



Political Developments in Northern Ireland Since March 2007

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This note offers a summary of developments in Northern Ireland since March 2007. For an earlier chronology of events, please see Standard Note no 4245 *Political Developments in Northern Ireland since June 2006*. For greater detail on the St Andrews Agreement and the legislation which followed see Library Research Paper 06/56 *The Northern Ireland (St Andrews Agreement) Bill 2006-7* and Library Research Paper 07/32 *The Northern Ireland (St Andrews Agreement) (No 2) Bill 2006-07*.

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A. Background

The Northern Ireland Assembly was first elected in July 1998, but devolution was suspended on 14 October 2002, under the terms of the *Northern Ireland Act 2000*. The UK Government, working with the Irish Government and the Northern Ireland parties, made a number of attempts to restore devolution since that date. The most recent Assembly elections took place on 7 March 2007 and the two largest parties in the Assembly were the Democratic Unionist Party and Sinn Fein. Devolution was restored to Northern Ireland on 8 May 2007. The leaders of the two main parties were able to reach a deal on the 26 March 2007 and emergency legislation was passed in the House of Commons to give effect to their agreement. For further details see Library Standard Note 4245 *Political Developments in Northern Ireland since June 2006* and House of Commons Research Paper 07/32 *The Northern Ireland (St Andrews Agreement) (No 2) Bill*.

The Northern Ireland Office confirmed that the total cost of the St Andrews talks in October amounted to £391,783. The Secretary of State for Northern Ireland, Peter Hain said the St Andrews talks were “the catalyst which brought us to the truly historic events of this week”, he went on to say that:

As a result of what happened at St Andrews, we have come to a position where the two most polarised parties have agreed to work together to move Northern Ireland forward.

This is where we've always wanted to be since 1998 and now we have achieved the truly historic goal of an agreement between and owned by Northern Ireland's political parties.¹

B. Formation of the Northern Ireland Executive

The Prime Minister, Tony Blair and the Taoiseach leader, Bertie Ahern, attended the ceremonies for the opening of the Northern Ireland Assembly which saw the DUP leader Ian Paisley and Sinn Fein's Martin McGuinness assume the office of First and Deputy First Minister of the new power-sharing government. Tony Blair said that the agreement reached between Ian Paisley and Gerry Adams was the historic culmination of 10 years work:

In a sense, everything we have done over the last ten years has been a preparation for this moment, because the people of Northern Ireland have spoken through the election. They have said, “We want peace and power sharing”, and the political leadership has then come in behind that and said, “We will deliver what the people want”.²

In a speech following his pledge of office, Mr Paisley said:

¹ 'St Andrews costs published', *Northern Ireland Office*, 28 March 2007

² 'Blair hails devolution', *Belfast Telegraph*, 26 March 2007

If anyone had told me that I would be standing here today to take this office, I would have been totally unbelieving. I am here by the vote of the majority of the electorate of our beloved province.

Mr Paisley also reiterated his commitment to unionism; “I have not changed my unionism, the union of Northern Ireland within the United Kingdom, which I believe is today stronger than ever”, he went on to say:

We are making this declaration, we are all aiming to build a Northern Ireland in which all can live together in peace, being equal under the law and equally subject to the law. I welcome the pledge we have all taken to that effect today. That is the rock foundations upon which we must build.³

Mr McGuinness said that he was a proud “Irish Republican who believes absolutely in a united Ireland”⁴ and said he was confident that the two new leaders could work together. He went on to say:

We know the road we are embarking on will have many twists and turns. It is, however, a road which we have chosen and which is supported by the vast majority of our supporters. In the recent elections, they have voted for a new political era based on peace and reconciliation.⁵

The proceedings also saw the election of Mr Willie Hay (DUP) to the post of Speaker, and his three deputies: David McClarty (UUP), Francie Molloy (SF) and John Dallat (SDLP). Following the election of the Speaker, minister and junior ministers were formally nominated and took the revised pledge of office.

The new Northern Ireland power sharing executive was nominated according to the d’Hondt formula set out in the *Northern Ireland Act 1998*. The departments will be shared as follows: DUP were allocated four seats, Sinn Fein three, the UUP two and the SDLP one⁶. The ministerial offices are as follows:⁷

Ian Paisley (DUP) – First Minister

Martin McGuinness (SF) – Deputy First Minister

Peter Robinson (DUP) – Finance and Personnel

Catriona Ruane (SF) – Education

Nigel Dodds (DUP) – Enterprise, Trade and Investment

Michael McGimpsey (UUP) – Health, Social Service and Public Safety

Margaret Ritchie (SDLP) – Social Development

³ ‘Ian Paisley’s speech in full’, BBC News, 08 May 2007

⁴ ‘After 50 turbulent years, Stormont shakes off heavy chains of history’, *The Times*, 9 May 2007

⁵ ‘Paisley and McGuinness mark new era in Northern Ireland’, *The Guardian*, 8 May 2007

⁶ ‘Parties in dialogue about minister’, *The Irish News*, 31 March 2007

⁷ <http://www.northernireland.gov.uk/index/your-government/devolved-government.htm>

Conor Murphy (SF) – Regional Development

Arlene Foster (DUP) – Environment

Michelle Gildernew (SF) – Agriculture and Rural Development

Edwin Poots (DUP) – Culture, Arts and Leisure

Sir Reg Empey (UUP) – Employment and Learning

Following the restoration of devolution the Chancellor, Gordon Brown set out the Government's financial package for Northern Ireland in a written ministerial statement:

The Chancellor of the Exchequer (Mr. Gordon Brown): Following the St Andrews Agreement in October 2006 and the historic agreement by the political parties on 26 March 2007 to the return of devolution, I am today setting out how the Government are meeting their commitment under the St Andrews Agreement to provide the incoming Northern Ireland Executive with a package to create long term economic and financial stability for Northern Ireland.

