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Community Relations Council

## Northern Ireland Peace Monitoring Report

Number Four

September 2016  
Robin Wilson



# **The Northern Ireland Peace Monitoring Report**

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**Robin Wilson**  
September 2016

## Sources and acknowledgements

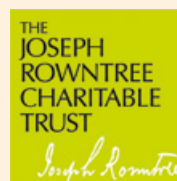
This report draws mainly on statistics which are in the public domain. Datasets from various government departments and public bodies in Northern Ireland have been used and comparisons made with figures produced by similar organisations in England, Scotland, Wales and the Republic of Ireland. Using this variety of sources means there is no standard model that applies across the different departments and jurisdictions. Many organisations have also changed the way in which they collect their data over the years, which means that in some cases it has not been possible to provide historical perspective on a consistent basis. For some indicators, only survey-based data are available. When interpreting statistics from survey data, such as the Labour Force Survey, it is worth bearing in mind that they are estimates associated with confidence intervals (ranges in which the true value is likely, to a certain probability, to lie). In other cases where official figures may not present the full picture, such as crimes recorded by the police, survey data are included because they may provide a more accurate estimate.

Data, however, never speak 'simply for themselves'. And political debate in Northern Ireland takes a very particular, largely self-contained form. To address this and provide perspective, previous reports have included comparative international data where available and appropriate. This report builds on its predecessors by painting further international context: expert and comparative literature is added where relevant as are any benchmarks established by standard-setting bodies. Academic (as well as more numerous journalistic) references are merely indicated in parenthesis, so those who want to pursue them can do so while the text remains uncluttered. The online version includes hyperlinks for ephemeral material. References to Northern Ireland government departments, reorganised for new ministerial portfolios after the May 2016 assembly elections, are as they were at the appropriate time. The contents of the report are the responsibility of the author (generously assisted by Prof Rick Wilford on the 2016 assembly election, Dr Paul Nolan on 'Brexit' and the wider advisory group for the project in general) and do not necessarily reflect the views of the Community Relations Council, the commissioning body.

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Community Relations Council



## Foreword

The Peace Monitoring Report has become an established totem to benchmark Northern Ireland's journey to a post-conflict society. It helps remind us how far we have come and how far there is still to go, with learning and pointers to the future. This, the fourth, is no exception. Like the previous iterations, it is independently written and so may not always reflect the views of the Community Relations Council. Like its predecessors, this Peace Monitoring Report will make a major contribution to the narrative of building the peace.

Devolution appears more secure than at any time in most people's living memory. And it is a power-sharing devolution—a genuine partnership between the largest political parties representing opinion across the community. It isn't yet clear where changes to the format of how Stormont does its business will eventually take us. But wherever that is, political leaders need to be constantly mindful of the need to break down, not big up, the sectional nature of politics and the society it reflects. And delivery at Stormont is an issue for people across the community.

There are significant messages in this report on Northern Ireland's place in Europe post-Brexit, and its approach to social-justice issues. It indicates how 83 per cent of people here feel a sense of belonging, yet there is some way to go on issues around gender equality, ethnicity and race relations, sexual orientation and income inequality. The report highlights challenges on issues such as mental health and suicide rates. It references the need for structural change in education and housing that puts the needs of people first. And while Northern Ireland becomes more diverse than it has ever been, the report indicates that attitudes against minority ethnic communities are hardening.

There are, however, many positives. Confidence in the state of community relations is recovering. There has been a reduction in physical attacks on symbolic premises. Confidence in policing is at an all-time high. And the decade of centenaries (while many difficult challenges are yet to come) has not only gone well but may be helping to transform an understanding of our shared past and our interconnected relationships going forward.

We are living in a Northern Ireland that is being defined and redefined as we live it. We should dwell less on the negative but be realistic about the challenges ahead and what needs addressed. We should recognise the opportunity in this next phase of the peace process, for a new Northern Ireland with an intercultural future, reaching out to all on these islands while building enriched relationships within. The fourth Peace Monitoring Report puts many of those challenges in context.

I want to thank many people for helping to produce the report, not least the author, Robin Wilson, who put in such effort. It is an enormous burden to bear which he has done admirably. The advisory group which steered the project—volunteers whose collective wisdom is a marvel to behold—was simply superb. Chaired by a previous author, Dr Paul Nolan, it included leading thinkers and influencers such as Lindsay Fergus (*The Detail*), Prof Frank Gaffkin (Queen’s University Belfast), Prof Neil Gibson (Ulster University), Prof Adrian Guelke (QUB), Prof Paddy Hillyard (QUB), Tony McCusker (ex-chair of the Community Relations Council), Celia McKeon (Joseph Rowntree Charitable Trust), Prof Gillian Robinson (UU), Prof Jennifer Todd (University College Dublin) and Dr Orna Young (academic and consultant).

I would especially like to thank the funder, the Joseph Rowntree Charitable Trust, without whom none of the Peace Monitoring Reports would have been possible and, of course, the staff at the Community Relations Council—especially the chief executive, Jacqueline Irwin, who demonstrates such a deep understanding of community relations and reconciliation.

**Peter Osborne**  
Chair

**Community Relations Council**

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## TEN KEY POINTS

### 1. Threats to stability in Northern Ireland have not just come from intercommunal disputes but also from sources beyond the region—above all, the 'Brexit' referendum vote.

Familiar divisive issues like flags, parades and dealing with the past have peppered previous monitoring reports. Yet, partly because Northern Ireland is no longer on the day-to-day political agenda in London, unwitting side-effects of political developments at Westminster were to prove the most destabilising during this period. A macro-economic policy of austerity and 'welfare reform' in London exacerbated divisions along sectarian lines. And the constitutional referenda in Scotland on independence and, especially, across the UK on EU membership—determined by the Conservative party leadership on domestic political considerations—had huge ramifications for arrangements across these islands and vis-à-vis the wider Europe, potentially greater than any for decades. It is simply too early to say precisely what these will be.

### 2. After another period of shakiness, Northern Ireland's political institutions had become more stable.

The last monitoring report covered the Haass / O'Sullivan talks among the Northern Ireland parties, which failed to break the various deadlocks between them by the end of 2013. Before 2014 closed, however, the Stormont House talks had ended with significant areas of agreement, albeit lack of consensus on implementation required a further 'Fresh Start' agreement by late 2015. This saw the executive through to a further assembly election in May 2016 and appeared to stabilise the devolved ship of state—before the 'Brexit' shock.

### 3. Paramilitarism remains a scourge in Northern Ireland.

An investigation by *The Detail* during the period documented the extent to which an underbelly of paramilitarism still corrodes civic life in Northern Ireland, particularly in those areas where the most socially marginalised live. Two killings in Belfast in mid-2015 brought to light the continued existence of the IRA, precipitating the subsequent resignation of the then first minister, Peter Robinson, and a hiatus in the executive. A brutal attack on a community worker by 'loyalists' in Co Down and the alleyway murder of a father of four by 'dissident republicans' in north Belfast provoked notable public reactions on the ground. A panel to address the disbanding of paramilitary groups raised the question as to whether paramilitarism should henceforth be tackled as organised crime.

#### **4. The regional economy remains heavily sustained by the Westminster subvention, stuck on a low-employment, low-income, low-productivity, low-investment path.**

Amid the slowest recovery from recession on record for the UK as a whole, Northern Ireland has been a regional laggard. The main parties have placed all economic bets on a cut in corporation tax but, even leaving aside its fiscal implications, expert opinion indicates that a much wider policy portfolio is required to address high economic inactivity, relatively low skills, modest innovation and underdeveloped infrastructure. Growing economic insecurity is relevant to the Peace Monitoring Report, as it cannot be dissociated from some disturbing evidence of rising intolerance, xenophobia and hate crime in recent years.

#### **5. As a society, Northern Ireland has been transformed in ways that have gone under the political radar.**

Northern Ireland is now a much more pluralistic region than the monocultural, white, Christian society it could be said to have been until the new millennium. Two major changes have yet to be fully absorbed. The first has been immigration since 2004 from the EU accession countries, plus a smattering of wider newcomer arrivals, including as refugees. The second has been a diversification of individual attitudes, with issues such as marriage equality and abortion coming to the fore, recast in the language of human rights, occasioning significant legal battles with traditional viewpoints. Set against this new dynamism, however, remains the continuing exodus of talent from the region via higher education elsewhere.

#### **6. There have been welcome changes in the proportions of female MLAs and ministers but Northern Ireland remains a region largely run by men with little recognition of gender issues.**

The May 2016 election saw a significant gain for women in the assembly, rising from 20 to 30 out of 108 MLAs, and a significantly less male-dominated executive than hitherto. While performing better than the Dáil, the assembly has nevertheless lagged the Scottish and Welsh devolved institutions in this regard. All the top civil-service posts remain in the hands of men, who also still dominate public boards. This is reflected in the absence of certain issues from the public agenda, despite the evidence of their seriousness—such as domestic violence.

#### **7. The public in Northern Ireland has become dissatisfied with the achievements of the assembly.**

As the lifetime of post-agreement devolution has lengthened, public perceptions of the assembly's achievements over that time have become more jaundiced. Most respondents to the relevant annual survey question say it has achieved little or nothing, while failing to provide a say for ordinary citizens. And, across a range of policy domains explored in this report, the now significant evidence of two full assembly terms is that the executive has indeed failed to 'make a difference' from direct rule, as the very first post-agreement Programme for Government had heralded.

## **8. Northern Ireland still has a long way to go to become a forward- and outward-looking region.**

One of the major deficits in policy-making is the lack of a wider international perspective on good practice and where Northern Ireland's performance stands. In the key area of education, for example, the region continues to achieve only a mediocre performance in terms of the internationally recognised PISA league table. The continued segregation of the system is virtually unique in Europe and has recently been criticised by the UN Committee on the Rights of the Child. The region's unique 'tradition' of communalist flag-flying and parading continues to cause controversy, with a new commission established to address that too. And the local-government reforms have left Northern Ireland with the most centralised system in Europe.

## **9. How Northern Ireland deals with its troubled past remains to be resolved.**

The Stormont House agreement did set out a series of initiatives for dealing with the past but its 'Fresh Start' successor failed to reach agreement on their implementation, including because of the screen of 'national security' raised by the UK government. The issue continued to prove explosive, with *causes célèbres* such as the Kingsmills and Loughinisland massacres returning to the public eye in the latter part of the monitoring period. Despite the efforts of the lord chief justice and a review by another senior judge, the agreement of the first minister, Arlene Foster, could not be obtained to an accelerated programme of inquests of 'troubles' cases. At least, however, the 1916 centenaries passed off with little incident, with the official commemoration of the rising in Dublin adopting a notably humanistic tone.

## **10. Looking to the future, the shift from all-party government to government and opposition does open space for the executive to be made accountable.**

One of the least anticipated developments of the period under review was the transformation of governance arrangements at Stormont, in the wake of the 2016 assembly election, from all-in government to a consensual coalition, agreeing an outcomes-focused Programme for Government, scrutinised by an assembly opposition on behalf of the wider public. The new configuration emerged remarkably quickly, with the Ulster Unionist Party, the SDLP and Alliance in opposition along with the minor parties. Whether the opposition would coalesce and whether this would give the electorate a sense that elections could be the occasion for genuine political alternation however remained to be seen.



# INTRODUCTION

This, the fourth iteration of the Peace Monitoring Report (Nolan, 2011, 2012, 2013), is the first to cover a period of over two years rather than one. The last appeared in March 2014. The report is analytical rather than simply empirical, so inevitably there is a concertina effect towards the end of the period, in that the concrete material adduced is skewed towards the most recent developments. This is particularly so because of the seismic implications of the June 2016 UK referendum on membership of the European Union, which led to a narrow majority in favour of leaving the union, or 'Brexit'.

