

The **Constitution** Unit

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**DEVOLUTION  
MONITORING  
PROGRAMME  
2006-08**

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**Northern Ireland Devolution Monitoring Report**

**September 2008**

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**Professor Rick Wilford & Robin Wilson**

**Queen's University Belfast (eds.)**



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## The Devolution Monitoring Programme

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

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

- Scotland: **Prof Charlie Jeffery & Dr Nicola McEwen**  
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**Acronyms**

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

## Executive Summary

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

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

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

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

Yet as Northern Ireland’s large umbra of non-employed and penumbra of low-paid were hit hard by the credit crunch and soaring food and fuel prices, a paper on the

anti-poverty strategy shelved since direct rule was among 24 stuck in the executive pending tray. And in August, when the heavens opened over the city, the absence of departmental co-ordination built into the Belfast agreement to spare the politicians' sectarian blushes meant there was not even a unified emergency helpline for inundated households to call.

**Chronology of Key Events**

- 31 May 2008 Rev Ian Paisley is replaced by Peter Robinson as leader of the Democratic Unionist Party
- 5 June 2008 Mr Robinson is nominated as first minister and Martin McGuinness of Sinn Féin is renominated as deputy first minister
- 6 June 2008 Six hours of crisis talks take place at Downing Street, involving Messrs Robinson and McGuinness and the prime minister
- 19 June 2008 Executive Committee meets for last time during period, as SF blocks meetings in response to DUP vetoes of its *desiderata*
- 4 August 2008 Messrs Robinson and McGuinness present agreed view on devolution of policing and justice—but not a date
- 24 August 2008 SF TD threatens his party will collapse devolved executive given delay on devolution of policing justice
- 26 August 2008 Mr Robinson warns of ‘very serious consequences’ if meeting of Executive Committee scheduled for 18 September blocked by SF
- 3 September 2008 Independent Monitoring Commission reports that IRA army council no longer operational or functional

## 1. The 'Peace Process'

*Rick Wilford and Robin Wilson*

### 1.1 Growing crisis

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

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

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

Officially, the party—not keen to be blamed for any derailing of the institutions—called this 'speculation' but it said the issue was outstanding matters from the St Andrews Agreement of 2006.<sup>2</sup> There it believed it had secured commitments from the only agent its ideology dictates it to believe really matters, the UK government, notably on the devolution of policing and justice by May 2008, which it could present as a further withdrawal of the 'British state' from Ireland, and on Irish-language legislation, which it could claim was part of the cultural redefinition of Northern Ireland as Irish.

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<sup>1</sup> V. Gordon and M. Coleman, 'Robinson takeover under threat', *Belfast Telegraph* (31 May 2008).

<sup>2</sup> M. Canning, 'Sinn Féin refuses to comment on McGuinness renomination', *Irish News* (2 June 2008).

But the new DUP stallion, Mr Robinson, quickly bared his teeth, dismissing the suggestion of a failure to nominate as ‘ludicrous’ and saying he couldn’t foresee SF being given ministerial responsibility for policing and justice.<sup>3</sup> The DUP pointedly appointed Jeffrey Donaldson as its director of elections, an indicator of its readiness to contend any sudden poll.<sup>4</sup>

The ‘peace process’ familiar under the former Downing Street incumbent, Tony Blair—in which he would buy off competing Northern Ireland ethnic politicians by short-term concessions—now resumed, though with an apparently less emollient, and certainly otherwise engaged, interlocutor in Gordon Brown. With the SDLP leader, Mark Durkan, warning that the DUP was exercising the veto SF had allowed it to acquire at St Andrews, Mr Adams and Mr Robinson saw the prime minister separately on the same day.<sup>5</sup> While Mr Adams said the discussion had been ‘full and frank’, a government source said the situation was ‘not perceived as reaching crisis point’.<sup>6</sup>

SF thus gave way at the 11<sup>th</sup> hour on the renomination of Mr McGuinness (see devolved-government section), in return for a joint statement with Mr Robinson looking forward to ‘working together’ and a commitment by Mr Brown to the implementation of St Andrews.<sup>7</sup> The Ulster Unionist Party leader, Sir Reg Empey, warned, however: ‘The shenanigans of the last week have put us back months in that the instability which is at the core of the Executive has been brought back into sharp focus.’<sup>8</sup> Sir Reg, Mr Durkan and the Alliance Party leader, David Ford, all complained that the DUP and SF were still beating a path to Downing Street, unable to resolve their differences at home.<sup>9</sup>

After their (re)nomination as first and deputy first ministers, Messrs Robinson and McGuinness were involved in six hours of talks at Downing Street. The DUP complained about the presence of the republic’s minister for foreign affairs, Micheál Martin,<sup>10</sup> while SF was unnerved by the fact that the DUP meanwhile issued four statements from party figures, variously claiming that SF’s ‘bluff’ had been called and

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<sup>3</sup> D. Keenan, ‘Talk of SF attempt to block Robinson election “ludicrous”’, *Irish Times* (2 June 2008).

<sup>4</sup> S. Dempster, ‘DUP-SF standoff “may bring down Assembly”’, *News Letter* (3 June 2008).

<sup>5</sup> G. Moriarty, ‘Brown holds talks ahead of election of NI First Minister’, *Irish Times* (4 June 2008).

<sup>6</sup> S. Lister, ‘Adams: talks with PM were full and frank’, *Belfast Telegraph* (4 June 2008).

<sup>7</sup> G. Moriarty, ‘North leaders agree deal on Assembly posts’, *Irish Times* (5 June 2008).

<sup>8</sup> N. McAdam, ‘More talks at Downing Street in a bid to mend divisions’, *Belfast Telegraph* (5 June 2008).

<sup>9</sup> N. McAdam, ‘A day of farewells for First Minister Paisley’, *Belfast Telegraph* (6 June 2008).

<sup>10</sup> F. Millar, ‘DUP and SF to hold policing talks in Belfast’, *Irish Times* (7 June 2008).

that the party was advancing a 'pro-unionist agenda' at Stormont, where it exercised 'control'.<sup>11</sup>

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

Meanwhile, Mr Robinson announced at Stormont plans for a 'Unionist Academy', a sort of DUP think tank, and a 'British Cultural and Equality Unit', to provide unionists with legal advice to fight what he described as the removal of British emblems from Northern Ireland 'There has been something of a culture war in Northern Ireland,' he said. 'We intend to fight back.'<sup>14</sup>

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

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

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<sup>11</sup> G. Moriarty, 'DUP taunts Sinn Féin as talks resume at Stormont', *Irish Times* (9 June 2008).

<sup>12</sup> G. Moriarty, 'More SF and DUP tensions as Brown provides £6m for Irish broadcasting', *Irish Times* (18 June 2008).

<sup>13</sup> W. Graham, 'Unionists are "irrationally hostile" to Irish language', *Irish News* (25 June 2008).

<sup>14</sup> S. Dempster, 'DUP fights back against "erosion of Britishness"', *News Letter* (24 June 2008).

<sup>15</sup> The assembly was in recess from 5 July to 31 August 2008.

<sup>16</sup> SDLP news release, 20 July 2008.

<sup>17</sup> *Newsline* 6.30, BBC Northern Ireland (23 July 2008).

<sup>18</sup> G. Moriarty, 'Executive standoff due to DUP's lack of leadership, Adams claims', *Irish Times* (25 July 2008).

Executive business. The DUP will not be rolling over for him or any Republican.<sup>19</sup> The new party deputy leader, Nigel Dodds, chipped in that SF was being ‘childish’—a comment whose overtones of sectarian patronisation would not have escaped republicans. But the SDLP deputy leader, Alasdair McDonnell, accused Mr Adams of seeking to bring the assembly down by Christmas, while manoeuvring to avoid the blame.<sup>20</sup>

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

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

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

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<sup>19</sup> S. McCaffrey, ‘Stormont crisis deepening as Robinson hits out at Adams’, *Belfast Telegraph* (26 July 2008).

<sup>20</sup> G. Moriarty, ‘Adams “trying to collapse” Assembly’, *Irish Times* (28 July 2008).

