that DUP workers had 'faced quite a tough time on the doorsteps' and that the result would enhance unease among the party rank and file.⁵² The *Irish Times* linked the election result to Mr Paisley having earlier been required to step down as moderator of his Free Presbyterian Church, fundamentalist unionist revulsion at the sight of him grinning with the deputy first minister, Mr McGuinness, 'as if the Troubles had never happened' and speculation (in that paper) as to whether Mr Paisley would contest his Westminster seat next time.⁵³ The *Sunday Tribune* reported that senior party figures were prepared to urge him to declare by the autumn at the latest that he would stand down, with pressure also for a cooler relationship with Mr McGuinness and questions as to the fitness for office of his son, Ian, his junior (literally) in the OFMDFM.⁵⁴

The resignation days later by Mr Paisley Jr was in turn seen as a lightning rod for his father, though his nomination to the Policing Board to replace Mr Donaldson, who replaced him in the OFMDFM, was 'seen as a defiant step' by Mr Paisley Snr, according to the *Irish Times*.⁵⁵ DUP sources were reported in a lead in the paper as suggesting he would step down in the weeks or months following the investment conference due in May.⁵⁶ The *Belfast Telegraph* also reported 'intensified' speculation over the future of Mr Paisley Sr.⁵⁷ The *Irish Times* said a 'small group' of key DUP figures had gone to him in recent weeks to urge 'a smooth and orderly transition' in leadership, with the deputy leader, Mr Robinson, seen as the

⁵² N. McAdam, 'Unionist camps to examine poll result', *Belfast Telegraph* (15 February 2008).

⁵³ D. Keenan, 'Poll setback further erodes the Paisley dynasty', *Irish Times* (18 February 2008).

⁵⁴ S. Breen, 'DUP defeat prompts "Paisley must go" whispers', *Sunday Tribune* (17 February 2008).

⁵⁵ D. Keenan, 'Ian Paisley jnr nominated by his father to policing board', *Irish Times* (1 March 2008).

⁵⁶ G. Moriarty, 'Pressure on Paisley as son steps down as minister', *Irish Times* (19 February 2008).

⁵⁷ N. McAdam, 'Focus now on future of Ian Senior', *Belfast Telegraph* (19 February 2008).

overwhelming favourite for the succession.⁵⁸ *The Guardian* had a 'senior government source' saying: 'It is now expected that Ian Paisley will be gone by May.'⁵⁹

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

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

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

⁵⁸ F. Millar, 'Key DUP figures urge Paisley to set a date for retirement', *Irish Times* (21 February 2008).

⁵⁹ N. Watt, 'Paisley to bow out of politics after pressure from party', *Guardian* (21 February 2008).

⁶⁰ H. McDonald, 'Paisley to quit as first minister and DUP leader', *Guardian* (5 March 2008).

⁶¹ J. F. Burns, 'Era ends in N. Ireland as Paisley says he'll retire', *New York Times* (5 March 2008).

⁶² G. Moriarty and D. Keenan, 'Paisley to stand down as First Minister and DUP leader', *Irish Times* (5 March 2008).

⁶³ F. Millar, "Big Man" acquits himself with dignity', *Irish Times* (5 March 2008).

of the Good Friday Agreement, his (Paisley's) political demise would have come a decade ago.'⁶⁴

4.2 Champagne on hold

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

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

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

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

⁶⁴ 'The Paisley years', *Irish Times* (6 March 2008).

⁶⁵ J. Powell, *Great Hatred, Little Room: Making Peace in Northern Ireland* (London: Bodley Head, 2008).

⁶⁶ Beginning on 17 March 2008.

⁶⁷ 'The undercover diplomat', BBC2 (7 April 2008).

⁶⁸ BBC News Online (16 March 2008).

⁶⁹ BBC Northern Ireland (17 March 2008).

⁷⁰ D. Lawn, 'Divide and rule', *Panorama*, BBC1 (7 April 2008).

anniversaries.’ Asked further if he would change any aspect of the agreement, Mr Mallon urged a loosening of the institutional strictures agreed in 1998. He queried the necessity for communal designation in the assembly (as ‘nationalist’, ‘unionist’ or ‘other’) as long as rights were otherwise guaranteed, was concerned about the autonomy of individual ministers from the executive as a whole and favoured ‘healthier flexibility’ in government formation.⁷¹

There was, of course, a celebratory event, which took place in a Belfast BBC studio (see ‘peace process’ section). But the Northern Ireland anchor of *The Politics Show* noted that the event had been organised by a US group, had been boycotted by the DUP, was attended by the SF leader, Gerry Adams, rather than the deputy first minister, Mr McGuinness, and betrayed a sheepishness on the part of the UUP and SDLP. The latter were, he said, victims of an agreement whose ‘very architecture’ had, ‘many have argued’, brought them ‘to the edge of oblivion’.⁷²

⁷¹ ‘Mallon toasts Good Friday Agreement’, BBC News Online (18 March 2008).

⁷² J. Fitzpatrick, ‘Seeing eye-to-eye on agreement’, BBC Online (12 April 2008).

5. Public Attitudes and Identity

Lizanne Dowds and Robin Wilson

5.1 Catholics still circumspect

While constitutional preferences among the Northern Ireland public remained remarkably stable between 2001 and 2003, over the following two years, support for devolution among the Catholic population continued to grow. By 2005 nearly as many Catholics favoured devolution as unification with the rest of Ireland. But that changed in 2006 following the St Andrews agreement—as the results from the 2006 Northern Ireland Life and Times Survey indicated.⁷³

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

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

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

Do you think the long-term policy for Northern Ireland should be for it ...READ OUT...

...to remain part of the United Kingdom, with direct rule

...to remain part of the United Kingdom, with devolved government

...or to reunify with the rest of Ireland?