The return of devolution today provides a unique opportunity to create long-term peace and prosperity for all the people of Northern Ireland. The Government remain committed to ensuring the incoming Executive has the capacity to provide quality public services, to continue the process of necessary reform, to plan for the future, to make the long-term capital investments to underpin the economic transformation of Northern Ireland, as well as bringing long-term benefits for the island as a whole. In advance of restoration and to this end, the Secretary of State for Northern Ireland and I have had meetings with the First Minister and Deputy First Minister designate. I look forward to continued dialogue with the restored Executive.

In advance of the final outcome of the Comprehensive Spending Review, I am today however confirming the following guaranteed package to boost investment, competitiveness and employment.

Investment

I am today confirming a funding package of at least £51.5 billion comprising:

£35 billion based on existing spending for 2007-08 together with uprating by at least inflation over the next three years;

an £18 billion long term investment strategy from 2005 to 2017;

retention of value for money savings to be made over the period 2008-09 to 2010-11 expected to be at least £0.8 billion;

retention of asset sales to fund capital investment expected to be over £1 billion, with £500 million over the next four years;

additional spending over the next two years under the end-year flexibility scheme of £140 million resource DEL

(£75 million in 2007-08 and £65 million in 2008-09) and £180 million capital DEL (£100 million in 2007-08 and £80 million in 2008-09);

additional spending financed by EU receipts expected to be in excess of £0.5 billion;

the provision of £400 million, additional to the £35 billion above, including an upfront £100 million in 2007-08 from the Treasury's Reserve to enable an incoming administration to delay the introduction of water charges without affecting existing spending plans in Northern Ireland and introduce an innovation fund; and

confirmation of £200 million borrowing under the Reinvestment and Reform initiative from 2007-08. Borrowing under the Reinvestment and Reform Initiative will no longer be linked with the requirement to close the gap with GB council tax rates. This is in addition to the cap on rates and enhanced relief for pensioners already announced by the Secretary of State.

In addition there will be a major package of integrated investment in infrastructure, including for a substantial new roads programme. In addition to the £18 billion allocated to the revised Investment Strategy for Northern Ireland, the Irish Government have made £400 million available for the investment in infrastructure projects.

Within this package, I recognise the need to provide resource this financial year and therefore there will be £700 million available in 2007-08 above existing Departmental Expenditure Limit plans.⁸

The Chancellor also set out plans for improving competitiveness and increasing employment opportunities in Northern Ireland and stated the "Government looked forward to continuing engagement between the Treasury and the incoming administration, working in partnership to create a dynamic Northern Ireland economy".

Following the events at Stormont, the Secretary of State for Northern Ireland, Peter Hain made a statement to the House of Commons on 9 May 2007:

The Secretary of State for Northern Ireland (Mr. Peter Hain): Mr. Speaker, I wish to make a statement on Northern Ireland.

I do not think it possible to overestimate the significance of yesterday's events at Stormont. In effect, we witnessed the final resolution of what has for centuries been the most intractable source of political conflict in the whole of Europe, and its significance is not confined to relations within these islands. What happened on 8 May 2007 showed the world how "A Shared Future" can emerge from even the most bitterly divided and blood-stricken past—and we must never forget how much misery and suffering that caused.

Many people, including Members in all parts of the House, worked tirelessly to make yesterday possible. The foundations were set by the 1998 Good Friday agreement, with the principles of consent and power-sharing at its core, but seeing the Democratic Unionist party and Sinn Fein going into government together on a fair and equitable basis makes "historic" seem a cliché. That they have done it without the DUP's ceasing to be the DUP, and without Sinn Fein's ceasing to be Sinn Fein, is all the more remarkable.

When we all witnessed that now iconic picture of the leaders of the DUP and Sinn Fein together for the very first time on 26 March, we knew that Northern Ireland and

⁸ Written Ministerial Statement, 8 May 2007, HC Debate c2-4WS

the wider world would never be the same again. Since then, by working together, the DUP and Sinn Fein have shown that the greater good can be served without the sacrifice of either principle or integrity. Indeed, I was delighted that the first letter signed jointly by the First Minister and Deputy First Minister asked me to leave my office in Stormont castle to enable them to move in, in time for yesterday's first meeting of the Assembly and formation of the Executive. Never has an eviction notice been so eagerly anticipated or so warmly received.

Having met the First and Deputy First Ministers together, I have been struck since by their business-like approach to preparing for government and—perhaps even more remarkably—by their cordial and warm personal interaction. Above all, they have shown that age-old enmities can be overcome. That is truly inspirational, as we saw yesterday when they preached together at Stormont a common gospel of healing.

I am convinced that devolution is here to stay. It would now be as unthinkable for Northern Ireland to ask for a return to direct rule in the future as it would be for Scotland or Wales. Indeed, who would have imagined that, as of today, of all the devolved Administrations, Northern Ireland has the only settled Government in place?

The key to the future peace and prosperity of everyone in Northern Ireland lies in the shared future that the new Assembly and Executive epitomise. That shared future must go beyond the “big politics” of Parliament Buildings. Astonishing as the political transformation over the past two years has been, there is much more to be done. We must find a way of dealing with the past and addressing the needs of victims and survivors. Although last summer's marching season went off more peacefully and with greater consultation than ever before, a global solution to parading still needs to be negotiated. I hope that the review team headed by Lord Paddy Ashdown will help to achieve that. There are still too many so-called “peace walls” that divide communities in Northern Ireland, and some parts of Northern Ireland society continue to feel isolated, marginalised, deprived and out of the mainstream. I am thinking especially of loyalism and its place in the shared future.

