

The **Constitution** Unit

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**DEVOLUTION  
MONITORING  
PROGRAMME  
2006-09**

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**Northern Ireland Devolution Monitoring Report**

**May 2009**

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**Professor Rick Wilford & Robin Wilson**

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



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## The Devolution Monitoring Programme

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

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

- Scotland: **Dr Paul Cairney**  
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- Wales: **Prof Richard Wyn Jones & Prof Roger Scully**  
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- English Regions: **Prof Alan Harding & Dr James Rees**  
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- The Centre: **Prof Robert Hazell**, The Constitution Unit, UCL

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# **Northern Ireland Devolution Monitoring Report**

**May 2009**

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**Rick Wilford & Robin Wilson (eds.)**

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**Acronyms**

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

## Executive Summary

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

### **Chronology of Key Events**

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



## 1. The 'Peace Process'

*Rick Wilford and Robin Wilson*

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

### 1.1. Renewed violence

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

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

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

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

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

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

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

The lethal attacks on the 'security forces', when they came, were artfully timed: Sir Hugh had deployed members of the Special Reconnaissance Regiment to assist the Police Service of Northern Ireland in surveillance and intelligence-gathering, in the wake of MI5's decision to raise its threat assessment from 'substantial' to 'severe'.<sup>5</sup> The deployment was not announced by the chief constable at a regular meeting of the Policing Board on 5 March, much to the ire (and embarrassment) of its SDLP and, especially, SF members. But the threat assessment, and the report by the Intelligence and Security Committee<sup>6</sup> that MI5 continued to devote 15 per cent of its resources to 'Irish-related terrorism', underlined the gravity of the situation and persuaded Sir Hugh to make the operational decision to deploy the army specialists—itsself a recognition of the depleted intelligence capacity of the PSNI.

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

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

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

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<sup>5</sup> BBC Northern Ireland news online (5 March 2009).

<sup>6</sup> BBC Northern Ireland news online (6 March 2009).

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

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

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

<sup>10</sup> *World Briefing*, BBC World Service (8 March 2009).

weakness, of the political process. Yet that very process has legitimised paramilitary narratives, as reflected in much greater sympathy for paramilitary rationalisations of violence than in 1998, particularly among Catholic youth among whom the dissidents recruit<sup>11</sup>—and particularly in the context of the repeated vetoing by the DUP of SF political demands, as successive devolution reports have highlighted.

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

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

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

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<sup>11</sup> See Northern Ireland Life and Times Survey data, vis-à-vis republican violence, at [www.ark.ac.uk/nilt/2007/Political\\_Attitudes/REPVIOL.html](http://www.ark.ac.uk/nilt/2007/Political_Attitudes/REPVIOL.html) and [www.ark.ac.uk/nilt/1998/Political\\_Attitudes/REPVIOL.html](http://www.ark.ac.uk/nilt/1998/Political_Attitudes/REPVIOL.html).

<sup>12</sup> *The World this Week*, RTE Radio (8 March 2009).

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

<sup>14</sup> OFMDFM news release, 10 March 2009.

<sup>15</sup> NIO news release, 10 March 2009.

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

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

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

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

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

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

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

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

<sup>19</sup> *Official Report*, 9 May 2009.

<sup>20</sup> *Ibid.*

<sup>21</sup> BBC Northern Ireland news clip, 10 March 2009.

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

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

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

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

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

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<sup>22</sup> *Official Report*, 23 March 2009.

<sup>23</sup> *Independent* (12 March 2009).

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

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

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

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

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

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

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

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

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

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

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

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

<sup>32</sup> Independent Commission on Policing for Northern Ireland, *A New Beginning: Policing in Northern Ireland* (1999, at: [www.nio.gov.uk/a\\_new\\_beginning\\_in\\_policing\\_in\\_northern\\_ireland.pdf](http://www.nio.gov.uk/a_new_beginning_in_policing_in_northern_ireland.pdf)).

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

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

## 1.2 Unslayed demons

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

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

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

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<sup>34</sup> The report is available at [www.ni.gov.uk](http://www.ni.gov.uk).

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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<sup>41</sup> BBC News Online, 25 February 2009.

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

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

### 1.3 Conclusion

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

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

<sup>44</sup> OFMDFM news release, 8 April 2009.

## 2. Devolved Government

*Robin Wilson*

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

### 2.1 Hostile climate

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

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

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

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

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

<sup>46</sup> Department of Employment and Learning news release, 3 February 2009.