⁷³ L. Dowds in R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Monitoring Report: April 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_April07.pdf, pp. 43-5.

Other answers were still recorded *verbatim*.

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

	2001	2003	2005	2006	2007
All					
NI should remain part of the UK with direct rule	13	12	10	5	11
NI should remain part of the UK with devolved government	43	52	52	57	55
NI should reunify with the rest of Ireland	21	17	17	23	23
Independent	10	9	11	6	5
Other answer	-	-	-	-	1
Don't know	13	11	10	9	5

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

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

	2001	2003	2005	2006	2007
Protestants					
NI should remain part of the UK with direct rule	17	17	15	6	17
NI should remain part of the UK with devolved government	65	68	66	81	72
NI should reunify with the rest of Ireland	1	2	1	2	3
Independent	8	6	10	5	4
Other answer	-	-	-	-	1
Don't know	9	7	8	5	3
Catholics					
NI should remain part of the UK with direct rule	7	7	3	3	4
NI should remain part of the UK with devolved government	18	27	35	29	35
NI should reunify with the rest of Ireland	49	38	39	48	47
Independent	13	12	12	7	6
Other answer	-	-	-	-	1
Don't know	13	15	10	13	7

Breaking down the headline figures reveals subtle changes in opinion within both the Protestant and the Catholic communities, as shown in Figure 2. By 2007 Protestant support for devolution had dropped from the massive 81 per cent in the wake of the St Andrews agreement to 72 per cent. A certain amount of scepticism may have set in during the subsequent year and there was a corresponding increase in support for

direct rule, rising 11 points from 6 per cent in 2006 to 17 per cent in 2007. Nonetheless, under a fifth of all Protestants supported that option and support for devolution, at 72 per cent, still commanded a solid majority (and remained at a higher level than in 2001).

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

5.2 Underwhelmed by history

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

Fully 72 per cent of respondents said devolution hadn't made any difference to their lives.⁷⁴ That snub for the political class might have been rationalised as 'too early to say' except that only 21 per cent, meanwhile, thought the executive's performance had been good; 28 per cent said it had been poor while 47 per cent said neither good nor poor. The paper's experienced political correspondent, Noel McAdam, commented: 'The lack of legislation from the Executive and the Assembly, and lengthy wrangles such as the Victims Commission—as well as fairly regular long-fingering of issues, including the Shared Future strategy—must all feed into a public impression of creeping paralysis.'⁷⁵

The poll was particularly bad news for SF. The embattled education minister, Ms Ruane, could take no comfort from the finding that only 27 per cent were confident she would have new a post-primary transfer system in place by 2010 and only 21 per cent understood her plans.⁷⁶ And, among anecdotal evidence that the party's core working-class support was crumbling, following the disastrous performance in the

⁷⁴ 'Devolution "hasn't made its mark yet"', *Belfast Telegraph* (7 May 2008).

⁷⁵ N. McAdam, 'A begrudging happy birthday to Assembly', *Belfast Telegraph* (7 May 2008).

⁷⁶ C. Thornton, 'We're in the dark over school plans', and K. Torney, 'Test the political parties can't afford to fail', *Belfast Telegraph* (6 May 2008).

2007 Dáil election and its inability to put manners on a resurgent DUP, the poll found SF had dropped to fourth place in public support.

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

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

⁷⁷ N. McAdam, 'Snapshot reveals the voters' mood', *Belfast Telegraph* (1 March 2007).

6. Intergovernmental Relations

Elizabeth Meehan and Robin Wilson

6.1 'East-west'

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

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

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

⁷⁸ *Irish Times* (28 April 2008).

⁷⁹ BIC communiqué, 1 February 2008.

⁸⁰ A meta-analysis of studies of the incidence of childhood leukaemia in the vicinity of nuclear sites has renewed grounds for concern in this regard—see *New Scientist*, 26 April 2008.

⁸¹ BIC summit communiqué, 14 February 2008, available at www1.british-irishcouncil.org/documents/dublin_summit2.asp.

⁸² This included the growing problem of suicide among young people in Northern Ireland. Child protection attracted the attention of the Committee for the OFMDFM, which stressed the need for harmonisation on both the north-south and 'east-west' axes—Minutes of proceedings, 27 February 2008.

agreed that officials should consider, in a review of the BIC, how this and other issues introduced by other members might be brought into the work programmes.

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

When Mr Paisley Sr reported on the meeting to the assembly,⁸³ most questions were about the substantive areas of the BIC's work and the review of its programmes. Alban Maginness (SDLP) asked about the potential inclusion of the expansion of nuclear power in Great Britain. Oddly, in the light of the environment meeting, Mr Paisley did not mention Sellafield and said nuclear power was a matter for the British government, upon which the BIC would not 'be prepared to venture an opinion'.

The third BIC meeting was of the demography group, led by Scotland—an addition to the work programmes introduced by the Scottish government at the London summit in 2006. It was held in Edinburgh in March and chaired by Nicola Sturgeon, deputy first minister.⁸⁴ London and Dublin were respectively represented by Mr Murphy and Tom Kitt, a minister of state. The Northern Ireland delegation included the UUP employment minister, Sir Reg Empey, and the SF junior minister, Mr Kelly. The meeting considered the challenges presented by changes in fertility, life-expectancy and migration, noting that the contribution of migrants to economic and social life was valued. It also considered the work programme, which the Northern Ireland delegation accepted in principle while indicating it would seek agreement among executive colleagues.

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

⁸³ *Official Report*, 26 February 2008.

⁸⁴ BIC communiqué, 31 March 2008.

The future of those devolved institutions will have important implications for everyone on these islands.⁸⁵

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

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

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

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

⁸⁵ Speech to the Institute for British-Irish Studies conference, 'From Conflict to Consensus: the Legacy of the Good Friday Agreement', UCD, 3 April 2008.

