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Northern Ireland Devolution Monitoring Report

April 2007

**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:

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Northern Ireland Devolution Monitoring Report

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Acronyms

APNI	Alliance Party of Northern Ireland
ARA	Assets Recovery Agency
BIC	British-Irish Council
BIIC	British-Irish Intergovernmental Conference
BIIPB	British-Irish Inter-Parliamentary Body
CID	Criminal Investigation Department
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
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
PIRA	Provisional Irish Republican Army
PSNI	Police Service of Northern Ireland
PUP	Progressive Unionist Party
RUC	Royal Ulster Constabulary
SDLP	Social Democratic and Labour Party
SOCA	Serious Organised Crime Agency
SB	(RUC) Special Branch
SF	Sinn Féin

STV	single transferable vote
UDA	Ulster Defence Association
UDR	Ulster Defence Regiment
UKUP	United Kingdom Unionist Party
UPRG	Ulster Political Research Group
UUP	Ulster Unionist Party
UVF	Ulster Volunteer Force

Executive Summary

Yet another ‘final’ Northern Ireland deadline came and went, but this time devolution looked set, at last, to be restored 55 months after it collapsed in October 2002, following revelations of an IRA spy ring at Stormont.

It was evident that devolution would not return until and unless the ambiguous relationship between Sinn Féin and the rule of law was resolved. After the belated announcement of an end to the IRA campaign in 2005 and associated decommissioning, the remaining step was to endorse the institutions of policing and justice in Northern Ireland, reformed following the Belfast agreement of 1998, as set out in the St Andrews agreement of October 2006. This duly took place at a special ard fheis (conference) called by SF in January 2007.

The ball was then in the court of the Democratic Unionist Party, whose electoral strength had advanced in lock-step with that of SF as Protestant insecurity grew since the ‘peace process’ began in the early 1990s. A combination of inducements in the St Andrews agreement—notably provision for deadlocking vetoes and the separation of the conjoined first and deputy first minister—and the threat of joint, British-Irish ‘stewardship’ over Northern Ireland impelled the DUP towards acceptance of a loveless marriage with SF.

The two parties duly prevailed in the assembly election on 7 March, eclipsing the former custodians of what passes for the centre ground in Northern Ireland, the UUP and the SDLP. A pre-election poll highlighted the sheer contempt of most Northern Ireland citizens for the politicians of the other ‘side’ and scepticism as to whether they could work together.

Despite the repeated insistence by ministers in London and Dublin that a devolved government must be formed by 26 March, or the assembly would be disbanded and MLAs put out of work, the DUP was able to spare its blushes and ease internal unrest by securing a postponement to 8 May. Meantime, however, there was another ‘historic’ Northern Ireland media moment to sustain momentum, with an appearance (almost) together at Stormont by the DUP leader, Rev Ian Paisley, and the SF president, Gerry Adams.

Soon thereafter, the parties indicatively divided the spoils by running the d'Hondt rule: the departments were distributed four to the DUP, three to SF, two to the Ulster Unionist Party and one to the SDLP. A bulging in-tray of controversial issues will confront the new ministers, including the future of academic selection, legislation on the Irish language and water charges.

The question remained as to whether the new leaders would become immersed in these practical problems and thrash out solutions together, or whether they would see them as trials of strength in the continuing ethnic power-struggle over their opposing ultimate constitutional goals.

Chronology of Key Events

- 22 January 2007 Police ombudsman releases damning report on collusion over several years between old RUC Special Branch and loyalist paramilitaries in north Belfast.
- 28 January 2007 Sinn Féin special conference gives support to policing and criminal justice system in Northern Ireland, conditional on restoration of power-sharing institutions and devolution of policing and justice.
- 30 January 2007 Independent Monitoring Commission welcomes SF conference decision as further evidence that republican leadership committed to democratic process.
- 7 March 2007 Third assembly election takes place under STV, revealing over subsequent days of count continued polarisation as Democratic Unionist Party and SF dominate.
- 12 March 2007 Another report from IMC underscores commitment of republican movement to political path.
- 26 March 2007 Deadline set by Northern Ireland secretary, Peter Hain, for 'devolution or dissolution' expires without formation of power-sharing executive, but he elects to introduce emergency legislation allowing of a delay until 8 May, following successful weekend negotiations involving two largest parties, leading to joint news conference at Stormont.
- 27 March 2007 The DUP's MEP, Jim Allister, resigns from the party in protest.
- 2 April 2007 DUP and SF agree to indicative running of d'Hondt rule, so that parties can prepare to run particular departments in interim: election result gives DUP four seats (as well as first minister), SF three (as well as deputy first minister), Ulster Unionist Party two and SDLP one. The ministers were named over the succeeding days and weeks.

1. The 'Peace Process'

Rick Wilford and Robin Wilson

1.1 Introduction

The pivot on which this report turns is, of course, the (third) assembly election on 7 March 2007, which was intended to lead to the nomination of a new, inclusive, power-sharing administration on 26 March. As the electorate (more accurately, around two-thirds of it) trooped to the polls, however, there remained uncertainty about whether that deadline would be met—notwithstanding repeated statements by the Northern Ireland secretary, Peter Hain, the republic's minister for foreign affairs, Dermot Ahern, and the London and Dublin premiers, insisting that if no Executive Committee was established by the due date 'Plan B' would take effect. The assembly would be dissolved and the two governments would thereafter engage, under direct rule, in the 'joint stewardship' of Northern Ireland.

The timetable for the election and putative post-election developments was set by the St Andrews agreement of October 2006,¹ and their context shaped by further reports from the Independent Monitoring Commission (on 30 January and 12 March) and, crucially, Sinn Féin's special ard fheis (conference) on policing in Dublin on 28 January. Each of the IMC's reports confirmed that the IRA had dismantled its operational structures, was not engaging in acts of violence, was not employing criminal methods to raise funds and was no longer 'exiling' from Northern Ireland those it deemed miscreants—and that its commitment to the strategy of a political path to Irish unification was firm and undiminished. As the more recent of the two reports concluded, 'it is firmly committed to the political path ... terrorism and violence have been abandoned and PIRA does not pose a threat relevant to security normalisation'.²

1.2 SF and the rule of law

The IMC's reports were in some measure influenced by the ard fheis of 28 January, at which SF delegates supported overwhelmingly the motion tabled by the party's ard

¹ See R. Wilford and R. Wilson, *Northern Ireland Devolution Monitoring Report: January 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, pp. 21-7.

² Independent Monitoring Commission, *Fourteenth Report of the Independent Monitoring Commission* (London: HMSO, 2007), at: www.independentmonitoringcommission.org/documents/uploads/14th_IMC_Report.pdf, p. 11.

chomhairle (executive) expressing its 'critical' support for 'civic policing through a police service which is representative of the community it serves, free from partisan political control and democratically accountable'.³ In addition to support for the Police Service of Northern Ireland (and the Garda Síochána), the motion also expressed support for the criminal justice system, authorised SF's elected representatives to participate in the Policing Board and the district policing partnerships, endorsed the devolution of policing and criminal justice (by no later than May 2008, the date specified at St Andrews) and actively encouraged all in the community 'to co-operate fully with the police services (north and south) in tackling crime and actively supporting all criminal justice institutions'.

The path-breaking motion was, however, a conditional one. Its *coda* made plain that the motion would only be implemented by the SF executive 'when the power-sharing institutions are established and when the Ard Chomhairle is satisfied that the policing and criminal justice powers will be transferred. Or if this does not happen within the St Andrews timeframe, only when acceptable new partnership arrangements to implement the Good Friday Agreement are in place.'⁴

There had been some fancy footwork by ministers in advance of the ard fheis, with a view to smoothing the path for the SF leadership. The DUP fancied it had a veto over the devolution of policing and justice, since it could block a cross-community request in the assembly for the transfer of these functions, but this is a *sine qua non* of progress for SF. The Northern Ireland secretary, Mr Hain, told the assembly policing and justice committee that it would be a 'constitutional nonsense' for him to impose a minister on the assembly if there was no inter-party agreement on the devolution of these two functions by May 2008. But he said something very like that in indicating he could legislate to appoint such a minister, if he faced 'wilful obstruction' at that time.⁵

In February, the government was to table an amendment to the Justice and Security (Northern Ireland) Bill for devolution of policing and justice. This would allow the secretary of state to impose the structure of a single minister, with a 'transitional' deputy minister—a fudge between the unionist goal of one (unionist) minister and the

³ The motion is long: the full text is at www.sinnfeinonline.com/news/3189.

⁴ *ibid.*

⁵ C. Thornton, 'Hain will be able to name justice minister', *Belfast Telegraph* (10 January 2007).

nationalist alternative of a co-equal duo—if there were no agreement among the parties by May 2008.⁶

The prime minister, Tony Blair, also sought to save SF's blushes over involvement with a police service which the party has claimed to be in the service of 'securocrats' out to get it. In the Commons he affirmed that MI5 would be separate from what the SF president, Gerry Adams, has come to call 'civic policing', though there would be 'liaison' between them. His spokesperson was vague when later pressed on how this corresponded with the 'integrated' arrangements affirmed in Annex E of the St Andrews agreement⁷—integration which the republicans believe they have stopped.⁸

A key former member of the Patten commission which devised the post-agreement policing reforms, Maurice Hayes, was rather less sanguine about what 'civic policing' might mean than Mr Blair could afford to be from the distance of Westminster. Fearing it implied a police service which did not arrest anybody and had no intelligence capacity to tackle organised crime—the latter a major public concern in Northern Ireland—he affirmed: 'This is certainly not the police service envisioned by the Patten report.'⁹

Such concerns were exacerbated by news that the Assets Recovery Agency, which has pursued paramilitary-linked wealth, was to be dissolved into the Serious Organised Crime Agency¹⁰—particularly when it emerged that the news had broken in south Armagh days earlier, leading to concern that the ARA could have been a pawn in secret negotiations between SF and the government, with the prospect of pressure being lifted on the former IRA chief of staff Thomas 'Slab' Murphy, whose assets have been under investigation by the agency.¹¹ The chief constable expressed his doubts, as did the Ulster Unionist Party and the Social Democratic and Labour Party.¹²

These concerns were however allayed when the ARA issued a statement saying it had succeeded in a High Court application to freeze £11.8 million worth of property in

⁶ M. Hookham, 'Hain will have control of new justice body', *Belfast Telegraph* (7 February 2007).

⁷ F. Millar, 'Blair rules out MI5 role in civic policing in NI', *Irish Times* (11 January 2007).

⁸ G. Moriarty, 'Sinn Féin and SDLP clash over statement on MI5', *Irish Times* (11 January 2007).

⁹ M. Hayes, 'No North political party should accept soft core "civic policing"', *Irish Independent* (15 January 2007).

¹⁰ A. Travis, 'Agency which targeted criminals' assets to be axed', *Guardian* (12 January 2007).

¹¹ H. McDonald, 'Downing Street accused of pandering to Sinn Féin', *Observer* (14 January 2007).

¹² C. Thornton, 'Parties question motive behind abolition of assets recovery body', *Belfast Telegraph* (15 January 2007).

Manchester associated with the inquiry into monies allegedly generated from Mr Murphy's enterprises.¹³ In a written Commons answer, a junior Home Office minister, Vernon Coaker, told Gregory Campbell of the DUP that the merger with SOCA would not diminish the asset-recovery effort in Northern Ireland.¹⁴ Mr Hain also secured a letter of comfort from the home secretary, John Reid, to that effect.¹⁵

After a further ARA success, in which £8.2 million of assets—including 36 houses and plots of land and 11 bank accounts—were seized, belonging to the brothers of an alleged fuel smuggler in south Armagh,¹⁶ Alan McQuillan, deputy ARA director, expressed cautious optimism about the merger.¹⁷ Mr McQuillan was subsequently named acting director, pending the merger; welcoming his appointment, the junior Northern Ireland Office minister Paul Goggins once more insisted there would be 'no diminution' in tackling organised crime in the region.¹⁸

The IMC's thirteenth report appeared two days after the SF ard fheis, commending the outcome as 'a very major development'. It continued: 'That decision and the efforts invested by the leadership of the republican movement in presenting the arguments in favour of the change were further substantial evidence of their commitment to the democratic process.'¹⁹ Ironically, less than a fortnight earlier, SF had been denied in a court ruling a judicial review of the role of the IMC, which it had all along insisted was part of the 'securocrat' agenda.²⁰

Mr Hain seized on the IMC report and the ard fheis outcome. Of the latter, he said that 'what had always been a massive impediment to stable and lasting government has been removed' and that the way was now clear for the restoration of devolution. It was a message reinforced by his reaction to the former, of which he said that 'this report is further proof, if proof is needed, that Northern Ireland is a much different place to what it was only 18 months ago. It is now up to the politicians to show courage and grasp the historic opportunities before them in the coming weeks.'²¹

¹³ ARA news release, 18 January 2007.

¹⁴ M. Hookham, 'Assets recovery costs us a fortune', *Belfast Telegraph* (27 January 2007).

¹⁵ Northern Ireland Office news release, 12 February 2007.

¹⁶ ARA news release, 5 March 2007.

¹⁷ BBC News Online (6 March 2007).

¹⁸ NIO news release, 16 March 2007.

¹⁹ Independent Monitoring Commission, Thirteenth Report of the Independent Monitoring Commission (London: HMSO, 2007, at: www.independentmonitoringcommission.org/documents/uploads/Thirteenth_per cent20Report.pdf).

²⁰ 'SF refused permission for judicial review of IMC', *Belfast Telegraph* (19 January 2007).

²¹ NIO news releases, 28 and 30 January 2007.

Hailed in London and Dublin as, respectively ‘an historic’ and a ‘landmark’ decision, and by the leaders of the UUP and the SDLP as inevitable and long-overdue, even Sammy Wilson of the DUP acknowledged that the republican movement ‘had taken a step forward’. But he also insisted that the acid test for SF was ‘delivery’ of its commitment—a term that became a constant DUP refrain before, during and after the election campaign.

Behind all the thunder over policing, another related issue referred to in reports over the past year continued to bubble away under the surface: the status of ‘community restorative justice’ schemes, established as an alternative to paramilitary ‘punishment’ attacks on those deemed guilty (in the absence, of course, of due process) of ‘anti-social behaviour’ and drug-dealing. A protocol to give official legitimacy to such schemes, following the ending of private support from an Irish-American funder, had been the subject of prolonged controversy, as other parties expressed concern at the light-touch regulation originally envisaged, which would not even have required the schemes to co-operate directly with the police—as the ‘republican’ schemes in particular had refused to do.

In February, the NIO security minister, David Hanson, published the final version of the restorative-justice protocol, claiming it ‘has the police at the centre of the process’.²² It is much tighter than the initial proposals, but the SDLP said it was still unhappy about the ‘culture of paramilitary control’ associated with the schemes.²³

1.3 Collusion

As if the issue of policing wasn’t difficult enough, the publication by the police ombudsman’s office of its report²⁴ into the death of Raymond McCord in north Belfast in 1997 reignited the charge of collusion between the old Royal Ulster Constabulary and loyalist paramilitaries, more specifically between Special Branch officers and the Ulster Volunteer Force in that area of the city.

The report supplied a sobering glimpse into a very dark corner of the dirty war that extended far beyond the murder of Mr McCord, covering the period 1991-2003. It said that during those years UVF informants were responsible for 10 murders

²² NIO news release, 5 February 2007.

²³ D. Keenan, ‘Protocols will lead to rough justice, says SDLP’, *Irish Times* (6 February 2007).

²⁴ Police Ombudsman for Northern Ireland, *Statement by the Police Ombudsman for Northern Ireland on her investigation into the circumstances surrounding the death of Raymond McCord Junior and related matters*, Belfast, 22 January 2007, at: www.policeombudsman.org/press.cfm?Press_ID=153&action=detail&year=2007&month=4.

(including that of Mr McCord), 10 attempted murders, 10 ‘punishment’ shootings, 13 ‘punishment’ beatings, a bomb attack across the border in Monaghan, and 72 other instances of serious crime, including drug-dealing, extortion, intimidation and criminal damage.

According to the report, one UVF informant, known to be Mark Haddock—currently serving 10 years for his part in an assault—received almost £80,000 for his work as an informer, and he and his fellow informants were protected by some Special Branch handlers from other RUC officers investigating the relevant crimes. The report, which also alleged that the informants were implicated in up to five further murders, upheld the complaint of Mr McCord’s father that ‘over a number of years police acted in such a way as to protect informants from being fully accountable to the law’ and that ‘junior officers [within Special Branch] could not have operated as they did without the knowledge and support at the highest levels of the RUC and PSNI’.