## 1.1 The indicator framework

The Peace Monitoring Report project mission statement said: 'An indicator framework will be created to allow the measurement of change towards the goals of equality, social cohesion, sharing, and the ability to deal with political difference through open dialogue and accommodation.' This has been translated into four dimensions, each with its own quantitative and qualitative indicator set, which structure this report as with its predecessors.

### 1. The sense of security

The simplest measure of how peaceful any society is comes from the sense of security experienced by the individual citizen. This has to be assessed in different contexts: the home, the neighbourhood, the workplace and public space. To build evidence we have looked not just at crime statistics but at attitudinal surveys and academic articles which explore the quality of lived experience. Levels of violence are key indicators of the absence of security and during the 'troubles' they were the statistics most frequently used to measure the intensity of the conflict. But they need to be set against universal norms of the rule of law and human rights, to avoid the risk that the overhang of the past does not continue to define, and constrain, what is 'normal'.

### 2. Equality

The 'troubles' erupted against a backdrop of structural inequality in housing, employment and life-chances between Catholics and Protestants. The Good Friday agreement emphasised equality as a key aspect of the settlement and an Equality Commission followed soon after. In past decades, inequality was closely associated with discrimination within the region. Latterly, blind, global market forces have come to shape the differential experiences of Catholics and Protestants, women and men, indigenous and newcomer populations in much more powerful ways, which social policy—not just anti-discriminatory legal instruments—must address, necessarily placing issues of welfare in the foreground.

### 3. Cohesion and sharing

A cohesive society is one where individual citizens recognise strangers as their fellows, balancing celebration of diversity and tolerance of others' cultural practices with sharing and solidarity. The alternative is that those who claim to represent ethnically defined 'communities' prioritise their particular concerns above those they see as different. The annual monitor has to explore whether cultural practices in Northern Ireland are feeding a sense of hostility towards

those from different backgrounds or helping to create an open, pluralist and inclusive society. Given that this is now definitely a multi-ethnic society, it is necessary also to look at how well it is managing the shift from a 'two communities' perspective towards embracing a broader cultural diversity.

#### 4. Political progress

Progress in this sense does not have to be measured against particular 'nation-state' constitutional destinations for Northern Ireland, such as a united Ireland or further integration with Britain. Instead it can be seen in terms of the ability of political opponents to use dialogue to arrive at mutually satisfactory outcomes, where differences are resolved through dialogue in the public sphere. The report therefore looks at the extent to which the political institutions initiated by the 1998 agreement are performing this function. Again, a dynamic approach is however needed: if progress is made, politics in Northern Ireland will increasingly focus on the concerns of citizens everywhere and the public will not be satisfied with political institutions merely being *in* being. So international standards of democracy and good governance are also brought into play.

## 1.2 The limitations of the research

The Peace Monitoring Report aims to present an evidence-based approach to peace and conflict in Northern Ireland but some humility is in order. The various sources produce statistics of varying reliability: in some areas of human experience it is very difficult to establish clear facts. Apart from the census which takes place every ten years and collects information from every household, most official statistics are based on sample surveys. The precision of the numbers, sometimes presented down to the second or third decimal point, suggests an exactitude that simply is not there. The Peace Monitoring Report approaches this uncertainty by indicating where the data may not be as robust as they appear and by spreading the net wide to capture as many sources as possible.

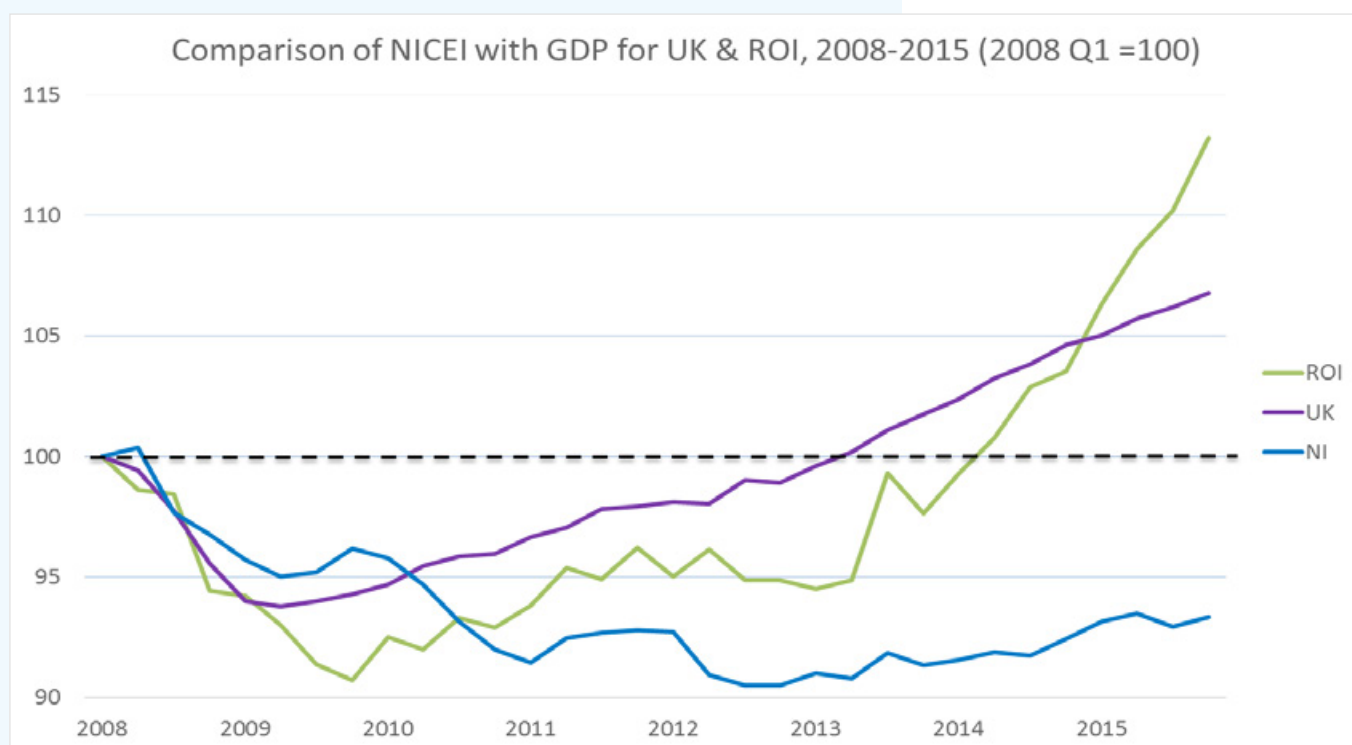


# BACKGROUND AND CONTEXT

## 1.1 The economy

Northern Ireland's economy remains on a path characterised by low investment, low productivity, low employment and low incomes. The region lacks data on per capita gross domestic product (GDP) and the Northern Ireland Composite Economic Index is used for comparative purposes in Figure 1, compiled by the Ulster University Economic Policy Centre (UUEPC), alongside GDP data for the UK and the Republic of Ireland. The graphs show how, even though the UK recovery has been the slowest on record, Northern Ireland has lagged even that—and still further behind the recovery in the republic—with only a modest upturn since 2013.

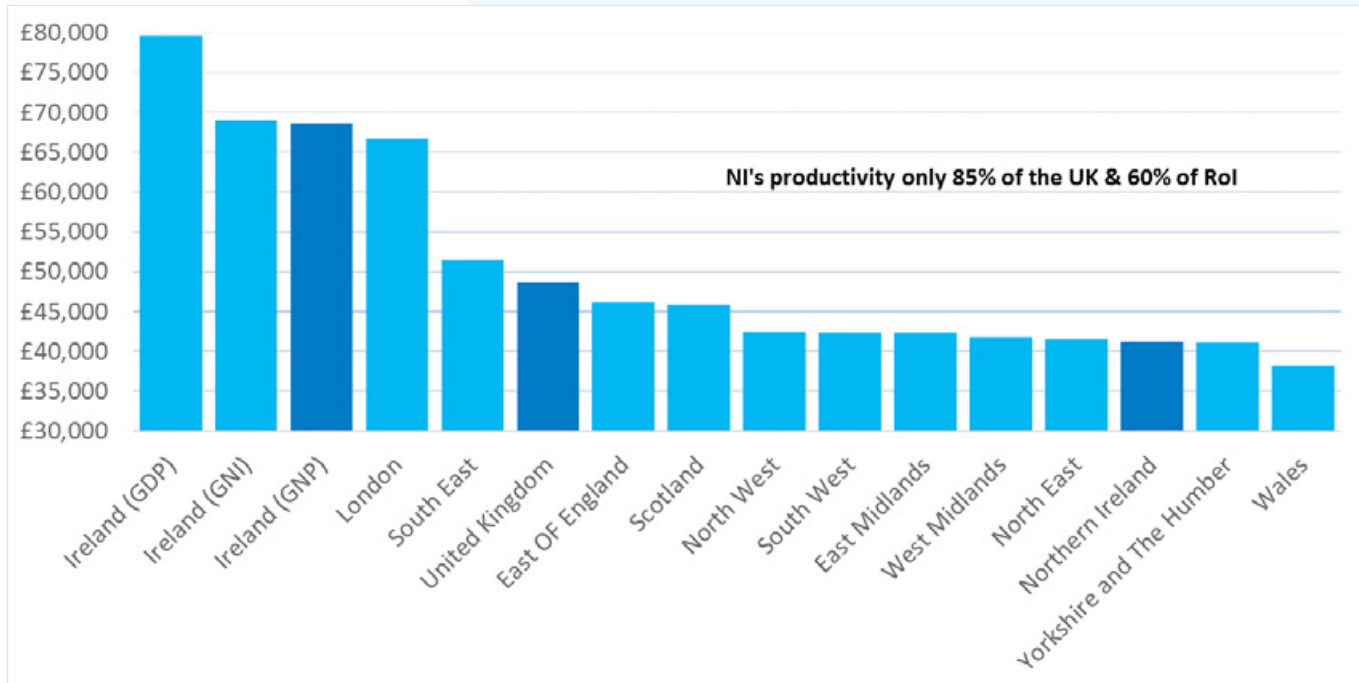
**Figure 1: Trends in GDP per head, UK and Republic of Ireland, and Northern Ireland Composite Economic Index (Q1 2008 = 100)**



Source: UUEPC

Statistics from the Department of Enterprise, Trade and Investment (DETI) showed that in 2012 (the last year for which data are available) gross fixed capital formation in the region was £4 billion or 6 per cent of final demand, only half the rate of investment of the UK as a whole (itself a poor performer by northern-European standards). As Esmond Birnie, chief economist with PricewaterhouseCoopers, explained (*Belfast Telegraph*, 10 December 2015), 'It reflects a relatively small and relatively low-productivity private sector.' Northern Ireland has the third lowest productivity (in terms of gross value added per employee) of the UK regions and nations, at 85 per cent of the UK average (Figure 2). Indeed, regional productivity is only 60 per cent of the level in the republic, even when using gross national product data to offset the inflating effects of multinationals' transfer pricing on GDP there. (It should be said that such comparisons are not entirely like-for-like.)