⁸⁶ D. Keenan, 'DUP absent from celebration of agreement', *Irish Times* (10 April 2008).

⁸⁷ B. Ahern, 'The Belfast Agreement 10 years on. We all worked together for peace and prosperity', *Irish Times* (12 April 2008).

⁸⁸ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: September 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Sept07.pdf.

⁸⁹ Since January 2008, the others have been merged into one new JMC to look at all domestic issues, Holyrood News, 16 April 2008, <http://www.holyrood.com/content/view/2361/10552/>

⁹⁰ Northern Ireland Office news release, 21 April 2008.

⁹¹ Department of Environment news release, 6 February 2008.

met her Scottish counterpart, Fiona Hyslop. *Inter alia*, they discussed Gaelic-medium education, under-achievement and parental and community involvement in improving standards.⁹² In March, the environment minister, Ms Foster, had discussions with John Swinney, Scotland's minister responsible for planning.⁹³

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

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

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

⁹² Department of Education news release, 12 December 2007.

⁹³ Department of the Environment news release, 7 March 2008.

⁹⁴ OFMDFM news release, 19 February 2008.

⁹⁵ OFMDFM news release, 20 February 2008.

⁹⁶ G. Moriarty, P. McGarry and J. Heaney, 'Queen in North for 3-day visit, *Irish Times* (10 March 2008).

⁹⁷ From 1847 to 1908, it had been one of three Queen's Colleges in Belfast, Cork and Galway—a kind of original national university of Ireland to provide places for Catholics and Dissenters when Trinity College was open only to Anglicans.

[again] trigger speculation about whether and when the queen [would] visit the Republic of Ireland'.⁹⁸

Citizenship, in the sense of nationality, was a feature of the 1998 agreement in which the two governments 'recognise[d] the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, and accordingly confirm[ed] that their right to hold both British and Irish citizenship [was] accepted by both governments'. According to Deaglán de Bréadún, the Home Office was cautious at the negotiating stage but, since the then prime minister, Tony Blair, approved, it went through.⁹⁹ After the republic had left the Commonwealth,¹⁰⁰ it retained a special status under British law, as did Irish nationals—neither a foreign government nor aliens respectively. More or less like Commonwealth nationals with the right of abode in the UK,¹⁰¹ Irish nationals were entitled to vote and stand in all British elections.¹⁰²

A recent review of citizenship by Lord Goldsmith for Gordon Brown—in the context of the prime minister's interest in making the constitution clearer and his wish to see the articulation of a sense of 'Britishness'—proposed however the phasing out of Irish (and Commonwealth) rights in the UK.¹⁰³ He suggested that it was 'right in principle not to give the right to vote to citizens of other countries living in the UK until they become UK citizens' (or nationals). Lord Goldsmith noted that, because of the provision of the Belfast agreement, it would be necessary 'to distinguish this group of Irish citizens from others' and said that his proposal depended on finding 'a satisfactory means of distinguishing between the two categories in a way that did not affect the position of those exercising rights under the Good Friday Agreement'.

The social dimension of citizenship was considered by Committee D of the British Irish Inter-Parliamentary Body, which worked on the topic from 2006 and reported to the November 2007 plenary.¹⁰⁴ The report was considered by the assembly

⁹⁸ G. Moriarty, P. McGarry and J. Heaney, 'Queen in North for 3-day visit', *Irish Times* (19 March 2008).

⁹⁹ D. de Bréadún, 'The Belfast Agreement 10 years on: could the 26 ever really become the 32?', *Irish Times* (10 April 2008).

¹⁰⁰ De Bréadún speculated upon the possibility of a future settlement 'of a 32-county independent republic with a fresh link with the Commonwealth on the clear understanding that there are no implications for Irish sovereignty'. He said that 'Eamon de Valera regarded Commonwealth membership as a form of reassurance for Britain and the unionists that could potentially ease the path to unity'. Such an outcome was also toyed with in the 1990s but nothing came of it.

¹⁰¹ There are 'qualifying requirements' for Commonwealth nationals but not for the Irish because of the common travel area.

¹⁰² Later, British residents in Ireland acquired reciprocal rights, first in local-government elections in the 1960s and, in the 1980s, general elections (but not referenda).

¹⁰³ *Citizenship: Our Common Bond*, at: www.justice.gov.uk/reviews/citizenship.htm, pp. 75-6.

¹⁰⁴ Report from Committee D (Environment and Social) on the Irish Community in Britain, British-Irish Inter-Parliamentary Body, document 131, at: www.biiipb.org/biiipb/committee/commd/DocNo13.pdf.

Committee for the OFMDFM, which agreed to forward it to the office for comment.¹⁰⁵ The report referred to the recent emphasis on ‘encouraging “Britishness” in order to improve community relations’. Without wishing to comment on the policy in general, the Committee felt it necessary to say that ‘it is important that, if individuals retain their citizenship, this will not prejudice their right to entitlements and benefits’. It noted ‘the importance of the Irish Community and all the ethnic communities in contributing to modern Britain and encourage[d] the voices of the Irish to be heard in British political and cultural life’.

If enacted, Lord Goldsmith’s proposal might have an adverse impact on British residents in Ireland, whose rights under Irish law have been based on the principle of reciprocity. It should also be seen in the context of the implications—for the Irish border and the travel rights within the UK of all people in Northern Ireland—of the two governments’ intentions to tag electronically all who enter and leave both countries.¹⁰⁶ Taken together, these did not bode well for the continued diminishing importance of the north-south border in Ireland or for the philosophy underlying bi- and multi-lateral cross-border co-operation across these islands.