We have always said that we would support and encourage those who wanted to work to a positive agenda, who wanted to bring about change and who had sustainable mechanisms for doing that. People have a right to have their identity, their culture and their traditions respected, but if loyalism does not get into the mainstream and catch the tide that is taking Northern Ireland forward, there is a real danger that, despite the best intentions, the loyalist community will be left behind and further isolated, because no one will understand why there are groups within loyalism that still cling to an armed past. Last week's declaration by the Ulster Volunteer Force and Red Hand Commando that they will end their paramilitary activity was therefore very welcome.⁹

With the restoration of devolved power to Northern Ireland the ministerial team at the Northern Ireland Office was reduced to three with the departure of David Hanson MP and David Cairns MP. Peter Hain paid tribute to his outgoing colleagues and thanked them for their selfless service to the people of Northern Ireland¹⁰.

⁹ Oral Ministerial Statement, 9 May 2007, HC Debate c159-161

¹⁰ 'Hain thanks outgoing NIO Ministers', *Northern Ireland Office*, 8 May 2007

On 15 June 2007, the Taoiseach leader, Bertie Ahern became the first Irish Prime Minister to address Members of both Houses of Parliament and declared that “Ireland’s hour has come”¹¹. He said:

The so-called ‘Irish Question’ was for a long time shorthand in these halls for a nuisance, a problem, a danger. A recurring crisis that was debated here, but not where its effects were most felt.

Today, I can stand here and say that the ‘Irish Question’ as understood then has been transformed by the Good Friday Agreement. The Agreement has delivered peace and promise to Ireland by accommodating the rights, the interests and the legitimate aspirations of all. It represents the triumph of common interests over inherited divisions. It is not an end of history. But it is a new beginning.

It is an unchallengeable consensus on how any future change in the status of Northern Ireland will be effected: only with consent freely given, and with full respect for the rights of all traditions and identities on the island. As an Irish republican, it is my passionate hope that we will see the island of Ireland united in peace. But I will continue to oppose with equal determination any effort to impose unity through violence or the threat of violence.

Irish Republicanism is inherently democratic and seeks to unite - in their common interests – Catholic, Protestant and Dissenter. That is the principle on which I stand. None of what has been accomplished in Northern Ireland in the past decade could have happened without the most beneficial transformation in British-Irish relations in over eight hundred years.¹²

On 22 June, Peter Hain announced the formation of an independent consultative group that would seek a consensus across the community on how best to deal with the legacy of Northern Ireland’s past. The group will be co-chaired by Lord Eames, the former Archbishop of Armagh and Denis Bradley, the first vice-chairman of the Policing Board. The group is due to report to the Secretary of State for Northern Ireland by summer 2008 and its terms of reference are set out as follows:

To consult across the community on how Northern Ireland society can best approach the legacy of the events of the past 40 years; and to make recommendations, as appropriate, on any steps that might be taken to support Northern Ireland society in building a shared future that is not overshadowed by the events of the past.¹³

1. Northern Ireland Assembly legislative programme

The Northern Ireland Assembly’s legislative programme was outlined by the First and Deputy First Minister, in a letter to the Speaker William Hay. This will include a total of 18 Bills for the current session up to July 2008. According to a Northern Ireland Executive press release the planned measure are as follows:

¹¹ ‘Ahern makes history in address to both houses of Parliament’, *Belfast Telegraph*, 15 May 2007

¹² ‘Ahern’s full speech to the Houses of Parliament’, *Belfast Telegraph*, 16 May 2007
<http://www.belfasttelegraph.co.uk/news/politics/article2549550.ece>

¹³ ‘Hain announces group to look at past’, *Northern Ireland Office*, 22 June 2007

<http://www.nio.gov.uk/hain-announces-group-to-look-at-the-past/media-detail.htm?newsID=14484>

Including three Bills which are currently under consideration by the Assembly, the 18 Bills include measures to improve the State Pension, restructure Education bodies, overhaul the regulation and governance of charities, revise the child maintenance system, improve the capacity to prevent the introduction and spread of animal diseases (including Foot and Mouth Disease) and put in place new procedures to allow for the registration of deaths, to help in particular, the families of "the disappeared".¹⁴

The draft programme for government also set out plans to create 6500 jobs by 2011 through inward investment¹⁵. First Minister Ian Paisley said:

Our over-arching aim is to build a peaceful, fair and prosperous society in Northern Ireland, with respect for the rule of law and where everyone can enjoy a better quality of life now and in years to come.

Growing a dynamic innovative economy will be our top priority over the lifetime of this Programme for Government. Sustainable economic growth and increased prosperity will provide the opportunities and the means through which we can enhance quality of life, reduce poverty and disadvantage through social inclusion, increase health and well being and build stronger more sustainable and empowered communities.¹⁶

C. Recent Developments

The Prime Minister, Tony Blair, announced that he would resign on 27 June 2007 and was succeeded by the Chancellor, Gordon Brown. Politicians on all sides paid tribute to Tony Blair for his contribution to the peace process and his efforts in restoring devolved government to Northern Ireland. The First Minister, Ian Paisley was quoted as saying that although there were many issues on which they "did not see eye to eye" he believed "that the Prime Minister's concerted efforts helped in ultimately securing devolution in Northern Ireland".¹⁷ The Irish Prime Minister, Bertie Ahern said he was privileged to have worked side by side with the Prime Minister on many issues and declared:

He leaves office with an honoured place in our history assured. From his first days as Prime Minister he devoted unprecedented time and attention to bringing the appalling conflict in Northern Ireland to an end. Tony Blair leaves a priceless legacy of peace and agreement in Ireland.¹⁸