<sup>21</sup> D. Keenan, ‘Policing role agreement buys time for Executive’, *Irish Times* (5 July 2008).

<sup>22</sup> See, for instance, ‘Alliance reaffirms its position on policing’, *Irish News* (19 August 2008).

portfolio'; the party accused the DUP and SF of 'Executive gerrymandering that will deny the SDLP a Ministry that would rightly [under d'Hondt] be ours'.<sup>23</sup>

For his part, Mr Adams was determined that the finger of blame would be pointed at the DUP, recalling that unnamed party figures had called for an end to mandatory coalition government—Mr Robinson had done so repeatedly (see devolved-government section)—which he interpreted as a desire to return to 'majority rule'. Mr Adams called on London and Dublin to 'make progress by other means' if the DUP refused to play political ball.<sup>24</sup>

Later that month, a veteran SF TD, Caoimhghín Ó Caoláin—not an anonymous source but a kite-flyer—said SF would pull its ministers out of the Stormont government and deal with the British unless policing and justice were devolved. It was 'totally unacceptable', he told a meeting in Co Cavan, that the deadline had been May yet there was still no date for a transfer.<sup>25</sup> For the DUP, Mr Donaldson said Mr Ó Caolain's statement began to 'cast significant doubt on Sinn Fein's commitment to making progress in Stormont', while the UUP leader, Sir Reg Empey, warned of 'a full blown crisis' for the executive if Mr McGuinness did not dissociate himself from the remarks.<sup>26</sup> The finance minister, Mr Dodds, talked again of 'childish tantrums'.<sup>27</sup>

The temperature was notched up a degree or two by the first minister, who warned that if the next scheduled executive meeting (18 September) was disrupted 'there would be very serious consequences, not only for the good governance of Northern Ireland but for those who would stop Northern Ireland being governed properly'.<sup>28</sup> He upped the ante still further by writing an angry letter to the SF minister for regional development, Conor Murphy.

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

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<sup>23</sup> SDLP news release, 4 August 2008.

<sup>24</sup> D. Keenan, 'Adams says Dublin and London may have to intervene', *Irish Times* (11 August 2008).

<sup>25</sup> 'SF threatens to collapse assembly', BBC news online (24 August 2008).

<sup>26</sup> N. McAdam, 'SF threatens to collapse Executive', *Belfast Telegraph* (25 August 2008).

<sup>27</sup> N. McAdam, 'DUP and Sinn Fein talks on political impasse to begin next week', *Belfast Telegraph* (28 August 2008).

<sup>28</sup> 'Stormont must meet warns Robinson', BBC news online (26 August 2008).

threatened legal action against the minister. SF dismissed the letter, saying that as it did not also have the signature of Mr McGuinness it had no status.<sup>29</sup>

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

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

## 1.2 Rumbblings on the ground

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

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

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<sup>29</sup> N. McAdam, 'Fresh row pushes Executive deeper into crisis', *Belfast Telegraph* (29 August 2008).

<sup>30</sup> BBC news online (6 June 2008).

<sup>31</sup> HC Deb, col. 272, 25 June 2008.

involved did not 'represent' anyone, implicitly upholding the legitimacy of the mainstream republican movement and the violence it had previously exercised.<sup>32</sup> Neither would have appeared a compelling argument to the perpetrators. Worryingly, the Northern Ireland Life and Times Survey showed that 11 per cent of Catholics felt 'a lot of sympathy' for the reasons republican paramilitaries gave for violence during the 'troubles'<sup>33</sup>—nearly double the level of the aftermath of the Belfast agreement.<sup>34</sup>

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

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

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

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<sup>32</sup> OFMDFM news release, 24 June 2008.

<sup>33</sup> See [www.ark.ac.uk/nilt/2007/Political\\_Attributes/REPVIOL.html](http://www.ark.ac.uk/nilt/2007/Political_Attributes/REPVIOL.html).

<sup>34</sup> See [www.ark.ac.uk/nilt/1998/Political\\_Attributes/REPVIOL.html](http://www.ark.ac.uk/nilt/1998/Political_Attributes/REPVIOL.html).

<sup>35</sup> See [www.telegraph.co.uk](http://www.telegraph.co.uk) (28 July 2008).

<sup>36</sup> *Independent* (19 August 2008). See also, B. Rowan, 'Weapons "theft" that stocked up dissidents' terror arsenal', *Belfast Telegraph* (26 August 2008).

<sup>37</sup> *Belfast Telegraph* (27 August 2008).

<sup>38</sup> A. Murray, 'Dissident republican gangs force officers from homes', *Sunday Independent* (24 August 2008).

<sup>39</sup> H. McDonald, 'Provisional IRA defectors behind new Ulster violence', *Guardian* (1 September 2008).

<sup>40</sup> NIO news release, 26 June 2008.

At Belfast Crown Court key witnesses were screened off, for their own protection, from everyone but the judge and lawyers. Mr McCartney's best friend, Ed Gowdy, when challenged as to why he had not told the truth in initial police interviews, said: 'There were paramilitaries involved ... I know from where I live what I'm allowed to say and what I'm not allowed to say.'<sup>41</sup> Mr McCartney's fellow victim, Brendan Devine, said he had met the IRA four times since the episode—the first time in an SF office.<sup>42</sup> Terence Davison was acquitted of murder, on the basis of the limits and the contradictions of their evidence and that of an anonymous 'Witness C', but it emerged that there had also been a 'Witness A' and a 'Witness B' who had declined to appear out of fear.<sup>43</sup> The McCartney sisters had themselves been victims of severe intimidation.<sup>44</sup>

The episode bore out a new academic portrayal of the republican movement, querying the 'official rhetoric of transition' from violence to democracy supported by London and Dublin.<sup>45</sup> Yet during the survey period, the NIO finally agreed,<sup>46</sup> despite the opposition of the SDLP,<sup>47</sup> to 'accredit' republican as well as loyalist 'restorative justice' schemes in working-class neighbourhoods previously supported by Atlantic Philanthropies, which distributes the fortune of the Irish-American Chuck Feeney (who had also, as an individual, bankrolled SF). Pressure from the SDLP, however, had ensured that these schemes were subject to greater constraints in terms of safeguards for alleged offenders and the requirement that they co-operate with the police than the NIO had originally envisaged.

A compelling signal of the continuing grip maintained by paramilitaries, loyalist and (dissident) republican, on their respective communities was the publication of police statistics indicating that paramilitary beatings and shootings between April and June had tripled compared with the same period in 2007.<sup>48</sup> In addition, low-level inter-communal violence—some of it portrayed as 'recreational rioting' involving youngsters—remained a neuralgic issue at interfaces which, according to an

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<sup>41</sup> S. Breen, "'Telling police IRA business, do you think I'm f\*\*\*ing nuts?'" , *Sunday Tribune* (1 June 2008).

<sup>42</sup> 'McCartney friend "quizzed by IRA"', BBC news online (4 June 2008).

<sup>43</sup> S. Breen, 'Murder probe hit by loss of witnesses', *Sunday Tribune* (29 June 2008).

<sup>44</sup> M. McHugh, 'Sisters pay terrible price for seeking justice', *Irish Independent* (28 June 2008).

<sup>45</sup> K. Bean, *The New Politics of Sinn Féin* (Liverpool: Liverpool University Press, 2007), p. 92.

<sup>46</sup> NIO news release, 30 July 2008.

<sup>47</sup> C. Thornton, 'Flawed report behind restorative justice: SDLP', *Belfast Telegraph* (29 July 2008).

<sup>48</sup> *Belfast Telegraph* (18 August 2008).

experienced community worker in north Belfast, demonstrated that the underlying 'frustration and fear' in each community had not gone away.<sup>49</sup>

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

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

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

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<sup>49</sup> *News Letter* (24 June 2008).

<sup>50</sup> 'Catholic families seek housing transfers', UTV News Online (2 June 2008).

<sup>51</sup> N. Jarman, 'Security and segregation: interface barriers in Belfast', *Shared Space*, 6 (2008), pp. 21-33.