It became evident during the quarter, before the prime minister suffered devastating setbacks in the elections in England and Wales, and before he was rebuffed by Wendy Alexander over a referendum on Scottish independence, that his ‘Britishness’ agenda was paradoxically discomfiting exactly those to whom it might have been thought most welcome—Northern Ireland’s unionists. In a long *Daily Telegraph* article defending the union against secessionist claims, Mr Brown claimed the English, Scottish and Welsh could be ‘proud to be British’ also, evidently blind as to how his failure to make any reference to Northern Ireland would go down.¹⁰⁷

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

¹⁰⁵ Minutes of proceedings, 12 December 2007.

¹⁰⁶ E. Meehan in R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Monitoring Report: January 2008*, at: www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Jan08.pdf, pp. 40-2. Mr Brown assured Mr Paisley, in response to a letter from the latter as DUP leader, that there were ‘no plans for’ passport control between Northern Ireland and Great Britain arising from e-border arrangements, but he said there would be no fixed immigration control at the Irish border and that air passengers from Northern Ireland ‘may’ be subject to identity checks. Mr Paisley professed himself reassured that the prime minister had ‘so robustly defended the integrity of the United Kingdom’s border’—F. Millar, ‘Paisley reassured by Brown over North-UK travel rules’, *Irish Times* (9 January 2008).

¹⁰⁷ G. Brown, ‘We have to defend the Union’, *Daily Telegraph* (25 March 2008).

Jack Straw, of double standards by allowing the Union flag to fly at any time from government buildings in London but retaining its restricted display in Northern Ireland.¹⁰⁸ Pressed by the DUP enterprise minister and North Belfast MP, Mr Dodds, if he valued the union of Great Britain and Northern Ireland, as his predecessor had affirmed, Mr Brown felt obliged to reply: 'Not only do I value the Union, but I will work to make that Union strong.'¹⁰⁹

6.2 North-south

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

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

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

¹⁰⁸ F. Millar, 'Unionists set for clash with Brown over British union', *Irish Times* (26 March 2008).

¹⁰⁹ F. Millar, 'Brown attempts to assuage DUP fury at perceived snub of Northern Ireland', *Irish Times* (27 March 2008).

¹¹⁰ G. Moriarty, 'Cross-Border initiative to promote NI tourism', *Irish Times* (2 February 2008).

¹¹¹ M. Lord, 'It's Broadway by the Boyne as leading man Bertie finally goes out with a bang', *Irish Times* (7 May 2008).

¹¹² D de Bréadún, 'Leaders join to denounce threats by Real IRA', *Irish Times* (8 February 2008).

¹¹³ M. Hennessy, 'Business in Republic key to prosperity in North, says Paisley', *Irish Times* (8 February 2008).

operation on animal health and welfare, rural development, free movement of animals, plant health and Common Agricultural Policy reform.¹¹⁴

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

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

¹¹⁴ NSMC communiqué, 30 April 2008, at: www.northsouthministerialcouncil.org/index/publications/joint-communicues/sectoral-jc/agriculture_jc/agriculture_jc_30_april_2008.htm.

¹¹⁵ “‘I have never received a corrupt payment and I have never done anything to dishonour any office’”, *Irish Times* (3 April 2008).

¹¹⁶ OFMDFM news release, 2 April 2008.

¹¹⁷ G. Moriarty, ‘Paisley praises leader who treated him like an equal’, *Irish Times* (3 April 2008).

¹¹⁸ M. Hennessy, ‘Ahern praised as “architect and ambassador for peace”’, *Irish Times* (4 April 2008).

¹¹⁹ “‘Scourge of sectarianism still exists in North’”, *Belfast Telegraph* (3 April 2008).

7. Relations with the EU

Elizabeth Meehan

7.1 Fisheries Council

The SF agriculture minister, Michelle Gildernew, was extremely active in her preparation for the Fisheries Council, which met in December 2007 but on which she reported to the assembly in January. Ms Gildernew had detailed discussions with her Dublin counterpart, Ms Coughlan;¹²⁰ the UK minister, Jonathan Shaw; and the Scottish minister, Richard Lochhead. She also had several discussions with the Assembly Committee for Agriculture and Regional Development¹²¹ and visited all the Co Down fishing ports to meet industry representatives. She sought a briefing from scientists in the Agri-Food Biosciences Institute¹²² and, with the UK and Scottish Ministers, twice met the EU fisheries commissioner, Joe Borg, ahead of the council meeting on 18-19 December.¹²³

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

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

¹²¹ The committee also met Mr Borg to support her case.

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

¹²³ DARD news releases, 10 December 2007 and 13 December 2007.

¹²⁴ *Official Report*, 14 January 2008.

¹²⁵ She also outlined other matters of considerable detail which could have the effect of there being no loss compared with 2007.

Ms Gildernew reminded assembly members that she was responsible for agriculture as well. In this role, she joined the first and deputy first ministers in a meeting in Brussels with the agriculture commissioner, Marian Fischer Boel.¹²⁶ She had a further meeting with Ms Boel a few days later, along with the new DUP junior minister, Mr Donaldson, and representatives of the Scottish and Welsh offices in Brussels.¹²⁷

7.2 EU task force

The task force¹²⁸ on Northern Ireland and the EU, established in the wake of the renewal of devolution by the commission president, José Manuel Barroso, and co-ordinated by the commissioner for regional policy, Danuta Hubner, returned to Belfast in December 2007¹²⁹ and, in January, the first and deputy first ministers went to Brussels to meet the two principals. They wanted to secure an extension to the life of the task force—to provide ‘a long-term opportunity for Northern Ireland to embed itself into the networks of Europe, to share our experiences and to achieve tangible benefits’, in the words of Mr Paisley.¹³⁰

The event was not, however, all cosmopolitan sweetness and light. Mr Barroso said Northern Ireland was ‘an inspiration for other parts of the world’, but Mr Paisley refused to shake Mr McGuinness’ hand in Brussels, while Mr McGuinness denied his stance was hypocritical given SF’s hostility to the EU reform treaty.¹³¹ Indeed, the DUP and SF are markedly Eurosceptic,¹³² with the former included in a recent analysis of ‘populist radical right’ parties in Europe and the latter defined as a borderline case outside the family.¹³³

The first stage of the task force’s work resulted in a report launched in April by Ms Hubner.¹³⁴ It provided a stocktaking of Northern Ireland in comparison with other EU regions, and indicated how it could make the most of opportunities—networks and research and development—provided by EU membership. According to Ronald Hall, director of the commission’s regional directorate-general, Northern Ireland did not come out too badly from the comparative analysis. The continued task force

¹²⁶ OFMDFM news release, 10 January 2008.

