

DEVOLUTION MONITORING PROGRAMME 2006-08

Northern Ireland Devolution Monitoring Report
January 2009

Professor Rick Wilford & Robin Wilson
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The Devolution Monitoring Programme

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

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

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Executive Summary	7
1. The 'Peace Process'	10
1.1 Back to work	10
1.2 Neuralgic issues	12
1.3 Not over yet	13
2. Devolved Government	16
2.1 Executive tensions	16
2.2 Political clientelism	19
2.3 Administrative reform	20
3. The Assembly	22
3.1 From famine to feast	22
3.2 Abortion imbroglio	24
4. The Media	25
5. Public Attitudes and Identity	27
5.1 Introduction	27
5.2 Universal norms	27
5.3 Nationalistic politics	30
5.4 'Bread and butter' issues	32
5.5 Conclusion	33
6. Intergovernmental Relations	34
6.1 'East-west'	34
6.2 North-south	37
7. Relations with the EU	39
8. Relations with Local Government	42
9. Finance	43
9.1 Facing the crisis	43
9.2 Fiscal pressures	46
10. Political Parties and Elections	49
10.1 The Conservative embrace	49
10.2 Partners sparring	51
11. Public Policies	53
11.1 Impasse on '11+'	53
11.2 Economic policy vacuum	56
Bibliography	58
Official Documents	58
Secondary Literature	58

List of figures

Figure 1: Do you have sympathy with the reasons for violence from loyalist/republican groups even if you don't condone the violence itself (%)?	28
Figure 2: Do you think the authorities should have the right to detain people for as long as they want without putting them on trial (%)?	29
Figure 3: Should organising protest marches and demonstrations be allowed (%)?	29
Figure 4: Do you think of yourself as a unionist, a nationalist or neither (%)?	31
Figure 5: If the majority of people in Northern Ireland ever/never voted to become part of a united Ireland do you think you ... (%)?	32
Figure 6: Do you think it is more important that the Assembly spends its time dealing with policy issues or constitutional issues (%)?	32
Figure 7: On constitutional issues that the Assembly will have to deal with, which of these do you think is the most important (%)?	32
Figure 8: Which of the following has the most influence/ought to have most influence over the way Northern Ireland is run (%)?	33

Acronyms

APNI	Alliance Party of Northern Ireland
BIC	British-Irish Council
BIPA	British-Irish Parliamentary Assembly
DARD	Department of Agriculture and Rural Development
DCAL	Department of Culture, Arts and Leisure
DE	Department of Education
DoE	Department of Environment
DEL	Department of Employment and Learning
DETI	Department of Enterprise, Trade and Investment
DFP	Department of Finance and Personnel
DHSSPS	Department of Health, Social Services and Public Safety
DRD	Department for Regional Development
DSD	Department for Social Development
DUP	Democratic Unionist Party
IMC	Independent Monitoring Commission
JMC	Joint Ministerial Committee
MLA	Member of the Legislative Assembly
NICVA	Northern Ireland Council for Voluntary Action
NIO	Northern Ireland Office

NSMC	North/South Ministerial Council
OFMDFM	Office of the First Minister and Deputy First Minister
PfG	Programme for Government
PSNI	Police Service of Northern Ireland
SDLP	Social Democratic and Labour Party
SF	Sinn Féin
STV	Single Transferable Vote
UUP	Ulster Unionist Party

Executive Summary

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

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

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

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

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

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

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

Chronology of Key Events

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

1. The 'Peace Process'

Rick Wilford and Robin Wilson

1.1 Back to work

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.2 Neuralgic issues

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

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

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

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

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

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

¹⁴ *Irish News* (20 November 2008).

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

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

1.3 Not over yet

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

¹⁵ *Official Report*, 3 November 2008.

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

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

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

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

²⁰ Northern Ireland Office news release, 10 December 2008.

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

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

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

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

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

²² *Irish Times* (28 October 2008).

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

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

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

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

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

²⁸ NIO news release, 10 September 2008.

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

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

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

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

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

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

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

2. Devolved Government

Rick Wilford and Robin Wilson

2.1 Executive tensions

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

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

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

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

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

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

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

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

³⁵ Private communication.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁴⁷ Personal communication.

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

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

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

2.2 Political clientelism

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

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

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

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

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

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

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

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

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

2.3 Administrative reform

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

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

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

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

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

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

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

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

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

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

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

⁵⁸ Department of Education news release, 25 November 2008.

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

⁶⁰ *Official Report*, 1 December 2008.

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

3. The Assembly

Rick Wilford and Robin Wilson

3.1 From famine to feast

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

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

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

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

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

⁶⁴ *Official Report*, 15 September 2008.

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

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

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

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

⁶⁵ *Ibid.*

⁶⁶ *Official Report*, 16 September 2008.

⁶⁷ *Official Report*, 17 November 2008.