<sup>52</sup> 'Group explores integrated system', BBC News Online (16 May 2008).

<sup>53</sup> *Belfast Telegraph* (18 August 2008). In May 2008, the secretary of state 'de-specified' the UVF (and the related Red Hand Commando)—that is to say, recognised the organisation to be in ceasefire mode—in light of its commitment to assume a 'non-militarised, civilian role' as announced by Mr Spence a year earlier.

<sup>54</sup> *Belfast Telegraph* (2 August 2008). On 7 May Mr Woodward indicated that the legal mechanism (the Independent International Commission on Decommissioning) for disposing of weapons would not last indefinitely and that when its writ expired paramilitary organisations would be treated as criminal gangs.

### 1.3 Forcing the issue

With a view to the 'traditional' British-Irish gearing up of autumn pressure on the Northern Ireland parties, after another summer marked by both crisis and lethargy, the Northern Ireland secretary, Mr Woodward, and the republic's justice minister, Dermot Ahern, wrote to the Independent Monitoring Commission asking for an 'ad hoc' report 'clarifying its assessment of the completion of the transformation of PIRA'.<sup>55</sup> But on behalf of the DUP Mr Donaldson said that 'removing the IRA from the stage' was not 'the only factor' in a decision to devolve policing and justice.<sup>56</sup> His leader, Mr Robinson, said the party remained 'of the unshakable view that those powers can only be transferred whenever there is the required community confidence', while for SF Mr McGuinness criticised the further recourse to the IMC by the two governments.<sup>57</sup>

A PSNI assistant chief constable, Peter Sheridan, said the IRA command no longer posed a 'security threat'. But the ruling army council was not being disbanded, though its members were not being replaced as they died or resigned.<sup>58</sup> The IMC duly reported that the army council was neither 'operational' nor 'functional', in a context in which the IRA was withering away.<sup>59</sup> Supported by Dublin, the prime minister, Mr Brown, said this provided 'reassurance'. But the DUP insisted on formal disbandment, to which on behalf of the republican movement Mr Adams reacted dismissively.<sup>60</sup> As the DUP and SF met the next day to address their wide agenda of differences, the SF leader warned: 'There's a real concern out there and it isn't just among republicans that elements within the DUP are not reconciled to the concept of partnership government.'<sup>61</sup>

Beyond the DUP, the 'Traditional Unionist Voice', led by the DUP defector and MEP Jim Allister, would not countenance any prospect of an SF minister becoming involved in policing and justice at any time.<sup>62</sup> If, however, the powers were to be devolved on the basis of the proposals put forward by Messrs Robinson and

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<sup>55</sup> NIO news release, 6 August 2008.

<sup>56</sup> 'DUP: Disbanded IRA Army Council no devolved justice guarantee', *Belfast Telegraph* (6 August 2008).

<sup>57</sup> D. Keenan, 'Robinson says SF devolution claim "false"', *Irish Times* (8 August 2008).

<sup>58</sup> L. Clarke and J. Mooney, 'The IRA has not disbanded, say intelligence experts', *Sunday Times* (10 August 2008).

<sup>59</sup> Independent Monitoring Commission, *Nineteenth Report of the Independent Monitoring Commission* (Cm 7464, 2008), at: [www.independentmonitoringcommission.org/documents/uploads/ACF1599.pdf](http://www.independentmonitoringcommission.org/documents/uploads/ACF1599.pdf).

<sup>60</sup> D. Keenan, 'IRA army council "redundant"', *Irish Times* (4 September 2008).

<sup>61</sup> N. McAdam, 'DUP: talks to end summer of stalemate "useful"', *Belfast Telegraph* (4 September 2008).

<sup>62</sup> By contrast, ACC Sheridan said he would have 'no problem' with a police and justice minister who had a background in the IRA—*Derry Journal* (26 August 2008).

McGuinness on 4 August, Mr Allister would seek to mobilise further support, not least when he contested the European Parliamentary election in 2009—threatening the DUP's aim of yet again topping the poll.

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

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

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<sup>63</sup> 'Prime minister to visit next week', BBC news online (9 September 2008).

<sup>64</sup> G. Moriarty, 'Risk of return to violence remains if politics is seen not to deliver—Hayes', *Irish Times* (30 July 2008).

## 2. Devolved Government

*Rick Wilford and Robin Wilson*

### 2.1 Paisley departs

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

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

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

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

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<sup>65</sup> *Official Report*, 5 June 2008.

He concluded by reiterating that ‘the war is over’ and that in the future difference must not mean division or threat but ‘something to cherish and celebrate’.<sup>66</sup>

It was the UUP leader, Sir Reg Empey, who began to sound the discordance of intra-executive relations.<sup>67</sup> While wishing the new duo well, he noted that during the year of restored devolution there had not been an occasion when the leaders of the four executive parties had met to discuss the way forward—which, he observed, was ‘one of the reasons why the First Minister’s term has started in an atmosphere of crisis’.

## 2.2 Reshuffle

Mr Robinson’s elevation from finance minister to first minister led to a reshuffle of his DUP team. The widely expected removal of Mr Poots as culture, arts and leisure minister was confirmed; Gregory Campbell, who had held the social development brief for a ‘rotated’ period in the first devolved executive,<sup>68</sup> replaced him. Nigel Dodds, already promoted by Mr Robinson to the deputy leadership of the DUP, moved to the Department of Finance and Personnel, while the environment minister, Arlene Foster, moved to take up Mr Dodds’ post of enterprise, trade and investment.

The reshuffle showed no concern for Catholic sensitivities. And the greatest surprise was the appointment of Sammy Wilson to the environment portfolio. He attacked ‘bearded, sandal-wearing, Guardian-reading, muesli-eating environmentalists’ and ‘Green fanatics’<sup>69</sup>—views the SDLP bemoaned as ‘flat earth’.<sup>70</sup> He told the assembly Environment Committee that he would vote against the UK Climate Change Bill, claiming taxpayers would not support targets that would leave them out of pocket or restrict their ability to drive.<sup>71</sup>

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

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<sup>66</sup> *Ibid.*

<sup>67</sup> While it is difficult to refute the rumours of an intrinsic crisis within the executive, according to Mr Robinson only three cross-community votes had been triggered around the ‘cabinet’ table since the restoration of devolution in May 2007—answers to oral questions, *Official Report*, 9 June 2008.

<sup>68</sup> Mr Robinson made it clear he anticipated another reshuffle within 18 months, ‘to show the depth of talent in the party and to use it effectively’—DUP news release, 10 June 2008.

<sup>69</sup> *Talkback*, BBC Radio Ulster (10 June 2008).

<sup>70</sup> G. Moriarty, ‘Wilson “flat earth” view criticised’, *Irish Times* (11 June 2008). As one seasoned observer put it, Mr Wilson’s appointment was akin to putting King Herod in charge of an orphanage.

<sup>71</sup> ‘Environment minister to oppose climate law’, *Belfast Telegraph* (4 July 2008).

variations.<sup>72</sup> John Woods of Friends of the Earth said Mr Wilson was ‘like a cigarette salesman denying that smoking causes cancer’.<sup>73</sup>

All bar Ms Foster continued to double as Westminster MPs—unthinkable in Wales or Scotland. Indeed, Mr Robinson appeared to hope by his action that Ms Foster could win the Fermanagh / South Tyrone constituency, with its fine ethnic balance, next time.<sup>74</sup> Yet in recent times only the moderate UUP figure Ken (now Lord) Maginnis has been able to win from the Protestant side in what is now an SF seat.

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

Meanwhile, an accountant, Bruce Robinson, was appointed head of the Northern Ireland Civil Service, having been permanent secretary at the Department of Finance and Personnel and the Department of Enterprise, Trade and Investment. For several years, he had been head of the Industrial Development Board, now incorporated into Invest NI.<sup>75</sup> It was a choice which chimed with the conventional economic focus of the Programme for Government.

### 2.3 Executive (in)action

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

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

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<sup>72</sup> S. Wilson, ‘Debate must replace scaremongering of green climate alarmists’, *News Letter* (5 September 2008).