¹²⁷ OFMDFM news release, 14 March 2008; DARD news release, 14 March 2008.

¹²⁸ E. Meehan in R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Monitoring Reports: January 2008*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Sept07.pdf, p. 50.

¹²⁹ OFMDFM news release, 11 December 2007. See also reference below to Mr Silva’s visit to Belfast in January 2008.

¹³⁰ OFMDFM News Release, 10 January 2008.

¹³¹ J. Smyth, ‘Barroso says peace process is inspiration to world’, *Irish Times* (11 January 2008).

¹³² J. Smyth, ‘North’s politicians make themselves at home in Brussels’, *Irish Times* (15 January 2008).

¹³³ C. Mudde, *Populist Radical Right Parties in Europe* (Cambridge: Cambridge University Press, 2007).

¹³⁴ OFMDFM news release, 14 April 2008.

represented a new kind of partnership between the region and the EU—one of ‘close consultation’ involving all departments.

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

Commenting on the task force’s role in fast-tracking Northern Ireland proposals for funding, the deputy first minister referred to forthcoming initiatives to promote networks and co-operation. Since May 2007, five programmes for Northern Ireland, amounting to €2bn, had been approved by the commission, and Mr McGuinness claimed that €1.1bn of this had been fast-tracked as a consequence of the task force.¹³⁵ This, he said, would ‘help us to deliver our Programme for Government and to build an innovative economy’.

In connection with the task force, the commission director general for research and technological development, J M Silva, visited Belfast in January to provide expertise on the best use of EU and regional funding.¹³⁶ It was also hoped he could assist companies and the executive by sharing knowledge of best practice in innovation and competitiveness and transfer of knowledge from universities to business. While public expenditure on research and development in Northern Ireland is above the UK average, private-sector R&D expenditure has been falling in real terms in recent years¹³⁷ and represents only 0.6 per cent of gross value added¹³⁸—a significant factor in the paucity of globally-competitive firms in the region.

7.3 EU funding

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

¹³⁵ OFMDFM news releases, 10 January 2008 and 14 April 2008.

¹³⁶ He was received by the OFMDFM junior ministers, Messrs Paisley Jr and Kelly. The former said the domestic budget for innovation over the next seven years was £450 million, which the executive wanted to augment from Framework 7—OFMDFM news release, 22 January 2008.

¹³⁷ Department of Enterprise, Trade and Investment, *Northern Ireland Research and Development Statistics 2006* (Belfast: DETI, 2007, at: www.detini.gov.uk/cgi-bin/downdoc?id=3285).

¹³⁸ Department of Enterprise, Trade and Investment, *The Northern Ireland Economic Bulletin 2007* (Belfast: DETI, 2007, at: www.detini.gov.uk/cgi-bin/downutildoc?id=1951), p. 56.

counties of the republic and was introduced in the wake of the paramilitary ceasefires of 1994. The Northern Ireland Council for Voluntary Action and the Department of Finance and Personnel warned of a potential gap between the already extended Peace II and the new Peace III.¹³⁹ Brendan McAllister, outgoing chair of Mediation Northern Ireland, told the international mediation conference in Belfast (see previous section) that, in all likelihood, there would be no more major EU aid after Peace III to bolster the 'peace process' and that other areas of conflict needed it more.¹⁴⁰

The first and deputy first ministers, as well as Noel Ahern, minister of state in the republic's Department of Finance, attended a conference in Belfast at the end of April on the EU's role in the 'peace process'. In part, it was intended as a tribute to the EU—in particular to three key individuals who had been exceptionally committed to assisting Northern Ireland. The first, who could not be present, was the former commission president Jacques Delors, who had been especially concerned that he 'could not stand by' while a part of the EU was so 'troubled'.¹⁴¹ The other two were those whom he had put in charge of the Peace programme: the former regional commissioner Monika Wulf-Mathies and Carlo Trojan, former commission secretary-general and head of the Delors task force that prepared for Peace I.

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

7.4 Miscellaneous issues

On the theme of equality, the assembly Committee for the OFMDFM sought clarification of a comment that the first minister, Mr Paisley, was 'not agreeable to the explicit inclusion of reference to transgender or gender reassignment' in EU Gender Goods and Services regulations.¹⁴² On the other hand, the OFMDFM junior ministers, Messrs Donaldson and Kelly, expressed pleasure at meeting a delegation from the Northern Ireland Women's European Platform—part of the EU-wide European

¹³⁹ Minutes of proceedings, 13 February 2008.

¹⁴⁰ G. Moriarty, 'EU funding for peace process will end soon, warns mediator, *Irish Times*, 12 April 2008.

¹⁴¹ Address to the conference by Mr Trojan, who also pointed out that it had been Mr Delors' decision that the EU should contribute to the International Fund for Ireland.

¹⁴² Minutes of proceedings, 12 December 2007 and 9 January 2008.