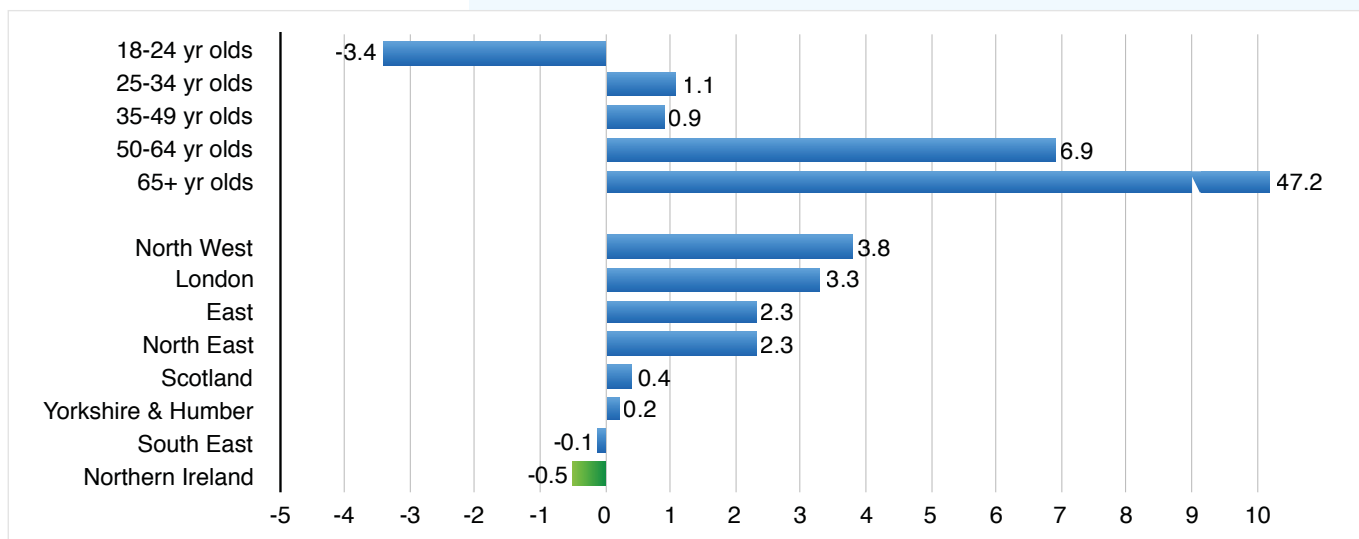
Figure 2: productivity per worker, UK regions and Republic of Ireland, 2014



Source: UUEPC

The employment rate in Northern Ireland, almost uniquely among UK regions, remained at the end of 2015 below the pre-recession level in 2008, as the annual living-standards audit by the Resolution Foundation showed (Figure 3). Moreover, skilled, well-paid jobs have been lost in recent high-profile closures and cutbacks in Northern Ireland—with Michelin and JTI Gallaher announcing shutdowns in Ballymena, Co Antrim, and big job cuts in the key east Belfast engineering hub of Bombardier and Harland & Wolff (*Irish News*, 6 June 2016).

Figure 3: proportional changes in employment rates, May 2008 to November 2015



Source: Resolution Foundation

Gareth Hetherington of the UUEPC characterised such recovery as there had been in the region as overly dependent on private consumption (*Belfast Telegraph*, 9 March 2016). That consumption is in turn heavily dependent, directly and indirectly, on the ‘Westminster subvention’ balancing the excess

of public expenditure over revenue in Northern Ireland. As Figure 4 shows, this negative 'net fiscal balance' was estimated by the Department of Finance and Personnel (DFP) to run at close to 30 per cent of annual gross value added in the region (a proxy for GDP, being GDP netted of taxes and subsidies on products). That is around £5,000 per annum for every man, woman and child in Northern Ireland. In May 2016, the chief economist of Danske Bank, Angela McGowan, explaining the bank's downgrading of its regional growth forecast for the year to 1.6 per cent, warned that cuts to jobs in the public sector would 'weigh down' on growth in the short to medium term—although uncertainty over the UK's status as a member of the European Union posed even then a more immediate risk to investment and growth (BBC Northern Ireland news, 10 May 2016). Her counterpart at the Ulster Bank, Richard Ramsey, reported in June that the bank's monthly purchasing managers' index had revealed 'a significant slowdown' in growth (BBC NI news, 13 June 2016).

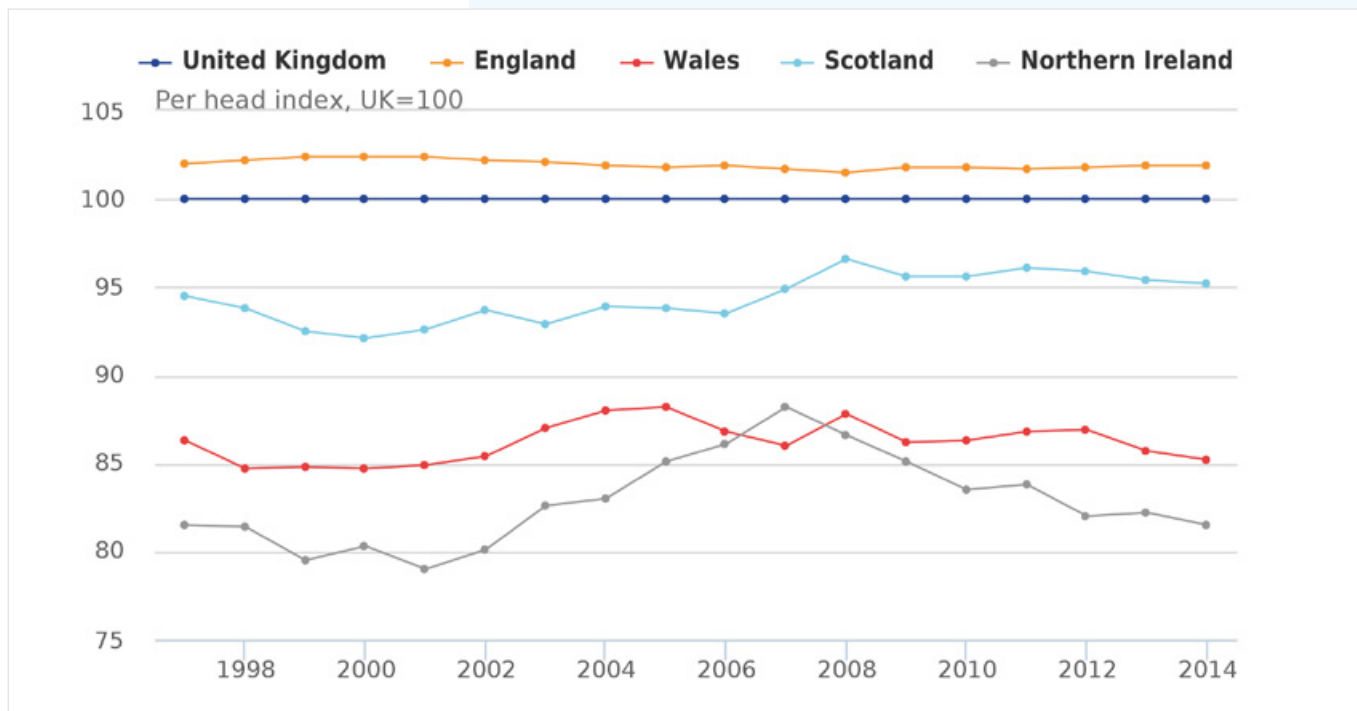
**Figure 4: Northern Ireland fiscal position, 2009-10 to 2013-14**

£ Million	2009-10	2010-11	2011-12	2012-13	2013-14
Aggregate expenditure	22,774	23,357	23,703	24,292	24,083
Aggregate revenue	13,191	14,247	14,848	14,833	14,923
Net fiscal balance	-9,583	-9,110	-8,855	-9,459	-9,160
Net fiscal balance per capita (£)	-5,344	-5,048	-4,881	-5,187	-5,006
Net fiscal balance as % of gross value added in year	-30.9%	-28.9%	-27.6%	-29.1%	-27.9%

Source: Department of Finance and Personnel

Northern Ireland is the poorest of the UK devolved jurisdictions in terms of living standards—albeit there are some offsetting features not applicable throughout the UK, including free prescriptions and public transport for senior citizens, and university fees are lower. Trends in gross disposable household income (GDHI) per head, benchmarked against the UK average and the other jurisdictions (Figure 5), have followed in recent years a pattern which is evident in this report on other measures—such as paramilitary activity, hospital waiting lists and optimism about 'community relations', as we shall see. That is a deterioration during the first period of devolution (1999-2002), an amelioration in the interregnum of direct rule (2002-07) and stagnation or renewed deterioration during the second period of devolution (2007-). Having reached a peak of 88.2 per cent of the UK average in 2007, pipping the level in Wales, Northern Ireland's GDHI per head fell to 81.5 per cent of the mean in 2014, the last year for which data from the Office for National Statistics (ONS) are available. Contrary to widespread expectations of a 'peace dividend' specific to the region, in 2014 GDHI in Northern Ireland was exactly the same proportion of the UK figure as in the last pre-agreement year, 1997. And Households Below Average Income data show that median household income in 2014-15 was, at £380 per week after housing costs, almost identical in real terms to a decade earlier.

Figure 5: relative gross disposable household income per head across UK regions/nations, 1997 to 2014 (UK average = 100)



Source: ONS

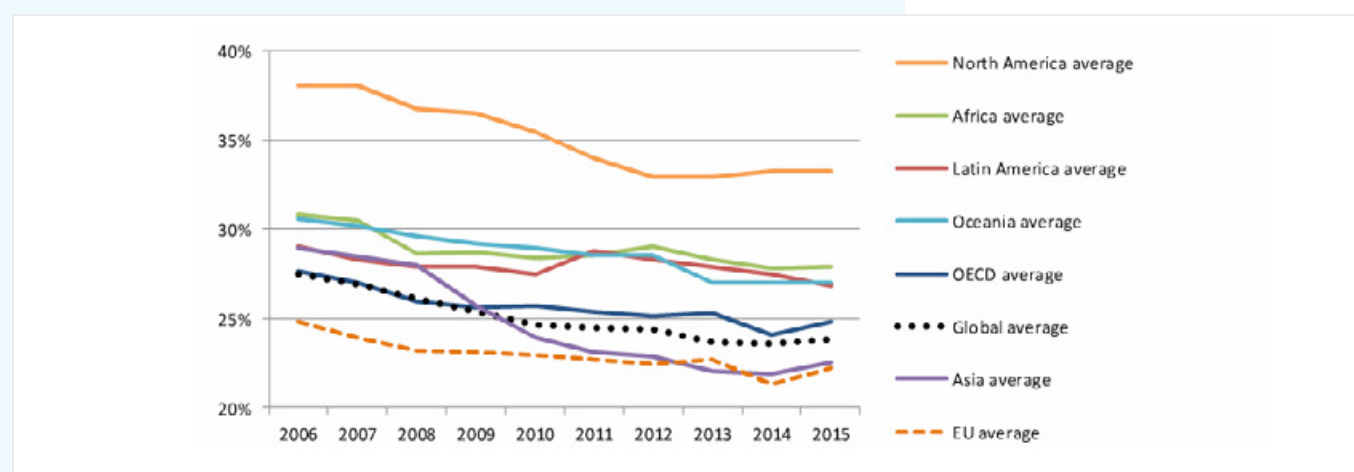
All five main parties are wedded to the belief that reduction of corporation tax in 2018 to the 12.5 per cent rate applying in the republic will see the region secure an economic rebound. This however depends on whether the uncertain and long-term effect of additional foreign direct investment attracted to Northern Ireland would offset the corresponding and immediate effect on demand of a cut—the level would depend on the precise arrangements—in the Northern Ireland block by the Treasury and the associated loss of public-sector jobs. Modelling by the UUEPC forecast a net additional employment gain of 32,000 by 2033 over and above baseline projections. This would amount to an additional 3.8 per cent on the current workforce of 834,000 or an additional 2.6 percentage points on the current employment rate of 68.9 per cent. The UK-wide employment rate at time of writing was over 74 per cent. The centre noted that this gain was itself dependent on reinvestment (at a rate of 30 per cent) by firms benefiting from this tax subsidy and on other supportive public policies. In January 2016 the minister for employment and learning, Stephen Farry, while supportive of the tax reduction, warned that 'the unfortunate reality is that the skills base is being hollowed out through budget cuts', allied to a disinvestment in higher education almost unique in the developed world (*Irish News*, 12 January 2016).