<sup>73</sup> ‘Wilson row over green “alarmists”’, BBC news online (5 September 2008).

<sup>74</sup> ‘Robinson shows his hand’, *News Letter* (11 June 2008).

<sup>75</sup> OFMDFM news release, 16 May 2008.

parties, preferring fifteen—and for the districts to be divided into wards. The boundaries of the districts and the wards would now be resolved by the local government boundaries commissioner. The bill provided that Belfast would be divided into 60 wards and each of the ten remaining districts into 40, yielding a total of 460 councillors (compared with the current 582). The protracted restructuring of local government has meant the postponement by two years, to 2011, of the next scheduled district-council elections.

In another long-running saga, Ms Foster had earlier taken the decision<sup>76</sup> not to establish an independent Environmental Protection Agency, much to the dismay of environmentalists and the independent Review of Environmental Governance, chaired by Tom Burke, which had recommended the creation of just such an agency.<sup>77</sup> Prof Burke said it was a 'great shame' that Ms Foster had 'caved in to the Ulster Farmers' Union', complaining that the DUP (as with SF) had not even made a submission to his panel (which reported in June 2007) and that the submissions he had received, outside of that from the UFU, had been virtually unanimous in favour of an independent agency.<sup>78</sup> Mr Woods of Friends of the Earth said he was 'deeply disappointed' and that, as the three other executive parties had each made manifesto pledges to an independent agency, this was a 'test for democracy'.<sup>79</sup>

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

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

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<sup>76</sup> *Official Report*, 27 May 2008.

<sup>77</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: September 2007*, at: [www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI\\_Sept07.pdf](http://www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Sept07.pdf), pp. 27-8.

<sup>78</sup> D. Gordon, 'Top adviser slams Foster for green watchdog snub', *Belfast Telegraph* (28 May 2008).

<sup>79</sup> D. Gordon, 'Green dismay as Foster dumps new environment agency plan', *Belfast Telegraph* (27 May 2008).

<sup>80</sup> DoE news release, 27 May 2008.

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

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

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

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<sup>81</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: May 2008*, at: [www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI\\_May08.pdf](http://www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_May08.pdf), pp. 16-17.

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

<sup>83</sup> OFMDFM news release, 17 June 2008.

conducted by the former head of the Northern Ireland European office in Brussels and exploring a range of comparators, was anticipated in the autumn.

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

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

## 2.4 Rising unease

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

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

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

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<sup>84</sup> OFMDFM news release, 29 May 2008.

<sup>85</sup> OFMDFM, ‘Outline draft strategic approach for victims and survivors—consultation paper’, (Belfast, OFMDFM, 2008, at: [www.ofmdfmi.gov.uk/outline-draft-strategy-for-victims-and-survivors-consultation-paper.pdf](http://www.ofmdfmi.gov.uk/outline-draft-strategy-for-victims-and-survivors-consultation-paper.pdf))

<sup>86</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: May 2008*, at: [www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI\\_May08.pdf](http://www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_May08.pdf), p. 30.

<sup>87</sup> W. Graham, ‘DUP and SF to intensify talks over the summer’, *Irish News* (25 June 2008).

The outside world may jump up and down with appreciation of Ian Paisley and Martin McGuinness sharing power. But the locals aren't. Many people are strangely subdued about Stormont. They are in two minds as to whether it is worth having.<sup>88</sup>

The Maze site was one of those 'potentially destructive' issues. A memo from Mr Robinson leaked to the *Belfast Telegraph* said the proposed stadium would cost £379m, three times the original estimate, and would not represent value for money.<sup>89</sup> SF said the DUP leader was just dressing up his opposition in economic terms and insisted that if there was to be no stadium at the Maze there would be no stadium at all, as the party would veto any other proposal in the executive. An SDLP MLA for North Antrim, Declan O'Loan, commented: 'This is what everything has been building up to ... It does not bode well for the system of government we have ...'<sup>90</sup> As the chair of the 2012 Olympics organising committee, Lord Coe, visited the region, the secretary of state, Mr Woodward, expressed his frustration in the Commons that if the stadium were not built Northern Ireland would be unable to benefit.<sup>91</sup>

The minister for employment and learning, and UUP leader, Sir Reg Empey, said the executive was 'missing an overall strategic direction', that issues were being 'delayed' and 'blocked' and that discussions of unresolved items were often confined to SF and DUP political advisers. He warned against the devolution of policing and justice in this 'arm-wrestling' context.<sup>92</sup> An SDLP source was quoted as saying: 'Reg is absolutely right, it's actually much worse than that. What's more, things have worsened under the new [DUP] leadership.'<sup>93</sup>

Public unease grew as it became apparent that SF was blocking the executive from meeting, pending movement by the DUP on its key concerns, with a failure to meet on any of three Thursdays after 19 June.<sup>94</sup> After the 'Twelfth of July' break, the next potential meeting, on 24 July, was also postponed, as UUP, SDLP and Alliance figures queried the capacity of the DUP and SF to work together.<sup>95</sup> Even the politically appointed ministerial advisers failed to have an anticipated meeting that

<sup>88</sup> E. Curran, 'Is that a poisoned chalice behind you, Peter', *Belfast Telegraph* (12 May 2008).

<sup>89</sup> N. McAdam, 'Revealed: document that may sink Maze stadium', *Belfast Telegraph* (20 May 2008).

<sup>90</sup> N. McAdam, 'Sinn Fein insists Maze stadium will go ahead', *Belfast Telegraph* (20 May 2008).

<sup>91</sup> G. Moriarty, 'Maze-site stadium looks uncertain amid divisions', *Irish Times* (26 June 2008).

<sup>92</sup> *News at One*, RTE Radio, 4 July 2008.

<sup>93</sup> D. Keenan, 'UUP leader says Executive not functioning properly', *Irish Times* (5 July 2008).

<sup>94</sup> D. Rusk, 'Executive fails to meet for a month amid stalemate fears', *Irish News* (11 July 2008).

<sup>95</sup> *Newsline 6.30*, BBC Northern Ireland (22 July 2008).

week, against a backdrop of some 30 papers signed off by the first minister, Mr Robinson, but not yet by the deputy first minister, Mr McGuinness.<sup>96</sup>

The UUP leader, Sir Reg, claimed the executive was ‘paralysed’ at a time when citizens were feeling inflationary pressures.<sup>97</sup> The social-development minister, Margaret Ritchie, protested that she had written to the first and deputy first ministers, complaining that three draft bills—including one on affordable housing—were being held up, yet she had had no response after a fortnight. While the OFMDFM said ministers were engaged in business as usual, she said ‘cabinet-style government’ was essential.<sup>98</sup>

A list of outstanding papers, reduced to 24 by temporary approval given to six, was published by the *Irish News*. Critically, it included the direct-rule anti-poverty strategy, *Lifetime Opportunities*, on which again a successor was long awaited.<sup>99</sup> The Northern Ireland Council for Voluntary Action articulated NGO pressure in launching a Child Poverty Coalition, involving 17 voluntary organisations working in this area.<sup>100</sup>

In this fetid atmosphere, the republican-orientated columnist on the *Sunday Business Post* Tom McGurk said he had been told by an executive insider that the atmosphere around the table was ‘dour and dire’.<sup>101</sup> His UUP counterpart in the *News Letter*, Alex Kane, said relationships were characterised by ‘personal loathing’.<sup>102</sup>

The inability of the executive to respond effectively to public concerns was encapsulated by floods of biblical proportions in Belfast and its environs following torrential rain in mid-August. As the waters rose, so did the anger of the inundated households, telling BBC Northern Ireland they were being met with out-of-hours answerphone messages when they contacted statutory agencies:<sup>103</sup> the organisation of the executive as 11 largely independent fiefdoms meant the devolved government

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<sup>96</sup> N. McAdam, ‘Assembly is bogged down, can MLAs dig themselves out? Will they? Won’t they?’, *Belfast Telegraph* (22 July 2008).

<sup>97</sup> K. Reid, ‘Political commentary: London calling’, UTV news online (22 July 2008).