Women's Lobby. The ministers stressed the executive's commitment to addressing women's disadvantages such as those in employment and pay, as well as their experience of domestic violence.¹⁴³

The Committee for the OFMDFM received a research paper on legislative scrutiny arrangements in the republic for EU matters during the period.¹⁴⁴ It appeared, however, that both states in these islands would lose some of their influence on a significant area of EU work, justice and borders. Those members of the Council of Ministers representing states who had 'opted in' to the full Schengen arrangements¹⁴⁵ had decided to exclude those that had 'opted out' from the establishment of the Frontex agency and from the drafting of regulations on biometrics in passports. The UK (joined by the republic and Slovakia) lodged an appeal against the decision. The European Court of Justice however upheld the decision—raising questions in the minds of some southern politicians about the risk of 'opting out' for a small state's influence in the EU.¹⁴⁶

¹⁴³ OFMDFM news release, 9 April 2008.

¹⁴⁴ Minutes of proceedings, 5 December 2008. The assembly meanwhile agreed to nominate Sean Neeson (Alliance) for membership of the Regional Chamber of the Congress of Regional and Local Authorities of Europe—*Official Report*, 14 April 2008.

¹⁴⁵ The UK 'opted out' for its own reasons and the republic negotiated an 'opt-out' to preserve the common travel area between it and the UK.

¹⁴⁶ J. Smyth, 'Opt-out states lose right to shape policies', *Irish Times* (19 December 2008).

8. Relations with Local Government

Rick Wilford and Robin Wilson

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

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

In July 2007, in the wake of the renewal of devolution, the DUP environment minister, Ms Foster, had announced a review of the review. In mid-March 2008, after two special executive meetings to discuss reform had been cancelled¹⁴⁸—opening the vista of local authorities having to be re-elected under the old arrangements in 2009—she announced there would be 11 councils.¹⁴⁹

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

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

¹⁴⁷ Wilford, R. and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2006*, at: www.ucl.ac.uk/constitution-unit/research/devolution/Monitoring%20Reports/Jan06/NI%20Jan06.pdf, 45-9.

¹⁴⁸ 'Councils shake-up delay may lead to election', *Belfast Telegraph* (5 March 2008).

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

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

¹⁵¹ DoE news release, 7 February 2008.

¹⁵² 'The shape of councils to come', *Belfast Telegraph* (14 March 2008).

out the proposals, during an assembly debate after the Easter recess,¹⁵³ she announced only a modest enhancement of powers for the enlarged councils:

- local development plan functions, development control and enforcement, and town and city-centre environmental improvements;
- local roads functions, including streetscaping, street lighting, off-street parking and permission for events on roads;
- urban regeneration functions, including Neighbourhood Renewal, a range of housing functions and some community development programmes; and
- a number of functions associated with local economic development, tourism, arts, sports and leisure.¹⁵⁴

Unsurprisingly, NILGA declared itself disappointed by the 'limited' powers on offer.¹⁵⁵

¹⁵³ *Official Report*, 31 March 2008.

¹⁵⁴ DoE news release, 31 March 2008.

¹⁵⁵ 'Will Ruane freeze out councillors?', *Belfast Telegraph* (4 April 2008).

9. Finance

Rick Wilford and Robin Wilson

9.1 Public freeze

The revised budget¹⁵⁶ published by the DUP finance minister, Mr Robinson, in January made some gestures to the centrist ministerial critics of his distinctly conservative draft version.¹⁵⁷ He provided £205m more for the Department for Social Development, for social and affordable housing—shortly before the Nationwide building society revealed that five of the six counties with the fastest-rising house prices in the past decade had been in Northern Ireland, which now had the second-highest prices outside the south-east of England.¹⁵⁸

The SDLP minister, Ms Ritchie, had publicly declared her unhappiness at the adequacy of her allocation, and Chris Williamson, chief executive of the Northern Ireland Federation of Housing Associations, said he was ‘delighted’ with the enhancement.¹⁵⁹ If the credit crunch began to bring prices down during the period, however, west Belfast was identified as the tenth most at-risk area of 646 in the UK in a survey of exposure to sub-prime mortgages; along with north Belfast this amounted to some 36,000 households.¹⁶⁰ In the first quarter of 2008 repossessions were one third higher in Northern Ireland than in the comparable quarter of 2007.¹⁶¹

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

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

¹⁵⁷ R. Wilford and R. Wilson, *Northern Ireland Devolution Monitoring Report: January 2008*, at: www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Jan08.pdf, pp. 60-2.

¹⁵⁸ A. Balakrishnan, ‘UK’s decade of house price growth’, *Guardian* (2 February 2008).

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

¹⁶⁰ U. McCaffrey, ‘Belfast areas face subprime risk’, *Irish Times* (7 April 2008).

¹⁶¹ Northern Ireland Court Service news release, 9 May 2008.

this new housing agenda will help us realise our goal of a shared equal future,' she said.¹⁶²

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

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

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

9.2 Private growth?

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

¹⁶² N. McAdam, 'Ritchie to the rescue with plan for 5,000 new homes' and 'Ritchie: I'll build 5,000 houses', *Belfast Telegraph* (26 February 2008).

¹⁶³ C. Regan, 'McGimpsey pleased with health funding', *Belfast Telegraph* (23 January 2008).

¹⁶⁴ M. McCreary, '£7.55 arts boost "will help but more funding is needed"', *Belfast Telegraph* (28 January 2008).

¹⁶⁵ D. Keenan, 'Assembly supports Robinson's first budget', *Irish Times* (30 January 2008).

¹⁶⁶ J. Heaney, 'NI civil servants in strike threat over job cuts', *Irish Times* (27 March 2008).

¹⁶⁷ 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. 62-4.

¹⁶⁸ The Varney review was debated by the assembly on 31 March 2008.

commissioned from Sir David Varney, to examine alternative means of improving the context for private investment in Northern Ireland, was imminent at time of writing.

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

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

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

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

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

¹⁶⁹ H. McDonald, 'US invests in future after old foes change tune', *Guardian* (12 April 2008).

¹⁷⁰ OFMDFM news release, 11 April 2008.