Bearing in mind the 2006 Azores [judgment](#) by the European Court of Justice ruling out internal state tax subsidy, the Northern Ireland block would have to be reduced by the corresponding shortfall on corporation tax revenue in the region (although Azores could have allowed of retention of indirect gains, such as additional income-tax receipts). The further reductions in corporation tax implemented and envisaged by the former chancellor of the exchequer, George Osborne, would reduce the impact of the introduction of the 12.5 per cent rate in Northern Ireland from 2018-19 (in which year the UK rate will be 19 per cent). In July 2016, the finance minister, Máirtín Ó Muilleoir, said the estimated loss to the Northern Ireland block would be £270 million in 2020-21 and £235 million in 2021-22 (*Belfast Telegraph*, 28 July 2016). But these reductions would

also reduce the perceived benefits of investing in Northern Ireland as against the rest of the UK (as the UUEPC also noted), on the argument that Northern Ireland needed to be different because of the draining effect of the lower rate on the other side of its unique land border. This against a backdrop that, as PwC noted in its 2011 report *Corporation Tax: Game Changer or Game Over?*, low corporation tax ranks 17th as a driver of foreign direct investment in the UK—although the insistence of the republic’s government on maintaining the 12.5 per cent rate during its economic crisis and the UK’s performance on inward investment and job growth generally since substantially lowering its rate does suggest it matters more than perhaps firms’ own responses to investment surveys suggest. As it happens, the assumption that the lower rate of corporation tax was *primarily* responsible for the ‘Celtic Tiger’ phenomenon in the republic in the 1990s is challenged by the evidence, as PwC pointed out: it came nearly four decades after the initial opening to FDI, when the tax rate was zero. A range of proximate factors were involved in the boom (Smith, 2005; Sweeney, 2008), also including membership of the EU, macro-economic stability secured through social partnership and the micro-economic advantage of highly skilled employees supplied by the institutes of technology.

On a wider canvas, as the UUEPC study highlights from KPMG data (Figure 6), there is a beggar-my-neighbour race to the bottom taking place globally on corporate taxation, which while benefiting capital at the expense of the public purse can only be a zero-sum game among its participants. A comparison of 19 OECD countries found that tax policy had no discernible impact on foreign-direct-investment flows (Jensen, 2012). A [paper](#) published by the Economic and Social Research Institute in Dublin in June 2016 found the republic would be sensitive to any corporation-tax increases but that other factors were also involved in investment decisions there. Corporation tax rates were actually *positively* associated with investment in EU countries from other EU member states and with manufacturing investment, the research showed, but were highly negatively associated with services investment from outside the EU—one would think of highly-mobile, cost-minimising call centres in that regard. Even for the service sector, however, access to the EU market—which ‘Brexit’ would imperil for Northern Ireland—was a still more significant consideration. Evidence from successful European regions (Martin *et al*, 2006) shows that success stems from the regional state acting as a collective entrepreneur, animating the economy as a whole by public interventions from which all firms benefit (spending on research and development, for instance) and brokering collaboration and clustering among firms (including via an effective industrial policy).

Figure 6: global corporation tax rates, 2006-15

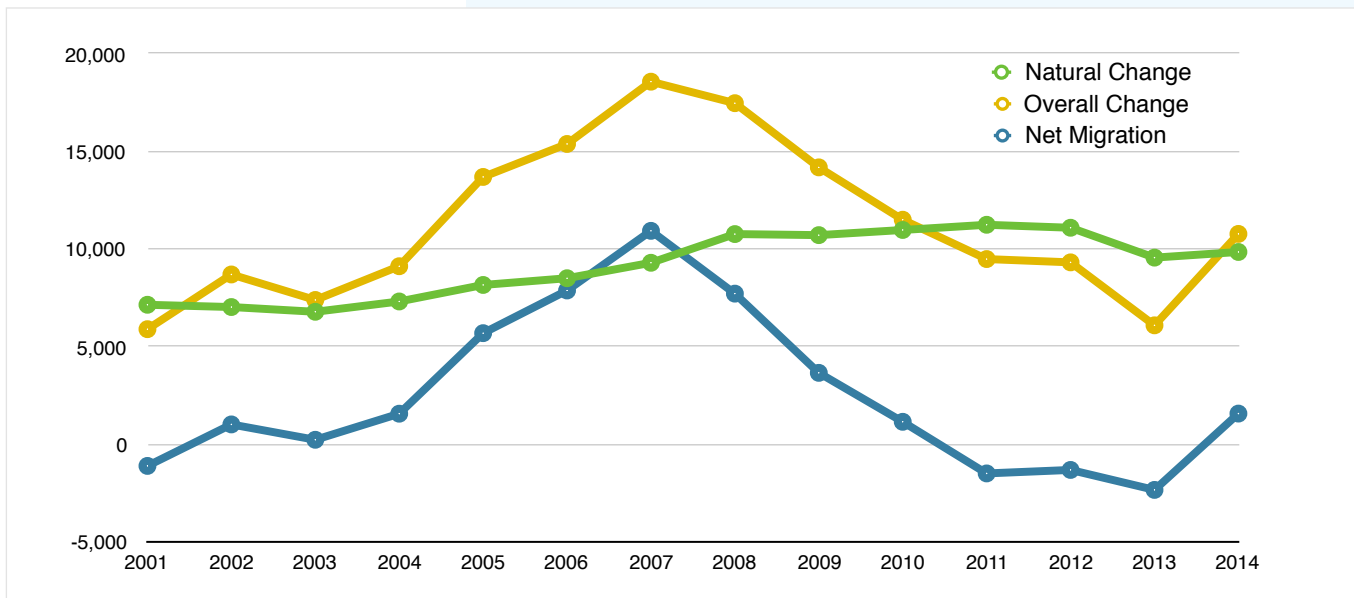


Source: UUEPC

## 1.2 Society

Previous reports have addressed the current demography of Northern Ireland as revealed by the 2011 census, particularly in terms of its religious balance and the emergence of newcomer populations. The population of the region was estimated by the Northern Ireland Statistics and Research Agency (NISRA) to be 1.84 million as of June 2014.

Figure 7: components of population change, 2000-01 to 2013-14



Source: NISRA

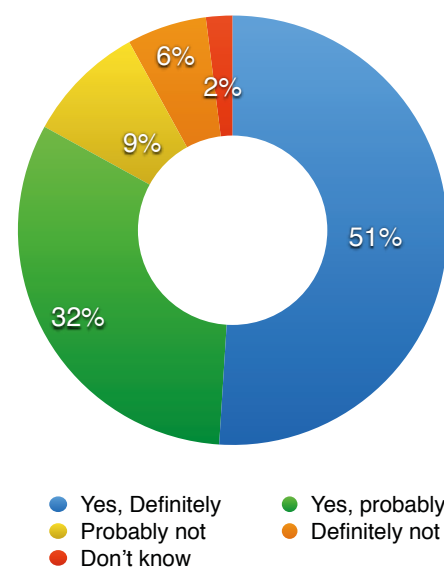
Migration to (and from) Northern Ireland is difficult to track precisely but, having increased from 2004 with the accession of the eastern European EU members such as Poland, it has been on a falling curve since 2007. The evidence of Polish migration into the republic is that migration today is less a once-and-for-all mass movement from place of origin to host country—characteristic of decades of Irish emigration to Britain—and more a phenomenon of individual *mobility* in a globalised labour market (Krings *et al*, 2013). In December 2015, the Department for Social Development released estimates indicating that the Polish population (30,830) of Northern Ireland was now larger than that stemming from the republic (29,620), with Lithuanians (12,280) as the next largest sub-population from elsewhere in the EU (*Irish News*, 9 December 2015). The cumulative impact of immigration on Northern Ireland as a society, albeit starting from a small base, is striking, particularly when one looks at the population of children as a future-oriented indicator. One in 20 pupils in a primary-school class, as we shall see, is a newcomer.

But do the increasingly diverse residents of Northern Ireland feel themselves to be part of a society? For that to be so they must be able to think of themselves as individual citizens of a polity, for whom others in the same relationship—however differently identified by nationality—are their *fellow* citizens. This does *not* require having a common 'national' identity and, in particular, that most citizens think of themselves as having the 'Northern Irish' identity explored in the third monitoring report. Rather, as the literature on governance in a globalised context indicates, it requires that the 'state' of Northern Ireland is perceived as one of 'constitutional tolerance', impartial

among different national identities (Beck, 2007), and so stimulating a civic allegiance or 'constitutional patriotism' (Habermas, 2001) towards its democratic institutions in return. In the last three years the Northern Ireland Life and Times (NILT) survey has asked [this question](#): 'And thinking about Northern Ireland as a whole, the kind of place it is and the kind of people who live here, would you say that you feel a sense of belonging to Northern Ireland?' In 2015, a total of 83 per cent of respondents felt they 'definitely' or 'probably' did—way above the proportion (27 per cent in 2014) who described themselves as 'Northern Irish' in response to the [identity question](#). That suggests perhaps more potential social 'glue' in the region than hitherto recognised.

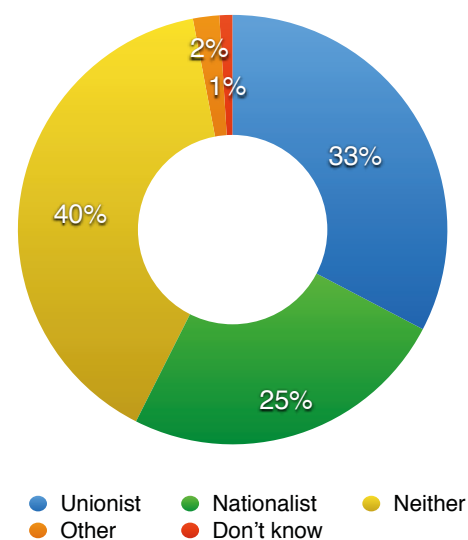
The proportion of respondents in 2015 who said they 'definitely' felt 'a sense of belonging to Northern Ireland' (51 per cent) bears comparison with the proportion who responded to the [question](#) asking if they were 'unionist' or 'nationalist' by affirming that they were 'neither' (40 per cent) and it was indiscriminate with regard to religious background.

**Figure 8: 'And thinking about Northern Ireland as a whole, the kind of place it is and the kind of people who live here, would you say that you feel a sense of belonging to Northern Ireland?'**



Source: NILT

**Figure 9: 'Generally speaking, do you think of yourself as a unionist, a nationalist or neither?'**



Source: NILT

# DIMENSION ONE: The sense of safety

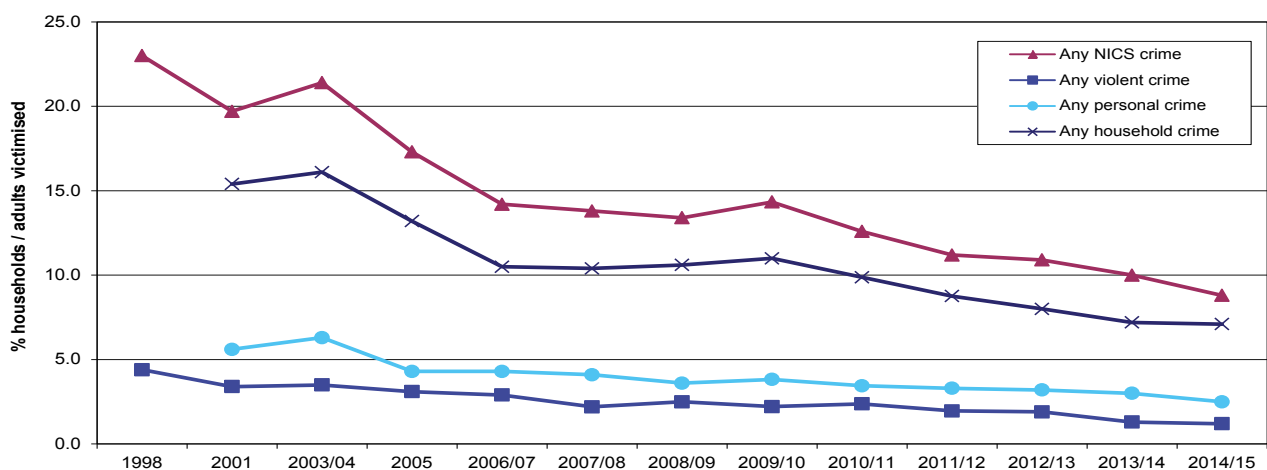
## 1. OVERALL CRIME RATES

### 1.1 The state of the rule of law

Security in Northern Ireland has tended to be discussed as if this was a matter, implicitly, of the security *of the state*. What matters from the standpoint of the public interest, however, is the security *of the citizen* and the right of all citizens to enjoy such security equally. In other words, what is at issue more broadly is the rule of law. Since 2005, the Northern Ireland Crime Survey (NICS) has recorded public experiences of crime and this is the best benchmark of the rule of law, allowing also of comparison with the Crime Survey for England and Wales (CSEW). (Unfortunately, budget cuts have seen the sample size progressively halved from the initial 4,000.) PSNI crime statistics, by contrast, will be skewed by differential reporting: on the one hand, many minor crimes will not be felt by victims as worthy of reporting; on the other, some crimes, such as car theft or housebreaking/burglary, will be much more likely to be reported as a condition of insurance claims. The latest iteration of the NICS found that fewer than half (47 per cent) of those crimes experienced which matched police recording categories were reported to the PSNI.