The Sinn Fein President, Gerry Adams also praised the Prime Minister and said that Mr Blair had "made a significant and crucial contribution to the Irish peace process."¹⁹

¹⁴ <http://www.northernireland.gov.uk/news/news-ofmdfm/news-ofmdfm-221007-first-minister-and.htm>

¹⁵ 'NI Executive pledging 6,500 jobs', *BBC News*, 25 October 2007

¹⁶ <http://www.northernireland.gov.uk/news/news-ofmdfm/news-ofmdfm-251007-first-minister-and.htm>

¹⁷ 'Tributes paid to Blair's Northern Ireland work', *BBC News*, 10 May 2007

¹⁸ 'Tributes paid to Blair's Northern Ireland work', *BBC News*, 10 May 2007

¹⁹ 'Blair stands down - Goodbye to all that - PM's 'priceless legacy' is peace in Ireland says Ahern' *The Irish News*, 11 May 2007

On 28 June 2007, Gordon Brown appointed Shaun Woodward, as the new Secretary of State for Northern Ireland. Mr Woodward said that he was “delighted” that the Prime Minister had appointed him to the role and announced that he would not take a ministerial salary for the post of Northern Ireland Secretary²⁰. He paid tribute to his predecessor, Peter Hain and said:

Having worked in Northern Ireland before, I know that there are still important challenges ahead and I am determined to build on the recent successes.

Historic strides have been taken by Northern Ireland’s political leaders over the last few months and I want to play my part in helping them to achieve the devolution of policing and justice powers from the NIO to the Assembly.²¹

The Government announced the reappointment of the Equality Commission for Northern Ireland on 1 August 2007. The four Equality Commissioners have been re-appointed for a further period of two years and are Tony Carlin, Una Gillespie, Thomas McGrath and Paul Yam. The Equality Commission was established on 2 August 1999, as part of the implementation of the Good Friday Agreement. Following the announcement the Secretary of State for Northern Ireland, Shaun Woodward said “The Government’s vision is to see an equal, inclusive society where everyone is treated with respect and is valued and where there is opportunity for all.”²²

On 24 September 2007, Shaun Woodward addressed the Labour Party conference for the first time in his role as Northern Ireland Secretary, he said:

[..]We still have an important task to complete. Devolving policing and criminal justice. And with Paul Goggins and Jeff Rooker, Minister of State, we will work to that end.

The St Andrews Agreement was clear. Not an a la carte menu for devolution. The second completing stage is as vital as the first.

Done because what greater proof will there be to those who we ask to invest in the future of the children of Northern Ireland- what greater commitment could there be, than local politicians taking their responsibility for law and order?

When Gordon Brown became Prime Minister, he was clear as his predecessor of the importance of completing our work. It will come as no surprise Gordon has wholly committed himself, to help new Assembly politicians, bring new and vital investment to Northern Ireland.²³

Following the restoration of devolution, assembly members’ salaries rose from £32,000 to £41,000 and their allowances increased to £70,000.²⁴ The increase in salary on restoration

²⁰ ‘Woodward not paid for NI role’, *BBC News*, 28 June 2007

²¹ ‘Woodward looks forward to challenge of new post’, *Northern Ireland Office*, 28 June 2007

<http://www.nio.gov.uk/woodward-looks-forward-to-challenge-of-new-post/media-detail.htm?newsID=14504>

²² ‘Re-appointment to the Equality Commission’, *Northern Ireland Office*, 1 August 2007

²³ Shaun Woodward speaks to Conference, 24 September 2007

http://www.labour.org.uk/conference/shaun_woodward_speech

²⁴ ‘Salaries are paid under s4 of the *Northern Ireland (St Andrews Agreement) Act 2006* and are at the full rate since the Assembly began functioning.’

was due to the Northern Ireland Assembly (Members' Salaries) Determination 2000 coming back into force on 8 May 2007. Immediately prior to restoration, Members salaries were set by the Northern Ireland Assembly (Members' Salaries) (No. 2) Determination 2006 which provided for lower salaries as the Assembly was suspended. This Determination was revoked when the restoration order under section 2 of the Northern Ireland Act 2000 came into force on 8 May.

The increase in allowances, specifically Office Costs Allowance, was also brought about by a change in Determinations. On restoration, the Northern Ireland Assembly (Members' Allowances) Determination 2000 came back into force but this was amended by the Northern Ireland Assembly (Members' Allowances) (Amendment) Determination 2007. The only provision of the 2000 determination that was amended by the 2007 version was the rate of Office Costs Allowance which increased from £48,000 per annum to £70,000 per annum. The 2007 Determination was made by the Secretary of State under section 47 of the Northern Ireland Act 2000 and by virtue of paragraph 9 of the Schedule to that Act.

The BBC reported expenses claimed since 8 May 2007 have now reached almost £2m. In response the DUP's Jeffrey Donaldson said "It's not MLAs claiming expenses, it is MLAs providing a service to their constituents that is funded through properly monitored procedures".²⁵ Press reports indicate that the total cost for the assembly would exceed 12 million this year due to the increase in allowances and the restoration of pay to the 2002 levels following devolution.²⁶

1. Irish Language Act

On 16 October 2007, the Minister for Culture, Arts and Leisure, Edwin Poots, made a statement to MLAs regarding the outcome of the consultation process for the proposed Irish language legislation. An Irish language act was promised as part of the negotiations leading to the St Andrews agreement. However, Mr Poots' statement cited limited financial resources and the political climate for not proceeding with the promised legislation:²⁷

Furthermore, given the sensitivities involved, if the development of the Irish language is to be enhanced and protected, it would be counterproductive to go down the legislative route. The proposed legislation is unlikely to command sufficient consensus in the community at this time, so, if it were to be advanced, it could damage good relations, increase polarisation and entrench suspicions and patterns of antipathy. That could seriously undermine the efforts of those in the Irish-speaking community who genuinely want to see the language developed in a depoliticised and wholly inclusive manner.