<sup>98</sup> *Newsline 6.30*, BBC Northern Ireland (23 July 2008).

<sup>99</sup> W. Graham, ‘Twenty-four papers in Stormont limbo’, *Irish News* (12 August 2008).

<sup>100</sup> NICVA eNews, 16 June 2008, available at: [nicvalist@nicva.org](mailto:nicvalist@nicva.org).

<sup>101</sup> T. McGurk, ‘Old tensions resurfacing in “dire” Stormont atmosphere’, *Sunday Business Post* (15 June 2008).

<sup>102</sup> A. Kane, ‘Government of “personal loathing and tunnel vision”’, *News Letter* (4 August 2008).

<sup>103</sup> *Newsline 6.30*, BBC Northern Ireland (16 August 2008).

could not even provide a unified emergency helpline.<sup>104</sup> The executive did, however, issue a statement the next day about emergency payments<sup>105</sup>—its first in over a year.

In this context that, addressing the British-Irish Association conference in Oxford at the conclusion of the survey period, the SDLP leader, Mr Durkan, shifted his party's stance from implacable defence of the Good Friday agreement and called for constitutional reform. He said the 'arguably sectarian' system of communal designation—the basis for the deadlocking vetoes in the executive—should be replaced in the next assembly term by a strong bill of rights. And he talked about a 'political realignment' more consonant with a 'shared future'.<sup>106</sup>

His comments were welcomed by Danny Kennedy of the UUP, who said: 'There is a widespread political feeling that the structures that got us to where we are now are perhaps not the best vehicle to take us forward.'<sup>107</sup> They were however rubbished as 'fantasy politics' by Martina Anderson of SF.<sup>108</sup>

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<sup>104</sup> L. McKee, 'Floods blame game begins', *Belfast Telegraph* (19 August 2008).

<sup>105</sup> Northern Ireland Executive news release, 17 August 2008, at: [www.northernireland.gov.uk/executive-statements-index/executive-statement-on-flooding-17-08-08.htm](http://www.northernireland.gov.uk/executive-statements-index/executive-statement-on-flooding-17-08-08.htm).

<sup>106</sup> 'Power-sharing should end soon says Durkan' and 'SDLP calls for end to cross-party coalition', *Irish News* (6 September 2008).

<sup>107</sup> M. Canning, 'Unionists welcome Durkan comments', *Irish News* (8 September 2008).

<sup>108</sup> 'Durkan's plan is "fantasy politics"—Anderson', *Derry Journal* (9 September 2008).

### 3. The Assembly

*Rick Wilford and Robin Wilson*

#### 3.1 'God bless you please, Mrs Robinson'?

Iris Robinson, the DUP chair of the assembly's Health, Social Services and Public Safety Committee, had already made her mark in the house—being the first MLA to be suspended following the restoration of devolution in 2007.<sup>109</sup> She was at the seat of controversy again in this period, inside and outside the assembly, over remarks on homosexuality on regional radio and at the Northern Ireland Grand Committee.

On a BBC talk show, Ms Robinson declared that homosexuality was an 'abomination' and that gays could be 'turned around' with psychiatric treatment.<sup>110</sup> She claimed merely to be retailing the 'word of God' but Dolores Kelly of the SDLP called for her to be removed as committee chair.<sup>111</sup> The police were asked to investigate after a complaint from a gay activist in Co Down, invoking the 1987 Public Order Order.<sup>112</sup> The first minister defended his wife—the Robinsons attend an Elim Pentecostal evangelical church—but the deputy first minister, Mr McGuinness, said the comments were harmful and distressing.<sup>113</sup> The internationally respected *New Scientist* magazine attacked Ms Robinson in an editorial, arguing that there was no scientific foundation for her position and expressing concern that someone of her views could be chair of the health committee.<sup>114</sup>

Pressure grew on Ms Robinson, and her party, following further comments at Westminster, in which the Strangford MP suggested homosexuality was 'viler' than child sex abuse. The UUP MLA John McCallister said she had become an 'embarrassment' who should be removed from her position.<sup>115</sup> But her husband once again defended her, saying that 'all Iris did was quote the Bible'.<sup>116</sup> A bigger than ever

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<sup>109</sup> 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](http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Jan08.pdf), pp. 27.

<sup>110</sup> *Stephen Nolan Show*, BBC Northern Ireland (6 June 2008); D. Keenan, 'Anger after MP says gays can be "turned"', *Irish Times* (7 June 2008).

<sup>111</sup> *Newsline* 6.30, BBC Northern Ireland (9 June 2008).

<sup>112</sup> E. Moulton, 'Police probe Iris Robinson's "gay" remark', *Belfast Telegraph* (9 June 2008).

<sup>113</sup> 'McGuinness: Robinson's criticism of gay people harmful and distressing', *Belfast Telegraph* (11 June 2008).

<sup>114</sup> 'Why homosexuality is not unnatural', *New Scientist* (18 June 2008).

<sup>115</sup> D. McAleese, '11000 demand PM reprimands Iris for her outburst on gays', *Belfast Telegraph* (23 July 2008).

<sup>116</sup> 'Robinson defends wife's rights to views', *News Letter* (26 July 2008).

Gay Pride march in Belfast however attracted political figures from all the other parties in support.<sup>117</sup>

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

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

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

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<sup>117</sup> F. O Connor, ‘Pride and prejudice over North’s gay community’, *Irish Times* (7 August 2008).

<sup>118</sup> ‘MPs pushing abortion rights in NI’, BBC news online (23 July 2008); S. Lister, ‘MPs unite to fight law that will make abortions available in Northern Ireland’, *Belfast Telegraph* (24 July 2008).

<sup>119</sup> F. Millar, ‘Remarks by Iris Robinson raise doubts over Tory pact with DUP’, *Irish Times* (24 July 2008).

<sup>120</sup> G. Moriarty, ‘UN committee urges abortion law reform’, *Irish Times* (1 August 2008).

<sup>121</sup> ‘Call to teach biblical creation as science’, *News Letter* (6 August 2008).

In the run-up to the renewal of devolution in May 2007, London and Dublin worked hard to persuade others, and perhaps themselves, that the DUP was now a 'moderate' party. The extremely right-wing ideological stances adopted by Mr Wilson (see executive section), Ms Robinson and Mr Storey suggested this was wishful thinking.

### **3.2 Assembly business**

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

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

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

On 19 June 2008, the assembly's Social Development Committee met off the Stormont estate at the headquarters of the Northern Ireland Council for Voluntary Action, in north Belfast. Some 50 representatives of the voluntary sector were

sympathetically received by the committee as they pressed their concern about cuts faced by voluntary organisations as result of public-sector 'efficiency savings' (see finance section).<sup>122</sup> NICVA has also been concerned that vital work in community relations, community development and community learning could be threatened by the absence of mainstream government support to replace declining funding streams, such as the EU 'Peace' programme.

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<sup>122</sup> Details at: [www.nicva.org/index.cfm/section/news/key/assembly\\_committee\\_nicva](http://www.nicva.org/index.cfm/section/news/key/assembly_committee_nicva).

## 4. The Media

*Robin Wilson*

### 4.1 Hacked-off hacks

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

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

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

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<sup>123</sup> V. Gordon and M. Coleman, 'Robinson takeover under threat', *Belfast Telegraph* (31 May 2008).

<sup>124</sup> M. McCreary, 'One day left to save Stormont: executive could fall if parties fail to end stalemate', *Belfast Telegraph* (4 June 2008).

<sup>125</sup> 'Normal news is good news', *Guardian* (3 June 2008).

<sup>126</sup> 'Crisis bordered on the ludicrous', *Irish News* (5 June 2008).

<sup>127</sup> R. Black, 'All quiet, then republican rotors raise riddle', *Irish News* (6 June 2008).

<sup>128</sup> C. Thornton, 'Stormont feelgood magazine binned as parties wrangle', *Belfast Telegraph* (9 June 2008).