¹⁷¹ DFP news release, 14 April 2008.

joining SF in government had been £1bn in support. But, as with what was initially presented by himself (as chancellor) and the then Northern Ireland secretary, Mr Hain, in November 2006 as a £50bn package,¹⁷² there was much less to this than met the eye.

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

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

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

¹⁷² R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/Nl_Jan07.pdf, p. 51.

¹⁷³ D. Keenan, 'Donaldson queries feasibility of Brown's asset sale plan', *Irish Times* (10 May 2008).

¹⁷⁴ *Newsline* 6.30, BBC Northern Ireland (8 May 2008).

¹⁷⁵ G. Moriarty, 'Bush says economic ties between North, US can be strengthened', *Irish Times* (9 May 2008).

¹⁷⁶ 'Investment: the deals announced', *Irish Times* (9 May 2008).

¹⁷⁷ F. McDonnell, 'A warm welcome given, but what will follow?', *Irish Times* (9 May 2008).

The conference was swimming against the tide of the wider economic slowdown. During the period private-sector output fell for three successive months¹⁷⁸ and unemployment began to tip up.¹⁷⁹ In any event, this was the fifth such event in Northern Ireland since the paramilitary ceasefires of 1994,¹⁸⁰ yet the region has continued to stumble along at around 80 per cent of UK gross value added per head.

GVA is a function of employment and productivity, and Northern Ireland has underlying structural economic weaknesses. It has the highest economic inactivity rate (27 per cent) in the UK,¹⁸¹ among those in employment productivity (per hour worked) has been rising since the turn of the millennium at less than 1 per cent per annum¹⁸² and one in four adults are functionally illiterate and/or innumerate.

While the focus was on the American corporates in their private jets, this large pool of the impoverished received no political attention. Only in February did the education minister, Ms Ruane, establish a task force on literacy and numeracy following a critical report by the Westminster Public Accounts Committee in November 2006.¹⁸³ And when the task force was due to report, it emerged that publication would be held up for a further two months—for its translation into Irish.¹⁸⁴

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

¹⁷⁸ ‘Slowdown continues to hit private sector firms’, *Belfast Telegraph* (11 March 2008).

¹⁷⁹ Department of Enterprise, Trade and Investment news release, 19 March 2008.

¹⁸⁰ ‘PMs attend NI investment event’, BBC News Online (9 May 2008).

¹⁸¹ DETI news release, 19 March 2008.

¹⁸² Forfàs / National Competitiveness Council, *Overview of Ireland’s Productivity Performance 1980-2005* (Dublin, 2006, at: www.competitiveness.ie/ncc/reports/ncc_productivity_1980-2005/ncc_productivity_1980-2005.pdf), p.9.

¹⁸³ Department of Education news release, 14 February 2008; K. Torney, ‘Minister finally unveils taskforce’, *Belfast Telegraph* (15 February 2008).

¹⁸⁴ K. Torney, ‘Ruane in new schools wrangle’, *Belfast Telegraph* (22 April 2008).

¹⁸⁵ F. McDonnell, ‘North’s energy consumers face fresh price hike’, *Irish Times* (25 April 2008); F. McDonnell, ‘NI electricity supplier seeks to increase prices’, *Irish Times* (3 May 2008).

10. Political Parties and Elections

Rick Wilford and Robin Wilson

10.1 Paisley's departure

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

When devolution was restored in May 2007, Mr Paisley stated his intention to remain as first minister until the next scheduled Assembly election in 2011. But unrest grew, first in his Free Presbyterian Church and then in his party about his apparently amicable relationship with the deputy first minister and the maverick conduct of his son Ian Jr. In January it was reported he would retire as MP at the next Westminster election.¹⁸⁶ In February, his son was winkled out of office. After the Dromore council by-election later that month, the Upper Bann DUP MP, Jeffrey Donaldson, called for 'presentational changes'—usually politicians' code for a change in the person making the presentations.¹⁸⁷

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

Interviewed by Andrew Marr for the BBC, Mr Paisley said he had no major regrets. He did 'smash' SF, as promised, as the latter had accepted 'the right of Britain to govern this country'. He had not and would not shake hands with Mr McGuinness.¹⁸⁸

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

¹⁸⁶ F. Millar, 'Paisley to step down as MP at next election', *Irish Times* (17 January 2008).

¹⁸⁷ G. Moriarty, 'DUP sources admit succession a major issue', *Irish Times* (20 February 2008).

¹⁸⁸ 'I have no major regrets—Paisley', BBC News Online (9 March 2008).

as he, they would have realised that he was patronising the terrorist Prodigal Son while welcoming him back to the law-abiding home.

The more secular—though no less sectarian—wing of the DUP now taking over would have nothing with such sentimentality. As the assembly group unveiled Mr Robinson as its new (prospective) leader at Stormont, he ensured he would not be jointly photographed with Mr McGuinness at an event to promote EU programmes. For his part, Mr McGuinness—many of whose supporters were perfectly able to sense the patronising tone of Mr Paisley's references to his 'deputy'—said the new era would not see 'Chuckle Brothers part two'.¹⁸⁹

10.2 SDLP's future

The retiring FF leader, Bertie Ahern, had signalled interest in a new relationship with the SDLP, in the context of the party investigating what role it should play in the north. But following a business breakfast in Dundalk, Co Louth, on the 'island economy, at which Mr Ahern was joined by the SDLP leader, Mr Durkan, the incoming FF leader, Mr Cowen, indicated caution on the idea of a merger.¹⁹⁰

Negative reaction among some SDLP members to the Ahern-Durkan meeting—which should not, it appears, be taken to imply enthusiasm for a marriage from the Durkan side—led the party to seek meetings with Fine Gael and Labour also.¹⁹¹ It did not bode well for the party, however, that it could be so uncertain about its basic values (never mind cavalier about its membership of the Party of European Socialists) that it had no clear view on whether it should ally itself with the more nationalistic and conservative side of the republic's political spectrum (FF) or its more conciliatory (FG) and progressive (Labour) tendencies.