Based on a high-level cost estimate, the introduction of even a modest language-scheme legislative model would have significant resource implications. Mindful of the constraints on public expenditure, and, in particular, the pressures in my Department alone, I cannot reconcile the likely opportunity costs of introducing legislation and other spending priorities.

²⁵ '£1000 expenses a week for MLAs', *BBC News*, 03 October 2007

²⁶ '£12m: that's what our MLAs are really costing', *Belfast Telegraph*, 1 June 2007

²⁷ Northern Ireland Assembly Official Report, 16 October 2007

<http://www.niassembly.gov.uk/record/reports2007/071016.htm>

If our aim is to achieve the tangible outcomes of enhancing and protecting the development of the Irish language and facilitating those who wish to use Irish in their dealings with the public sector, I consider the legislative route to be a disproportionately costly method of achieving positive outcomes. The legislative requirement placed on the Executive to adopt a strategy to enhance and protect the development of the Irish language offers a more cost-effective and proportionate alternative.

I have carefully considered the proposal in annex B to the St Andrews Agreement to “introduce an Irish Language Act” and the consultation processes on which the previous Administration embarked. I fully acknowledge that there are those in the Northern Ireland community who have a close affinity with the Irish language and have legitimate aspirations to secure its official recognition and protection.

The enhancement and protection of the development of the Irish language is an important matter for Northern Ireland, as is the enhancement and protection of the Ulster-Scots language, heritage and culture. However, I remain unpersuaded that a compelling case for progressing legislation exists at this time. There is insufficient community consensus, and there are potentially significant costs. Moreover, there is a real possibility that legislation could undermine good relations. In so doing, it could prove counterproductive to those who wish to see the language developed in a non-politicised and inclusive manner.

However, Irish language activists urged the British government to intervene. Janet Muller of the language organisation, Pobal said:

A commitment was given by the British government in an international contract, the St Andrew Agreement, to enact Irish language legislation.

All that has been dismissed by the minister today. It is our contention, however, that this matter has always rested with the British government.²⁸

2. Complaint against Mr Ian Paisley Junior

An official complaint was made against Ian Paisley Junior, MLA for North Antrim, following alleged homophobic comments made to Ireland’s Hot Press magazine in May 2007.²⁹ Mr Ian Paisley Jr is a junior minister in the Office of the First and Deputy First Minister and the son of First Minister Ian Paisley.

There was criticism from all the main parties following the alleged comments. The SDLP’s equality spokesman, Dolores Kelly tabled a motion to censure Mr Paisley urging “members to distance themselves from the remarks”, stating:

Ian Paisley is a junior minister in the Office of the First and Deputy First Minister, the department which is charged with promoting equality and bringing forward the Single Equality Bill.

Vulnerable groups who are potential victims of discrimination should be able to look to him for help, not attack.

²⁸ ‘Executive in crisis – British government faces demands to introduce bill’, *The Irish News*, 17 October 2007

²⁹ ‘Row over repulsive gay comment’, *BBC News*, 30 May 2007

If he cannot leave his extreme personal views outside his office, he must be kept away from any decisions which may be affected by those views.³⁰

The Deputy First Minister, Martin McGuinness reiterated the fact that “Ian Paisley Jr wasn’t speaking on behalf of the Office of the First and Deputy First Minister, he was speaking for himself”³¹

The Committee on Standards and Privileges for the Northern Ireland Assembly considered a Report by the Interim Assembly Commissioner for Standards relating to the complaint against Mr Ian Paisley Junior and made the following conclusions:

7. The Committee considered the complex issues raised by the Interim Assembly Commissioner for Standards in his report and agreed the following:

- that expressing personal beliefs and opinions is integral to freedom of expression but that the distinction between expressing personal beliefs and opinions as a private citizen and as a public representative may be open to interpretation;
- because of the scope for ambiguity in this regard there is the potential for expression of personal beliefs and opinions by a Member to bring the Assembly, or its Members, into disrepute;
- in expressing personal beliefs or opinions Members of the Assembly must be conscious of their responsibility to give leadership to the community as a whole.

8. The Committee could not come to a consensus that the Interim Assembly Commissioner for Standards had substantiated his conclusion that no breach had occurred.

9. It was proposed that the Committee adopt the conclusion of the report of the Interim Assembly Commissioner for Standards that:

‘when placed within the context of the whole interview, Mr Paisley’s comments do not constitute a breach of the Members Code of Conduct’.

10. This proposal was adopted by a majority of 6 Members to 4 and it was therefore determined that the comments by Mr Ian Paisley Junior did not constitute a breach of the Members’ Code of Conduct.³²

3. Donations to Political Parties in Northern Ireland

On 1 November 2007 new controls on donations to registered political parties in Northern Ireland came into force. The Electoral Commission outlined the new rules on donations as follows:

³⁰ ‘Row over repulsive gay comment’, *BBC News*, 30 May 2007

³¹ ‘McGuinness slams DUP gay remarks’, *BBC News*, 31 May 2007

³² First Report by the Committee on Standards and Privileges, Complaint against Mr Ian Paisley Junior MLA: http://www.niassembly.gov.uk/standards/2007mandate/reports/3_07_08R.htm

Parties must now record all donations over £200. In addition, donations to a party of more than £5,000 or to the party's accounting units of more than £1,000 must be reported to us each quarter, as must donations of more than £200 from impermissible or unidentifiable sources. Parties may need to put in place new procedure to record this information.³³