The police ombudsman, Nuala O’Loan, insisted that a ‘culture of subservience’ to Special Branch had developed within the RUC—a charge made back in the 1980s by Sir John Stalker, following his investigation of alleged ‘shoot-to-kill’ episodes involving the RUC²⁵—and that this had created a ‘form of dysfunction’. The effect was that ‘whilst SB officers were effective in preventing bombings, shootings and other attacks, some informants were able to continue to engage in terrorist activities, including murder, without CID having the ability to deal with them for some of these offences’. In addition, informants were reportedly subject to ‘baby-sitting’ during interviews to avoid incriminating themselves, false notes were generated and searches of houses and of an arms dump were blocked, while misleading information was prepared for the director of public prosecutions and vital intelligence likely to have assisted in the investigation of crimes, including murder, was withheld from investigating teams.

The three-and-a-half year investigation (‘Operation Ballast’) was, according to Ms O’Loan, impeded by documents missing, lost or destroyed, including sections from murder files, decision logs and intelligence material, which prevented senior officers being held to account. In her view, this was a deliberate stratagem to ensure there could be no prosecutions. She reported that when questioned the former chief

²⁵ J. Stalker, *Stalker* (London: Harrap, 1988).

constable, Sir Ronnie Flanagan,²⁶ was unable to assist the investigation, that two retired assistant chief constables refused to co-operate and that other police officers (including some still in the PSNI) 'gave evasive, contradictory and, on occasion, farcical answers to questions', which 'indicated either a significant failure to understand the law, or contempt for the law'.

Political reaction to the report was uniform. Downing Street described it as 'deeply disturbing', as did the taoiseach, Bertie Ahern, who said that its findings were 'of the utmost gravity' and painted 'a picture of despicable past behaviour'. The Northern Ireland secretary echoed the current chief constable, Sir Hugh Orde, in saying that the report made for 'extremely uncomfortable reading' but, mindful of the then impending SF *ard fheis*, insisted that the catalogue of documented behaviour 'could not happen today not least because of the accountability mechanisms that have been put in place over recent years'.²⁷ SF's reaction was to claim vindication. As Martin McGuinness said, 'for 25 years we argued that there was collusion ... causing the deaths of over 1,000 people. There is no doubt whatsoever, in my view, that the most senior people imaginable within the RUC were involved in this. This was institutional practice.'

No officers (or informants) were named in the report but Mr Hain, among others, noted that it created 'all sorts of opportunities for prosecutions to follow'. But Jimmy Spratt, a DUP assembly member and former chair of the Northern Ireland Police Federation, dismissed the report: 'If it had had one shred of credible evidence then we could have expected charges against former police officers. There are no charges, so the public should draw their own conclusion.'

Mr Spratt cited the report as 'another clear example why both serving and former police officers have no confidence in the Police Ombudsman or her office', a sentiment that was later reinforced by the federation. In the considerable wake of Operation Ballast it published a letter to Ms O'Loan, announcing that it would no longer issue invitations to her office for attendance at any of its committees or conferences and that it was withdrawing from working parties or fora led by or on

²⁶ Sir Ronnie, currently the head of Her Majesty's Inspectorate of Constabulary, said in response: 'I utterly refute any suggestion ... that I was in any way evasive or unhelpful ... at no time did I have any knowledge, or evidence, of officers at any level behaving in the ways described. I would find such conduct abhorrent and if such behaviour took place my hope would be that it would be the subject of criminal or disciplinary proceedings'—BBC News Online (23 January 2007).

²⁷ For a summary of political reaction, see BBC News Online (22 January 2007).

behalf of her office. It claimed the ombudsman's office 'was destructive to the reputation of the RUC and if continued in its present form ... would inevitably undermine public confidence in the PSNI'.²⁸

An extensive rebuttal was subsequently furnished by the Northern Ireland Retired Police Officers' Association, a body representing more than 3,000 ex-officers, including former Special Branch personnel criticised in the report.²⁹ It described the latter as error-strewn, including in claiming—this dismissed as 'a lie'—that senior officers had refused to co-operate with the inquiry, which had allegedly decided its conclusions first and then organised evidence to support those presumptions, treated hearsay as evidence and compromised the current safety of officers and informants by 'virtually' identifying them. A copy of the rebuttal was sent to the Northern Ireland secretary and its authors demanded a public apology from Ms O'Loan—which was not forthcoming.³⁰

The publication of the police ombudsman's report just days before SF's *ard fheis* caused consternation in some quarters, where it was believed that it would bolster those within 'mainstream' republicanism opposed to endorsement of the PSNI. Any such apprehension turned out to be largely unfounded as delegates overwhelmingly endorsed the executive's motion. Indeed, the SF leadership turned the report to its advantage in advance. Acknowledging that republicans would 'not be surprised or shocked by the revelations', the party president, Gerry Adams, added that 'it's an incentive that the mechanisms which were put in place for accountability [of the PSNI], which we put in place and which we have argued for, now need to be deployed, not only to make sure that this does not happen again, but if it does, that those who are guilty will be dealt with properly'.³¹

Notwithstanding the decisive outcome of the *ard fheis*, nor the encouragement by senior figures in SF that nationalists should assist the police in criminal investigations, simmering doubts about its commitment flared in the light of remarks by its MP (and assembly member) for Fermanagh / South Tyrone, Michelle Gildernew. She said during a TV interview that she would not report to the police

²⁸ See www.policefed-ni.org.uk.

²⁹ See, for example, *News Letter* (21 March 2007), for extensive coverage. The rebuttal formed the basis of an adjournment debate in the Commons, tabled by the DUP MP Jeffrey Donaldson, during which he roundly dismissed the report as 'crucially flawed'. HC Deb, 21 March 2007, cols. 313-320WH.

³⁰ For Ms O'Loan's reaction, see BBC News Online (21 March 2007).

³¹ BBC News Online (22 January 2007).

'dissident' republicans who had been, or were, involved in criminal activities. Her remark was seized upon by the DUP as evidence of SF equivocation on policing, despite assurances to the contrary from the party's leaders, including its spokesperson on police and criminal justice, Gerry Kelly. For those in the DUP who harboured fundamental doubts about the wisdom of entering an executive alongside SF, at least in the short run, her reported remarks were a godsend, and presented those of its number reconciled to power-sharing with a further obstacle to overcome.

While the reaction to the publication of the Operation Ballast report continued to reverberate, another investigation was under way by the police ombudsman—this time into alleged collusion between the former senior IRA figure Freddie Scappaticci, alias 'Stakeknife', and the army. The investigation was triggered by a complaint from the parents of John Dignam, murdered by the IRA along with two other men, all alleged to be informers, in July 1992. The claim was that the three men were killed to protect Mr Scappaticci as head of the IRA's internal security unit, and that he was safeguarded by army 'handlers'. Now in hiding, the expectation is that he will be revealed to be the republican equivalent of Mr Haddock, albeit that he was run by military intelligence rather than the RUC. Thus far, Mr Scappaticci has avoided the grisly end suffered by Denis Donaldson, murdered in Donegal in April 2006, most likely by members of the IRA, after he admitted to having long acted as an agent for the intelligence services.

1.4 Election and after

The issue of SF's support for policing and criminal justice seemingly resolved, the remaining matter of the DUP's readiness to enter an inclusive, power-sharing administration was still uncertain as the election campaign got under way. The campaign itself was widely deemed somewhat lacklustre, given that it focused more on 'bread-and-butter' issues than the wider drama of the constitutional status of Northern Ireland (see political parties and elections section).

In a sense, this was symptomatic of the normalcy of the new politics in the region, with electors animated by the impending introduction of water charges, the new rating system, the proposed ending of academic selection and, to a lesser extent, the proposed reforms of public administration. Notwithstanding the prominence given by the parties' manifestos to economic and social issues—a pre-election poll (see

public-attitudes section) put health at the top of the electorate's agenda³²—few doubted that, as ever, when the results were calculated voters would shepherd themselves into mutually exclusive communal voting blocs.

And so it largely proved. This did not, however, stop the government leaking the result of an exit poll to the *Belfast Telegraph* indicating 82 per cent of voters wanted the DUP and SF to agree an executive by 26 March, and prioritising water charges as the main issue of concern.³³

Should the election lead to the restoration of devolution, which seemed certain at time of writing, and a fully inclusive executive, then on the basis of the results it would, *via* application of the d'Hondt rule, yield a 7:5 unionist:nationalist balance around the 'cabinet' table. There would be five DUP ministers, including Mr Paisley as first minister; four SF ministers, including Mr McGuinness as deputy first minister; two UUP ministers and one SDLP minister.

With the electoral die cast, the key question became: would the DUP countenance a power-sharing administration alongside SF, and on what terms, by the 'deadline' of 26 March? Initially, the answer seemed to be 'definitely maybe' and then became 'yes, but not quite yet', ie not by the deadline stipulated in the St Andrews Act.³⁴

The parties put on a common front to press the chancellor to give Northern Ireland a further 'peace dividend' (see finance section). And, with the clock ticking towards 26 March, separate meetings and telephone calls between Messrs Paisley and Adams and Mr Blair, between the latter and Mr Ahern, and between all of the key players and the Northern Ireland secretary continued—the context shaped by Mr Hain's apparent insistence that unless devolution occurred on the scheduled day, the assembly would be dissolved, the salaries and expenses of the MLAs would cease, and London and Dublin would implement the (undefined) default option of 'joint stewardship'.

³² Thirty per cent say or respondents said health was the most important issue, as against 13 per cent who said strengthening the union with Britain or moving to a united Ireland—C. Thornton, 'Health is biggest issue on doorstep', *Belfast Telegraph* (2 March 2007).

³³ C. Thornton, 'DUP/SF deal "backed by 82% of voters"', *Belfast Telegraph* (16 March 2007).

³⁴ The apparent readiness of the DUP's MLAs to enter a power-sharing administration was signalled by a survey of 27 of its 36 members. It found that almost all believed there would be an executive that included SF, though only one believed it would be in place by 26 March—*Belfast Telegraph* (15 March 2006).

Yet few, if any, believed that 26 March would prove to be ‘D’ day in either sense—devolution or dissolution—in large part because the ‘peace’ and political processes have been characterised by the breaking of deadlines, from the original 1998 agreement to date. Yet in mid-January, Mr Hain could not have been more pellucid: ‘The people of Northern Ireland will not stand for politicians dragging this out any longer. They, like me, believe that now is the time for politicians to go into devolved government together or Stormont closes down.’³⁵

In mid-February, briefing the US administration, he said there was not a ‘cat in hell’s chance’ of the government extending the deadline.³⁶ After a British-Irish Intergovernmental Conference meeting in Dundalk exactly one month before the fateful day, his Dublin counterpart, Mr Ahern, said it was the ‘absolute, cast-iron position’ of both governments that 26 March was ‘set in stone’.³⁷ And with just a week to go, Mr Hain insisted a delay to May to form an executive—as sought by the DUP—was an ‘absolute non-runner’.³⁸

Yet, as the deadline approached, the Northern Ireland secretary began to give coded messages that the government would in effect provide a soft landing (in the form of emergency legislation) to extend the deadline if the two major parties were within touching distance of an agreement. And so it was to be.

It was later reported that, in the wake of the election, the home secretary (and former Northern Ireland secretary), Mr Reid, had been in touch with the region’s key politicians assuring them that what mattered was less the date by which a deal was concluded than the fact that a deal was secured on Mr Blair’s watch as prime minister. If true, this undermined Mr Hain’s seemingly muscular insistence on the 26 March deadline—and, presumably, Dr Reid would only have intervened with the (at least) tacit knowledge of No. 10. The report was however denied by the DUP deputy leader, Peter Robinson, during the Commons debate on the emergency bill.³⁹

On 22 March, DUP officers drew up a resolution to be presented to the party’s 120-member Executive Council two days later, which acknowledged ‘that a significant

³⁵ C. Thornton, ‘Deadline for Stormont is final: Hain’, *Belfast Telegraph* (19 January 2007).

³⁶ D. Staunton, ‘“Gesture” on Croke Park killings considered’, *Irish Times* (15 February 2007).

³⁷ D de Bréadún, ‘Cost of cross-border roads to be shared’, *Irish Times* (27 February 2007).

³⁸ G. Moriarty and M. Donahoe, ‘London, Dublin stand firm over North deadline’, *Irish Times* (20 March 2007).

³⁹ HC Deb, 27 March 2007, col. 1328.

opportunity exists to have devolution returned in a context which can make real and meaningful improvement in the lives of all the people in NI'. Thus, it recommended that the DUP 'would support and participate fully in a NI Executive if powers were devolved to it on an agreed date in May'. It continued: 'We are willing to bridge the short gap between now and then with preparatory work including departmental pre-briefings and finalising a Programme for Government. This firm commitment is offered within an environment where no one, including the government, goes back on any of the advances and commitments made.'⁴⁰ Mr Hain now suggested there could be a 'breathing space' for a 'settling-in' period after 26 March.⁴¹

The next day, a 'tough' meeting took place between the prime minister and Mr Paisley. Mr Blair was still refusing the latter's demand to introduce emergency legislation at Westminster so that the devolved executive would in effect be suspended on 26 March as soon as formed, amid fear on the government side that Mr Blair's legacy was slipping away.⁴²

Following a four-hour meeting of the DUP executive on 24 March, the leadership's resolution was endorsed, reportedly by more than 90 per cent of its members. In the course of a brief statement after the meeting, Mr Paisley said the 'Ulster people'—ie Protestants—'will be persuaded, they will not be driven' to acceptance of the terms upon which his party would enter an inclusive administration.⁴³ Thus, the scene was set for the restoration of devolution.

On 25 March, Mr Hain signed the devolution restoration order, still promising collapse the next day if the parties couldn't agree a way ahead.⁴⁴ And, on the morning of 26 March, the *Guardian* reported that in light of the DUP decision the government was to back down on the deadline, with emergency legislation to be drafted revoking the dissolution requirement following the legislation implementing the St Andrews agreement, if Messrs Paisley and Adams were to agree during a meeting that day.⁴⁵

⁴⁰ DUP news release, 25 March 2007.

⁴¹ N. McAdam, "'Breathing" space idea mooted', *Belfast Telegraph* (22 March 2007).

⁴² F. Millar, 'DUP may have plan to break Monday deadline', *Irish Times* (24 March 2007); O. Bowcott, 'Paisley faces DUP rebellion over power sharing deadline', *Guardian* (24 March 2007).

⁴³ BBC News Online (24 March 2007).

⁴⁴ BBC News Online (25 March 2007).

⁴⁵ P. Wintour and O. Bowcott, 'Paisley and Adams to meet for first time to break deadlock', *Guardian* (26 March 2007).

Thus, for the first time, Mr Paisley and his team sat down for an hour-long, face-to-face meeting with Mr Adams and his senior SF colleagues in the unlikely, but neutral, setting of the members' dining room in Parliament Buildings at Stormont. That meeting was preceded by proximity talks over the weekend between the DUP and SF teams, led, respectively, by Mr Robinson and Mr McGuinness. The talks were held at Stormont Castle, base of the Northern Ireland Office, and laid the groundwork for Monday's events. Shortly afterwards the two leaders appeared together, flanked by colleagues, to confirm that devolved power-sharing would resume on 8 May.⁴⁶

1.5 Devolution redux

It was a remarkable occasion: indeed, one had to pinch oneself to check that it wasn't a dream, or that there wasn't something wrong with the TV (see media section).⁴⁷ Though there was no handshake and little if any eye contact, the shared commitment to the return of a power-sharing administration was evident. The two leaders, first Mr Paisley, then Mr Adams, read prepared statements, the former saying: 'We as a party have agreed the timing, the setting-up and working of the institutions. Today we have agreed with Sinn Féin that this date will be Tuesday 8 May.' For his part, Mr Adams remarked: 'I believe the agreement reached between Sinn Féin and the DUP, including the unequivocal commitment, made by their party Executive and reiterated today, to the restoration of political institutions on May 8th, marks the beginning of a new era of politics on this island.'

To enable the agreement to be implemented and provide for the six-week delay, Mr Hain confirmed that a two-clause emergency bill would be rushed through Parliament on 27 March: so much for his, Mr Blair's and Mr Ahern's, insistence that 26 March was utterly immovable. Yet none could countenance other than that the space and time be found to usher in what could yet turn out to be a truly historic administration.

One of the first, effectively joint, acts between the DUP and SF was to call on the government to halt the planned issue of the new water bills—a request that was accepted. Was this a sign of collectivist things to come? Possibly. Between the end of March and early May the DUP would, according to its leader, 'participate fully with the other parties to the Executive in making full preparations for the restoration of

⁴⁶ The full texts of Dr Paisley's and Mr Adams' statements are available on UTV News Online (26 March 2007).