The *Belfast Telegraph*, which revealed the episode, commented: 'The ordinary man and woman in the street would be entitled to ask today what chances the parties at Stormont have in settling their differences over policing and justice and the Irish language, when they appear unable to agree over the wording in the pages of a "feel good" 16-page magazine.'<sup>129</sup> Indeed, editorials in the paper grew increasingly restive as the deadlock continued, with one headlined 'Do the job you were elected to do' conveying the mood.<sup>130</sup>

Similar sentiments emerged from a paper based in the deeply divided north of the city. The *North Belfast News* editorialised: 'The Office of the First and Deputy First Minister says it recognises the need to grasp the nettle on interfaces in North Belfast. That's fine but we need more than platitudes on the issue, we need delivery.'<sup>131</sup>

This frustration came against the backdrop of the increased confidence of dissident-republican paramilitaries. Following the sniper attack on a policeman in Craigavon and the riots in south and east Belfast, a headline in the *Belfast Telegraph* sent a frisson of déjà-vu: 'Shots, bombs and stones in a day of violent mayhem'.<sup>132</sup>

#### 4.2 First-grade row

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

The UTV chief executive, John McCann, complained to Ofcom in response that ITV was raking in 'millions of pounds' in subsidy benefits while failing to distribute the proceeds to regional broadcasters. And Michael Wilson, managing director of UTV Television, said: 'I absolutely refute the notion that UTV is in any way subsidised by ITV.' He accused ITV of ignoring the going rate for programmes UTV received from ITV, the subsidising of ITV plc digital channels and the failure of ITV to pass on to regional companies any of the savings from the Carlton/Granada merger.<sup>133</sup>

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<sup>129</sup> 'Papering over the cracks', *Belfast Telegraph* (9 June 2008).

<sup>130</sup> *Belfast Telegraph* (27 August 2008).

<sup>131</sup> 'Will is there now to begin to bring the walls down', *North Belfast News* (16 May 2008).

<sup>132</sup> E. Moulton and L. Smyth, 'Shots, bombs and stones in a day of violent mayhem', *Belfast Telegraph* (27 August 2008).

<sup>133</sup> R. Morton, 'UTV accuses Grade over regional TV cash', *Belfast Telegraph* (19 August 2008).

## 5. Public Attitudes and Identity

*Lizanne Dowds*

In the last report, support for devolution over all other constitutional options was running at a fairly steady 55 per cent (as of the end of 2007), with a slight rise in support among Catholics and a fall among Protestants over the preceding year.<sup>134</sup> Not bad news for supporters of devolution, especially considering that support had risen since 2001 from a base of 43 per cent overall. But the political landscape has changed over those years with the rise of SF and the DUP as the dominant nationalist and unionist parties. Key to the success of devolution is then the extent to which DUP and SF politicians have succeeded or failed in gaining the trust of the electorate. The Northern Ireland Life and Times Survey revisited this issue in 2007 and the results provide food for thought—especially since this reading was taken *before* the recent difficulties on policing and justice.

**Figure 1: Trust in ministers in the Northern Ireland Executive**

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

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

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

<sup>134</sup> L. Dowds and R. Wilson, 'Public attitudes and identity', in R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Reports: May 2008*, at: [www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI\\_May08.pdf](http://www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_May08.pdf), pp. 28-31.

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

**Figure 2: Trust in DUP ministers among Catholics**

	2000 (%)	2007 (%)
<b>A minister from the DUP</b>		
Definitely or probably trust	17	41
Neither trust nor distrust	30	31
Definitely or probably distrust	45	24
Don't know	7	3

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

**Figure 3: Trust in SF ministers among Protestants**

	2000 (%)	2007 (%)
<b>A minister from SF</b>		
Definitely or probably trust	6	25
Neither trust nor distrust	14	30
Definitely or probably distrust	75	44
Don't know	5	2

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

## 6. Intergovernmental Relations

*Elizabeth Meehan and Robin Wilson*

### 6.1 'East-west'

The highlight of this quarter was a meeting in plenary form of the Joint Ministerial Committee—a highlight because it was the first such meeting for six years.<sup>135</sup> The meeting was held on 25 June 2008. Though the prime minister had given the Welsh secretary, Paul Murphy, responsibility for restoring the JMC, the meeting was chaired by the Lord Chancellor and justice secretary, Jack Straw, acting on behalf of Mr Brown. Northern Ireland's first and deputy first ministers, Messrs Robinson and McGuinness, went with the intention of seeking an assurance from the UK government that there would be no further increases in fuel excise duty—the executive's uninterest in environmental concerns has already been highlighted (see devolved-government section).<sup>136</sup> According to the subsequent statement, a 'number of matters related to finance' would be 'remitted to further discussions' between the finance ministers and the Treasury on a quadrilateral or bilateral basis.<sup>137</sup>

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

The social inclusion group of the British-Irish Council held its third ministerial meeting in Cardiff on 20 May, focused on child poverty and lone parents.<sup>138</sup> The Northern Ireland Executive Committee was represented by Mr Poots, minister for culture, arts and leisure, and Mr Murphy, minister for regional development.<sup>139</sup> It was agreed that

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<sup>135</sup> The JMC (Europe) in contrast, met four times in the year leading up to June 2008; HC Written Answers for 18 June 2008, cols. 945W-946W.

<sup>136</sup> OFMDFM news release, 25 June 2008.

<sup>137</sup> Cabinet Office Press Office, 19 June 2008; Wales Office news release, 25 June 2008; (Cab Office) Joint Statement from the Joint Ministerial Committee, 26 June 2008.

<sup>138</sup> BIC communiqué, 20 May 2008.

<sup>139</sup> The other delegations were led by: Wales, the chair, Brian Gibbons, minister for social justice and local government; UK, Stephen Timms, minister for employment and welfare reform; Republic of Ireland, Gerry Mangan, director of the Office for Social Inclusion; Scotland, Stewart Maxwell, minister for communities and sport; Isle of Man, Dudley Butt, political member for the social services division; Jersey, Paul Router, minister for social security; and Guernsey, Al Brouard, deputy minister for social security.

work in the coming year would examine the contribution of the voluntary sector in promoting social inclusion. Mr Poots gave an account of the meeting to the assembly on 9 June 2008, when he was reminded that child poverty was on the agenda of the Office of the First Minister and Deputy First Minister and asked about actions to be taken to achieve ambitions and targets.<sup>140</sup>

The meeting of the British-Irish Inter-Parliamentary Body reported here took place in Oxfordshire on 26-27 November 2007 but the record<sup>141</sup> (still not the final version<sup>142</sup>) of the meeting did not become available until this quarter. There is no record of any description yet for the spring 2008 meeting (28-29 April) in Wexford. In November 2007, unionists were still boycotting the BIIPB, their absence being a recurring theme in a debate on the first motion involving a future name and the functioning and business of the body.<sup>143</sup>

During the debate it was noted that the St Andrews Agreement provided a stronger basis for the existence of an 'east-west' inter-parliamentary body (as well as a north-south one) than the Belfast agreement. It was agreed that the existing body (possibly renamed an assembly<sup>144</sup>) was the obvious basis on which to build. However, a number of anomalies were noted which would need to be addressed.

The BIIPB originated as a partnership between two parliaments and, in this context, ministers from the two states were periodically invited to address it and to submit themselves to questions,<sup>145</sup> however, ministers from the devolved administrations did not yet do likewise. The relationship with the British-Irish Council would also need to be resolved: hitherto, the BIIPB had been denied observer status and nor had the BIC responded to invitations to attend BIIPB meetings. The matching of inter- or trans-national assemblies with corresponding executives elsewhere<sup>146</sup> was used to

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<sup>140</sup> *Official Report*, 9 June 2008.

<sup>141</sup> See [www.biipb.org](http://www.biipb.org).

<sup>142</sup> Hence, there are no formal page or paragraph numbers to record.

<sup>143</sup> The week before had seen the first meeting of the Oireachtas Joint Committee on the Implementation of the Good Friday Agreement to which Westminster MPs were invited as observers—with speaking, but not voting, rights. Members noted that, from the north, SF and SDLP MLAs had accepted the invitation but unionists did not want to be observers.