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

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

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

Mr Wilson was defended by the DUP finance minister, Nigel Dodds, who said he had 'provoked a debate'.<sup>52</sup> But his departmental predecessor and now enterprise minister, Arlene Foster, another party colleague, said in a written answer that there was 'huge potential' for green jobs in Northern Ireland—with the industrial development agency, Invest NI, due to produce a strategy by the end of 2009.<sup>53</sup>

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

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<sup>48</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: September 2008*, at: [www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI\\_Sept08.pdf](http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Sept08.pdf), p. 21.

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

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

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

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

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

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

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

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

## 2.2 Involution, inertia

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

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

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

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

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

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

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

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

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

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

Mr Wilson did draw a veil during the period over what had been widely perceived as an exercise of clientelism characteristic of the old Stormont. Eight years after the original Giant Causeway visitors' centre had been burnt down, the minister brought an end to the saga of its replacement. Outcry had followed the announcement<sup>63</sup> by his predecessor, Ms Foster, that she was 'minded' to favour a proposal from a private developer and DUP member, Seymour Sweeney, and in January 2008 she had turned it down. In January 2009, Mr Wilson announced that a proposal by the National Trust, based on a design by Dublin-based architects who had won an

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

<sup>60</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: September 2008*, at: [www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI\\_Sept08.pdf](http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Sept08.pdf), pp. 29-30.

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

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

<sup>63</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2008*, at: [www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI\\_Jan08.pdf](http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Jan08.pdf), pp. 19-21.

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

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

### 2.3 Conclusion

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

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

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<sup>64</sup> Department of Environment news release, 27 January 2009.

<sup>65</sup> DoE news release, 11 May 2009.

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

### 3. The Assembly

*Rick Wilford and Robin Wilson*

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

#### 3.1 Legislation

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

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

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

#### 3.2 Debates

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

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<sup>67</sup> *Official Report*, 13 January 2009.



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

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

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

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

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<sup>68</sup> Published 2 February 2009 and available at [www.deni.gov.uk](http://www.deni.gov.uk).

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

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

The relative dearth of executive legislation to debate meant much of the plenary business was tabled by private members. Their attention, beyond the dissident killings, focused on the economy. A statement by the DUP finance minister, Mr Dodds, on the executive's 2008 strategic stocktake of public expenditure<sup>71</sup> forecast a reduction in the resources available to the executive over the next two years. The statement described a bleak prospect, confirmed by growing unemployment.<sup>72</sup>

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

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

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

<sup>71</sup> *Official Report*, 20 January 2009.

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

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

### 3.3 Committees

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

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

### 3.4 Conclusion

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

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<sup>73</sup> *Official Report*, 20 April 2009.

<sup>74</sup> See Committees page at [www.niassembly.gov.uk](http://www.niassembly.gov.uk).

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

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

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

## 4. Public Attitudes and Identity

*Lizanne Dowds*

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

### 4.1 New NILTS data

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

**Figure 1: Constitutional preferences 2007-2008 (%)**

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

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

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

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

*Thinking about the ministers in the Northern Ireland Executive, how much would you trust a minister from each of these parties to act in the best interests of all the people in Northern Ireland?*

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

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

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

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

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

## 4.2 Conclusion

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

## 5. Intergovernmental Relations

*Elizabeth Meehan and Robin Wilson*

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

### 5.1 ‘East-west’

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

In mid-February, in an assembly debate on the budget, the finance minister, Mr Dodds, said the anticipated requirement for major savings in Whitehall could have a big impact on Northern Ireland. He would be challenging the chancellor, Alistair Darling, to honour the settlement agreed in the Comprehensive Spending Review for the period to 2011.<sup>80</sup> At a meeting to discuss the UK economy at the end of the month, hosted by the prime minister, Mr Brown, and attended by the leaders of all the devolved administrations, the first and deputy first ministers emphasised that they were relying on the undertaking by the prime minister, when he was chancellor, that any ‘efficiency’ savings in Northern Ireland would be retained within the region.<sup>81</sup>

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

<sup>78</sup> OFMDFM news release, 6 February 2009.

<sup>79</sup> Department of Enterprise, Trade and Investment news release, 6 February 2009.

<sup>80</sup> Department of Finance and Personnel news release, 17 February, 2009.

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

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

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

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

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

<sup>83</sup> DFP news release, 22 April 2009.

<sup>84</sup> *Scotsman* (29 January 2009).

<sup>85</sup> BBC news online (9 April 2009).