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

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

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

3.2 Abortion imbroglio

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

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

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

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

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

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

4. The Media

Robin Wilson

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

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

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

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

⁷² *Belfast Telegraph* (3 October 2008).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Public Attitudes and Identity

Robin Wilson and Elizabeth Meehan

5.1 Introduction

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

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

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

5.2 Universal norms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

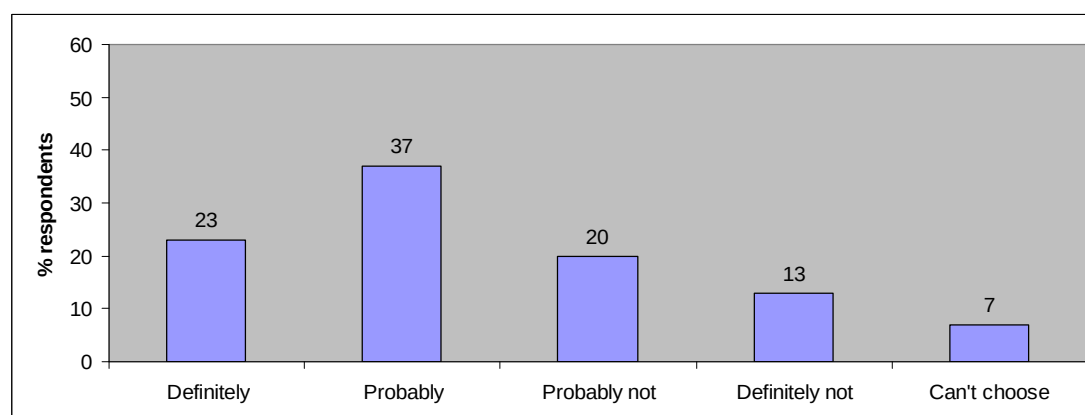
The NILTS question on this issue, however, found a clear majority of 58 per cent sympathetic to the notion that ‘the authorities’ should definitely or probably be allowed to detain people for as long as they wanted (Figure 2). This rose to 66 per cent among Protestant respondents—despite the question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

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

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

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

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



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

5.3 Nationalistic politics

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.4 'Bread and butter' issues

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

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

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

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

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

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

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

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

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

5.5 Conclusion

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

6. Intergovernmental Relations

Elizabeth Meehan and Robin Wilson

6.1 'East-west'

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.2 North-south

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

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

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

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

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

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

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

¹⁰⁶ Department of Education news release, 10 December 2008.

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

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

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

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

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

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

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

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

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

7. Relations with the EU

Elizabeth Meehan

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

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

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

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

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

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

¹¹⁴ DEL news release, 22 October 2008.

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

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

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

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

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

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

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

¹¹⁷ DARD news releases, 17 and 19 November 2008.

¹¹⁸ DARD news release, 19 December 2008.

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

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

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

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

¹²¹ OFMDFM news release, 14 November 2008.

8. Relations with Local Government

Robin Wilson

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

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

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

¹²³ DoE news release, 27 October 2008.

9. Finance

Rick Wilford and Robin Wilson

9.1 Facing the crisis

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹³³ *Official Report*, 15 December 2008.

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

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

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

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

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

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

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

¹³⁶ BBC news online, 15 December 2008.

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

¹³⁸ BBC news online, 13 December 2008.

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

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

9.2 Fiscal pressures

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

¹³⁹ *Official Report*, 15 December 2008.

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

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

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

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

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

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

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

¹⁴³ DETI news release, December 17th 2008.

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

¹⁴⁵ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2008*, at: www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Jan08.pdf, p. 61.

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

¹⁴⁷ DE news release, 15 October 2008.

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

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

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

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

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

¹⁴⁹ NIO news release, 2 December 2008.

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

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

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

¹⁵³ DFP news release, 23 October 2008.

¹⁵⁴ DFP news release, 23 December 2008.

10. Political Parties and Elections

Robin Wilson

10.1 The Conservative embrace

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹⁶³ H. McDonald, "'I want Ulster Unionists in cabinet'", *Observer* (7 November 2008).

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

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

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

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

10.2 Partners sparring

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

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

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

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

¹⁶⁸ BBC Northern Ireland, 30 October 2008.

¹⁶⁹ Private communication.

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

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

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

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

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

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

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

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

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

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

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

11. Public Policies

Rick Wilford and Robin Wilson

11.1 Impasse on '11+'

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹⁸⁶ DE news release, 5 November 2008.

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

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

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

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

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

¹⁸⁷ NICIE news release, 5 November 2008.

¹⁸⁸ DE news release, 7 November 2008.

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

¹⁹⁰ BBC news online (17 December 2008).

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

¹⁹² DE news release, 13 January 2009.

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

11.2 Economic policy vacuum

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

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

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

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

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

¹⁹⁴ DEL news release, 3 December 2008.

¹⁹⁵ DETI news release, 1 December 2008.

¹⁹⁶ DETI press release, 5 December 2008.

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

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

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

¹⁹⁷ OFMDFM news releases, 2 December 2008.

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

¹⁹⁹ DHSSPS news release, 1 December 2008.

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

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