<sup>144</sup> It was suggested that the name British-Irish Parliamentary Assembly (on a par with the NATO Parliamentary Assembly) would be put forward by the Standing Committee to the plenary meeting at Wexford in the spring of 2008.

<sup>145</sup> It was noted that, while even the taoiseach had done this, no British prime minister had ever appeared and it was agreed that Mr Brown should be encouraged to do so.

<sup>146</sup> The Nordic Council and the Assembly of the Western European Union, now known as the Interparliamentary European Security and Defence Assembly.

inform suggestions about how comparable forms of accountability<sup>147</sup> could be achieved in the mosaic of relationships in the case of Ireland and the UK.

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

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

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

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

<sup>148</sup> And the busiest route across the Irish Sea, according to the first minister, Alex Salmond, when he visited Belfast for the opening of the new ferry terminal there—Scottish Government news release, 4 June 2008.

He also referred to the role of the centre when answering a question about the delay in Northern Ireland in passing an Irish Language Act. He suggested that, while the UK government had to be sensitive to things that mattered to people in Northern Ireland, Westminster intervention in a situation where legislation was now in the hands of devolved institutions would be to 'run a coach and horses through the whole principle of the devolutionary settlement'.<sup>149</sup>

The meeting received reports from its committees and there was a substantial debate on the report by Committee D on *The Irish Community in Britain* (Doc No 131).<sup>150</sup> BIIPB members suggested that, in what they otherwise acclaimed as an excellent report, there might be a little too much emphasis on the Irish in England at the expense of both similarities to them and differences from them amongst the Irish in Scotland or Wales. With respect to Ireland, returning migrants, often elderly, found themselves back in a country that was different from the one they had left.

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

## 6.2 North-south

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

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

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

<sup>151</sup> *Belfast Telegraph* (12 August 2008).

<sup>152</sup> C. Thornton, 'Scrapping NIO would be extremely foolish: Tories', *Belfast Telegraph* (13 August 2008).

<sup>153</sup> OFMDFM news release, 13 May 2008.

The lord mayors of Belfast (Jim Rodgers), Cork (Donal Coughlan) and Dublin (Paddy Bourke) met in Dublin—the first such tripartite engagement since 1955.<sup>154</sup>

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

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

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

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<sup>154</sup> S. Carroll, 'Lord mayors meet for first time since 1955', *Irish Times* (21 May 2008).

<sup>155</sup> Department of Agriculture and Rural Development news release, 21 May 2008.

<sup>156</sup> J. Stinson, 'North may lose RTE in digital switchover', *Irish News* (22 May 2008).

<sup>157</sup> A. Beesley, 'IDA warned of Northern competition', *Irish Times* (30 June 2008).

## 7. Relations with the EU

*Elizabeth Meehan*

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

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

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

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

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<sup>158</sup> In searching other—official and media—websites, I found one reference to one meeting of the JMC (Europe), in an MSP’s question and the minister’s answer, in the Scottish Parliament in March 2008.

<sup>159</sup> House of Commons European Scrutiny Committee, *The Work of the Committee in 2007 Twelfth Report of Session 2007-08*, HC315, published 7 February 2008, p. 14.

<sup>160</sup> Minutes of Proceedings (MoP) of the Committee for the OFMDFM, 18 June 2008.

<sup>161</sup> ‘World trade talks could ruin future of agriculture’, DARD news release, 30 May 2008.

<sup>162</sup> DARD news release, 18 June 2008.

<sup>163</sup> DARD news release, 24 June 2008.

fishing industry. The following month in Brussels she met EU officials,<sup>164</sup> including a member of the *cabinet* of the agriculture commissioner, Mariann Fischer Boel, and the official in the commission's Maritime and Fisheries Directorate responsible for Atlantic fisheries. With the latter, she raised concerns about the total allowable catch and quotas for Irish Sea stocks and about the latest scientific advice that recommended a reduction in the shellfish (nephrops) quota.

Four members of the assembly Committee for the OFMDFM spent two days in Brussels in June 2008.<sup>165</sup> Their programme, motivated by a desire for Northern Ireland to be more active in influencing European legislation, included meetings with the Irish and British ambassadors and senior commission officials. They were briefed on the Lisbon Treaty, the Barroso Taskforce on Northern Ireland (covered in recent reports), EU institutions, the work of the Office of the Northern Ireland Executive in Europe and the commission's programme for tackling discrimination.

About the same time, Sean Neeson MLA (not a member of the committee) asked the OFMDFM about when its ministers had last visited the Brussels office.<sup>166</sup> This was a means of making an unfavourable comparison with the other devolved administrations' European offices, in terms of resources and accessibility to a wider swathe of people than the executive. The deputy first minister, Mr McGuinness, said that the office was anxious to assist all assembly members, not just ministers, and all areas of government, including local, as well as civic society, universities and other organisations. He agreed other offices were better resourced and said the situation would be monitored to ensure Northern Ireland's interests were represented as effectively as possible.

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<sup>164</sup> DARD news release, 23 July 2008.

<sup>165</sup> MoP of the Committee for the OFMDFM, 14 May 2008 and 18 June 2006, and Committee for the OFMDFM news release, June (no specific date provided) 2008.

<sup>166</sup> *Official Report*, 23 June 2008, AQO 4108/08.

## 8. Relations with Local Government

*Rick Wilford*

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

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<sup>167</sup> DoE news release, 30 June 2008.

## 9. Finance

*Rick Wilford and Robin Wilson*

### 9.1 Economic woes

With its large sump of non-employment (nearly 30 per cent of the adult population) and large stratum of low pay, a large swathe of the Northern Ireland population with neither savings nor slack in household budgets has been hit hard by sharp inflation in fuel and food necessities. A parliamentary question—notably by a Liberal Democrat rather than a Northern Ireland MP—revealed that the region had the highest UK fuel prices, at almost 5 per cent of disposable income, as against 3.4 per cent in Scotland. The MP, Jo Swinson, said: ‘The Government must urgently investigate why people in Northern Ireland are paying such a high proportion of their income in domestic fuel costs.’<sup>168</sup>

The privatised Northern Ireland Electricity announced a 14 per cent price increase, following a 28 per cent rise from Phoenix Gas, and further price surges were anticipated as the period ended.<sup>169</sup> A Northern Ireland Audit Office report found 34 per cent of households were suffering from fuel poverty, up from 27 per cent in 2001, despite expenditure of £98m on the Warm Homes Scheme.<sup>170</sup>

As households gave up on capital investments to cope with current expenditure, a Bank of Ireland / University of Ulster survey found that house sales had dropped by half in the second quarter.<sup>171</sup> The Northern Ireland Court Service reported that actions for home repossession had been 59 per cent higher in the second quarter than in the comparable period of 2007.<sup>172</sup> Department of Communities and Local Government figures showed house prices had fallen faster in Northern Ireland, by 9.4 per cent, in the year to June than any other region, though prices remained in absolute terms higher than the UK average.<sup>173</sup> The Royal Institute of Chartered Surveyors meanwhile reported that construction workloads had declined in the last quarter at a rate faster than at any time for 12 years.<sup>174</sup>

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<sup>168</sup> S. Lister, ‘Ulster fuel costs highest in UK’, *Belfast Telegraph* (19 May 2008).

<sup>169</sup> C. Harrison, ‘Households face huge power price hike’, *Belfast Telegraph* (28 May 2008).

<sup>170</sup> D. Gordon, ‘Failure warning in fuel poverty battle’, *Belfast Telegraph* (23 June 2008).

<sup>171</sup> D. Keenan, ‘House sales in North decline by about half’, *Irish Times* (6 July 2008).

<sup>172</sup> Northern Ireland Court Service news release, 8 August 2008.

<sup>173</sup> F. McDonnell, ‘UK house prices fall fastest in North’, *Irish Times* (13 August 2008).

<sup>174</sup> G. Bardgett, ‘Construction sector slows at fastest rate in twelve years’, *Belfast Telegraph* (2 July 2008).

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

## 9.2 Fiscal conservatism

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

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

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

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<sup>175</sup> DSD news release, 14 May 2008.