The 2014-15 survey confirmed longstanding trends highlighted in previous monitoring reports. 'Ordinary' crime is on a downward trajectory, although violent crime slightly less so (Figure 10), it is considerably lower than in England and Wales and it bears most heavily on those at the bottom of the social hierarchy and young men (who are also the most likely perpetrators).

Figure 10: Households or adults who were victims of crime once or more in Northern Ireland, by year



Source: NICS

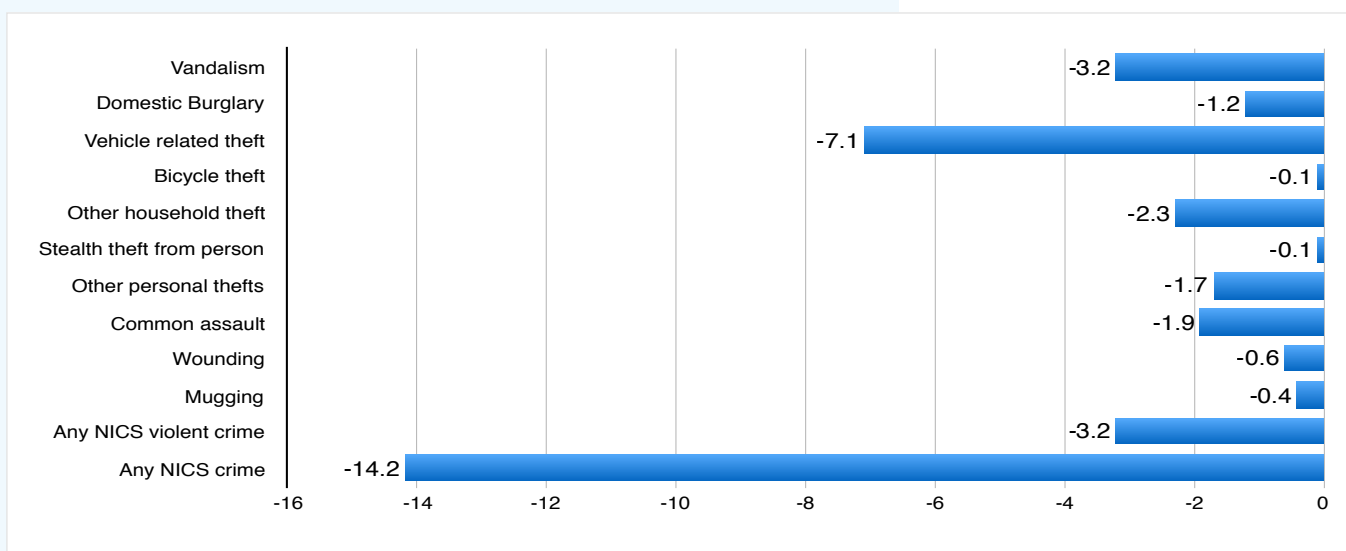


In this survey, 8.8 per cent of respondents said they had been victims of crime during the preceding year. By contrast (drawing on earlier survey data), in 1998 23.0 per cent experienced crime. The CSEW, meanwhile, found a 15.9 per cent victimisation rate in 2014-15 (and the 2014-15 Scottish Crime and Justice Survey [detected](#) a 14.5 per cent incidence). Violent crime shows the steepest social gradient (Wilkinson and Pickett, 2009) and whereas only 1.2 per cent of adults in Northern Ireland experienced a violent crime in the survey period, this was true of 3.3 per cent of respondents where the annual household income was less than £10,000 and 4.2 per cent of single parents. Of men aged 25-34, 3.9 per cent were victims of violent crime.

## 1.2 Changing patterns of crime

Much of the fall in crime in Northern Ireland is explained by reduction in car theft (Figure 11). This is in turn partly due to better vehicle-security systems.

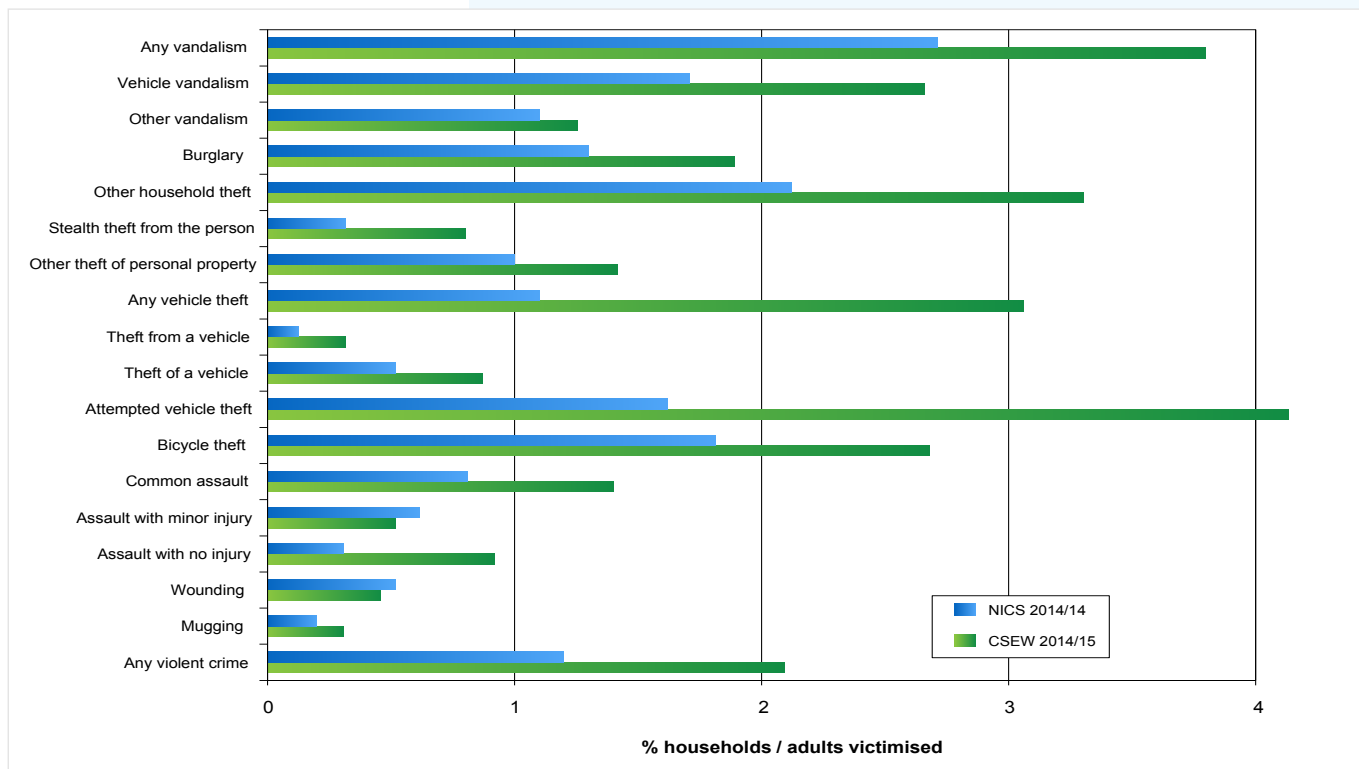
Figure 11: change in NICS victimisation rates for offences, 1998 to 2014-15



Source: NICS

Crime in Northern Ireland is lower than in England and Wales across all categories—except, notably, 'assault with minor injury' and 'wounding' (Figure 12). One of the effects of the years of politically-motivated violence in the region may have been to give a certain 'legitimacy' to the notion that violence is a way for men to 'solve' situations of personal or social conflict.

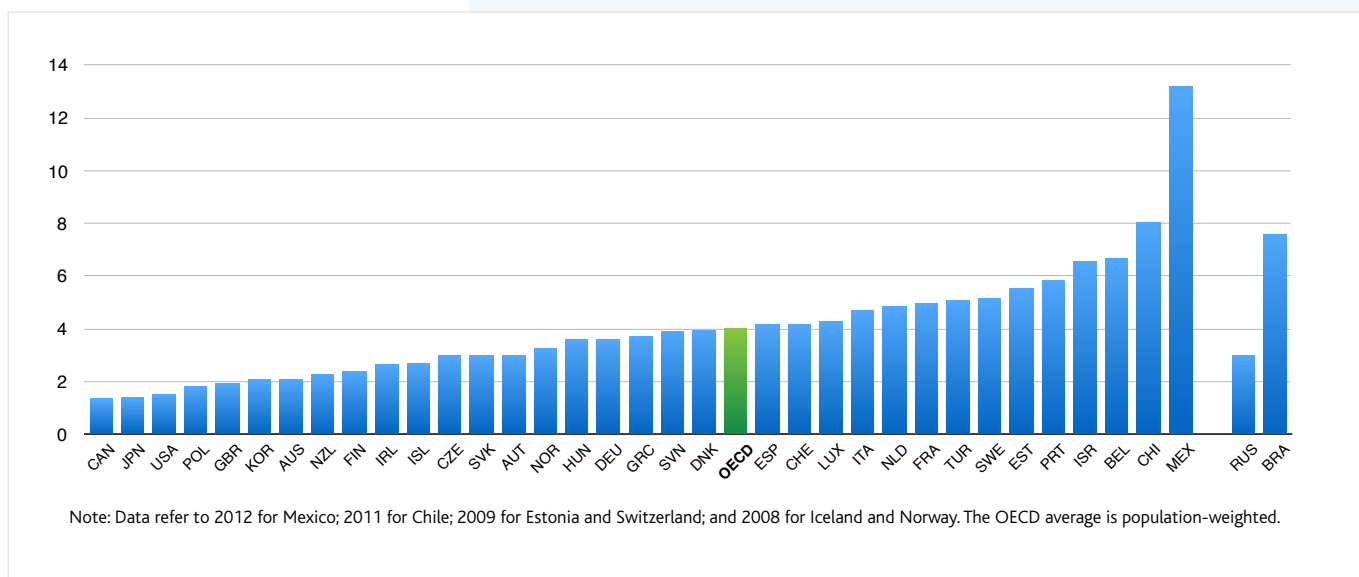
Figure 12: households or adults who were victims of crime once or more in Northern Ireland and in England and Wales, by crime type (%)



Source: NICS

Be that as it may, common assault, with or without injury, is lower than in England and Wales. And the incidence in Great Britain is low by international standards, as these data (mostly from 2010) collated by the Organisation for Economic Co-operation and Development (OECD) from Gallup polling show (Figure 13).

Figure 13: survey respondents declaring that they have been assaulted over the previous year, by country (%)



Note: Data refer to 2012 for Mexico; 2011 for Chile; 2009 for Estonia and Switzerland; and 2008 for Iceland and Norway. The OECD average is population-weighted.