However, the Commission is obliged to keep the information on donations confidential except where a donation has been accepted from an impermissible source. Rose McLaughlin from the Electoral Commission said of the measures; "We certainly believe that full transparency is very important and should happen by 2010, if not even before. We will be encouraging parties to publish details of their donations even though we cannot publish them."³⁴

Detailed guidance on the new regulations on donations to political parties in Northern Ireland is available from the following link:

http://www.electoralcommission.org.uk/files/dms/Donations-Guidance-Final2_27575-20300__E__N__S__W__.pdf

4. Parliamentary Boundary Commission for Northern Ireland

On 3 October 2007 the Boundary Commission announced that the revised recommendations for constituencies in Northern Ireland have been made final and they have submitted a report of the Review and their recommendations to the Secretary of State for Northern Ireland.³⁵ The Commission recommended that there should continue to be 18 constituencies in Northern Ireland with revisions to the boundaries of 12 constituencies.³⁶

Under the Boundary Commission recommendations the SDLP could see its majorities in three Westminster constituencies cut, including the constituency of the SDLP leader Mark Durkan in Foyle to East Londonderry.³⁷

5. Review of Assembly Secretariat

On 2 November 2007 the Northern Ireland Assembly Commission published the report of an independent review of the Assembly Secretariat. A Steering Group was established to oversee the review process, chaired by the Rt Hon George Reid, former Presiding Officer of the Scottish Parliament. The review was critical of the current leadership provided by the assembly's senior management board and recommended that Northern Ireland Assembly should have its own staff, separate from the rest of the civil service by 2010.³⁸

³³ <http://www.electoralcommission.org.uk/regulatory-issues/nidonations.cfm>

³⁴ 'Parties to hand over donor names', *BBC News*, 1 November 2007

³⁵ See House of Commons Library Standard Note , Parliamentary Constituency Boundaries: Fifth Periodical Review (SN/PC/3222)

³⁶ Boundary Commission for Northern Ireland press notice, 3 October 2007, available at: <http://www.boundarycommission.org.uk/pubs/finalrecommendations.pdf>

³⁷ 'Boundary plans pose threat to SDLP seats', *The Irish News*, 3 October 2007

³⁸ 'Stormont Assembly Needs 'Own Staff', *Northern Ireland News*, 5 November 2007

In a press notice the Speaker, William Hay explained the Commission's vision as:

[...] an Assembly that strengthens democracy and engages the people in creating a better future for all. The Review of the Secretariat provides the foundation upon which that vision can be built.

We gave the review team a mandate to examine the Management, Structure and Governance of the Secretariat, and to make recommendations for improvement. Their work produced some very serious findings about the capability of the Secretariat's senior management team. The Commission has responded to those findings. But the report also highlights the strength of commitment and dedication to the Assembly shown by staff and their pride in working there.

Looking to the future the implementation of the recommendations will mean good news – good for MLAs, good for staff and good for the public to whom we are responsible.³⁹

The full report is available from the Northern Ireland Assembly website:

http://www.niassembly.gov.uk/commission/2007mandate/reports/NIA_Secretariat_Review.pdf

D. Independent Monitoring Commission Reports

1. Independent Monitoring Commission 15th Report

On 25 April 2007 the Independent Monitoring Commission published its fifteenth report into levels of paramilitary activity in Northern Ireland⁴⁰. The report gave a positive view of the continuing developments within the IRA but found the pace of change was slow within the UDA and UVF⁴¹:

2.30 Our overall view therefore remains broadly as it was three months ago. Looking at the full range of the organisation's activities and indicators of its behaviour, more things have moved in the right direction than have moved adversely or have stayed the same. We welcome such efforts as there have been to restrain illegal activity. We recognise too that the leadership is positively inclined towards taking the organisation in a different direction. But so far it has not managed to give effect to a coherent strategy. We commented in our previous report that progress had been slow. As Northern Ireland moves into a new stage of political development the time has in our view clearly come for the leadership of the UVF to show courage and imagination and to grasp this nettle. If it does not do so soon, including on the question of decommissioning weapons, then talk of these intentions will become less and less credible. As with the UDA, early substantial moves are essential.

³⁹ Northern Ireland Assembly Commission press notice, 2 November 2007, available at: http://www.niassembly.gov.uk/commission/2007mandate/press/Review_Report.htm

⁴⁰ 'Loyalist risk staying in the past', 25 April 2007, *BBC News*

⁴¹ Independent Monitoring Commission 15th Report

<http://www.independentmonitoringcommission.org/publications.cfm?id=57>

In a written ministerial statement to the House of Commons, Peter Hain said:

The report reaffirms the IRA's continuing commitment to a political path. The IMC welcomes the decision of the Sinn Fein Ard Fheis to support policing as

“clear evidence of the commitment, efforts and clearly expressed decisions of the leadership of the movement as a whole to pursue the political path and of their effective management of the strategy”.

At a practical level, there were a number of instances in which republicans had co-operated with the PSNI, giving further evidence that this commitment to support policing and the rule of law goes beyond words. The IMC concludes that there is no threat to the leadership's strategy from any dissenting opinion within the mainstream Republican movement.

However, the threat from dissident republicans remains. Despite some notable successes by the police North and South, these groups are ruthless and dangerous, and their intent to cause harm and destruction is undiminished. They will not, however, deter us from achieving political progress and long-term stability.