<sup>176</sup> DSD news release, 2 June 2008.

<sup>177</sup> OFMDFM news release, 21 July 2008.

<sup>178</sup> 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](http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Jan08.pdf), pp. 59-62.

<sup>179</sup> F. McDonnell, 'Union warns planned health cuts in North could put 3,000 jobs at risk', *Irish Times* (20 May 2008).

<sup>180</sup> NICVA news release, 10 June 2008.

claims for additional allocations if they spent what they had.<sup>181</sup> The UUP Department of Employment and Learning minister, Sir Reg Empey, pointed out that some of his programmes were demand-dependent.<sup>182</sup>

### 9.3 Bushed

Among the first of their joint public engagements, the first and deputy first minister, Messrs Robinson and McGuinness, hosted a meeting with the US president, George W Bush, who touched down on 16 June as the last stop on his purportedly valedictory European tour. Mr Bush's four-hour visit, his second to Northern Ireland, occasioned little public interest but much popular ire: his cavalcade brought traffic in and around Belfast to a juddering halt.<sup>183</sup> SF MLAs meanwhile joined protesters outside gates, leading the commentator Eamonn McCann to remark: 'To say that the position of Sinn Fein is anomalous is to put it very mildly indeed.'<sup>184</sup>

The ostensible purpose of the stop-over was to put the presidential seal of approval on the new political pairing and to wish them well—not least on the back of the investment conference held in Belfast in May, which had attracted a number of prospective US investors. Yet the fanfare that attended the conference had, thus far, borne few tangible gains, as the new first minister acknowledged: 'OFMDFM will be working hard over the coming months to capitalise on the success of the event. The full outcome of the conference will take some time to come to fruition'.<sup>185</sup>

As the survey period came to a close, industrial-development officials said they were still working on leads and hoped for long-term results. But the *Irish Times* business correspondent wrote of an 'undeniable reality' that not only had the world 'economic goalposts' moved but the 'political climate' at home had deteriorated.<sup>186</sup>

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<sup>181</sup> Department of Finance and Personnel news release, 3 June 2008.

<sup>182</sup> Department of Employment and Learning news release, 3 June 2008.

<sup>183</sup> *Newsline 6.30*, BBC Northern Ireland (16 June 2008); G. Moriarty and D. Keenan, 'Bush urges NI leaders to continue making history', *Irish Times* (17 June 2008). The visit also led to the cancellation of the assembly's plenary session scheduled for 16 June.

<sup>184</sup> D. Gordon, 'Sinn Fein criticised for "confused" response to visit', *Belfast Telegraph* (17 June 2008).

<sup>185</sup> *Official Report*, 9 June 2008. During answers to oral questions the first minister remarked that a potential '120 new high-quality jobs' could be created following inward investment by two US information-technology companies.

<sup>186</sup> F. McDonnell, 'Are the days of wine and roses over in the North?', *Irish Times* (26 August 2008).

## 10. Political Parties and Elections

*Rick Wilford and Robin Wilson*

### 10.1 Cultivating Cameron

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

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

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

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

<sup>187</sup> The UUP’s sole MP, Sylvia Hermon, also voted with the government—HC Deb, 11 June 2008.

<sup>188</sup> See *Newsletter*, 9 July 2008.

<sup>189</sup> ‘DUP votes save Brown from Commons defeat on terror Bill’, *Irish Times* (12 June 2008).

<sup>190</sup> ‘DUP deny government bought votes’, BBC News Online (12 June 2008).

<sup>191</sup> *Daily Telegraph*, 24 July 2008.

when he said: 'I would like this to go all the way.'<sup>192</sup> The Conservative leader spoke of a 'new force' in Northern Ireland politics, which he said should not be confined to 'Orange or Green and constitutional issues'.

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

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

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

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<sup>192</sup> N. McAdam, 'Ulster Unionists in merger talks with Cameron's Tories', *Belfast Telegraph* (24 July 2008).

<sup>193</sup> G. Moriarty, 'Conservatives and UUP in discussions on possible tie-in', *Irish Times* (25 July 2008).

<sup>194</sup> C. McGimpsey, 'A number that adds up for Cameron, but not for the people', *Observer* (Irish edition, 7 September 2008).

<sup>195</sup> *Belfast Telegraph* (20 August 2008).

<sup>196</sup> BBC news online (24 July 2008).

<sup>197</sup> BBC news online (30 May 2008).

<sup>198</sup> *News Letter* (4 June 2008).

the new relationship with the Conservatives up his sleeve, he was unequivocal in his rejection of overtures from the DUP.<sup>199</sup>

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

## 10.2 Cowen cooler

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

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

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

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<sup>199</sup> UUP news release, 31 May 2008.

<sup>200</sup> *News Letter* (18 August 2008).

<sup>201</sup> D. de Bréadún, 'SDLP in "exploratory" talks with Dail parties', *Irish Times* (4 July 2008).

<sup>202</sup> 'Cowen plays down merger talk', UTV news online (2 July 2008).

<sup>203</sup> 'Sinn Féin resignation', *Belfast Telegraph* (6 August 2008).

## 11. Public Policies

*Rick Wilford and Robin Wilson*

### 11.1 Education

The future of post-primary education was another major row between the DUP and SF still awaiting resolution during this period. In mid-May, the education minister, Ms Ruane (SF), engaged in a U-turn by announcing that she was to allow grammar schools to select their pupils for a further three years, on a sliding scale—50 per cent of intake in 2010, 30 per cent in 2011 and 20 per cent in 2012—but thereafter admissions were to be based on non-academic criteria.<sup>204</sup> The new test would be drawn up by the Council on the Curriculum, Examinations and Assessment, the local exams body, rather than enabling schools to set their own.

Her *volte face* was in part a response to the earlier decision by thirty grammar schools (under the umbrella of the 'Association for Quality Education') to devise their own 'common entrance tests', subsequently published in mid-June.<sup>205</sup> Ms Ruane's improvised scheme would, however, require cross-party support to become a reality and that was highly unlikely. According to the former chair of the Education Committee (and now environment minister), Mr Wilson, 'under no circumstances' would the DUP agree to academic selection being removed from the statute books: 'Why would we when it was agreed at St Andrews that selection would remain unless there was cross-party support to ban it?'<sup>206</sup>

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

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<sup>204</sup> K. Torney, 'Ruane u-turn on tests', *Belfast Telegraph* (14 May 2008).

<sup>205</sup> *Belfast Telegraph* (18 June 2008).

<sup>206</sup> K. Torney, 'Ruane u-turn on tests', *Belfast Telegraph* (14 May 2008). Ms Ruane was also at the centre of controversy over her decision to fund a third Irish language school in Derry—despite the advice of civil servants in her Department that there was sufficient provision there—which, according to one of her unionist critics, had 'sectarianised the Irish language'. See *Official Report*, 24 June 2008. It was an ill-tempered debate.

with the unionist parties'.<sup>207</sup> Ms Ruane told the *Belfast Telegraph*: 'I am the Minister for Education and I will bring about the change that is needed.' The UUP education spokesperson, Basil McCrea, warned: 'This is a constitutional crisis and if it is not resolved it will lead to the downfall of the Assembly and the Executive.'<sup>208</sup>

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

## 11.2 Health

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

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

Mr McGimpsey also announced that the minimum age for tobacco purchase was being raised to 18, following practice in the other UK jurisdictions and the republic.<sup>212</sup>

<sup>207</sup> D. Keenan, 'DUP and SF split over proposed education reforms', *Irish Times* (16 May 2008).

<sup>208</sup> K. Torney, 'Education crisis point: SF and DUP at loggerheads over school selection plans', *Belfast Telegraph* (16 May 2008).

<sup>209</sup> 'Education impasse "can be broken"', BBC news online (17 May 2008).

<sup>210</sup> S. Doyle, 'High-stakes academic selection "gamble with children's futures"', *Irish News* (26 May 2008).

<sup>211</sup> Department of Health, Social Services and Public Safety news release, 23 June 2008.

<sup>212</sup> DHSSPS news release, 30 June 2008.