⁴⁷ The SDLP leader, Mr Durkan, during the debate on the emergency bill, captured the incredulity of many: 'I have observed before that our peace process has carried more people on more roads to Damascus than the Syrian bus fleet, and we saw that again yesterday.'—HC Deb, 27 March 2007, col. 1331.

devolution', a process that would 'include regular meetings between the future First and Deputy First Ministers'. Thus, and for the first time, Messrs Paisley and McGuinness would co-operate face-to-face—though, as Mr Paisley reportedly put it, 'it will be a work-in not a love-in'.

The surprise of 26 March was compounded when, a week later, the parties announced an effective indicative running of d'Hondt. Both the DUP and SF indicated who their ministerial teams would comprise and on 2 April they announced which of the departments each would take, a set of decisions that signalled the intense and swift negotiations over the division of the ministerial spoils. The departmental allocation was:

- DUP: finance and personnel (DFP); enterprise, trade and investment (DETI); environment (DoE); culture, arts and leisure (DCAL);
- SF: education (DE); regional development (DRD); agriculture and rural development (DARD);
- UUP: health, social services and public safety (DHSSPS); employment and learning (DEL); and
- SDLP: social development (DSD).

On 2 April, SF announced that its team would be Martin McGuinness (as deputy first minister), Conor Murphy, Michelle Gildernew, Gerry Kelly and Caitriona Ruane.⁴⁸ It emerged that Ms Ruane was to take DE, Mr Murphy DRD, Ms Gildernew DARD and Mr Kelly one of the two junior ministries in OFMDFM. The SDLP meanwhile indicated Margaret Ritchie would assume its sole post at DSD.⁴⁹

It was notable that unlike their unionist counterparts, neither of the leaders of the nationalist parties, Mr Adams and Mark Durkan of the SDLP, was to be in government. The UUP eventually announced that its leader, Sir Reg Empey, would take DEL, while the former DCAL minister, Michael McGimpsey, would have DHSSPS—leaving in the cold Alan McFarland, who was narrowly defeated by Sir Reg for the leadership when David Trimble stepped down in the wake of the previous electoral debacle for the party in 2005.

⁴⁸ G. Moriarty, 'Progress in north continues as parties agree ministries', *Irish Times* (3 April 2007).

⁴⁹ 'Sinn Fein reveals ministerial posts', 'SDLP's Ritchie first to be attached to a department', *Belfast Telegraph* (4 April 2007).

It was not until 16 April that the DUP revealed its team. Apart from Mr Paisley as first minister, the party's deputy leader Mr Robinson would assume the reins at DFP, with Nigel Dodds taking over DETI, Arlene Foster the DoE and Edwin Poots DCAL. Ian Paisley Jr would become the other junior minister in OFMDFM.⁵⁰ It is more than likely, however, that during the assembly's mandate the party will rotate its ministers, as in 1999-2002.

With that issue resolved, the prospective cabinet could ready itself fully in advance of 8 May. The business of drawing up the Programme for Government would, no doubt, prove troublesome, not least because of yawning and seemingly unbridgeable policy gaps between the DUP and SF on a very broad agenda, extending from academic selection to the reform of public administration (see public policies section)—a fact acknowledged by Mr Adams in the run-up to the election. Anticipating a DUP/SF-led administration, he rehearsed his claim that it would be characterised by 'a battle a day'. It was an opinion wryly shared by the Mr Robinson of the DUP: 'it is the one thing we agree on'.⁵¹

In January, the Northern Ireland Council for Voluntary Action had issued its periodically updated 'policy manifesto', the product of consultation among the 4,500 associations affiliated to it. The director of NICVA, Seamus McAleavey, complained of the 'limbo land' of 'caretaker government', looking forward for the first time in years to the prospect of devolution. The manifesto called *inter alia* for a ban on corporal punishment, the raising of the minimum wage for young people, an independent environmental protection authority, and improvements in public transport such that 80 per cent of all households could live within 10 minutes' access to it.

One item on the DUP's shopping list to be resolved before it would contemplate entering into government with SF was a new exclusion mechanism, one that would target the offending party (SF!), rather than one that entailed the punishment of the (purportedly) innocent as well as the (allegedly) guilty, as was hitherto the case, by the collapse of the entire executive.⁵² The party deputy leader, Mr Robinson, insisted that mandatory power-sharing could not be 'enduring'.⁵³

⁵⁰ N. McAdam, 'Paisley the Younger to be a junior minister at Stormont', *Belfast Telegraph* (16 April 2007).

⁵¹ BBC News Online (3 March 2007).

⁵² While under the previous period of devolution SF was *prima facie* in breach of its obligation to non-violence under the Belfast agreement's pledge of office, for failing to bring about IRA decommissioning by May 2000, a similar charge could be laid at the door of the DUP, as the pledge also required

This, however, was not conceded by the two governments in the run-up to 26 March. So, while the DUP, together with the other three major parties, made some modest headway on the financial package, should a future crisis threaten the survival of the executive, as things stood all parties would once more be jettisoned from office, including the DUP. One could, however, expect the DUP to revisit this.

The absence of such a discrete mechanism was one reason for the decision of the DUP's MEP, Jim Allister, to resign from the party on 27 March. Mr Allister, who had also resigned from the party in the late 1980s over a UUP-DUP electoral pact, had campaigned assiduously against what he saw as a premature decision to enter an administration alongside SF and had voted against the resolution endorsed by the DUP executive three days earlier.⁵⁴ Speaking at a news conference convened to publicise his resignation, he said:

To continue as the DUP's MEP, it would be my obligation to accept the party executive policy decision to usher SF into government in a few short weeks. This in conscience I cannot do. Thus, I must resign from the party. SF, in my view, is not fit for government. Nor can it be in a few weeks. I just cannot comprehend how the DUP can contemplate government, particularly where it will be joined at the hip in OFMDFM, with an organisation which clings to an illegal army council of an illegal army. It seems to me that, sadly, the lure of office has clouded the party's judgment.⁵⁵

The departure of Mr Allister, who intends to hold on to his European Parliament seat until 2009, did not prompt a flurry of other resignations, although a number of DUP councillors had deserted in the run-up to the election, as did others afterwards, including the Ballymena councillor and DUP founder member Roy Gillespie. Jim Wells, the only MLA to vote against the party's resolution on 24 March, made public his reservations. But, like David Simpson MP, MLA and Stephen Moutray MLA, who issued a joint statement indicating that they believed the decision, 'ahead of any credible testing period', was 'premature',⁵⁶ Mr Wells chose not to fall on his sword.⁵⁷ It

ministers to work with colleagues on the Programme for Government and the party refused to attend executive meetings.

⁵³ *Inside Politics*, BBC Radio Ulster (3 March 2007).

⁵⁴ Mr Allister set out his position well in advance of the election. See *Belfast Telegraph* (9 January 2007).

⁵⁵ BBC News Online (27 March 2007).

⁵⁶ BBC News Online (29 March 2007).

⁵⁷ *News Letter* (30 March 2007). William McCrea was another DUP MP who voiced his distaste at the deal: 'As far as I am concerned, the idea of Sinn Fein in government is obnoxious. It makes me sick to the pit of my stomach.' But he too remains in the party—HC Deb, 27 March 2007, col. 1346.

seems that the DUP's capacity to manage its membership is on a par with SF's: Stalinist ruthlessness doesn't only (allegedly) prevail at 11 Downing St.

1.6 Buying loyalty?

During the election period, the NIO was relatively inactive on the policy front, although of course its collective effort was bent towards the achievement of an agreement between the DUP and SF.

It was not, however, inert. One decision in particular demonstrated its capacity to surprise and anger the region's population, Catholic or Protestant⁵⁸—the announcement that it was to award £1.2 million to the Ulster Political Research Group for 'conflict transformation'.⁵⁹ The UPRG, which provides political 'analysis' to the largest loyalist paramilitary organisation, the UDA, had drawn up a business plan designed, over a three-year period, to move the UDA away from violence and crime so that it became a 'community' association rather than a terrorist group.

The monies are to be used in six areas where the UDA has a strong presence, will be administered by Farset Community Enterprises in west Belfast, and will employ up to a dozen staff. The NIO's decision attracted criticism from all quarters, not least because the UDA was subsequently described by a senior police officer as 'still up to their necks in extortion'.⁶⁰ And, of course, the UDA, like the other major (and minor) loyalist paramilitaries, is yet to decommission its arsenal.⁶¹

At the end of March one UDA 'brigadier' and his adviser, respectively Gary Fisher and Tommy Kirkham,⁶² were expelled, a move interpreted by some as an attempt to justify the award of the money by the NIO. This evident power struggle could yet deteriorate into a round of intra-organisational violence.

While internecine struggle raged within the motley and shambolic *demi-monde* of loyalist paramilitarism, the well-disciplined IRA was reportedly moving to disband its

⁵⁸ A stream of angry messages were sent to BBC Radio Ulster after it publicised the announcement, variously arguing that the money should have gone to hard-pressed public services and that this showed that crime paid.

⁵⁹ OFMDFM news release, 22 March 2007.

⁶⁰ BBC News Online (23 March 2007).

⁶¹ The Loyalist Volunteer Force, a splinter of the Ulster Volunteer Force, did surrender a small number of old/obsolete weapons and munitions in December 1998.

⁶² In October 2006 Mr Kirkham had sought £8.5 million from the NIO to assist in transforming the UDA's notorious 'south-east Antrim unit' into a 'community-development' body. He and Mr Fisher were expelled because they supported the Shoukri brothers, who had earlier been dethroned as the men in charge of the UDA in north Belfast—*Belfast Telegraph* (29 March 2007).

army council, possibly in advance of, or to coincide with, the planned restoration of devolution on 8 May. In some measure this impending decision was influenced by the run-down of the army presence towards a garrison strength of 5,000, planned since 2003. The run-down was, according to the IMC, ahead of schedule.

At the end of March a significant step was taken when the army base in Crossmaglen, Co Armagh—the heart of what soldiers once described as ‘bandit country’—was closed and its dismantling begun. At almost the same time another symbol of the ‘troubles’ years was also being demolished—the Maze prison, site of the ‘H-blocks’. Though some parts of the complex will be retained as a museum and a ‘conflict transformation’ centre, the demolition of most of the buildings will erase a scar from the physical and political landscape.

1.7 Conclusion

Barring accidents, it seemed assured at time of writing that from 8 May—for the first time since 15 October 2002—Northern Ireland would again be a devolved region of the UK, as well, of course, as one with a special relationship with the Republic of Ireland. The division of the ministerial spoils announced on 2 April augured well for a more business-like approach to the conduct of government. As things stood, the stated determination of both the DUP and SF to work together for the benefit of all was promising. One would have to postpone judgment, however, to assess the extent to which that promise is fulfilled.

2. Devolved Government

Robin Wilson

2.1 Rationalisation postponed

The tocsin is now chiming for the demise of direct rule. Its complement of secretary of state plus four junior ministers will find themselves with much less to do come 8 May. One can anticipate that the ministerial team will be reduced to a total of three (including the Northern Ireland secretary), as before the restoration of direct rule in October 2002.

But devolution will put off a rationalisation avoided when the previous devolved administration launched its review of sub-regional governance only in 2002 (see local-government section). With no sign of an imminent restoration, Mr Hain's special adviser, Phil Taylor, had produced a plan, which was leaked to the *Belfast Telegraph*, to reduce the number of Northern Ireland 'devolved' departments from 10 to six with effect from April 2008. Mr Hain had described the prevailing departmental arrangements as 'unsustainable' in the light of the review of public administration, while the former NIO minister Lord Rooker had said they were 'absolutely barmy'.⁶³

Under the plan, the Office of the First Minister and Deputy First Minister would incorporate the Department of Finance and Personnel. The Department of Education and the Department of Enterprise, Trade and Investment would each incorporate part of the Department of Employment and Learning. The already big Department of Health, Social Services and Public Safety would remain as was. And there would be two new departments: a Department for Sustainable Development and Energy, incorporating much of the Department of Agriculture and Rural Development and the Department for Regional Development, and a new Department for Communities and Inclusion, replacing the Department for Social Development.

This was not only with a view to saving money but to address the problem that the OFMDFM had 'little or no clout' over departments. One of the bizarre effects of the Belfast agreement, reflecting the mutual mistrust among the parties which agreed it, is that each minister is effectively independent of the others. Thus, whereas in Scotland, the permanent secretary, Sir John Elvidge, accountable to the first minister,

⁶³ D. Gordon, 'Blueprint to slash Ulster departments is revealed', *Belfast Telegraph* (10 January 2007).

can direct any member of the executive staff, in Northern Ireland each of the 10 departments has a permanent secretary, who can reject such requests from the OFMDFM permanent secretary if they have contrary ministerial cover. To add further complexity, each department now has an advisory 'board', mimicking private-enterprise structures and with many business members, being paid up to £500 a day for their services; the SDLP MLA John Dallat said the new assembly would want to 'take a cold, hard look' at this arrangement, which the OFMDFM defended as 'best practice' from the private sector.⁶⁴

The system of departmental fiefdoms creates real difficulty in the implementation of key cross-departmental strategies, such as *A Shared Future* (on 'community relations'), *Lifetime Opportunities* (on social inclusion) and *First Steps Towards Sustainability* (on sustainable development)—all of them introduced under direct rule. In each case the OFMDFM is the lead department.⁶⁵

Reform is, in such technocratic terms, unarguable. And, ironically, the 10-department structure was only agreed in 1998 between the then first and deputy first ministers designate, Mr Trimble and Séamus Mallon (SDLP) respectively, to secure two seats for SF when d'Hondt was run, implicitly because anything less might see republicans less committed to the 'peace strategy'. Such a calculation no longer applies, as SF, and the DUP, have gobbled up their ethnic rivals, but none of the parties even talked about biting on the bullet of reform before they ran d'Hondt indicatively to prepare the ground for devolution in May. Bums on seats triumphed over 'joined-up' government, without a contest.

Mr Taylor announced his departure during the period, to work with Mr Hain on his deputy Labour leadership campaign. He had been at the heart of the policy activism, which we had detected during this period of direct rule, since his arrival with the current Northern Ireland secretary. He tried hard to extract stronger commitments from senior officials on policies like *Lifetime Opportunities*, working against the grain of a conservative civil service, insulated by its separation from the rest of the 'home'

⁶⁴ D. Gordon, 'The execs paid £500 a day to oversee Ulster departments', *Belfast Telegraph* (16 February, 2007).

⁶⁵ Office of the First Minister and Deputy First Minister, *Lifetime Opportunities: Government's Anti-poverty and Social Inclusion Strategy for Northern Ireland* (Belfast: OFMDFM, 2006, at: www.ofmdfmi.gov.uk/antipovertynov06.pdf); *Taking Our Place in Europe* (Belfast: OFMDFM, 2006, at: www.ofmdfmi.gov.uk/taking_our_place_in_europe.pdf); *A Shared Future: Policy and Strategic Framework for Good Relations in Northern Ireland* (Belfast: OFMDFM, 2005, at: www.asharedfutureni.gov.uk).

civil service from policy stimulation in Britain, and insulated equally (by the absence of the north-south units found in every department in the republic) from initiatives south of the border.

And so his move was marked by anonymous recriminations. A civil-service source accusing Mr Taylor of being ‘bombastic’, while Mr Hain’s side replied that the Northern Ireland civil service was not used to a secretary of state who did not just ‘hold the fort’ and let departments run themselves.⁶⁶

The new ministers will feel no particular obligation to the big direct-rule policy initiatives. And whether they show any commitment to reconciliation, social inclusion and environmental sustainability—all of which imply a positioning on the secular liberal-left of the policy spectrum—rather than communalism and populism will remain to be seen. An obvious test will be the fate of the planning directive restraining one-off housing in rural areas on environmental grounds, which all the parties have opposed.

As expected, during the monitoring period the European Court of Justice ruled against the government in a case inspired by Friends of the Earth which concerned thirteen UK locations—nine in Northern Ireland—where there had been a failure to comply with the 1991 environment directive on waste treatment. The situation in Northern Ireland had arisen from the decision under devolution by the then environment minister, Dermot Nesbitt, to permit a number of housing developments, knowing sewage treatment arrangements were inadequate. FoE warned of huge fines.⁶⁷

2.2 Impartial treatment?

A Shared Future commits government to uphold the principle of impartial treatment, and the Northern Ireland Act 1998 implementing the Belfast agreement requires all public bodies, including government departments, to give due regard to equal opportunities along nine axes, including religion / political opinion, which translates into subjecting new policies to assessments of any potential differential effects.

But this apparently straightforward norm conflicts with the *Realpolitik* which New Labour has adopted towards Northern Ireland, which was evident in the decision to

⁶⁶ D. Gordon, ‘Hain’s right hand man off to campaign for his boss’, *Belfast Telegraph* (6 March 2007).