Source: OECD

Clearly, Northern Ireland was notorious for politically motivated murder and wounding during the 'troubles'. The number of homicides, as recorded by the PSNI, is uncontested. And there has, unsurprisingly, been a decline in the murder rate in Northern Ireland since 1998, the year of the agreement (Figure 14).

Figure 14: homicides in Northern Ireland, 1998-99 to 2014-15

Year	Numbers				
	Murder	Manslaughter	Infanticide	Corporate Manslaughter <sup>1</sup>	Homicide
1998-99 <sup>2</sup>	71	4	0	-	75
1999-00	29	5	0	-	34
2000-01	45	4	0	-	49
2001-02	49	3	0	-	52
2002-03	42	3	0	-	45
2003-04	26	6	1	-	33
2004-05	34	6	1	-	41
2005-06	25	3	1	-	29
2006-07	23	1	0	-	24
2007-08	25	5	0	-	30
2008-09	24	2	0	0	26
2009-10	18	4	0	0	22
2010-11	20	8	0	0	28
2011-12	16	7	0	1	24
2012-13	17	3	0	0	20
2013-14	17	3	0	1	21
2014-15	16	5	0	3	24

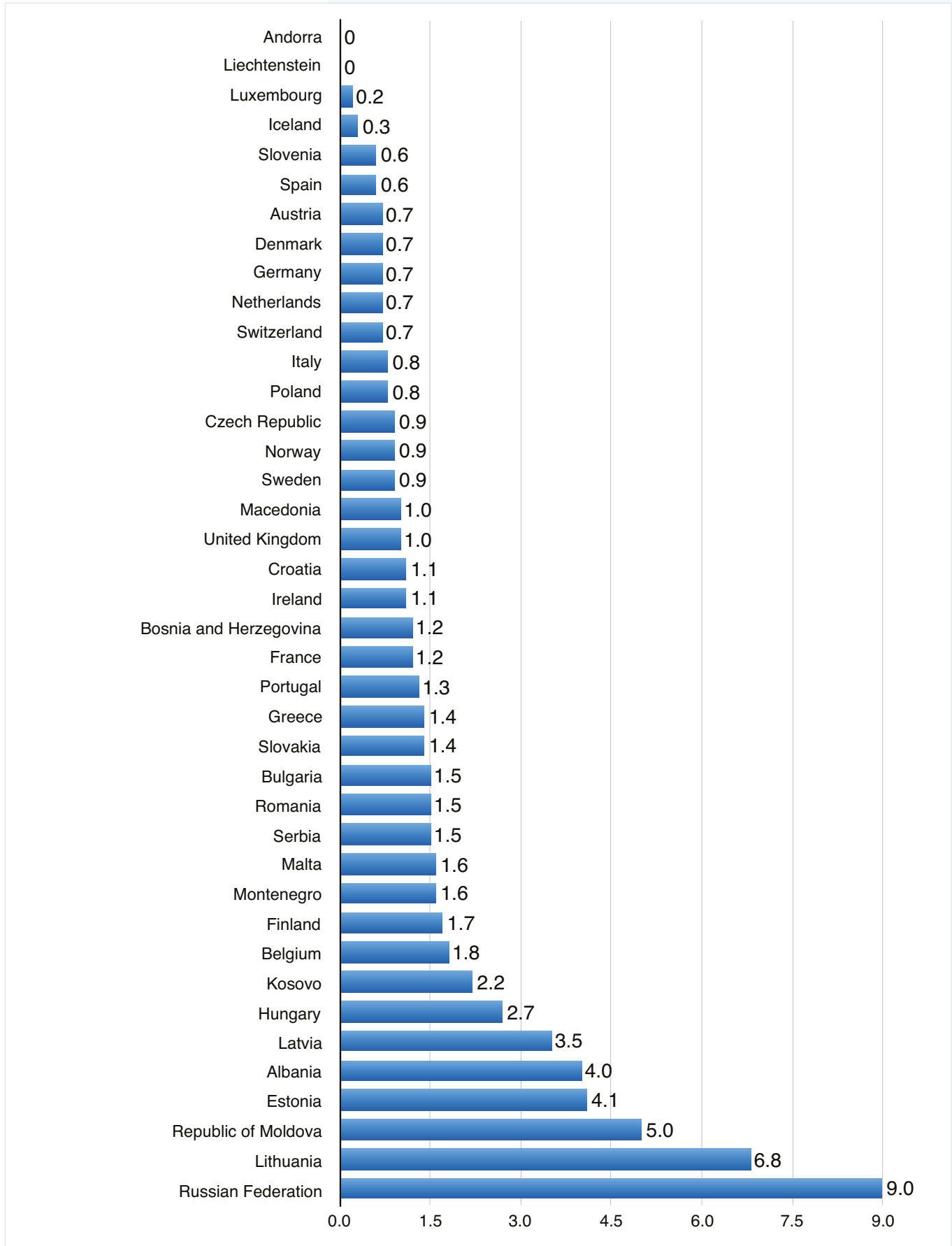
1. Corporate manslaughter relates to the Corporate Manslaughter and Corporate Homicide Act 2007 (which came into force on 6 April 2008).

2. The number of murders in 1998-99 includes the 29 persons killed in the Omagh bomb on 15 August 1998.

Source: PSNI

How does this compare internationally? Just looking at other European countries, 2013 statistics from the United Nations Office on Drugs and Crime (UNODC) for (intentional) homicide per 100,000 population are reproduced in Figure 15. An unweighted average rate would be 1.7 (inflated by outliers like Russia). In the same calendar year there were 19 intentional homicides in Northern Ireland, or 1.0 per 100,000, similar to the overall UK figure. In that sense at least, Northern Ireland looks to have become 'normal'.

Figure 15: intentional homicides in European states per 100,000, 2013



Source: UNODC

## 2. HATE CRIME

### 2.1 Hate crime trends

It is one of the oddities of the gathering of statistics about crime in Northern Ireland by the police that sectarian hate crime was not recorded until 2005—this official invisibility implying that it was a taken-for-granted phenomenon rather than being perceived as an area of offending to be borne down upon. The old Royal Ulster Constabulary did start to collect data on racist crimes in 1996 and on homophobic crimes in 2000 (Jarman, 2012) but recording of sectarian crimes awaited the replacement of the RUC in 2001 by the PSNI. The police still do not record the perceived religion of victims of sectarian crimes—though they do register their age and gender. Such crimes have in every year since 2005 comprised the largest category of hate crimes (Figure 16). To put all of this in perspective, however, as will be seen, the incidence of intimate-partner violence—that is to say, mainly hate crime against women—is an order of magnitude greater. Yet in public discussion of crime in Northern Ireland this rarely figures.

Figure 16: crimes with a hate motivation, 2004-05 to 2015-16

	'04-05	'05-06	'06-07	'07-08	'08-09	'09-10	'10-11	'11-12	'12-13	'13-14	'14-15	'15-16
Racist crimes	634	746	861	757	771	712	531	458	470	691	920	853
Homophobic crimes	151	148	117	114	134	112	137	120	149	179	209	210
Sectarian crimes	..	1,470	1,217	1,056	1,017	1,264	995	885	889	961	1,043	1,001
Faith/religion crimes	..	78	120	62	35	15	17	6	14	13	27	19
Disability crimes	..	38	26	42	28	41	31	15	35	70	74	74
Transphobic crimes	..	..	14	4	2	4	8	3	6	8	8	12

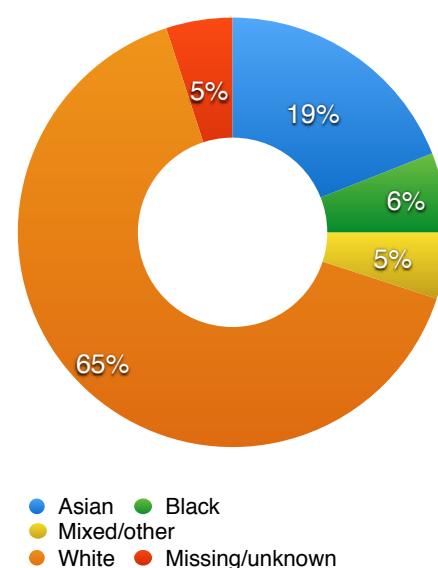
Source: PSNI

While sectarian attacks on symbolic premises will be almost without exception reported to the police, because of the associated insurance claims, hate crimes against the person will be less likely to be so. The victim may feel themselves to be stigmatised—particularly if this is associated with their perceived sexual identification—and may be particularly unsure if the police will vigorously prosecute their inquiries. The PSNI has worked with the Rainbow Project in Derry to elevate reporting of homophobic crimes. The project has a designated advocate via whom homophobic crimes can be reported indirectly and provides direct contact details for the PSNI.

Victims of racist hate crime as recorded by the PSNI are, paradoxically, mostly white. This is because they are in the main other EU nationals, particularly from the post-2004 accession states, notably Poland—although there are a surprisingly high number from the UK and Ireland. But there has been a worrying growth of crimes against black victims (Figure 17), wholly accounted for by an increase from virtually zero crimes against African nationals. There has been a growth in recent years of the black population in Northern Ireland, including asylum-seekers and refugees and, as the longer-run experience in this regard in the Republic of Ireland shows, this visible minority can be the butt of racist abuse.

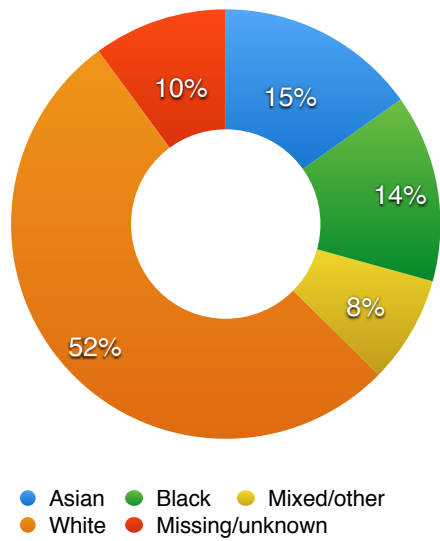
A notable feature of homophobic hate crime is the significant preponderance of violence against the person, accounting for more than seven out of ten of

Figure 17a: the pattern of victims of racist crimes, 2007-08



Source: PSNI

Figure 17b: the pattern of victims of racist crimes, 2014-15



Source: PSNI

Figure 18: the distribution of homophobic hate crimes, 2014-15

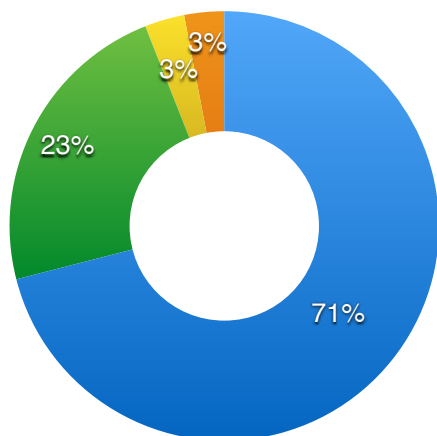
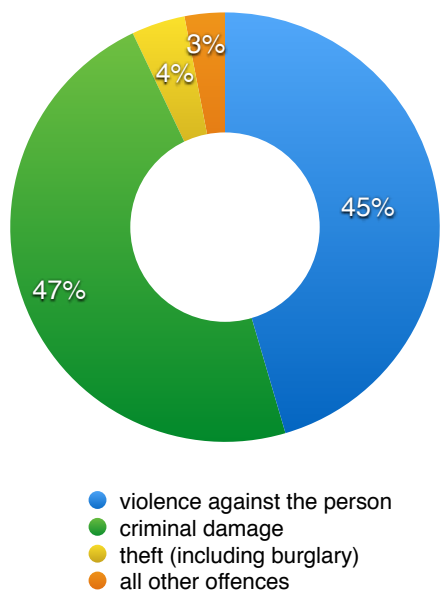


Figure 19: the distribution of racist hate crimes, 2014-15



Source: Both PSNI

such crimes in 2014-15. This reflects the 'body politics' of homophobic crime and is symptomatic of its visceral brutality (Figure 18). While in no way to downplay the impact of any crime upon its victim, racist crimes are much more evenly divided between criminal damage and violence against the person (Figure 19), as is true too of sectarian crimes.