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



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

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

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

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

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

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

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

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

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

A BIC summit meeting was held in Cardiff on 20 February 2009.<sup>92</sup> At the suggestion of the Northern Ireland delegation, members began by discussing the global downturn. After this, the lengthiest period of discussion, they went on to social inclusion (with special reference to the role of the voluntary sector) and reviewed the council’s work on early years, minority and lesser-used languages, misuse of drugs, the impact of climate change, transport (including the mutual recognition of driving disqualifications and of penalty points, expected to be operational by spring 2009) and demography. New areas of work were announced, in energy, digital inclusion, housing and collaborative spatial planning—this last to be led by Northern Ireland under the direction of the ministers for regional and social development.

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

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

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

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

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

The (renamed) British-Irish Parliamentary Assembly met in Donegal at the end of March. There was, as yet, no record of this meeting. From interventions during debates on the Borders, Citizenship and Immigration Bill, it must have discussed the issues recorded above.<sup>94</sup> And, indeed, in the now available record<sup>95</sup> of the previous meeting, a full report on e-borders and the common travel area was promised.<sup>96</sup>

Here, it can be confirmed<sup>97</sup> that there was a very warm welcome for the new members, David McClarty and Lord Maginnis of the UUP and Jim Wells of the DUP. It can also be confirmed that the body agreed to change its name from the British Irish Inter-Parliamentary Body to the British-Irish Parliamentary Assembly.<sup>98</sup> It was noted that the name change reflected the shift from the original purpose of the body to the institution recommended in the St Andrews agreement of 2006 and the fact that it now thoroughly encompassed all the British and Irish parliamentary institutions.

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

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

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

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

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

<sup>98</sup> Rules and Future of the Body, *ibid*, pp. 5, 21.

<sup>99</sup> *Ibid*, p. 21.

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

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

## 5.2 North-south

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

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

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<sup>100</sup> OFMDFM news release, 19 February 2009.

<sup>101</sup> Department of Environment news release, 30 March 2009.

<sup>102</sup> *Official Report*, 23 March 2009.

<sup>103</sup> NSMC *communiqué*, 23 January 2009, at:

[www.northsouthministerialcouncil.org/index/publications/joint-communications/plenary-jc/plenary\\_jc\\_23\\_january\\_2009.htm](http://www.northsouthministerialcouncil.org/index/publications/joint-communications/plenary-jc/plenary_jc_23_january_2009.htm).

<sup>104</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2009*, at: [http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI\\_Jan09.pdf](http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Jan09.pdf), p. 37.

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

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

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

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

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

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

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

<sup>108</sup> NSMC *communiqué*, 28 April 2009, at: [www.northsouthministerialcouncil.org/index/publications/joint-communiqués/institutional-ic/institutional\\_ic\\_28\\_april\\_2009.htm](http://www.northsouthministerialcouncil.org/index/publications/joint-communiqués/institutional-ic/institutional_ic_28_april_2009.htm); D. de Breadún, 'Dissidents will not undermine cross-party administration in North, says Robinson', *Irish Times* (29 April 2009).

<sup>109</sup> Department of Agriculture and Rural Development news release, 20 March 2009.

<sup>110</sup> NIO news release, 7 May 2009.

### 5.3 Conclusion

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

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

## 6. Relations with the EU

*Elizabeth Meehan*

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

### 6.1 Barroso taskforce

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

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

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

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

<sup>112</sup> *Official Report*, 21 April 2009.

<sup>113</sup> Available in the assembly library.

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

In delivering his report, Mr McGuinness noted the impact of the global crisis<sup>115</sup> and referred to other issues that they had raised with Mr Barroso.<sup>116</sup> The delegation had also met the president of the European Parliament, Hans-Gert Pöttering, other commissioners,<sup>117</sup> ambassadors and other figures from EU institutions and other regional representative offices in Brussels.

Questions to the deputy first minister covered the possibility of an international centre of expertise on conflict resolution, the role of Northern Ireland's three MEPs and funding programmes for urban regeneration and small business. Disappointment was expressed about the time taken for the executive's response to come into the public domain and the lack of reference to the offer by the taskforce leader and regional affairs commissioner, Danuta Hübner, of a place in her cabinet for an assembly member<sup>118</sup> or to the voluntary sector, praised in the taskforce report. It was also noted that, while the executive's response referred to a regional strategy and policy on cohesion, sharing and integration, neither of these was actually yet in place.