⁶⁷ D. Gordon, ‘Sewage system may cost Ulster huge fines’, *Belfast Telegraph* (6 February, 2007).

offer public funding to a UDA-linked group in the face of public bewilderment, and which the former deputy first minister Mr Mallon reflected upon so bitterly during the reporting period (see ‘peace process’ section). It was thus that the Northern Ireland secretary, Mr Hain, got himself in very hot water over the appointment of a DUP nominee as an ‘interim victims commissioner’—a matter on which the attorney general is still making inquiries at the behest of a High Court judge in Belfast—and of two Orangemen to the Parades Commission, both in the wake of loyalist riots following the rerouting of an Orange march in Belfast in September 2005.⁶⁸

In this period, Mr Hain took no chances. When a further appointment arose to the Parades Commission, which determines whether (mainly Protestant-communal) marches go ahead, and if so under what conditions, under the 1998 Public Processions Act, he went for a squeaky-clean approach. Kelly Andrews, being co-leader of the Green Party in the region and a feminist, thereby counts in the odd political culture of Northern Ireland as manifestly impartial.⁶⁹

Shortly afterwards, the Interim victims’ commissioner, Bertha McDougall, reported at the conclusion of her role, as the NIO advertised publicly for a permanent replacement.⁷⁰ Her report called for a new £8 million compensation fund (in the first year) for victims. She specifically recommended, however, a fund for widows of murdered members of the Ulster Defence Regiment, an almost entirely Protestant force which suffered large losses at the hands of the IRA before it was disbanded / integrated into the army because of the engagement of some of its members in harassment of Catholics and collusion with loyalist paramilitaries. This proposal was predictably backed by the DUP and—equally predictably—rejected by SF.⁷¹

A continuing sore, and again in sharp contradiction to *A Shared Future*, has been the ‘Renewing Communities’ scheme run by the Department for Social Development. The anodyne title conceals its origins as a response to a ‘taskforce’ on *Protestant* working-class communities, which it was suggested lacked the collective efficacy of their Catholic counterparts and so merited differential treatment⁷²—a position

⁶⁸ R. Wilford and R. Wilson, *Northern Ireland Devolution Monitoring Report: January 2007*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, pp. 28-9.

⁶⁹ NIO news release, 19 January 2007.

⁷⁰ NIO news release, 25 January 2007.

⁷¹ BBC News Online (25 January 2007).

⁷² Department for Social Development, *Renewing Communities: The Government’s Response to the Report of the Taskforce on Protestant Working Class Communities* (Belfast: DSD, no date, at www.dsdni.gov.uk/40708_action_plan.pdf).

sustained by government even when independent research it commissioned failed to justify this stereotyped conception, though the Northern Ireland Council for Voluntary Action could only extract that intelligence via a Freedom of Information request.⁷³

During the survey period, Dolores Kelly wrote on behalf of the SDLP to Mr Hain to demand an explanation for the 'blatant injustice and inequality' of the scheme. Ms Kelly insisted that it was a case of 'No Catholics need apply'. The government's defence was to claim that Renewing Communities was not in breach of section 75 of the Northern Ireland Act, as it was supporting piloting projects and thus not yet 'mainstream policy'.⁷⁴

⁷³ P. McGill, 'Weak Protestant communities?', *Scope* (NICVA magazine), September 2005, pp. 16-17.

⁷⁴ C. Thornton, 'Grants aimed at Protestant areas are breaking the law, claims SDLP', *Belfast Telegraph* (9 April 2007).

3. The Assembly

Rick Wilford

3.1 Debates

Following the election, the assembly—which retained its ‘Transitional’ status⁷⁵—met on two plenary occasions with the acting Speaker, Eileen Bell, in the chair.⁷⁶ The first, on 13 March, was to enable the MLAs to sign the membership roll and to designate themselves as ‘unionist’, ‘nationalist’ or ‘other’.

Prior to the signing-in, the Alliance leader, David Ford, announced that his seven MLAs, plus the Independent Kieran Deeny and the Green Party’s Brian Wilson, would register as the ‘United Community’ group. As Mr Ford put it, ‘It makes sense to work with those closest to us. People have said that they expect politicians to cooperate. We have taken the first step by forming a strong, coherent and constructive opposition. [It] signals our intent to take on the tribal parties, and deliver a new brand of politics which works for everyone’.⁷⁷ While it may prove coherent and constructive, its strength—other than moral—in the face of the four major parties which took 98 of the 108 seats, is somewhat questionable, though it is capable of punching above its weight.

The second plenary occurred a week later, to debate the draft statutory ministerial code and draft standing orders. Both had been considered under the aegis of the Programme for Government Committee, which had continued to meet until the end of January and which renewed its work on 13 March.⁷⁸

Before its pre-election dissolution, the assembly had met during January to debate a variety of issues, including, on a more local agenda, the proposed closure of post offices, road safety, autism, affordable housing, the Bain report on the rationalisation

⁷⁵ See R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Monitoring Report: January 2007*, at www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, p. 9-10.

⁷⁶ Ms Bell, the former Alliance deputy leader, had acted in that capacity since April 2006 when she was appointed by the secretary of state to preside over the ‘Hain’ assembly. She did not contest the March 2007 election and would stand down when the new devolved assembly elects her successor on 8 May.

⁷⁷ APNI news release, 13 March 2007.

⁷⁸ The committee’s report on the draft statutory code (No. 7/06R) was published on 15 March 2007. To date the Committee has produced six other reports. See ‘Committee’ page of the Transitional Assembly at www.niassembly.gov.uk.

of the schools estate,⁷⁹ rural schools, social disadvantage and educational attainment, rates reform and water charges and, on a more expansive plane, the comprehensive spending review, north-south co-operation and the welfare reform bill.

At its last session, on 29 January, one of the items for debate was liquor licensing—on the face of it, not a notably contentious matter. But the vote of the assembly Business Committee to include it (and ‘tie-up aid’ for farmers) instead of the police ombudsman’s report on collusion, as proposed by SF, prompted the republican MLAs to withdraw from the chamber in protest.

The assembly did not resolve before the election the stand-off between the parties on the devolution of policing. The six sub-groups of the Programme for Government committee reported, but there was no agreement on whether policing and justice should have two co-equal ministers or one, whether it or they should be appointed by d’Hondt or require a supportive 70 per cent assembly majority, or when powers should be devolved.⁸⁰

3.2 MLA changes

During January there was some turnover in assembly members. Marietta Farrell (SDLP) was nominated to replace Patricia Lewsley, who had resigned to take up the post of Northern Ireland commissioner for children and young people. Ms Farrell did run at the election in Lagan Valley but was unsuccessful. Dawn Purvis replaced the deceased PUP leader, David Ervine, and retained the seat in East Belfast on 7 March. Geraldine Dougan (SF) replaced the also-deceased Michael Ferguson (West Belfast) but chose to sit as an Independent Nationalist from 15 January, as a token of her opposition to the impending support by SF for the PSNI; Ms Dougan did not contest the election. One disaffected former SF MLA, Davy Hyland, had been deselected by the party in the run-up to the election and he did choose to stand, unsuccessfully, as an Independent Republican in Newry & Armagh (he had adopted the designation as an Independent Nationalist with effect from 19 December 2006).

At the 2007 election 77 incumbent MLAs—that is, elected in November 2003—were returned to the assembly. But that was not a fully functioning assembly and the

⁷⁹ See R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Monitoring Report: January 2007*, at www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, pp. 61-3.

⁸⁰ N. McAdam, ‘War of words over ministry make-up’, *Belfast Telegraph* (2 February 2007).

members were unable to cut their legislative or scrutinising teeth. Of the 108 MLAs returned on 7 March, just 48 had also served in the first assembly. In effect, there is a limited pool of corporate experience available for the new mandate, which will mean most members will be fresh to the extensive repertoire of roles they must perform.

Given that there will be 12 ministers and two junior ministers in the executive, each of whom is precluded from a role in the assembly's committees, the pool of tried and tested members will be shallower still. As in the 1999-2002 devolved period, most members will have to embark on a steep learning curve to come to terms with their varied and extensive responsibilities.⁸¹

Departing MLAs were each entitled to a 'resettlement allowance' of £15,900 and an additional £16,000 to cover 'winding-up' expenses. And, as if a politics-weary Northern Ireland public needed any reminder, they were updated by the *Belfast Telegraph* in April as to just how much the mainly mothballed assembly had cost the taxpayer since October 2002. Until the end of February, 53 months after it was put into suspension, the tally had reached £108.1 million. According to figures provided by the NIO, that broke down into £47.7 million for assembly members' salaries, allowances and expenses and £60.4 million for 'running costs'.⁸²

⁸¹ *Belfast Telegraph*, 13 March 2007.

⁸² N. McAdam, '£110m: That's what the suspension of the Assembly for 53 months has cost Ulster's taxpayers', *Belfast Telegraph* (12 April 2007).

4. The Media

Robin Wilson

4.1 'The big picture'

The media event of the reporting period was the joint appearance at Stormont on 26 March of the DUP and SF leaderships, announcing their agreement on the formation of a devolved executive.

For the occasion of the news conference, the two party teams did not sit facing each other—still less shaking hands—but at a right angle. The two veteran leaders, Messrs Paisley and Adams, were perched within a few feet of each other at the corner. It hardly compared with the image of Bono holding the arms aloft of David Trimble and John Hume, then respectively UUP and SDLP leaders, now both eclipsed by their ethnic outbidders, at the Waterfront Hall in Belfast during the 'yes' campaign for the agreement that had been reached on Good Friday in 1998—and not just because then the public, literally, felt much more part of the show.

Indeed, under the revisions to the Belfast agreement secured by the DUP at St Andrews in October 2006, there was no longer the symbolically significant requirement that the first and deputy first ministers be jointly elected by the assembly. That provision had itself been inspired by the joint offer of condolences by Mr Trimble and Mr Mallon to two families (one Catholic, one Protestant) bereaved by loyalist killers in Poyntzpass, Co Armagh, in the run-up to the original Stormont deal.

Still, the photo of the grinning Mr Adams and the more wanly smiling Mr Paisley winged around the world—appearing, for example with the *New York Times* story on the development.⁸³ It provided the basis, too, for an *Irish Times* editorial claim—'The big picture says it all'—although the paper warned that events or dissidents could derail the plan.⁸⁴ Most of the UK coverage was effusive,⁸⁵ though the *Guardian*, which placed the story on page 4 (with the picture) rather than on the cover, cautioned: 'It was a day to remember, but still a day for two hearty cheers rather than the full-throated three.'⁸⁶

⁸³ E. Quinn and A. Cowell, 'Ulster factions agree to a plan for joint rule', *New York Times* (27 March 2007).

⁸⁴ 'The big picture must win through', *Irish Times* (27 March 2007).

⁸⁵ See summary in M. Coleman, 'What the papers say', *Belfast Telegraph* (27 March 2007).

⁸⁶ 'The day Dr No said yes', *Guardian* (27 March 2007).

Government, however, was very aware of the utility of the image, given the international community's investment in the Northern Ireland 'peace process' for more than a decade, and the sense of *ennui* in recent years with an endlessly baffling and introverted region and the inertia of its political class. When it emerged that the St Andrews talks had cost the public purse £400,000—which sounded more like prize money for a golf tournament there than reasonable bed and board for a few days—Mr Hain was unapologetic:

The progress made at St Andrews was the catalyst which brought us to the truly historic events of this week. The pictures of Ian Paisley and Gerry Adams sitting together will resonate around the world and these two leaders have demonstrated a shared future for Northern Ireland.⁸⁷

A Shared Future, the title of the policy framework on community relations agreed by the direct-rule administration—following the failure of the devolved government to act on a review of the issue—aims at the transformation of Northern Ireland into a 'normal', civil society. Mr Hain was thus putting something of a spin on the words of the two communal principals. At the news conference, Mr Paisley had claimed that the period since the DUP had become the largest Protestant party in 2003 had 'seen our strategy deliver very significant advances for the *unionist* people', while Mr Adams had said the agreement marked 'the beginning of a new era of politics *on this island*'.⁸⁸

It subsequently emerged that choreography of the Stormont imagery had, among other things, been resolved in inter-party talks between SF and DUP subalterns over the previous weekend.⁸⁹ But not everyone was persuaded that this occasion was quite so profound a coming together as was being suggested. Under the cover headline 'Ulster: historic meeting', *Private Eye* pictured a smiling Adams with a hurley stick saying 'I come in peace' with, in a separate frame, a smiling Paisley saying 'and I'm the Pope'.⁹⁰

And there were grounds for skepticism, if not such cynicism. Ironically, in one sense this was precisely a rerun of the previous apparent Northern Ireland political

⁸⁷ NIO news release, 28 March 2007.

⁸⁸ 'Statement: Ian Paisley', 'Statement: Gerry Adams', *Irish Times* (27 March 2007) [emphasis added].

⁸⁹ F. Millar, 'How the deal was done', *Irish Times* (31 March 2007).

⁹⁰ *Private Eye* cover (30 March 2007).

miracle—the Belfast agreement. In the zero-sum constitutional game, for once in 1998 the communal protagonists *both* thought they were winning.

The weekend after Easter that year, Mr Trimble and Mr Adams told specially convened party conferences, in Belfast and Dublin respectively, that the Good Friday agreement had, in the UUP leader's version, left the union intact and—contradictorily—in the view of the SF president, begun a transition to a united Ireland.⁹¹ Both could not be right, as would inevitably emerge over time.

As successive iterations of the Northern Ireland Life and Times Survey were to show, it was Mr Adams' view which gradually gained ground. Protestants increasingly saw themselves as the communal losers: by 2005, 68 per cent had concluded that the agreement had benefited nationalists more than unionists, with only 1 per cent believing the contrary and 20 per cent still thinking it had benefited both equally.⁹²

Mr Trimble meanwhile progressively distanced himself from the post-agreement institutions, which collapsed following the revelations of an IRA spy ring at Stormont in October 2002, though even that did not save his electoral bacon in 2005. His once-bitten, twice-shy successor, Sir Reg Empey, acerbically claimed in a BBC Northern Ireland interview that on 26 March Mr Paisley had been gulled into taking part in a 'Sinn Fein photo-fest'.⁹³

That was not, of course, how the DUP leader saw it. On the contrary, he wrote a gloating opinion piece for a Protestant audience in the *News Letter* the following weekend:

Monday, March 26, was a day of great victory for the unionist people of Northern Ireland. That was the day that republicanism accepted the strength of unionism; that was the day that Irish republicanism adhered to our demands. That was the day that unionism secured its future.⁹⁴

A few days later, Mr Paisley told the *Belfast Telegraph* that SF had, in effect, surrendered:

⁹¹ R. Wilford and R. Wilson, 'A "bare knuckle ride": Northern Ireland', in R. Hazell (ed.), *The State and the Nations: The First Year of Devolution in the United Kingdom* (Thorverton: Imprint Academic Press, 2000), p. 81.

⁹² See results at [www.ark.ac.uk/nilt/2005/Political Attitudes/GOODFRI.html](http://www.ark.ac.uk/nilt/2005/Political_Attitudes/GOODFRI.html).

⁹³ 'Paisley accused of SF propaganda', BBC News Online (14 April 2007).

⁹⁴ I. Paisley, 'We can lay the foundation for a better future', *News Letter* (31 March 2007).

They may not admit it, but it is a fact that today they have had to bow the knee to the Northern Ireland that they sought to destroy and accept that if they want a political role in it they must also accept the parameters of Ulster's place in the Union.⁹⁵

But the SF leadership was unmoved. Its teleological belief in a unitary Irish state parallels the old Stalinist faith in the inevitability of the Dictatorship of the Proletariat and renders it—and its constituency, as the electoral defeat of the 'dissidents' proved—immune to such sectarian triumphalism. The future deputy first minister, Mr McGuinness told a Co Donegal rally of the faithful commemorating the Easter rising: 'We are on a countdown to a united Ireland.'⁹⁶

Mr McGuinness later insisted in an RTE interview, in which he looked forward to SF being in government in the republic also, that the next two assembly terms would be critical.⁹⁷ That would take us to 2015—the SF political elite made clear during the 90th anniversary of the 1916 rising last year that it expected that the centenary would be marked in a unitary state.

The issue of whether Fianna Fáil, dominant party in the current coalition in the republic, would countenance coalition with SF had been raised by the former Fine Gael taoiseach Garret FitzGerald, who now has a weekly column in the *Irish Times*, with the next Dáil election looming in May. At the turn of the year, the current taoiseach and FF leader, Mr Ahern, reiterated in response that he would not go into government with SF (though, critically—and this was Dr FitzGerald's key point—not refusing to accept SF votes for his re-election as taoiseach when the new Dáil convenes if, as expected, FF and its current coalition allies, the Progressive Democrats, fall short of a majority).

The *Irish Times* cartoonist, Martyn Turner, drew caricatures of Messrs Blair and Ahern trying to woo Mr Paisley into a power-sharing government in the north. He had Mr Ahern saying: 'If you go into government with Sinn Fein you would be strengthening partition ... 'cos nobody this side of the border would do such a thing ...'⁹⁸

⁹⁵ N. McAdam, 'Republicanism "is being strengthened by DUP quitters"', *Belfast Telegraph* (3 April 2007).