On loyalism, the picture is mixed. Violence and criminal activity continues and the pace of change has been slow. The report sends out a strong message to loyalists: they cannot make any argument for paramilitary activity and the retention of weapons. The IMC recognises the efforts of the loyalist leadership and welcome initiatives in support of community development. However, the time has come to move beyond intentions and words to action which is overt and has an identifiable practical impact on the ground.⁴²

2. Independent Monitoring Commission 16th Report

On 17 September the Independent Monitoring Commission published its 16th report on the Government's Security Normalisation Programme covering the 6 month period from February to July 2007. The period covered by the IMC report coincided with the formal end to Operation Banner on 31 July 2007, which in line with the undertakings set up in the Joint Declaration between London and Dublin saw the army ended its official support for the PSNI (Operation Banner) after 38 years. A garrison of less than 5000 soldiers will remain in Northern Ireland but will have the same legal status as the army in Wales and Scotland.⁴³

The report concluded that the Government had met its commitments to the normalisation programme. The report also called for a review of the continued provisions for non-jury Diplock courts⁴⁴. Commissioner, Joe Brosnan, said the he hoped for a full review of legislation providing for non-jury Diplock courts and stated “we hope that circumstances will then exist to align them more closely with the norm in other jurisdictions”.⁴⁵

⁴² Written ministerial Statement , 25 April 2007, HC Debates c23-4WS

⁴³ “No fanfare for Operation Banner”, *BBC News*, 31 July 2007

⁴⁴ See section 5: *Sixteenth Report of the Independent Monitoring Commission*:
<http://www.independentmonitoringcommission.org/publications.cfm?id=60>

⁴⁵ ‘IMC calls for review of non-jury courts in NI’, *Irish Times*, 18 September 2007

The report also questioned whether the UDA leaders were fully committed to moving away from violence and crime:

We do not believe that the loyalist paramilitaries pose a terrorist-type risk to the security forces or that they plan to mount a terrorist campaign. We therefore conclude that they do not pose a threat which is significantly relevant to security normalisation. The position with the UVF and the UDA is not however the same. In the case of the UVF since its “statement of intent” of May 2007 the organisation appears to have started to address the question of weapons, although not fulfilling the legal requirements of the decommissioning process. There also seems to have been a significant decrease in crime and in other paramilitary activity, and a reduction in membership. This seems to be part of a coherent strategy although the picture is by no means unblemished. The UDA has not matched this progress and we believe that a lack of internal organisational coherence will continue to inhibit progress. At the time of writing this report there seems to have been no progress on decommissioning.⁴⁶

The Secretary of State for Northern Ireland, Shaun Woodward, welcomed the report and said:

Northern Ireland is a totally different place to what it was only a few years ago.

The ending of Operation Banner after more than 30 years is a highly visible sign of normalisation. It defines the disappearance of conflict in Northern Ireland.

The Police Service of Northern Ireland no longer requires routine military support, with troop levels reduced to below the figure of 5000 specified by the normalisation programme. The number of military bases now stands at 13. These reductions are below the number envisaged in the programme and are testament to the ever changing political landscape.

Fortifications continue to come down at police stations and officers are increasing patrols on foot and bicycle in areas where they would previously have patrolled in armoured vehicles.

Northern Ireland has travelled a long way down the road of normalisation and that journey continues as local politicians prepare to take control of policing and justice⁴⁷.

The report is the fourth and final report on the implementation of the security normalisation programme. However, the IMC will continue to monitor the paramilitary ceasefire in Northern Ireland. The IMC’s seventeenth report, which focuses on paramilitary activity, will be presented to the Government in October.

E. Inter-Governmental Relations

With the election of the Scottish Parliament on 3 May 2007 and the restoration of devolution in Northern Ireland on 8 May 2007, the UK has seen an increased effort from the devolved

⁴⁶ Section 3.5: Sixteenth Report of the Independent Monitoring Commission

<http://www.independentmonitoringcommission.org/publications.cfm?id=60>

⁴⁷ ‘IMC report confirms Government’s delivery on normalisation’, *Northern Ireland Office*, 17 September 2007

administrations to co-operate with each other. Scottish First Minister Alex Salmond held a series of meetings with Northern Ireland First Minister Ian Paisley and Deputy First Minister Martin McGuinness during June. In an article from the *Belfast Telegraph* on 19 June 2007 Mr. Salmond was quoted as saying:⁴⁸

There's a huge interest for all of us in progressing relationships in a proper business-like manner. The Deputy First Minister hasn't stopped being a nationalist and you, First Minister, haven't stopped being a unionist. What matters is identifying the areas where you agree and working on those.

He went on to say that the British-Irish Council was the "best mechanism we currently have for Scotland and Northern Ireland to work together within the devolved structure" and that it was "absolutely vital" that formal structures are revived for the shared interest.

One of the formal structures mentioned was the Joint Ministerial Committee which, he felt, had not happened in the way envisaged under the 1998 Good Friday Agreement. This point was re-iterated in a parliamentary answer given by then Deputy Prime Minister on 27 June 2007. It was revealed that the last meeting of the JMC that he had attended was in July 2005.⁴⁹

It was reported in *The Times* that when Gordon Brown had been appointed Prime Minister he called Alex Salmond to congratulate him on being elected First Minister. Mr. Salmond described the conversation as "cordial" and that they had planned for an early meeting. He said:

I look forward to it and to co-operating with the new Prime Minister in terms of the Scottish interest.

In a House of Commons debate on 25 July 2003, Mr. Salmond criticised the Government's Green Paper *The Governance of Britain* (Cm 7170) for not addressing the issue of inter-governmental co-operation.⁵⁰

For example, way back in 1999 it was envisaged that there would be an organisation of joint ministerial committees to enable the Westminster Government, Ministers and Parliament, the Scottish Parliament, the National Assembly for Wales and, hopefully, the Assembly in Northern Ireland to engage in dialogue on issues of mutual concern. Those joint ministerial committees, certainly in plenary session, have not met since 2002. In terms of the sub-committees, which are part of that process, only one strand of four sub-committees has met over the past five years, and that is the sub-committee on Europe.