## 6.2 Fisheries and ferries

The Fisheries Council met in December 2008 but the first opportunity for a ministerial statement was on 12 January 2009.<sup>119</sup> The minister, Ms Gildernew, reminded the assembly that there were two main aspects: 'total allowable catch' (TAC) and the amount of time a fleet could spend fishing ('fishing effort'). After outlining the labyrinthine matters, including conflicting scientific findings about stocks, that had had to be considered by the council, she told MLAs she (and other interested ministers) had succeeded in reducing the commission's initial and compromise proposals to cut the TAC for nephrops (prawns) (8 per cent, then 5 per cent) to 2 per cent for the Irish Sea, while it remained at 5 per cent for other areas. This was

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

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

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

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

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

<sup>119</sup> *Official Report*, 12 January 2009.



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

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

### 6.3 Bilateral links

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

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

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<sup>120</sup> Department for Regional Development news release, 18 March 2009.

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

<sup>122</sup> DETI news releases, 22 January 2009, 4 February 2009 and 6 February 2009.

<sup>123</sup> DETI news release, 5 February 2009.

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

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

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

#### **6.4 Conclusion**

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

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

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<sup>125</sup> DETI news releases, 11 March 2009.

<sup>126</sup> Department of Education news release, 3 April 2009.

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

## 7. Relations with Local Government

*Robin Wilson*

- Local-government elections were formally postponed till 2011.

### 7.1 Review of public administration

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

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

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

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

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<sup>128</sup> NIO news release, 12 February 2009.

<sup>129</sup> DCAL news release, 2 April 2009.

<sup>130</sup> DHSSPS news release, 8 May 2009.

## **7.2 Conclusion**

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

## 8. Finance

*Robin Wilson*

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

### 8.1 Gathering crisis

Evidence grew, if any were needed, during the period of the severity of the economic crisis. Regional unemployment had surged by 10,000 in the latter half of 2008, making the annual increase in joblessness the largest since 1971.<sup>131</sup> Six towns in Northern Ireland were among ten across the UK which had seen the highest increase in unemployment in the year to November 2008, with construction job losses driving the trend.<sup>132</sup> The Construction Employers' Federation warned that there could be 30,000 lay-offs over the next six months.<sup>133</sup>

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

Lord Mandelson's tone sat uneasily with evidence which emerged a week later of the social impact of the deepening recession. The Northern Ireland Courts Service reported that actions for repossession in respect of mortgages had leapt in the last quarter of 2008 to 939, 73 per cent more than in the same period of 2007,<sup>135</sup> while the Housing Rights Service said inquiries to its debt service had tripled in 2008.<sup>136</sup>

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

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

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

<sup>134</sup> DETI news release, 6 February 2009.

<sup>135</sup> Northern Ireland Courts Service news release, 13 February 2009.

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

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

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

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

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

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

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

<sup>138</sup> DFP news release, 16 February 2009.

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

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

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

The three-year freeze on the rates, to which Mr Dodds referred, has placed tight constraints on the social-housing budget. The result has been that rising unemployment in construction has been matched by increasing numbers without a home. The Northern Ireland Housing Executive reported during the period that homelessness had risen by half in six years, to more than 40,000.<sup>142</sup>

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

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

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

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

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

<sup>143</sup> DFP news release, 17 February 2009.

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

<sup>145</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: September 2008*, at: [www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI\\_Sept08.pdf](http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Sept08.pdf), p. 46.

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

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

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

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

## 8.2 Government under pressure

During their eventual trip to the United States around St Patrick's Day (see 'peace process' section), the first and deputy first ministers were able to associate themselves with an announcement by the New York State comptroller that \$30 million of an Emerging Europe investment fund would be spent in Northern Ireland.<sup>150</sup> But announcements of job losses by BBC Northern Ireland's economics correspondent, Kevin Magee, continued on an almost nightly basis, with the worst episode the revelation that Bombardier was now to cut almost 1,000 jobs due to the impact of the recession on demand for business aircraft.<sup>151</sup> Further redundancies at the electricity-generator firm F G Wilson, another major manufacturing employer, brought the total there in recent months to 600.<sup>152</sup>

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

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<sup>148</sup> DFP news release, 20 February 2009.

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

<sup>150</sup> OFMDFM news release, 16 March 2009.

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

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



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

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

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

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

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

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

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

<sup>155</sup> *Newsline 6.30*, BBC Northern Ireland (6 April 2009).

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

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

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

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

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

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

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

<sup>159</sup> *Newsline 6.30*, BBC Northern Ireland (15 January 2009).

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

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

<sup>162</sup> DHSSPS news release, 22 April 2009.

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

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

### 8.3 Conclusion

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

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<sup>163</sup> The point of the recommendation by the independent commission chaired by Prof Paddy Hillyard of Queen’s University was that it would lay this claim to rest: the portion of the cost of water *not* covered by the regional rate would be added to the latter—see R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: January 2008*, at: [http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI\\_Jan08.pdf](http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Jan08.pdf), p. 60.