⁹⁶ 'Countdown on for unity—McGuinness', *Irish Times* (9 April 2007).

⁹⁷ *This Week*, RTE Radio 1 (15 April 2007).

⁹⁸ *Irish Times* (9 January 2007).

Mr Paisley, in any event, begged to differ with his prospective partner in government. The conservative *Washington Times* quoted him as saying: 'It is quite clear to everybody there is going to be no united Ireland for 100 years, at least.'⁹⁹

Somebody, once again, is going to find out that they were wrong about the shifting ethnic power balance. Mr Adams' position, ironically, was underpinned during 1998-2002 by his party's failure to comply with the decommissioning obligations of the agreement. This gave him 'leverage' with Downing Street, as Mr Blair admitted in his speech in Belfast after the 2002 collapse, in the competitive game between the two sets of communalist leaders to extract concessions from the prime minister.¹⁰⁰

But with the end to the IRA's campaign and the decommissioning of its weapons, that 'leverage', which undid Mr Trimble—and, indeed, the SDLP leader, Mr Durkan, incensed by the prime minister's repeated private suggestion that his party's problem was it didn't have any guns¹⁰¹—has gone. Conversely, Mr Blair prevented the St Andrews talks collapsing in the face of a threatened DUP walk-out, fearing the next day's headlines, by a raft of concessions to that party.¹⁰²

4.2 The Blair legacy

Around St Patrick's Day, the *Guardian* ran a series of reflections on the Belfast agreement and subsequent developments. In it, Mr Mallon, the former deputy first minister, was excoriating towards the prime minister, whom he clearly personally blames for the polarisation of recent years. Asked if he saw Mr Blair as an honest broker, he replied:

Here was a guy with a moral dimension to everything. And I'm not sure at what point I began to realise that in his political dealings he was amoral and didn't know the meaning of the word 'honesty'.

... In reality his whole strategy in terms of resolution of the Northern Ireland problem—I don't use the term peace process—was 'who do I buy and who do I sell?'¹⁰³

Asked if peace could have been delivered any other way, Mr Mallon responded:

⁹⁹ M. Canning, 'DUP leader to name ministers for Assembly executive', *Irish Times* (17 April 2007).

¹⁰⁰ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: November 2002*, at: www.ucl.ac.uk/constitution-unit/monrep/ni/ni_november_2002.pdf, p. 38.

¹⁰¹ *Hearts and Minds*, BBC2 Northern Ireland (6 November 2003); see also *Fortnight* 407, October 2002.

¹⁰² R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2007*, p. 22.

¹⁰³ O. Bowcott, "I wouldn't have taken his word for anything", *Guardian Unlimited* (14 March 2007, at: www.guardian.co.uk/Northern_Ireland/Story/0,,2033062,00.html).

Yes. There was a fundamental misjudgment ... Anyone who knows the north of Ireland would not have contemplated actions which sold middle unionism to Paisley, just as the same way in which our party [the SDLP] was treated.

That was not, of course, the prime minister's view. He said of the 26 March events:

In a sense, everything that we've done over the last 10 years has been a preparation for this moment. This won't stop republicans or nationalists being any less republican or nationalist, or making unionists any less fiercely unionist. But what it does mean is that people can come together, respecting each other's point of view, and share power, make sure politics is only expressed by peaceful and democratic means.¹⁰⁴

Yet the strategic decision by the republican leadership to move to a political approach long predated Mr Blair's ascent to power: Mr Adams was developing the 'peace strategy' from the late 80s.¹⁰⁵ And absent any commitment on either side to devolution *per se*, rather than the antagonistic projects for communal assimilation, it will indeed be 'a battle a day' until it is again clear which 'side' is prevailing—at which point there is the real concern that the other will defect. The evidence of the NILTS (see public attitudes section), conducted in the aftermath of St Andrews, suggests that Catholics are already moving back towards a view which associates devolution not with a shared future but with unionist political advantage.

A fortnight after the Stormont event, it emerged that Mr Blair planned to leave Downing Street after the Scottish and Welsh elections. It would not, however, be directly after those elections, given the anticipated drubbing for Labour, particularly in Scotland. It would be a week later, just after the expected re-establishment of devolution in Northern Ireland¹⁰⁶—from his point of view, an altogether more media-friendly association for his retirement.

¹⁰⁴ O. Bowcott, 'Northern Ireland's arch-enemies declare peace', *Guardian* (27 March 2007).

¹⁰⁵ E. Moloney, *A Secret History of the IRA* (London: Allen Lane, 2002).

¹⁰⁶ W. Woodward, 'Blair to wait until week after May elections to quit', *Guardian* (7 April 2007).

5. Public Attitudes and Identity

Lizanne Dowds and Rick Wilford

5.1 Devolution DUPed?

The Northern Ireland Life and Times Survey regularly includes a question on the constitutional preferences of the public, and the 2006 survey allows us to gauge public opinion after the St Andrew's agreement and before the March 2007 assembly election. The question includes various constitutional possibilities for Northern Ireland, from independence to unification with the republic, and asks respondents about their own views.

As noted in the May 2006 report,¹⁰⁷ between 2001 and 2005 public opinion surrounding basic constitutional preferences was remarkably stable. Support for devolution grew, while independence for Northern Ireland remained unpopular. The greatest support among the Catholic community was for a united Ireland, but this dropped as support for devolution steadily increased. By 2005, nearly as many Catholics favoured devolution as unification.

¹⁰⁷ See L. Dowds in R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Monitoring Report: May 2006*, at: www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_May06.pdf, pp. 35-7.

Figure 1: Changing Constitutional Preferences 2001-2006

	2001	2003	2005	2006
All	%	%	%	%
Northern Ireland should become...				
Independent	10	9	11	6
Devolution	43	52	52	57
Remain part of the UK with own Parliament	(31)	(30)	(31)	(42)
Remain part of the UK with own Assembly	(12)	(22)	(21)	(16)
Remain part of the UK with no Assembly	13	12	10	5
Unify with the Republic of Ireland	21	17	17	23
Don't know	13	11	10	9
Protestants				
Northern Ireland should become...				
Independent	8	6	10	5
Devolution	65	68	66	81
Remain part of the UK with own Parliament	(47)	(37)	(39)	(59)
Remain part of the UK with own Assembly	(18)	(31)	(27)	(22)
Remain part of the UK with no Assembly	17	17	15	6
Unify with the Republic of Ireland	1	2	1	2
Don't know	9	7	8	5
Catholics				
Northern Ireland should become...				
Independent	13	12	12	7
Devolution	18	27	35	29
Remain part of the UK with own Parliament	(14)	(18)	(23)	(22)
Remain part of the UK with own Assembly	(4)	(9)	(12)	(8)
Remain part of the UK with no Assembly	7	7	3	3
Unify with the Republic of Ireland	49	38	39	48
Don't know	13	15	10	13

The most popular choice for Protestants was always devolution, with about two-thirds of Protestant respondents over the 2001-05 period consistently endorsing the option in some form. Only 15 per cent of Protestants at the end of 2005 would have opted for direct rule as their first choice.

But the results from the 2006 survey reveal interesting changes. Possibly public opinion perceives some 'tweaking' of political arrangements in favour of the Protestant community 'over' the Catholic community. Certainly Catholic support for

unification with the republic has risen, just as support for devolution has suddenly waned. Among the Protestant community, support for devolution has strengthened further to a massive 81 per cent, with support for independence or direct rule negligible.

Among the population overall, this balances out to a slight to moderate increase in support for devolution, with a moderate increase in support for unification. For the time being at least, support for independence and direct rule is at an all-time low. Devolution remains the most popular option and not since 2001 has it had less than 50 per cent support across Northern Ireland.

One final point worth mentioning is that among both communities, and across the entire period, the option of devolution with Northern Ireland having its own parliament has always been much more popular than devolution with only an elected assembly. Consensus such as this is rare.

5.2 Mood of *méfi*ance

Only one poll was published during the election campaign.¹⁰⁸ This forecast a 25 per cent vote share for the DUP, 22 per cent for SF, 20 per cent for the SDLP and 16 per cent for the UUP. The poll was accurate only in so far as the rankings were right. It did exert some effect, however, especially on the DUP.

Pointing to the narrow 3 per cent gap between that party and SF (within the margin of error), its election supremo, the deputy leader, Mr Robinson, warned Protestant voters that staying at home or supporting 'maverick' unionist candidates could gift the role of first minister to SF, since the post would fall to the largest party, rather than the largest party in the largest 'designation' ('unionist'/'nationalist'/'other'), as had been the case in 1998 and at the 2003 virtual election:

It is obvious that if the traditional pattern of a higher percentage of nationalists than unionists coming out to vote were even to marginally increase it would have dire consequences. Adams and McGuinness would travel the world purporting to speak on behalf of NI; Martin McGuinness would be proposed as First Minister; and nationalists would be in a majority in any Executive ... It is vital that unionist voters turn out ... and support the DUP... and make sure that SF does not become the largest party.¹⁰⁹

¹⁰⁸ Ipsos/MORI poll, *Belfast Telegraph* (1 March 2007).

¹⁰⁹ DUP news release, 2 March 2007.

However highly motivated the poll's respondents were, only one in four believed that the prospective Paisley/McGuinness pairing as first and deputy first ministers would work either 'well' or 'very well' (a view held by 23 per cent of Protestants and 27 per cent of Catholics). Overall, 64 per cent of respondents said that the DUP and SF figures would work together not very well (37 per cent) or not at all (27 per cent), a view shared by Protestants (63 per cent) and Catholics (62 per cent).

Respondents were also ambivalent about the likelihood that the election would lead to the return of a working assembly and executive. Only half of all intending voters thought it likely (including 50 per cent of Protestants and 53 per cent of Catholics) while one in three (34 per cent) thought it unlikely, with a further 10 per cent undecided and 5 per cent who didn't know. Asked what should happen if devolution was not restored by the deadline of 26 March, respondents were unequivocal: by a margin of three to one (74 per cent to 23 per cent), they wanted the salaries of the MLAs to be halted immediately (including 73 per cent of Protestants and 74 per cent of Catholics).

As if to confirm the electorate's 'a plague on all your houses' mood, when asked how favourably they felt towards leading politicians, all registered a higher negative rating: ranging from -37 per cent for Mr Hain, to -35 per cent for Mr Blair, -34 per cent for Mr Adams and -30 per cent for Mr Paisley. For the second time the British or Irish politician with the least negative rating was Mr Ahern (-8 per cent). Predictably, the ratings varied between Protestants and Catholics.

Among the latter, Mr Paisley emerged as the least popular with a rating of -69 per cent and Mr Ahern as the most popular with a positive rating of +25 per cent, ahead of Mr Adams (+18 per cent) and Mr Durkan (+8 per cent). Among Protestants, only Mr Paisley and Sir Reg Empey emerged with positive ratings, in the former's case a miserly +5 per cent, and in the latter's an even punier +1 per cent. Protestant voters know whom they dislike the most, however: Mr Adams, with a -72 per cent rating, well ahead of Mr Blair (-48 per cent) and Mr Hain (-43 per cent). They were less ill-disposed to the taoiseach, who emerged with a negative rating of -36 per cent.

6. Intergovernmental Relations

Elizabeth Meehan and Robin Wilson

6.1 'East-west'

The main 'east-west' events of the period were the high politics dealt with elsewhere in this monitoring report. This section includes a report on the British-Irish Inter-Parliamentary Body (BIIPB). While this took place in the previous reporting period, the record was not available at the time of the last report—though a response, tabled at that meeting, by the Home Office to the body's concerns about the common travel area and identity cards was available and reported upon. The now-published minutes of the October BIIPB meeting show that Committee A (Sovereign Matters) believes there are still issues that need to be followed up.¹¹⁰

A further BIIPB meeting was held in Dublin in March 2007 but the official record was not available at time of writing.¹¹¹ During that meeting, the presiding officer of the Scottish Parliament, George Reid, gave a very well received address to the Royal Irish Academy about the external roles of the devolved institutions.

The meeting held on 23-24 October 2006 at the Waterfront Hall in Belfast was another historic occasion (the previous one being the DUP's attendance at Killarney in April 2006). In opening the October meeting, the British co-chair, Paul Murphy, noted that it was the first time the body had met formally in Northern Ireland. He remembered being in the Waterfront Hall, as a very new minister, for its inauguration by Prince Charles in 1997. During the opening symphony, he was told a bomb had gone off in the law courts opposite and he was 'whisked away'. He drew attention to the enormous changes, not only since 1997, but also since the time 'when Peter Brooke was here and started the whole the process off'.¹¹²

His fellow co-chair, Pat Carey TD, shared the sense of history and pleasure in the venue, noting that it was 'no secret that there [had] been a number of unsuccessful

¹¹⁰ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, p. 63.

¹¹¹ This will be covered in the next monitoring report.

¹¹² Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, p. 1. The sentiment was echoed by Senator Martin Mansergh, p. 25.

attempts to hold a meeting' in Belfast.¹¹³ Iain Smith, the Scottish MSP for the constituency that contains St Andrews, also drew attention to a historical contrast. When he attended his first BIIPB meeting in Donegal in 2000, he was 'taken aback' to find an armed guard outside his hotel bedroom door; in Belfast, just a few years later, there was 'barely a policeman to be seen'.¹¹⁴

The St Andrews agreement dominated the debate on a motion on economic regeneration and political progress and much of the discussion was, understandably, speculative. For obvious reasons, St Andrews was also the main topic of the address (later in the day) by the Northern Ireland secretary, Mr Hain.¹¹⁵

As to other significant matters discussed by the BIIPB, corporation tax figured heavily¹¹⁶ in the opening session, and in a later session on the economic situation, with addresses by the former Ulster Bank chair Sir George Quigley and Peter Bunting of the Irish Congress of Trade Unions. A young Northern Ireland entrepreneur, Adam Ewart, completed the discussion panel. Later in the day, during questions to the Northern Ireland secretary, the topic was again raised—by Lord Dubs. All the major parties in Northern Ireland are in favour of harmonising corporation tax with the lower rate (of 12.5 per cent) applied south of the border. But although, a few months later, the chancellor of the exchequer was to launch a commission on the topic (see finance section), the secretary of state responded negatively to the idea—less on the basis of EU rules and more in terms of equity in the UK, though he did leave open the possibility of an incoming executive presenting a powerful case.¹¹⁷

During discussion of the motion mentioned above, there was speculation about the future of the BIIPB under any new dispensation arising from St Andrews. Michael Mates MP, who opened the debate, noted that paragraph 24 of the St Andrews

¹¹³ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 2-3.

¹¹⁴ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, p. 24.

¹¹⁵ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 47-51.

¹¹⁶ Reservations were however expressed by Mr Bunting, supported later by some delegates. He said this was just one part of a whole range of socio-economic problems and inequalities—Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 9 (Bunting), 29 (Arthur Morgan, TD).

¹¹⁷ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 58-9.

agreement indicated the possibility of a new footing for the body.¹¹⁸ That is, the two governments, in consultation with the BIIPB, would encourage politicians of the new elected bodies to approve an East-West Parliamentary Framework that would operate on an inclusive basis. He looked to the DUP to begin to offer some concrete commitment, following its assurance at the Killarney meeting in April 2006 that it would be willing to participate in such a framework when it was 'perched on the right tree'.¹¹⁹ He also called upon the Steering Committee to bring forward proposals to the next meeting of the BIIPB on how to advance the suggestion in the agreement and to ensure inclusiveness.

The status of the body recurred in questions by several members to the secretary of state.¹²⁰ Mr Mates pressed Mr Hain about when a proposal would be likely and when consultation with the BIIPB would take place. Mr Hain lobbed the ball back into the body's court, suggesting that it should put forward ideas and proposals. Before that, Lord Smith, with previous discussions in mind about the relationship between the BIIPB and the British-Irish Council, had asked whether the body would be put on a statutory basis and its presiding officers enabled to attend meetings of the BIC.

The Northern Ireland secretary said that he had received no proposal to link the BIC and BIIPB and gave reasons for doubting whether a statutory footing would be helpful. He said it was not envisaged that the BIIPB would be mentioned in the forthcoming emergency bill to give effect to the St Andrews agreement. (This became the Northern Ireland (St Andrews Agreement) Act 2006 and, indeed, it does not refer to the BIIPB.) The relationship of the BIIPB to the BIC was presented in the next day's Report from Committee A (Sovereign Affairs) as a matter of urgency.¹²¹

A novel proposal was made by Andrew Mackinley MP, that the chairs¹²² of the BIIPB or reconstituted east-west parliamentary framework should be able to attend 'ministerial bodies on behalf of the parliamentary arm'. He noted that in the European

¹¹⁸ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 19-20. His views were endorsed by Senator Brendan Ryan, p.31, and Jim O'Keeffe, TD, p. 35.