Mr Salmond continued to say, "It is important that that instrument, or something like it, is brought back into being very quickly". He also stated that he did not believe the Government had addressed the West Lothian Question sufficiently.⁵¹

⁴⁸ "Banging the Drum for Salmond", *Belfast Telegraph*, 19 June 2007, p2

⁴⁹ 27 June 2007, c825W

⁵⁰ HC Deb, 25 July 2007, c968-1010

⁵¹ HC Deb, 25 July 2007, c998

The Green Paper is also almost silent on the West Lothian question and the disquiet felt by many English MPs and a considerable number of people in England at the absence of a forum in which to address specifically English matters and legislation. I do not think that that will be adequately coped with by a system of regional Select Committees.

In response the Deputy Leader of the House of Commons, Helen Goodman, said.⁵²

He raised the matter of a joint ministerial committee. The Government are well aware of his calls for the joint ministerial committee to meet, and will consider the proposal.

1. North South Co-operation (Implementation Bodies) (Amendment) (Northern Ireland) Order 2007

On 5 June, the House of Lords considered the draft North South Co-Operation (Implementation Bodies) (Amendment) (Northern Ireland) Order 2007. The Minister, Lord Rooker introduced the order as follows:

The noble Lord said: My Lords, the order is made under Section 55 of the Northern Ireland Act 1998. Its purpose is to amend the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999. The amendment order has the sole purpose of restoring the agreement between the two Governments into domestic law after it was lost when the Northern Ireland Act 2000 was repealed, consequent on the Assembly returning.

The order will give effect to an agreement between the British and Irish Governments on the continuing role of the Special EU Programmes Body. The SEUPB is one of the six north/south implementation bodies set up following the Belfast agreement in 1998 to promote cross-border community co-operation understanding and action between people and organisations in Ireland and Northern Ireland. It manages the implementation of the EU social, economic, reconciliation and cultural programmes, worth £608 million.⁵³

The Order was considered and agreed to by the second delegated legislation committee on the 6 June 2007.⁵⁴

2. British/Irish Council

On 16 July 2007, the British-Irish Council (BIC) held its ninth summit in Belfast. This was the first time the council sat in Belfast and the first meeting since the restoration of the Northern Ireland Assembly in May 2007. The communiqué which was released after the meeting outlined the main areas of discussion.⁵⁵ The main topic was the “Strategic direction of the BIC”; looking at how the council will work now that all 8 members are represented again. Other topics were, transport, misuse of drugs, environment, e-health, tourism, knowledge

⁵² HC Deb, 25 July 2007, c1009

⁵³ HL Deb c1091-1095, 5 June 2007

⁵⁴ <http://www.publications.parliament.uk/pa/cm200607/cmgeneral/deleg2/070606/70606s01.htm>

⁵⁵ “Communiqué”, *British-Irish Council*, 16 July 2007, http://www.british-irishcouncil.org/documents/belfast_summit.asp

economy, social inclusion, demography and Indigenous, Minority and Lesser Used Languages.

This was also the first visit of the Prime Minister, Gordon Brown to Northern Ireland since taking over from Tony Blair. The Prime Minister met the Irish Prime Minister, Bertie Ahern and leaders of the devolved Assemblies and said that he was pleased that devolution had returned to Northern Ireland.⁵⁶

In response to questions about funding for the Northern Ireland executive, Mr Brown said:

The financial package is very big indeed - £51.5 billion over the next few years. It is to make possible the current expenditures of the Northern Ireland Assembly and to make possible a big programme of investment in the future.⁵⁷

Further information on the meeting is available on the British-Irish Council website at:

<http://www3.british-irishcouncil.org/index.asp>

3. North South Ministerial Council

This body established under the Belfast Agreement in 1998 met again on 17 July 2007, now that devolution has been restored. The Council had not met since 2002, when it was suspended, due to the return of direct rule. A communiqué was issued jointly by the First and Deputy First Ministers and the Taoiseach.⁵⁸

For further details their website is <http://www.northsouthministerialcouncil.org/index.htm>

F. Reference material:

1. UCL Constitution Unit Devolution Monitoring Report

In September 2007, the UCL Constitution Unit published the Devolution Monitoring Report for Northern Ireland following restoration of devolution. The full report is available from the following link:

<http://www.ucl.ac.uk/constitution-unit/research/devolution/devo-monitoring-programme.html>

⁵⁶ "PM Brown in first Stormont visit", *BBC News*, 16 July 2007

⁵⁷ "British – Irish leaders pledge security efforts", *Irish Times*, 17 July 2007

⁵⁸ "Plenary Joint Communiqué", *The North/South Ministerial Council*, 17 July 2007, http://www.northsouthministerialcouncil.org/index/publications/joint-communications/plenary-jc/plenary_jc_17_july_2007-3.htm

2. Policy Focus: Northern Ireland

On 15 October 2007 the House Magazine included a special policy focus on Northern Ireland following devolution. The edition included contributions from the Ian Paisley, Martin McGuinness, Noel McAdam and Mark Durkan among others.

The articles are available from the following link:

[http://www.housemag.co.uk/index.php?id=318&tx_ttnews\[tt_news\]=7011&tx_ttnews\[backPid\]=92&magmode=1&origin=The_House_Magazine&issue=1233](http://www.housemag.co.uk/index.php?id=318&tx_ttnews[tt_news]=7011&tx_ttnews[backPid]=92&magmode=1&origin=The_House_Magazine&issue=1233)