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

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

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

<sup>167</sup> Northern Ireland Courts Service news release, 8 May 2009.

## 9. Political Parties and Elections

*Duncan Morrow and Robin Wilson*

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

### 9.1 Violence and vetoes

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

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

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

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<sup>168</sup> *Belfast Telegraph* (22 April 2009).

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

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

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

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

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<sup>169</sup> *Irish Times* (9 January 2009).

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

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

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

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

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

<sup>171</sup> Broadcast on BBC Northern Ireland, 19 February 2009.

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

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

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

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

## 9.2 European election

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

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

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

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

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

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

Within unionism, the election was being shaped by the DUP as a battle with Mr Allister's 'Traditional Unionist Voice'. While it remained unlikely that he would retain his European seat, the contest brought to a head a dispute between former allies that has been festering since devolution in 2007 and which took on added dimensions for the DUP as a result of the Dromore by-election in spring 2008.<sup>177</sup>

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

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

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

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<sup>176</sup> Electoral Office news release, 26 February 2009.

<sup>177</sup> R. Wilford and R. Wilson (eds.), *Northern Ireland Devolution Monitoring Report: May 2008*, at: [www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI\\_May08.pdf](http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_May08.pdf).

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

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

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

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



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

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

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

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

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<sup>182</sup> *Irish Times* (28 February 2009).

<sup>183</sup> *News Letter* (28 February 2009).

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

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

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

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

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

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

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

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

The SDLP put considerable effort into the candidacy of Alban Maginness, the first ever nationalist mayor of Belfast.<sup>190</sup> The party continued however to suffer from a general lack of focus, and most observers believed any SF weakening would be reflected in reduced turnout rather than a swing to the SDLP. Alliance chose a relatively unknown candidate in Ian Parsley, a councillor in North Down, probably with a view to boosting his profile and increasing the prospect of winning a second assembly seat in that constituency in 2011.<sup>191</sup>

### 9.3 Expensive expenses

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

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

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<sup>190</sup> *Irish News* (26 January 2009).

<sup>191</sup> *Irish Times* (23 March 2009).

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

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

SF's own farming of expenses also came under media scrutiny, as part of the *Daily Telegraph's* focus on the story. Here there was no question of individual SF MPs benefiting: true to its 'democratic centralist' character, the party receives all elected members' income on their behalf and allocates a stipend based on the average industrial wage. But what was exposed was how an abstentionist party, already in receipt of almost £2/3 million since a deal was struck with the UK government eight years ago on staffing, office and travel costs, had also claimed nearly £1/2 million on rental payments for London properties<sup>194</sup>—despite its five MPs claiming less than £1,000 on average for flights to London in 2007-08.<sup>195</sup> As with the DUP, and in sharp contrast to the self-flagellatory mood at Westminster, the party was unapologetic.<sup>196</sup>

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

#### 9.4 Conclusion

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

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

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

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

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

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

<sup>198</sup> *Irish Times* (3 March 2009).

## 10. Public Policies

*Robin Wilson*

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

### 10.1 Devolution fails testing challenge

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

As expected, however, the executive failed to agree on the proposals from the SF education minister, Ms Ruane. She said she had been 'blocked' by the DUP and would now bring forward guidance<sup>200</sup>—it being clear legislation would not pass the assembly. This heralded the unregulated system many educationalists had feared as the lowest-common-denominator outcome.

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

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

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<sup>199</sup> Department of Education news release, 28 January 2009.

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

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

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

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

It had emerged in January that grammar schools in Ballymena and Magherafelt, areas of Co Antrim and Co Derry respectively, were co-operating across the denominational barrier in developing common tests of their own.<sup>205</sup> Subsequently, it was reported that 28 mainly Catholic schools would apply an English and mathematics test.<sup>206</sup> The Association for Quality Education, with 33 'controlled' state (overwhelmingly Protestant) schools signed up for its proposed test, met the Catholic Heads Association and they agreed to aim for a unified test in 2010.<sup>207</sup>

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

## 10.2 Conclusion

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

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

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

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

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

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

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

## Bibliography

### Official Documents

Independent Commission on Policing for Northern Ireland, *A New Beginning: Policing in Northern Ireland* (1999, at:

[www.nio.gov.uk/a\\_new\\_beginning\\_in\\_policing\\_in\\_northern\\_ireland.pdf](http://www.nio.gov.uk/a_new_beginning_in_policing_in_northern_ireland.pdf)).

### Secondary Literature

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

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

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

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

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

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