¹¹⁹ E. Meehan in R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: September 2006*, at:

www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Sept06.pdf, p.40.

¹²⁰ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 54-56.

¹²¹ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, p. 63.

¹²² He also suggested abandoning the use of 'co-chairman', a formulation already abandoned in these monitoring reports in favour of 'c-chair(s)!

Union, the Council of Europe and the Organisation for Security and Co-operation, the heads of parliamentary arms attended on a party basis. He felt this would add to the status of the BIIPB by encouraging ministers in the north and south to see themselves as answerable to the body and by edging it out of the 'disproportionate influence' of the Northern Ireland Office— 'and probably the Irish Foreign Ministry'.¹²³

In the afternoon of the first day, plenary debate moved to the topic of civil society, during which the body was addressed by Patricia McKeown (ICTU), Duncan Morrow (Community Relations Council) and Michael Wardlow (Northern Ireland Council for Integrated Education). All gave very powerful presentations, greatly appreciated by BIIPB members.¹²⁴ Notable in the presentations and the questions, as well as in passing references elsewhere in the meeting, was a marked shift in perception of demography in Northern Ireland and its consequences.

In the past, observers of the conflict have sometimes sounded irritated by the 'narcissism of small differences' that has provided an 'excuse' for horrendous social and cultural relations. The recent inward migration has made Northern Ireland more similar to its neighbours. Its extent and diversity and the horrendous things that happen to migrants featured significantly in the discussions of both civil society and political mobilisation. Here, again, the EU figured. Helen Eadie MSP asked Ms McKeown whether she set much store by article 19 of the EU Public Procurement Directive for enhancing employment opportunities for the disabled. Ms McKeown said 'it was dear to her heart', enabling legislation in Northern Ireland to tackle inequality among nine categories of person, including the disabled.¹²⁵

A range of other issues was addressed by the body. That they are not all dealt with here is not a reflection of their importance (eg 'a shared future' and the difficulties facing young people in north and west Belfast¹²⁶) but arises because the report concentrates on those that are not exclusively internal or north-south. These other issues included: east-west transport links, which were raised in passing throughout

¹²³ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 21-22.

¹²⁴ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 36-47.

¹²⁵ Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 45-6.

¹²⁶ Report on Life Chances from Committee D (Environmental and Social), Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 65-73. The report had been sent, with agreement, to Northern Ireland ministers prior to formal endorsement by the BIIPB in the light of a package announced by government earlier in the year.

the meeting and specifically in respect of Northern Ireland, Scotland and Wales;¹²⁷ harmonised conditions for free travel for the elderly, not only between north and south but also for Irish emigrants in Great Britain visiting Ireland;¹²⁸ student fees, not only in terms of a preference for north-south parity, but also raising the question of why Northern Ireland could not diverge from England as Scotland has;¹²⁹ ways of adapting the British census to measure the Irish community in Britain more accurately; and difficulties facing elderly Irish people living in Britain who wish to return to Ireland.¹³⁰

6.2 North-south

There were a number of technocratic developments in terms of north-south co-operation during the period. In January, the economy minister, Maria Eagle, and the republic's minister for communications, marine and natural resources, Noel Dempsey, reaffirmed their goal of achieving an all-island energy market by November, with the long-term aspiration of a 'these islands' market with an interconnector to Wales from 2012, as well as a second north-south one by the same date.¹³¹

Also that month, the republic's government published the latest iteration of its 'national development plan'. This devoted to north-south investment about €1 billion as part of what was a €184 billion, seven-year plan. The document mainly recapped the by now extensive capillary networks of co-operation straddling the border over a range of policy domains, rather than promising extensive new initiatives.¹³²

Shortly afterwards, the Northern Ireland secretary, Mr Hain, announced joint funding with the republic of £14 million runway works at Derry airport. And in February, the NIO junior minister David Hanson addressed an All Island Infrastructure Conference in Newcastle, Co Down. Mr Hanson said that, given the National Development Plan and the corresponding Strategic Investment Plan in the north, 'the necessity for a co-

¹²⁷ Report from Committee C (Economic), Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, p. 64.

¹²⁸ Questions to the Secretary of State, Peter Hain MP, Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 57-8.

¹²⁹ Questions to the Secretary of State, Peter Hain MP, Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, pp. 60-1.

¹³⁰ Report from Committee D (Environmental and Social), Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, p. 65.

¹³¹ Department of Enterprise, Trade and Investment news release, 17 January 2007.

¹³² Government of Ireland, *Ireland: National Development Plan 2007-2013* (Dublin: The Stationery Office, 2007, at www.ndp.ie/documents/ndp2007-2013/NDP-2007-2013-English.pdf).

ordinated and cohesive approach to infrastructure investment on the island has never been greater'.¹³³

The uneasy contradiction between the emphasis on roads and air travel in north-south co-operation on transport and the sustainable-development strategy to which the Northern Ireland administration is committed has not yet been noted. But the next day, the taoiseach, Mr Ahern, accompanied by Seamus Brennan, the republic's minister for social and family affairs, and David Cairns from the NIO, launched the all-Ireland free travel scheme for senior citizens on public transport at Connolly railway station in Dublin.¹³⁴

More politically contentious was a proposal by the republic's government to establish a committee on implementation of north-south co-operation in the context of the Belfast agreement, which would include MPs as well as members of the Oireachtas (the Dáil and Seanad). This raised concern not only in unionist quarters but among opposition parties in the republic. The UUP claimed this would breach the agreement's constitutional provisions, while the (Irish) Labour party noted that SF had heard about it first, and queried whether there had been a 'side deal' following the previous retreat by the government on the issue, pressed by SF, of Dáil speaking rights for northern MPs.¹³⁵

But the major political event on the north-south axis was the first public, indeed ebullient, handshake offered by Mr Paisley to any taoiseach when he met Mr Ahern in Dublin. It was a far cry from the occasion when he stood in the grounds of Stormont to throw snowballs at the then taoiseach, Jack Lynch, during a visit to the then Northern Ireland premier, Terence O'Neill, in the late 60s.¹³⁶ But the effect was somewhat undermined by a BBC interview later, in which he said he had been forced into power-sharing with SF on pain of 'joint government by the south of Ireland'.¹³⁷

¹³³ OFMDFM news release, 15 February 2007.

¹³⁴ OFMDFM news release, 16 February 2007.

¹³⁵ M. Hennessy, 'UUP criticises Oireachtas NI committee plan', *Irish Times* (2 February 2007).

¹³⁶ M. Lord, 'Ahern and Paisley's handshake melts away decades of suspicion', *Irish Times* (5 April 2007).

¹³⁷ 'No alternative to deal—Paisley', BBC News Online (4 April 2007).

7. Relations with the EU

Elizabeth Meehan

7.1 Introduction

The main news about the connections between devolution and the EU in this period came from Scotland rather than Northern Ireland, but there were implications for a restored Northern Ireland executive.

It has been reported previously that Scotland has been more assiduous than was the Northern Ireland executive while devolution was functioning about getting its voice heard in Brussels. To some surprise, however, a leaked report by Michael Aron, head of the Scottish Executive Office in Brussels (previously a UK official in Brussels), claimed that Scottish ministers and officials were regularly, sometimes deliberately, 'kept out of the loop' by the UK government. This sometimes had a 'disastrous' effect on Scottish Executive policy.¹³⁸ The Scottish experience implies the need for a new Northern Ireland executive to be stronger than it was, and stronger than Scotland is, in taking every opportunity to pursue its interests in Brussels.

Indeed, Mr Aron went so far as to recommend to the first minister, Jack McConnell, that he lobby the European Commission directly. Another implication lay in Mr Aron's observation that the 'diminishing role of the Secretary of State for Scotland has meant that there is no longer a hard hitting voice within cabinet meetings speaking out on behalf of Scotland's interests'. Add to this the further conflict of interests that could arise from the fact that Mr Hain is secretary of state for both Northern Ireland and Wales. Finally, the Scottish National Party claimed that the report vindicated everything it had ever said about 'Scottish misrepresentation in Europe'. At least in Northern Ireland there is the, as yet untried, provision of the agreement for the North/South Ministerial Council to think of alternative or additional ways for promoting Northern Ireland's interests in the EU.

In the meantime, constitutional questions were also at stake in the Northern Ireland issues for the period: crown employment and nationality, and EU funding.

¹³⁸ The report by Mr Aron was addressed to the first minister, Jack McConnell, and written in September 2006. It was leaked in January 2007 at the 300th anniversary of the events leading to the Treaty of Union, and reported and commented upon in the *Herald* (27 January 2007), pp. 1, 2 and 12.

7.2 Crown employment and nationality

Previous reports have referred to the complicated—and controversial—relationships among the different rules governing access to public-service positions for Commonwealth and Irish nationals in Great Britain, access to public-sector posts in Northern Ireland for people born outside the region (particularly Irish nationals) and access for all EU nationals to crown employment throughout the UK. Orders in the 1990s to secure compliance with EU regulations had the effect of reducing the rights of Irish and Commonwealth nationals in Great Britain, without enhancing the rights of Irish nationals in Northern Ireland.

The continued exclusion of Irish nationals from a range of posts in Northern Ireland was a matter of concern to SDLP members of the Northern Ireland Executive Committee before and after the suspension of devolution, and it was on the agenda of the British-Irish Intergovernmental Conference in 2006. The problem rumbles on. In October 2006, a question about it by a member of the BIIB to the Northern Ireland secretary, Mr Hain, was ducked.¹³⁹

In December, Andrew Dismore MP reintroduced—for the fifth time—his private member's bill to open or reopen a wide range of civil-service positions to non-UK nationals, save for particular posts to which a minister of the crown, or person to whom power had been delegated, might attach a nationality requirement.¹⁴⁰ Mr Dismore, as a London MP, is particularly concerned that 350,000 people—9 per cent of the city's working population—are excluded, 'not just from the higher ranks of the civil service, but from applying for even the most junior social security clerk's job'.¹⁴¹ But his bill is intended to apply to Northern Ireland, as well as Great Britain. It was due for its second reading on 29 June 2007.

In the meantime and in anticipation of an order-in-council which could pre-empt Mr Dismore's bill, the former UUP leader, Lord Trimble (allegedly a source of opposition during previous tablings), asked a question on 30 January 2007 about the government's obligations under European law. He told the minister, Lord Davies, that the NIO claimed that EU legislation required posts from which EU nationals were

¹³⁹ Senator Pascal Mooney—Official Report of Thirty-Third Plenary Conference, 23-24 October 2006: British-Irish Inter-Parliamentary Body Reporting Association, p. 60.

¹⁴⁰ Crown Employment (nationality) Bill 38-EN.

¹⁴¹ See www.ePolitix.com, 18 December 2006.

excluded because of the requirement for 'special allegiance to the state' to be opened up to Irish nationals. He said that it had been agreed at St Andrews that this would not be the case in Northern Ireland:

The Northern Ireland Civil Service is small with little interchange with the rest of the United Kingdom, but it has nevertheless maintained its ethos and integrity during difficult times. As it now faces a unique challenge in its future political masters, this is not the time for competition with a larger body which does not share the same ethos, particularly on political independence. Nor would such a change be consistent with the Good Friday agreement.

He went on to invite the minister to agree that 'the parachuting in of Ministers with no organic connection with Northern Ireland society should not now be replaced by parachuting in similarly handicapped Permanent Secretaries with potentially conflicting interests'.¹⁴²

Lord Davies assured Lord Trimble that the post of permanent secretary would be a reserved one. But while he recognised the implications for Northern Ireland, what was at stake was the ability of the British civil service 'to tap into the pool of talent represented by those from other countries who [had] the right to live and work here'. He noted that certain posts, such as those in the Security Service, would necessarily be reserved for British nationals.¹⁴³ While Lord Trimble's personal contribution to Northern Ireland was honoured, comments by other peers were, with one exception, at one with Lord Davies' sentiments—taking a UK-wide perspective.¹⁴⁴

7.3 EU funding

At the end of 2006, 'heavy lobbying by DARD [Department for Agriculture and Regional Development], Northern Ireland MEPs and other stakeholders', led the European Commission to agree to extend the Farm Nutrient Management Scheme (offering 60 per cent grant to assist compliance with the Nitrates Directive Action Plan) by two years until the end of December 2008.¹⁴⁵

¹⁴² HL Deb, 30 January 2007, col. 121. The opposite to the view expressed in the last sentence was offered by Seán Farren MLA, who, just before the fall of devolution, commissioned a review, and his SDLP colleague Brid Rodgers MLA. As reported previously, both pointed to the anomaly that they, born in the republic, could hold ministerial position while very many public-sector posts at all levels were barred to others born there. They also pointed out the right in the Belfast agreement of anyone born in Northern Ireland to identify as Irish, British or both.

¹⁴³ HL Deb, 30 January 2007, col. 121.

¹⁴⁴ HL Deb, 30 January 2007, cols. 122-3.

¹⁴⁵ DARD news release, 7 December 2007.

Agreement was also secured on a third phase of funding for the Special Support Programme for Peace and Reconciliation—‘Peace III’. This amounts to about €300 million, running from 2007 to 2013. It was achieved despite the fact of enlargement by twelve new member states in three years, which, as Brian Cowen, the republic’s finance minister, noted, included countries undergoing ‘significant political and economic change’.¹⁴⁶ On 15 January 2007, he and David Hanson, his direct-rule counterpart, welcomed the launch of a consultation to ask people in Northern Ireland and the border counties of the republic for their suggestions about how to spend the new money.¹⁴⁷ The consultation, which ended on 3 April 2007, was carried out by the Special EU Programmes Body, one of the north-south implementation bodies established after the Belfast agreement.

The European Parliament, however, is a little less happy about one aspect of funding for reconciliation in Northern Ireland and the border counties. A meeting of its Committee on Legal Affairs, on 26-27 February 2007, unanimously recommended to the parliament’s president that an action for annulment be lodged with the European Court of Justice against the Council of Ministers, for its failure to use the co-decision procedure in deciding to award a further €60 million to the International Fund for Ireland.¹⁴⁸

It is not yet clear if the recommendation will be followed by the president of the Parliament, but this would normally be the case according to Jamie Smyth of the *Irish Times*.¹⁴⁹ The same source also recorded that all members of the Council of Ministers, including the republic, had refused to accept a report on funding by the Fine Gael MEP Jim Higgins, which included a recommendation that MEPs should exercise co-decision powers over the IFI grant. Mr Higgins defended the action of the EP Committee on Legal Affairs. Nevertheless, neither he nor a Fianna Fáil member of the committee, Brian Crowley, nor the republic’s government thought the legal challenge would affect the timing of the funding commitment.

¹⁴⁶ Department of Finance and Personnel news release, 15 January 2007.

¹⁴⁷ DFP news release, 15 January 2007.

¹⁴⁸ This was one of two recommended actions; the other concerned a Decision on the Mandate of the European Investment Bank. The recommendations are recorded at item 11 in the Minutes of the Meeting of the Committee on Legal Affairs, held in Brussels on 26-27 February 2007, European Parliament, JURI_PV0226_2v01-00, available, not for the next meeting, but for that of 10 April 2007. The original decision on the IFI grant by the Council of Ministers is contained in Council Regulation 2006/1986/EC.

¹⁴⁹ Jamie Smyth, ‘Parliament to challenge €60m peace funds for NI’, *Irish Times* (28 February 2007).

7.4 Conclusion

With respect to Mr Cowen's comment about new member states that could be said to be needier, and bearing in mind the 'sweeteners' sought from the chancellor by Northern Ireland politicians to ease the path to renewed devolution, it is perhaps worth noting Andy Pollak's experience at a conference of cross-border co-operators at the end of 2006. There, most people thought what was happening on the island of Ireland was 'an inspiring example' but, to Mr Pollak, it was questionable whether the accolade was deserved. Between 2004 and 2006, he observed, Northern Ireland and the Irish border region 'received nearly seven times the amount received by our impoverished fellow-Europeans in the Baltic region'¹⁵⁰.

¹⁵⁰ A Note from the Next Door Neighbours (4), Centre for Cross Border Studies, 8 December 2006.

8. Relations with Local Government

Robin Wilson

One potential effect of the re-establishment of devolved government in May is the reopening of the review of public administration, launched by the previous devolved administration and associated with a reduction in the number of public authorities at sub-regional level, including councils. The RPA team had recommended, and the NIO accepted, a culling of the existing 26 district councils to seven.¹⁵¹

But this was an approach which only found favour, among the parties, with the instinctively centralist SF—though the others could have been accused of protecting the stratum of councillors under the banner of preserving ‘local identity’. In any event, the issue is once more up for grabs and is likely to be one of a number on which the DUP and SF quickly lock horns.