¹⁸⁹ G. Moriarty, 'Robinson pledges to continue work with Government and McGuinness', *Irish Times* (15 April 2008).

¹⁹⁰ B. Roche, 'Cowen says FF talks with SDLP are not pointing to a merger', *Irish Times* (19 April 2008); N. McAdam, 'Merger menu as SDLP and FF have breakfast', *Belfast Telegraph* (18 April 2008).

¹⁹¹ M. Hennessy, 'SDLP to seek talks with parties over all-Ireland plan', *Irish Times* (2 May 2008).

11. Public Policies

Rick Wilford and Robin Wilson

11.1 The '11+'

The SF education minister, Caitriona Ruane, was still at time of writing to announce her proposals for the replacement of academic selection.¹⁹² Unease mounted among educationalists, teachers, parents and, not least, children, for whom the future was becoming extremely uncertain. Any prospect, remote though it might have seemed at the restoration of devolution, that Ms Ruane would be able to carry unionist ministers with her when she eventually unveiled her proposals withered. Though the 'message'—the abandonment of the '11+'—had considerable merit, it was lost in a fog of indecision, while her combative, ideological stance towards critics, inside and outside the assembly, compounded a sour political and public mood.

The beleaguered minister faced 29 questions from the assembly Education Committee—chaired by her DUP *bête noire*, Sammy Wilson—on the details of what would replace the current transfer test. She said it was 'not possible' to reply.¹⁹³ She also rejected the suggestion—doubtless a DUP attempt to rein her in—that an executive sub-committee be established to seek consensus on the way ahead. This led to a warning from Mr Wilson that the executive could collapse,¹⁹⁴ and later to competing claims between the minister and himself as to which (the other) was living in 'cloud-cuckoo land'.¹⁹⁵ The finance minister, Mr Robinson, said the executive had to be involved in line with the St Andrews agreement.¹⁹⁶

Meanwhile it emerged that Ms Ruane might not publish the finalised admissions criteria for post-primary schools until November 2009—after the first post-selection academic year had begun.¹⁹⁷ She insisted: 'Parents are confident that the changes will be in place in time for their children to transfer.' But the SDLP's education spokesperson, Dominic Bradley, said: 'I think there is a huge amount of concern

¹⁹² 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. 72-4.

¹⁹³ K. Torney, 'What've you got to hide, Minister?', *Belfast Telegraph* (15 January 2008).

¹⁹⁴ 'Ruane snubs 11-plus talks bid', *Belfast Telegraph* (11 February 2008).

¹⁹⁵ K. Torney, 'Schools warn Ruane over exam plan', *Belfast Telegraph* (15 April 2008).

¹⁹⁶ K. Torney, 'Robinson in call for Executive to find an 11-plus replacement', *Belfast Telegraph* (12 February 2008).

¹⁹⁷ K. Torney, 'Transfer system delay is "bonkers"', *Belfast Telegraph* (13 February 2008).

amongst the public. There is no doubt about that.¹⁹⁸ Teachers' union leaders spoke of 'a void ahead' and of their members being 'in the dark'.¹⁹⁹

Matters became even more murky when the UUP obtained a private SF paper, indicating Ms Ruane's intention to issue 'guidelines' for post-primary transfer, not including selection, to avoid having to legislate. The UUP leader and minister for employment and learning, Sir Reg Empey, said in such a 'disastrous situation' he would withdraw his officials from the area-planning process of secondary-school and college rationalisation. Mr Wilson accused her of 'declaring war' on grammars.²⁰⁰

The vacuum created by Ms Ruane's vacillation was partly filled by a pressure group, the 'Association for Quality Education', its members committed to selection. In late April the association announced that 31 post-primary schools—none Catholic—were to introduce their own tests across venues in Northern Ireland which, they insisted, would be fully compatible with the new secondary curriculum.²⁰¹ Brendan Harron of the Irish National Teachers' Organisation described this as 'shocking'.²⁰²

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

11.2 Unfavourable environment

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

¹⁹⁸ K. Torney, 'Ruane comes out fighting', *Belfast Telegraph* (25 February 2008).

¹⁹⁹ 'Still waiting for Ruane to clear the fog on transfers', *Belfast Telegraph* (20 March 2008).

²⁰⁰ K. Torney, 'SF "declares war" on schools', *Belfast Telegraph* (16 April 2008).

²⁰¹ BBC News Online (24 April 2008). Three days earlier, Lumen Christi College, a Catholic grammar in Derry, announced that it was to introduce its own admissions test. Both announcements led Ms Ruane to warn that her department would not fund or facilitate 'a breakaway entrance test'—BBC News Online (21 April 2008).

²⁰² BBC News Online (24 April 2008).

derelict buildings, she said, adding: 'We are also considering relaxations for the appropriate development of small groups of houses.'

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

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

A Sustainable Energy Association was launched at Stormont, responding to the decision by the executive to end Reconnect grants for solar-energy domestic installations and the absence of green building standards in Northern Ireland.²⁰⁵ Ironically, while the minister soft-pedalled on the environment, her party colleague at enterprise, Mr Dodds, told the annual dinner of the Northern Ireland Energy Institute that sustainable energy was a priority, pointing to evidence that 42 per cent of the power supply could come from renewable sources.²⁰⁶

²⁰³ L. McKee, 'Green groups attack Foster over fears of new 'bungalow blight'', *Belfast Telegraph* (12 February 2008).

²⁰⁴ DoE news release, 14 February 2008.

²⁰⁵ L. McKee, 'How going green could mean more local jobs', *Belfast Telegraph* (28 February 2008).

²⁰⁶ DETI news release, 4 March 2008.

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