According to a Department of Environment insider, the expectation is of nothing emerging from government, even for consultation, until late this year. And this would put off the expected introduction of the new local authorities from 2009 to 2011.

Meantime, other aspects of the reforms arising from the review trundled on, including a reduction of the number of health trusts from 18 to five. In January 2007, the health minister, Paul Goggins, opened a consultation on legislation for the health aspect of the RPA,¹⁵² and in March he announced the new trusts would be operational as of 1 April.¹⁵³

The four area health-and-social-services boards are also to be replaced by one central authority. So the overall result is a significant loss of jobs in the region’s major employer. Indeed, during the reporting period, the Department of Health, Social Services and Public Safety permanent secretary, Andrew McCormick, said the number of clerical, managerial and executive jobs to be lost through health-service reorganisation would be about double the previous estimate at some 1,700. But he insisted this would mean £50 million would be diverted to service provision and said

¹⁵¹ R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2006*, pp. 45-9.

¹⁵² Department of Health, Social Services and Public Safety news release, 16 January 2007

¹⁵³ DHSSPS news release, 22 March 2007.

the health service had long failed to address underlying problems of ill-health and health inequalities.¹⁵⁴

One goal of the review of public administration was to bring about coterminosity of public bodies, which will be critical to making a success of the new process of community planning, organised around the reformed local authorities. But if the number of councils is raised to eleven or fifteen, as the other parties would wish, not only will the powers to be transferred have to be revisited but they will no longer be coterminous with the local health and social care commissioning groups, whose number was set at seven precisely for that purpose.

Education, too, is affected by the reorganisation, with the abolition of the five education-and-library boards in favour, here again, of a single regional authority. The Catholic Church has campaigned against this change, associated with the removal of its employment role *vis-à-vis* teachers in 'maintained' (Catholic) schools. Adopting a courageous stance, the Irish National Teachers' Organisation, representing mainly maintained-school teachers, challenged the church's stance, calling instead for it to endorse 'a shared future' for the region's schoolchildren.¹⁵⁵

¹⁵⁴ C. Regan, 'Health service to axe 1,700 jobs', *Belfast Telegraph* (30 March 2007)

¹⁵⁵ K. Torney, 'Call off campaign against change, teachers urge bishops', *Belfast Telegraph* (13 January, 2007).

9. Finance

Rick Wilford and Robin Wilson

9.1 Asking for more

In the wake of the assembly election, the parties beat a path to the Treasury on the day after the budget, seeking a financial package from the chancellor to reward them (potentially) for swallowing the power-sharing pill, especially bitter for the DUP. It was an unedifying sight—to play fast and loose with Dickens, it was rather like a gaggle of *Oliver Twists* meeting Gradgrind.

The outcome was the offer of £1 billion or, rather, £600 million, supplemented by the promise of £400 million from the republic's government, designed to assist in bridging the infrastructural deficit created by the neglect of the direct-rule administrations—if, that is, the DUP and SF agreed to establish the executive. Indeed, on closer inspection, it was even less: £200 million was simply assumed to be obtainable from end-of-year flexibility,¹⁵⁶ and a further £200 million was to come from the sell-off of public assets.¹⁵⁷ These modest extra resources, just £200 million net, would complement the at-first-glance huge package of *£50 billion*, announced by the chancellor in the wake of the St Andrews agreement. But this turned out to be a combination of much smoke and some mirrors, and not to represent any new financial commitments at all.¹⁵⁸

Gordon Brown was even less receptive to the proposal, shared by the parties, to lower corporation tax in Northern Ireland to the same level as that applied in the republic, ie to vary UK fiscal policy, though he did offer to establish a review led by Sir David Varney, former head of Revenue and Customs. Given his background, it appeared unlikely that Sir David had been selected to propose a break-up of the unitary UK taxation system.

The Northern Ireland secretary, Mr Hain, was quick to insist that it would be impossible to vary corporation tax in Northern Ireland following the European Court of

¹⁵⁶ N. McAdam, 'Brown offers £1bn package to parties', *Belfast Telegraph* (22 March 2007).

¹⁵⁷ R. Morton, 'New doubts raised over Chancellor's £1bn package', *Belfast Telegraph* (16 April 2007).

¹⁵⁸ This was essentially a projection of existing expenditure plans, assuming Labour remained in office at Westminster. See R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Monitoring Report: January 2007*, at http://www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, p. 51.

Justice judgment on a case involving the Azores islands.¹⁵⁹ And, on this wider European canvas, it has gone entirely unnoticed in Northern Ireland that the republic is under increasing pressure from France and Germany to end its corporation-tax shelter, now that it is an affluent rather than an impoverished member state.

The parties were equally resolved to persuade the UK government to defer the introduction of water charges (with the bills planned to land on the doorsteps during the first week in April), if not reduce them, against the promise that if devolution was to occur final decisions on the charges would become a matter for the re-devolved assembly. The bills were duly postponed (see 'peace-process' section).

The immediate reaction among the parties to the meeting at 11 Downing Street was that the offer represented 'modest progress' but that much remained to be accomplished.

9.2 Taking decisions

Meantime, the direct-rule administration went on with making decisions. In March, the environment minister, Paul Goggins, announced a £122 million public-private partnership contract to upgrade a number of waste treatment facilities. He highlighted how Northern Ireland had not reached the 95 per cent compliance with EU standards achieved by England and Wales, and affirmed that water charges were necessary to do so.¹⁶⁰

The finance minister, David Hanson, had earlier announced the regional rate increases following the laying of the relevant order at Westminster.¹⁶¹ The first bills under the new system, based on capital value, would see a 6 per cent increase on 2006-07, continuing the above-average trend under devolution and since, making up for the poor 'fiscal effort' by the region in previous years.¹⁶²

Perversely, but following pressure from the DUP in particular, in the wake of the 26 March decision on the renewal of devolution, Mr Hanson announced a cap on rates for properties valued at more than £500,000, which will mean poorer ratepayers

¹⁵⁹ M. Hookham, 'Corporation tax will not be slashed', *Belfast Telegraph* (30 March 2007).

¹⁶⁰ Department for Regional Development news release, 12 March 2007.

¹⁶¹ DFP news release, 9 February 2007.

¹⁶² D. Heald, *Funding the Northern Ireland Assembly: Addressing the Options* (Belfast: Northern Ireland Economic Council, 2003, at: www.erini.ac.uk/Publications/PDF/Healdfinalpaper2.pdf).

paying more than they otherwise would. He also announced a 50 per cent easement for elderly people on low incomes.¹⁶³

The decision to cap rate payments for the owners of expensive homes looks even odder in the face of the windfall gains available to property owners—and the bigger the property, the bigger the potential windfall—following the rapid rise in house prices in Northern Ireland in recent years. The ‘peace dividend’ which European Union funding has sought to steer towards disadvantaged areas has been massively captured by the region’s established middle class.

Halifax data show the value of houses in Northern Ireland has risen by 165 per cent since 2001—the highest of any UK region.¹⁶⁴ Indeed, the Royal Institution of Chartered Surveyors European Housing Review found that the increases in 2006 had been the highest in Europe, at 36 per cent, raising affordability issues for first-time buyers.¹⁶⁵

Unsurprisingly, data from the Northern Ireland Housing Executive, which has strategic responsibility for housing in the region, revealed rising homelessness, as fewer could get on to the receding bottom rung of the housing ladder and nearly 16,000 households were in ‘housing stress’ on the social-housing waiting list.¹⁶⁶ Northern Ireland’s high poverty rate, arising from low employment and low pay, has hitherto been offset by low housing costs.¹⁶⁷

In March, the Department for Social Development announced that private tenancies deemed fit would no longer be subject to rent control. And the following month the Department for Social Development published a review of housing affordability by a former head of the civil service, Sir John Semple, which proposed a number of modest measures to tackle the problem.¹⁶⁸

But only a much greater investment in social housing than Sir John recommended would tackle the growing crisis for some very vulnerable people, who have also had

¹⁶³ DFP news release, 30 March 2007.

¹⁶⁴ A. Balakrishnan, ‘Property boom pushes value of homes to record £3.8 trillion’, *Guardian* (15 January 2007).

¹⁶⁵ H. Carson, ‘Ulster house price growth is the highest in Europe’, *Belfast Telegraph* (7 February 2007).

¹⁶⁶ H. Carson, ‘Shock rise in homeless’, *Belfast Telegraph* (3 April 2007).

¹⁶⁷ P. Kenway, T. MacInnes, A. Kelly and G. Palmer, *Monitoring Poverty and Social Exclusion in Northern Ireland 2006* (London: New Policy Institute, 2006), pp. 58-9.

¹⁶⁸ DSD news release, 4 April 2007.

to cope in recent months with rising fuel costs and who face the eventual prospect of water charges—albeit capped at 3 per cent of income for poor households—as well. In its absence, allowing the private sector to find its own rent level would be more likely to lead to profit-taking by existing landlords through rent inflation than investment in new properties adding sufficient supply to bring rents down.

Also in March, with the education brief, Maria Eagle appeared to accommodate conservative Northern Ireland interests when she gave the go-ahead for the vast majority of school-building schemes—84, costing £580 million—that had been held up by the independent Bain report, commissioned by the Northern Ireland secretary, Mr Hain, on the rationalisation of the schools estate.¹⁶⁹ Ms Eagle said eight projects would depend on congruence being established with the area-based approach to planning advocated by Bain, while six were put on hold because of ‘current uncertainties’.¹⁷⁰

Given that the building programme had been described by a source close to the Northern Ireland secretary as ‘a work of fiction’ in advance of Bain, this suggested the Department of Education, which has gone with the grain of segregated schooling in Northern Ireland for decades, had ensured its effects would be limited. In December, Ms Eagle had turned down five projects for new integrated schools.¹⁷¹

The post-Bain debate in Northern Ireland had, characteristically, taken the populist form of defence of small local schools, rather than focusing on the issues of segregation or the quality of education small schools can provide. The Northern Ireland secretary had promised full implementation of the review: ‘A Shared Future for education is the only way to make Northern Ireland world class and the only way to improve standards and ensuring all pupils have the life chances that flow from an excellent education.’¹⁷² But he met cross-party opposition, having rejected an assembly motion calling for deferral till after devolution.¹⁷³

¹⁶⁹ R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Monitoring Report: January 2007*, at http://www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, pp. 61-2.

¹⁷⁰ Department of Education news release, 21 March 2007.

¹⁷¹ R. Wilford and R. Wilson (eds), *Northern Ireland Devolution Monitoring Report: January 2007*, at http://www.ucl.ac.uk/constitution-unit/research/devolution/MonReps/NI_Jan07.pdf, pp. 62-3.

¹⁷² NIO news release, 23 January 2007.

¹⁷³ K. Torney, ‘Fury as Hain begins bid to close schools’, *Belfast Telegraph* (25 January, 2007).

10. Political Parties and Elections

Rick Wilford and Duncan Morrow

10.1 Introduction

In spite of all of the obstacles, Northern Ireland is, once again, on the threshold of devolution. Having agreed at St Andrews to move their 'absolute' deadline from 24 November 2006 to 26 March 2007, and having called an election in January without any guarantee that an executive could or would be formed, the governments agreed to one last delay at the eleventh hour. Barring unforeseen crisis, however, the unthinkable appears to be scheduled for 8 May—a devolved government based on a governing partnership between the DUP under the Rev Ian Paisley, the old warhorse for evangelical Protestantism, and Martin McGuinness of SF, a leading figure for decades in the IRA army council.

There are still many questions, not least the degree to which both parties can manage the expectations of their own constituencies and their reflex impulses towards historic antagonism and suspicion. Those looking for potential pitfalls can find them in policing, parades, social housing, education or cultural policy. The political strains of negotiating 'bread-and-butter' issues like the distribution of the rates/charges burden or the number of councils are not without their own dangers.

But the fact remains that, for whatever combination of reasons, the leaderships of organisations historically dedicated to the destruction of the political dreams of their opponents have now come to the conclusion that progress is only possible through 'permanent' partnership. The OFMDFM, the joint ministry at the apex of Northern Ireland's unique experiment in consociational power-sharing, has been dubbed the 'Office of the Free Presbyterians and the Army Council'. Whatever the final outcome—and, as Chou en Lai remarked of the consequences of the French revolution, 'it is too early to tell'—the fact of co-operation between mortal enemies without any kind of repartition or land-for-peace segregation is a remarkable British-Irish diplomatic triumph.

The triumph remains filled with unresolved paradoxes, however. On the threshold of power, both SF and the DUP recorded their largest ever share of the Northern Irish vote. The politics of ethnic segregation might be said to have won at the ballot box. Yet neither party can credibly claim that permanent power-sharing within Northern

Ireland, still part of the UK but with special institutional relationships with the rest of Ireland, represents a historic ideological triumph. In the battle of ideas, the proponents of power-sharing, civil rights, purely peaceful means and British-Irish institutional partnership have surely triumphed. But if inter-community power-sharing is the *sine qua non* of government in Northern Ireland, the parties which now make the political weather are those historically least dedicated to it.

While the rules of Good Friday 1998 and St Andrews 2006 bind parties together in mutual embrace, they also create the potential for deadlock across much of government. The times may be less interesting to a sensationalist media, but they have got more so for students of war and peace, state-building and institutional politics; on all three counts, Northern Ireland is embarking on a fascinating institutional experiment.

10.2 The election campaign

The question of whether to call an election was itself not finally clarified until the last minute. With the DUP refusing to declare itself ready to enter government with SF on the appointed date, Dublin was clearly uncertain whether the minimal preconditions for holding an election, agreed at St Andrews, had been met. Once more, the risk was ultimately taken by the prime minister. When history is written, the role of Tony Blair and his quest for a tangible legacy in Northern Ireland must be examined.

The campaign was strangely muted. Perhaps it was the still-dismal time of year; more likely, it was a general sense of political weariness. This was the third election since 1998 to an assembly which had been in operation *in toto* for little more than two years. In the meantime there were also two general elections, three local elections and two European elections.

There was a strong feeling that political momentum lay with the DUP and SF. Not only did they enter the election as the strongest parties, but almost all political activity since 2005 has been directed at creating consensus between these parties. Nonetheless, the DUP was visibly not at one on the issue of going into government with SF and faced vocal opposition from its fundamentalist wing in some quarters. SF appeared more relaxed following the leadership's triumph on policing at the party's special ard fheis (see 'peace process' section). But the possibility of dissident action was a regular refrain. Both parties faced candidates pledged to opposing the new orthodoxy of negotiation and possible compromise.

The SDLP ran into early trouble when its leader, Mr Durkan, was threatened with legal action by a former police chief for claiming that his party had determined the appointment of Hugh Orde as chief constable of the new PSNI. But, overall, the party ran a competent and confident campaign. The UUP, the dominant force of Ulster politics from 1920 until 2003, was still reeling from the splits following the Belfast agreement and the disastrous general election of 2005. But the party leadership was hopeful that its campaign on economic competence would at least stem the tide. The Alliance Party, which retained its six seats in 2003 by the skin of its teeth, was widely regarded as vulnerable to a general swing to the margins. In the days before the election, knowledgeable commentators predicted a reduction in its representation to two or three.

Above all, however, the talk was of the 'bread-and-butter' issues, of a disillusionment with political polarisation and of the potential for a further decline in turn-out. The difficulty remained determining how a vote in Northern Ireland on these issues, however salient, could be translated with any degree of certainty into policy outcome.

This time there were 257 candidacies, although the figure is slightly misleading as the outgoing North Down UKUP MLA, Robert McCartney, stood in six constituencies, 'Rainbow George' ran in all four Belfast constituencies' (on a 'Make Politicians History' platform) and William Frazer, long-time campaigner for victims of republican violence, stood in two constituencies as an independent unionist opposed, like Mr McCartney, to power-sharing with SF. In effect, there was thus a total of 248 candidates, the lowest number at the three assembly elections so far.

In addition, there were two fewer women candidates (47) than in both 1998 and 2003, a drop in part explicable by the absence of the Northern Ireland Women's Coalition, which has ceased to exist as a political party. The proportion of female candidates by party (Figure 2) ranged from 40 per cent (SDLP) to just 3 per cent (UUP) and, as at all elections since the passage of the Election of Candidates (Sex Discrimination) Act 2002, none of the parties took advantage of the opportunity to practise positive action in drawing up its candidate lists.

Figure 2: Election Candidates by Party and Sex

Party	Women	Men	Women (%)	% change on 2003
DUP	6	40	13	+3
UUP	1	37	3	-6
Alliance	7	11	39	+1
SF	9	28	24	-8
SDLP	14	21	40	+23
Others	10	72*	12	+1
Total	47	210	18	-1

* Includes multiple candidacies.

10.3 The results

Few expected other than the DUP to emerge as the leading party, followed by SF. But much hung on the extent of its victory and the degree to which the outcome consolidated the leadership of both parties. In the end, the results were relatively clear-cut—in relation to radical opponents and the parties which had been their electoral ‘big brothers’ for so many decades.

While the disappointment in the SDLP was tangible, given a further decline in the party’s performance relative to SF after an apparent stabilisation in 2005, the biggest loser in the election was undoubtedly the UUP, which saw its share of the first preferences collapse to 14.9 per cent—less than half that of the DUP and even less than the party achieved at the last European election. Perhaps even more importantly, the DUP out-pollled the UUP in 17 of the 18 constituencies and eliminated the party entirely from two seats in the north-west. The UUP, once the great gathering party of Protestants of every class and hue in Northern Ireland, limped back in fourth place—in terms of first preference votes received—still lacking any clear policy definition or single-minded purpose.

The post-election defection of the former UUP leader and only prior first minister, Lord Trimble, to the Conservatives—however rationalised in terms of the supposed completion of his constitutional project of 1998—could not but convey a steadily sinking ship. In the last decade, the UUP vote has fallen from 258,349 at the 1997 general election to just 103,145—a dramatic and probably irreversible decline.

Equally, the SDLP's vote over the same period has dropped from a high point of 190,814 to its present, almost identical, low of 105,164.

Clearly, the big winners were the DUP and SF, each of which has extended its lead over its ethnic rival. The DUP's proportion of the combined DUP/UUP assembly vote reached 66.8 per cent this time—compared with 46 per cent in 1998 and 53 per cent in 2003—while SF's share of the combined SF/SDLP vote rose from 44.5 per cent in 1998 to 58 per cent in 2003 and reached 63.2 per cent in 2007. For this assembly period at least, Northern Ireland now has a new dominant two-party system distinct in its institutions and tone from its late twentieth-century variant.

It is difficult to see how either the UUP or the SDLP can recover such lost ground in the absence of greater electoral and political definition, or of a broad dissatisfaction with the government performance of the two dominant parties. Already there is talk in SDLP circles of formal union with Fianna Fáil in the autumn—as with Lord Trimble's move to the British Tories, evidence of how political polarisation is even driving the 'moderate' parties towards their perceived national 'homes'. Lord Trimble said he wanted 'to persuade the Ulster Unionist Party, and others, to integrate themselves more fully into British politics'.¹⁷⁴

Figure 3: Results, Seats, First Preference Votes, Vote Share

Party	Seats	Seats +/-	Votes (N)	Votes (%)	+/- %
DUP	36	+6	207,721	30.1	+4.4
SF	28	+4	180,573	26.2	+2.6
UUP	18	-9	103,145	14.9	-7.7
SDLP	16	-2	105,164	15.2	-1.8
Alliance	7	+1	36,139	5.2	+1.6
Green Party	1	+1	11,985	1.7	+1.4
PUP	1	0	3,822	0.6	-0.6
Others	1*	0	31,312	4.5	+1.3
UKUP	0	-1	10,452	1.5	+0.7
Valid Vote			690,313	63.0	-0.1
Turnout			696,538	63.5	-0.5

¹⁷⁴ V. O'Hara, 'Trimble wants to re-establish UUP/Tory link', *Belfast Telegraph* (17 April 2007).

The clarity of the overall result hides important local and social variations. In general terms, the election represented a further segregation of voting in Northern Ireland. Bearing in mind that each of the eighteen STV constituencies has six seats, SF took five in West Belfast and three each in Mid-Ulster, West Tyrone and Newry & Armagh. Half of the party's representation in the assembly comes from those four constituencies. The DUP took nineteen seats from six constituencies, winning four in Strangford and three each in Lagan Valley, North Antrim, East Belfast, East Londonderry and East Antrim.

The SDLP consolidated its vote in two of its three Westminster constituencies: Foyle (where it achieved a swing against SF) and South Belfast (where it achieved its biggest positive swing of 3.9 per cent). The result in South Down, where SF is now within breathing distance of becoming the larger party—and for which the SF education minister, Ms Ruane, and the SDLP minister for social development, Ms Ritchie, will be engaging in an electoral beauty contest while in government together—makes the future of that constituency look less secure.

While some of this reflects the importance of name recognition and party organisation across many constituencies, some may be due to variable social trends. Across rural and small-town constituencies, there was a clear drift towards SF and the DUP. The same was generally true in urban or suburban areas with a strong working-class representation, such as North and West Belfast, Upper Bann, Strangford and South and East Antrim.

Yet in urban and suburban areas with strong middle-class elements, such as North Down, South Belfast and East Belfast, there was a (perhaps) surprising consolidation of the political centre. In South Belfast the Alliance Party and the SDLP were the primary beneficiaries of the absence of the Women's Coalition, leading to the election of Anna Lo, the first Hong Kong born MLA in Northern Ireland, for Alliance at the expense of Esmond Birnie of the UUP. In East Belfast, the DUP gained a seat while losing first-preference votes, largely as a result of a strong swing from the UUP to Alliance.

In North Down, Mr McCartney's political career came to an end, with most of his votes switching towards the DUP. The collapse in the UUP vote and the rise of the Green Party, which took Mr McCartney's vacant seat, suggests that Sylvia Hermon's tenure as sole UUP MP now depends on persuading Alliance and Green voters she

is sufficiently moderate to attract their tactical support. The one exception to this drift to the centre in middle-class suburbia was in Lagan Valley, where Jeffrey Donaldson underlined the extent to which his defection from the UUP has changed the terms of trade in this traditional bastion of Unionist respectability.

Amid the party results, there were personal achievements. Mitchel McLaughlin's decision to move from his native Derry to stand in South Antrim paid off spectacularly when he topped the poll. In general, the leading figures of SF and the DUP were returned with ease. More unnervingly, the SF team in West Belfast has now established such discipline in its voters that fewer than 500 votes separated four of its five candidates. Alasdair McDonnell (South Belfast) and Mr Durkan performed creditably for the SDLP and David Ford and Naomi Long of Alliance were rewarded for hard work and persistence by greatly increased votes.

Tellingly, there were few real personal successes for the UUP, although Danny Kennedy did better than most in Newry & Armagh. Among the other notable personal achievements were the election of Dawn Purvis as the sole Progressive Unionist Party candidate in East Belfast and the re-election of independent hospital campaigner Dr Kieran Deeny in West Tyrone, who took his seat at the expense of the SDLP.

10.4 The aftermath

Up until the end, Mr Paisley kept everyone guessing. Without formally acknowledging the decision to go into government, the DUP sought to press the Treasury into a new transitional 'peace dividend'. But, with an eye to his own succession and the Scottish and Welsh elections—matters on which unionists prove remarkably ignorant—Gordon Brown proved a tough interlocutor (see finance section).

Ultimately, the DUP sought its own choreography. Seeking to head off a party revolt, it announced that it would not establish a government on 26 March, as timetabled. Instead—though to what purpose remains opaque—Mr Paisley announced that the party would go into government in May. Not seeking to look a gift horse in the mouth, the governments swallowed their pride and the new timetable once it became clear that SF was prepared to accept a copper-fastened deal for May rather than an unseemly collapse in March.

SF's reward on 26 March was a news conference in which Mr Paisley appeared to throw away the script of 50 years (see media section). He and Mr Adams confirmed that a new government would be established on 8 May, and work on a Programme for Government would begin immediately.

The change in mood music was tangible. While no new policy agreements were reached, Mr Paisley, clearly learning from Lord Trimble, did not prevaricate. Smiling photo-shots were arranged, the joint letter to the secretary of state asking him to vacate his office was signed with Mr McGuinness and the hearty handshake with Mr Ahern was arranged for the cameras. Alone among senior DUP figures, Jim Allister, the party's MEP, resigned in protest. Members in Mr Paisley's own North Antrim constituency seemed most disillusioned, as six councillors resigned. But while some in the DUP clearly harboured reservations, party unity held impressively.

Co-operation was sufficient to allow for posts to be allocated by the d'Hondt proportional mechanism (see 'peace-process' section). With key issues such as the comprehensive spending review, the review of public administration, selection in schools and the introduction of water charges pending (see public-policies section), the executive will be tested early.

10.5 Conclusion

Prior to this period, the overarching question was whether a sustainable constitutional structure could be established in an atmosphere of political antagonism and mistrust. In the short run, that question has been definitively answered. The rhetoric of the moment is of shared, peaceful and equal futures. It will take some time to test.

11. Public Policies

Robin Wilson

11.1 A crowded in-tray

During the election campaign, it was made clear by ministers that failure to restore devolution would mean that the Northern Ireland secretary, Mr Hain, and his southern counterpart, Dermot Ahern, would press ahead with the 'joint stewardship' of Northern Ireland and implement a battery of unpopular measures, including water charges, the ending of academic selection and implementation of the seven-council model for local authorities. In the event, these and other controversial matters will fall to the incoming regional ministerial 'team'.

The most controversial promises to be the future of the transfer test. The head of the Queen's University Graduate School of Education, Prof Tony Gallagher, warned in January of 'chaos' if devolution returned and the politicians could not agree, with selection due to be abolished in 2008.¹⁷⁵ But an assembly sub-group on admissions to post-primary schools could not arrive at a consensus before the election.¹⁷⁶

The new education minister, as under the previous period of devolution, will be an SF representative—this time Ms Ruane, infamous in unionist eyes for her leading role in campaigning for the three republicans eventually convicted *in absentia*, after they had gone on the run, of assisting FARC guerrillas in Colombia. Scrutinising Ms Ruane will be Sammy Wilson of the DUP, who was allocated the chair of the education committee in the assembly doubtless with that in mind. Mr Wilson insisted his party could block any action by 'a rogue education minister' with which it did not agree.¹⁷⁷

The trouble is that while, legally, the '11+' has gone, academic selection *per se* has not. So the nightmare scenario is of schools developing their own admissions policies, with most Catholic schools complying with the arrangements for transfer guided by 'pupil profile' but controlled and voluntary (ie mainly Protestant) grammar schools developing a variety of procedures to select by perceived academic ability, for which somehow primary schools must prepare their children.

¹⁷⁵ K. Torney, 'New challenge over exam grades', *Belfast Telegraph* (17 January, 2007).

¹⁷⁶ Politicians still miles apart over 11-plus replacement', *Belfast Telegraph* (25 January, 2007).

¹⁷⁷ 'New Assembly cabinet takes shape', BBC News Online (2 April 2007).

The second obvious trial of strength will be over the Irish language. Having held a consultation on legislation to follow the commitment made to that effect at St Andrews, the culture minister, Ms Eagle, kicked for touch with just 13 days to go until 26 March. She told the Commons there would be a further consultation and that the assembly could decide on the issue if the executive was established. Unsurprisingly, the initial consultation had met a response polarised between nationalist advocates of rights-based legislation and unionists opposed to any legislation at all; the government favoured a middle way based on public authorities developing language schemes.¹⁷⁸

It was undoubtedly with this in mind that, when the d'Hondt rule was indicatively run (see devolved-government section), the DUP selected the small Department of Culture, Arts and Leisure, as the UUP had done in 1999. And when the party announced who would take up the positions, Edwin Poots was named as the putative DCAL minister, despite—as he readily confessed—having no expertise in the cultural/arts arena. His party leader, Mr Paisley, had meanwhile insisted the DUP would veto any Irish-language legislation.¹⁷⁹ It can safely be predicted that, if so, this would be interpreted by SF as a breach of the St Andrews agreement and an issue the party would raise with Dublin and London, over the heads of its executive colleagues.

Ironically, it can be assumed there would be far less inter-party conflict over the minor issue of economic policy. In January, the finance minister, Mr Hanson, launched for consultation the regional economic strategy requested by the Treasury in 2004.¹⁸⁰ The document follows the orthodox (New Labour) Treasury regional agenda, with the emphasis on infrastructure, skills, innovation and research and development, based on the claim that the macroeconomic goal is stability (rather than regional redistribution) and the microeconomic goal is 'reform' to allow markets to clear (rather than developing regional agglomerations). It thus assumes that poorer regions can effectively bootstrap themselves to bridge the gap with the wealthier ones.¹⁸¹

¹⁷⁸ DCAL news release, 13 March 2007.

¹⁷⁹ N. McAdam, 'Republicanism "is being strengthened by DUP quitters"', *Belfast Telegraph* (3 April 2007).

¹⁸⁰ Department of Finance and Personnel [note not DETI], *Northern Ireland Draft Regional Economic Strategy* (Belfast: DFP, 2007, at: www.ireland.com/focus/2007/NDP/index.pdf).

¹⁸¹ *ibid.*, p. 14.

It does get right the fact that the Celtic Tiger in the republic has been a product of many factors, and not just low corporation tax.¹⁸² And it does address north-south co-operation, though constrained by the same principle applied to the domestic economy—ie only intervene where there is ‘market failure’.¹⁸³ But given its ultimate Treasury provenance it is weak on the specific Northern Ireland challenge of sectarian division, despite the evidence from the US of a link between regional economic performance and tolerance of cultural diversity.¹⁸⁴

None of the parties made any public issue of this, arguably the most important factor determining the lives of their constituents day to day. All, including SF which once had radical pretensions, have bought into the tax-cutting, pro-business agenda.

11.2 Done and dusted

A number of other public-policy issues were moved to the out-tray in advance of the prospective renewal of devolution. As education minister, Ms Eagle banned the sale of goods high in fat, salt or sugar, as well as sugary fizzy drinks, from schools as of the next academic year.¹⁸⁵

Interestingly, while debate raged in Britain about Catholic adoption agencies and gay parents, the position was different in Northern Ireland because the regulations requiring agencies to comply with non-discrimination had been introduced on 1 January and a wider adoption review had been announced by the social-services minister, Mr Goggins. It seems inconceivable that this would have got through a devolved assembly, however, given the scale of evangelical-Protestant, as well as some Catholic, opposition it would have faced. Homosexuality was only decriminalised in Northern Ireland (and in the republic) as a result of a case taken to the European Court of Human Rights.

With the 7 March election looming, as in 2005 there was a rush of pre-‘purdah’ announcements by ministers. The Northern Ireland secretary, Mr Hain, announced that statutory minimum holidays in the region were to be extended to 30 days,

¹⁸² *ibid.*, pp. 15-16.

¹⁸³ *ibid.*, p. 31.

¹⁸⁴ R. Florida, *The Rise of the Creative Class—and how it’s transforming work, leisure, community and everyday life* (New York: Basic Books, 2002).

¹⁸⁵ DE news release, 26 January 2007.

including 10 bank holidays, two days more than in the rest of UK;¹⁸⁶ the DUP MP for Lagan Valley, Mr Donaldson, accused him of electioneering with an eye to the Labour deputy-leadership contest.¹⁸⁷ The minister for social development, Mr Hanson, announced charities legislation which would finally establish a charities commission and register of charities in Northern Ireland.¹⁸⁸ And, along with the health minister, Mr Goggins, he published a strategy to tackle sexual violence, including a plan for a sexual assault referral centre, like others in England and Wales.¹⁸⁹

After the election, Mr Goggins opened a consultation on a detailed strategy to ameliorate the situation of children in care (of whom there are more than 2,400 in Northern Ireland), aiming to reduce by one-fifth those in care and to double the proportion of care-leavers in education, training and employment at age 19.¹⁹⁰ And in his last such statement as health minister, he was able to trumpet the achievement that there was no longer anyone in Northern Ireland waiting more than six months for surgery or their first outpatient appointment—compared with 6,500 and 74,000 respectively a year earlier.¹⁹¹

Indeed, he set new targets of no one waiting more than 21 weeks for surgery and 13 weeks for that first appointment by March 2008—under the devolved administration, of course. Given how waiting lists rose inexorably in the prior period of devolution—to become the longest in Europe, the BBC Northern Ireland health correspondent charged—this could be challenging.

Finally, his environment colleague, Mr Cairns, backed a controversial major retail development at Sprucefield, outside Belfast.¹⁹² This followed a judicial review quashing the original decision to that effect by the then environment minister, Lord Rooker, which the latter had described as a ‘no brainer’ on the grounds that it represented a £100 million investment creating 2,000 jobs. Yet Mr Cairns’ announcement flew in the face of the sustainable-development strategy published in 2006, in for example providing for a 1,250-space multi-storey car park at the complex. A series of out-of-town shopping developments in recent years have seriously impoverished the ecology of retailing within the city itself.

¹⁸⁶ NIO news release, 29 January 2007.

¹⁸⁷ W. Woodward, ‘Extra holiday planned for Northern Ireland workers’, *Guardian* (29 January 2007).

¹⁸⁸ Department for Social Development news release, 29 January 2007.

¹⁸⁹ DHSSPS news release, 29 January 2007.

¹⁹⁰ DHSSPS news release, 22 March 2007.

¹⁹¹ DHSSPS news releases, 4 April 2007.

¹⁹² Department of Environment news release, 23 March 2007.

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