There were disturbing indications, as elsewhere in the UK (*Guardian*, 29 June 2016), of purveyors of hate feeling emboldened by the outcome of the Brexit referendum in June 2016. A nurse with Palestinian and UK citizenship, Mohammed Samaana, described how he was assailed in a bar in Belfast city centre two evenings after the referendum by a man who shook his fists at him, saying: 'You from the EU? F\*\*k off back to your country. Get the f\*\*k out of our country.' Samaana has lived in Northern Ireland for 15 years and works in a Belfast hospital. Also in the wake of the vote, a swastika was daubed on the door of a home in Co Armagh with graffiti linking it to the British neo-Nazi group Combat 18 (*Irish News*, 29 June 2016). Yet the PSNI data for the week after the referendum, provided to the Peace Monitoring Report, actually showed a fall in racist hate-crime incidents in Northern Ireland by comparison with the same week in 2015, from 47 to 31—when the National Police Chiefs Council in Great Britain reported a marked increase (*Guardian*, 30 June 2016).

Attacks on symbolic premises, of the 'other' community, religious or cultural, have been significant precisely because of their symbolism and so wider local resonance. But they are clearly diminishing (Figure 20).

Figure 20: attacks on symbolic premises, 2007-08 to 2015-16

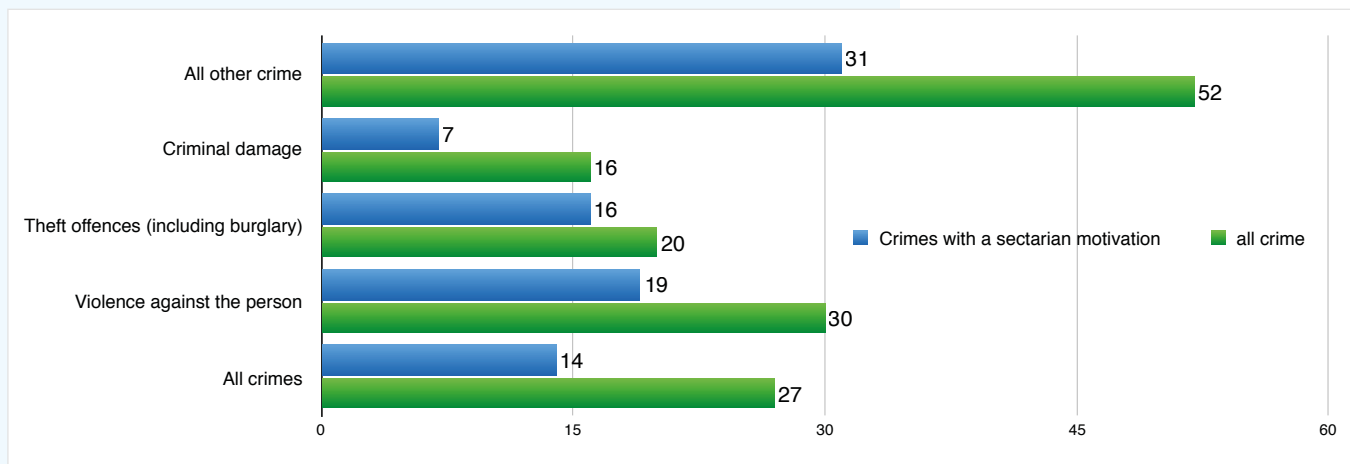
Type of symbolic premises	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Church or chapel	19	37	24	23	12	14	17	11	6
GAA or Ancient Order of Hibernians hall	6	10	15	8	*	*	0	5	*
Orange or Apprentice Boys hall	63	61	72	58	32	27	40	17	16
School	6	13	15	*	4	*	*	5	*

\* Cells suppressed by the PSNI to conceal identities in particular cases

Source: PSNI

Detection rates continue to be low for all forms of hate crime. The police record 'outcome' rates for crimes—an outcome being in most cases a charge, in some a caution or other formal sanction and in a tiny minority a decision that there be no further action. The bar chart (Figure 21) shows that the proportion of outcomes for sectarian hate crimes, for example, was little more than half that for all comparable crimes across most crime categories in 2014-15.

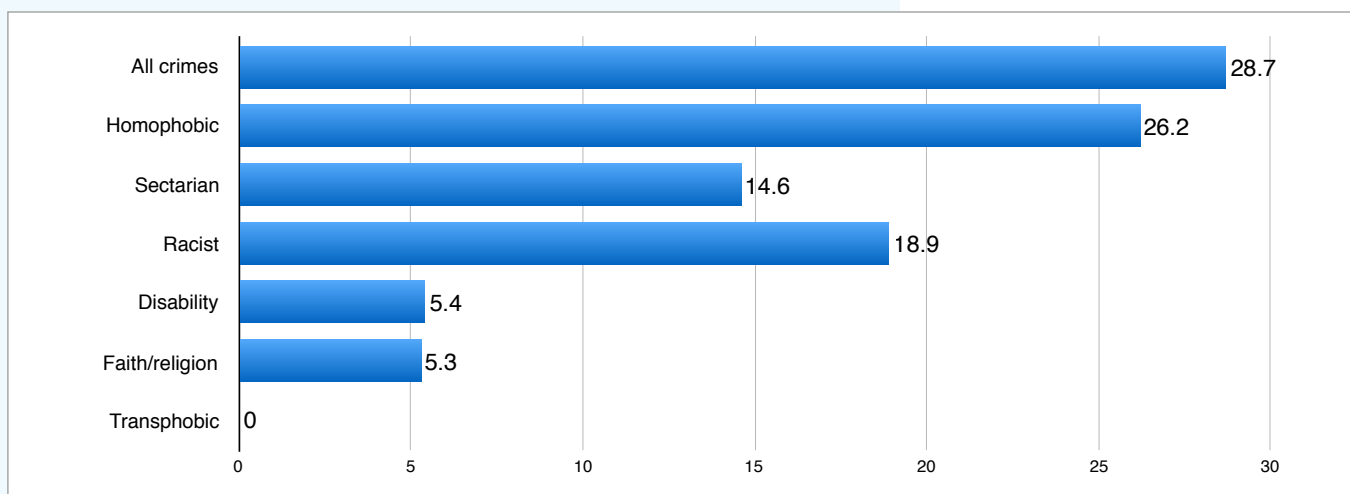
Figure 21: outcome rates for sectarian crimes compared with all crimes, 2014-15



Source: PSNI

The outcome rate for all crimes in 2015-16 was 28.7 per cent. Figure 22 shows how the outcome rates for hate crimes are systematically lower across the spectrum. This is a matter of concern, in that it raises the question of the adequacy with which crimes with a hate motivation are being pursued by the PSNI. It is a separate issue, though related, to that explored in previous monitoring reports—the minuscule proportion of hate crimes which lead to a conviction recognising the ‘aggravation’ of the individual offence (such as an assault) by hostility to the victim, a provision of the Criminal Justice (No 2) (Northern Ireland) Order 2004 allowing sentences to be accordingly enhanced. That is partly explained by the evidential difficulty of demonstrating the hate motivation of the alleged perpetrator beyond reasonable doubt in court, whereas the recording of the crime as having such a motivation is based on the perception of the victim. In principle, however, there should be no reason why, say, criminal damage where the victim believes there to have been a hate motivation should be so much less likely to lead to an outcome than where this is not the case. A Bureau of Investigative Journalism [investigation](#) found an average outcome rate for hate crimes for police forces in England and Wales in 2015-16 of 27 per cent, although this represented a marked fall from the figure for 2014-15 (35 per cent).

Figure 22: outcome rates for hate crimes, compared with all crimes, 2015-16 (%)



Source: PSNI

## 2.2 Hate crime and intolerance

It is difficult to extract clear evidence of trends in hate crime from the data, given that an apparent rise in crime may at least in part be a reflection of increased reporting, itself a positive sign. But if consistency of reporting rates can be assumed over the last five years at least, there is cause for concern in the increases in all hate-crime categories since the low of 2011-12. The last monitoring report, published in March 2014, warned in its key conclusions that there had been 'some increase in polarisation' and that a 'culture war' was being 'talked into existence'. This was linked to the onset of the flags controversy in December 2012 and the data on hate crime in subsequent years would appear to bear out these concerns—albeit with some modest grounds for hope with the reductions in recorded racist and sectarian crimes in the last year, mirroring a recent small uptick as we shall see with regard to intercommunal relations.

	2011-12	2015-16
Racist crimes	458	853
Homophobic crimes	120	210
Sectarian crimes	885	1,001
Faith/religion crimes	6	19
Disability crimes	15	74
Transphobic crimes	3	12

Source: PSNI

Such 'group-focused enmity', survey evidence shows, is disturbingly widespread across Europe (Zick *et al*, 2011) and a European Union Fundamental Rights Agency [report](#) in 2012 showed hate crime to be an everyday reality across the EU. In Germany, for example, politically-motivated attacks on centres housing asylum-seekers have been [spiralling](#)—rising from 63 in 2013, through 199 in 2014 to 1,031 in 2015. Hate crime is the extreme manifestation of intolerance, which projects negative stereotypes on to others, represented as embodying stigmatised groups (Brown, 2003). And intolerant individuals are likely to extend such discriminatory dispositions across a range of social categories (Wodak, 2015). A study of 18 democracies and Northern Ireland (a co-author was an Ulster University academic) compared answers to standard survey questions on whether respondents would like for a neighbour someone of a different ethnicity / a Muslim / a Jew / a foreign worker / a homosexual. Within each country, responses tended to be consistent across the board. Overall, Northern Ireland proved the least tolerant case and Sweden the most (Borooah and Mangan, 2007).

More recent World Values Survey [data](#) (WVS) provide useful perspective. Political scientists who have analysed the data have identified two major dimensions of normative variation across the world:

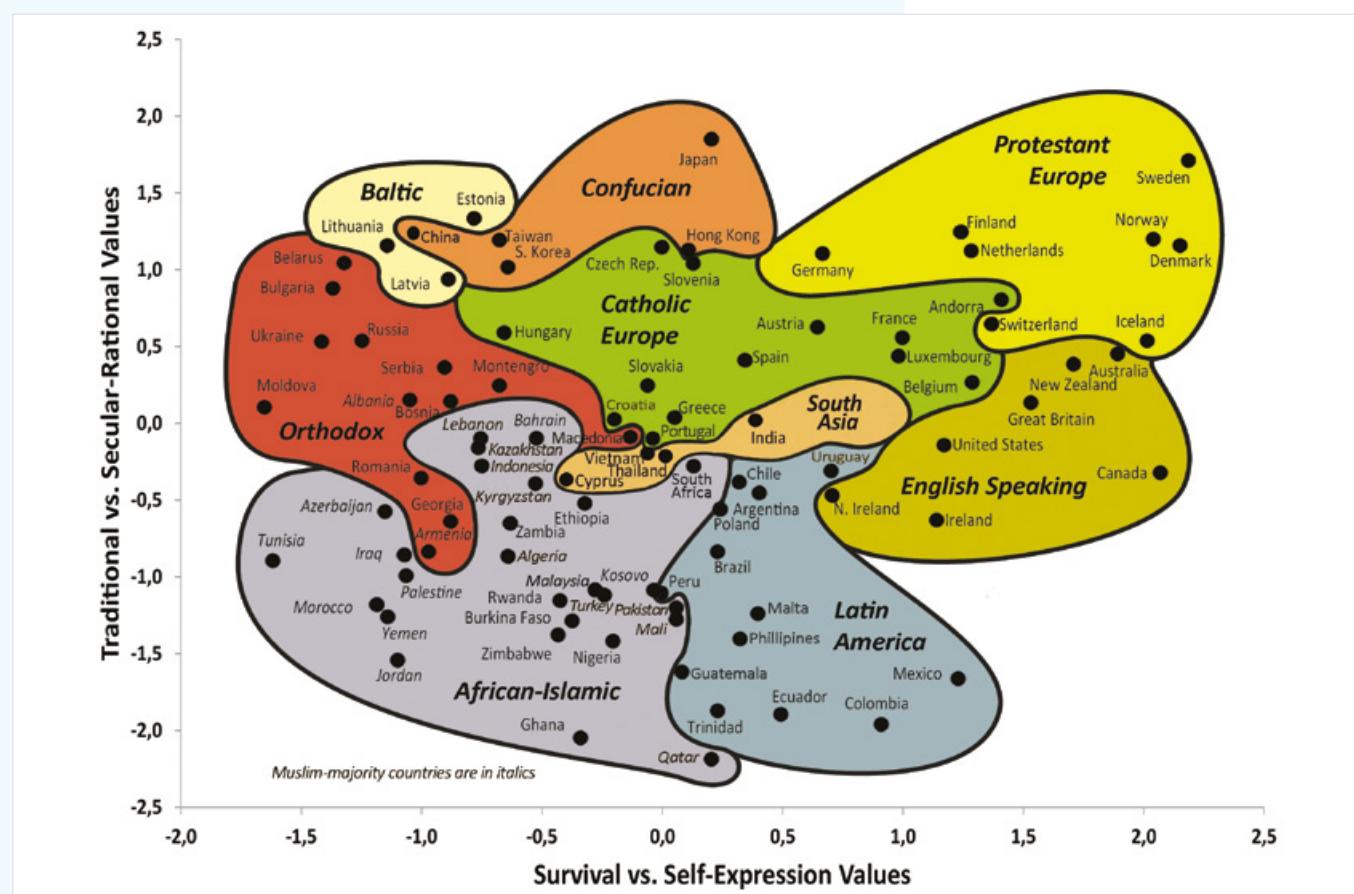
- support for 'traditional' values versus 'secular-rational' values and
- support for 'survival' values versus 'self-expression' values.

The WVS global cultural map of 2015 (Figure 23), using data from the most recent survey wave (2010-14), shows how scores of societies are located on these two dimensions. Moving upward on the map reflects the shift from traditional values to secular-rational ones and moving rightwards reflects the



shift from survival values to self-expression. Traditional values emphasise religion, the family, deference to authority and a nationalistic outlook, while disfavouring divorce, abortion and euthanasia. Secular-rational values show opposite preferences. Survival values place emphasis on economic and physical security, linked with a relatively ethnocentric outlook and low trust and tolerance. Self-expression values give high priority by contrast to environmental protection, tolerance (of foreigners, gays and lesbians) and gender equality, and demands for participation in decision-making in economic and political life. The map shows that Northern Ireland falls at a corner of the English-speaking world, the most focused on survival rather than self-expression and only marginally above the republic on the other axis, both on the more traditionalist side of the spectrum. Indeed, looking over previous WVS waves, it is clear that, on the vertical axis, Northern Ireland has stood still while both the republic and the US, notably, have moved in the direction of secular-rational values. Given that the region still has a majority of individuals of nominally Protestant background, it is perhaps ironic that it falls so far adrift of 'Protestant Europe', with the Nordic countries to the fore on both dimensions.

Figure 23: Attitudinal data from the World Values Survey, 2010-14, by traditional v secular and survival v self-expression values, aggregated by sections of the cultural world



Source: WVS

Wider questions of tolerance in Northern Ireland were raised when in May 2014 a Protestant-fundamentalist preacher, Pastor James McConnell, gave a sermon at Whitewell Metropolitan Tabernacle in Co Antrim in which he described Islam as 'heathen' and 'Satanic' and 'a doctrine spawned in hell'. Raied Al-Wazzan of the Belfast Islamic Centre said he would hold the preacher 'responsible for any racial attacks on any Muslim in Northern Ireland'. The sermon drew criticism from the leadership of the three main Protestant churches and the deputy first

minister, Martin McGuinness. But the former DUP finance minister Sammy Wilson supported McConnell and, nine days after the episode, the first minister and party leader, Peter Robinson, said of Muslims in general (*Irish News*, 28 May 2014; *Belfast Telegraph*, 29 May 2014): 'I'll be quite honest, I wouldn't trust them in terms of those who have been involved in terrorist activities. I wouldn't trust them if they are devoted to sharia law. I wouldn't trust them for spiritual guidance. Would I trust them to go down to the shops for me? Yes I would.' Robinson later said his remarks had been misinterpreted but, during a visit to the Islamic Centre, subsequently apologised for them (BBC NI news, 3 June 2014). McConnell was brought before the courts on two charges, in substance accusing him of promulgating a 'grossly offensive' message. In January 2016 he was however acquitted on both counts at Belfast Magistrates Court (BBC NI news, 5 January 2016). 'The courts need to be very careful not to criminalise speech which, however contemptible, is no more than offensive,' the judge ruled.

## 3. DOMESTIC VIOLENCE AND SEXUAL CRIME

### 3.1 Domestic violence

'Domestic violence' is an inadequate term for the complexity of the phenomenon it seeks to address. It includes not just physical assault but also specifically sexual violence, up to and including rape. It includes threats engendering a climate of fear, which can have more pervasive effects on the security and self-esteem of its victims than episodes of assault themselves. Violence between intimate partners does not always take place within the home and it may involve ex-partners. Last but by no means least, domestic violence is not an undifferentiated phenomenon but is predominantly perpetrated by men: severe physical injuries are overwhelmingly inflicted by men, who also overwhelmingly initiate any violence in which women are also implicated (Hague and Malos, 2005). By the same token, however, domestic violence is at its most general very simple. It is the coercive aspect of male authority over women (World Health Organization, 2005). Women are far less at risk of violence from strangers than they are from men with whom they have an intimate relationship—and hardly at all from other women. Men are twice as likely to be victimised in the public sphere as in the home; for women it is the other way around (Mooney, 2000).

The prevalence of domestic violence is profoundly difficult to measure. First, this is because the convenient popular conception that domestic violence is an abnormal phenomenon which does not take place among 'people like us' is belied by the evidence. This indicates not only that domestic violence is much more prevalent than is generally realised but also that there is a continuum from 'normal' gendered male behaviour, through the least damaging of assaults to severe and repeated battering and/or sexual violence. Whereas with burglary, for example, one either has been broken into or one hasn't, quite how survey questions are constructed will therefore affect how much of this continuum is captured. And whereas burglary is likely to be a one-off event, domestic violence may be incessant (Mooney, 2000).

Secondly, and even more seriously, while most crimes leave victims aggrieved, domestic violence can often be experienced by women with 'a painful mixture of guilt, blame and shame' (Hague and Malos, 2005). However much the attacks are the responsibility of the perpetrator, women often feel that somehow the

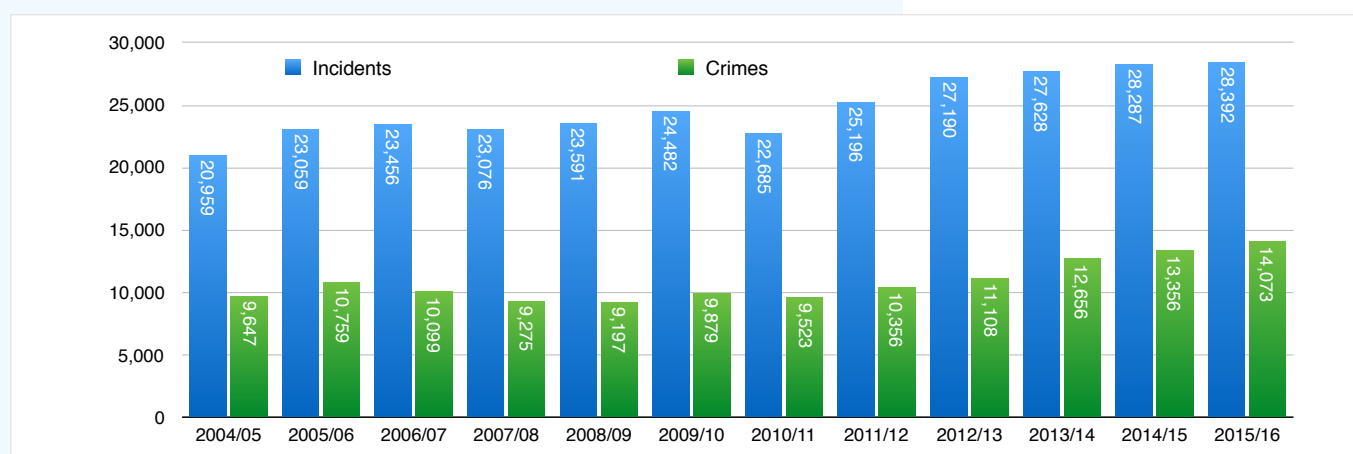
success or otherwise of a relationship—and the related wellbeing of children—is down to them. This will militate against them admitting the experience to others, perhaps even to themselves. They may well also fear potential retaliatory consequences for themselves (and their children) if they do make such an admission. They may find even family members unsympathetic if they do disclose, should the latter deem their primary concern to be to hold the family together, and official agencies may be inadequate, inaccessible or perceived as unresponsive. In earlier decades in the UK episodes perceived by police as ‘a domestic’ often appear to have gone unrecorded.

On a global canvas, a Canadian study suggested that between one-fifth and one-third of women experience domestic violence. Similarly, a Council of Europe comparison of 10 domestic-violence studies indicated an incidence of one in four women—and 6–10 per cent in any one year (Hague and Malos, 2005). This was in line with Home Office research indicating that one third of women in heterosexual relationships experience violence at some stage (Chana, 2005).

Northern Ireland does, of course, provide certain specific social features when it comes to resort to violence by men (in the main) to exercise power and authority. Indeed, the pioneering analysis of domestic violence in the region, tellingly titled *Hidden Violence* (Evason, 1982), referred to Northern Ireland as a situation of ‘armed patriarchy’. Paramilitary (and state) violence has since greatly diminished, but it has not been eliminated and even where paramilitary organisations have been officially wound down the informal authority of key figures has been in some cases sustained despite the ‘official rhetoric of transition’ (Bean, 2007).

Recent trends in domestic-violence crimes—themselves only the umbra of a much larger penumbra of abusive ‘incidents’ reported to the police but where a crime is not recorded—are worrying. As we saw with (other) hate crimes, domestic violence, at least to the extent reported and recorded, has been on a rising graph in recent years (Figure 24). And here the levels are staggering: in 2015–16, the total reached 14,073, implying that on average 39 domestic-violence crimes were reported every day in Northern Ireland. In 2014–15, six homicides, 449 sexual offences and 176 rape offences had a domestic-violence motivation. In Derry, a two-year pilot, which could be rolled out across the whole courts system, has bunched domestic-violence cases together on the same court list, so that specialist services can be on hand for victims (*Irish News*, 8 March 2016). Yet the Northern Ireland Crime Survey found (in 2010–11) that only 31.1 per cent of the ‘worst’ cases of domestic-partner abuse were reported to the police.

Figure 24: trends in domestic abuse incidents and crimes, 2004–05 to 2015–16



Source: PSNI

The data are similar for England and Wales. A House of Commons briefing paper (Woodhouse and Dempsey, 2016) collated the data on domestic-abuse incidents reported to police forces and found a similar rising trend (Figure 25). Discounted by population, the rates are similar: there were 15.4 reported incidents per 1,000 of the population in Northern Ireland in 2014-15, compared with 16.4 per 1,000 in England and Wales. Also, the latter data do suggest that the growth may be an artefact of enhanced reporting rather than greater incidence. Unfortunately the Northern Ireland Crime Survey does not consistently ask respondents about domestic violence, whereas the Crime Survey for England and Wales has annual data. These suggest if anything a fall in incidence over the same period (Figure 26).

Figure 25: cases of domestic abuse recorded by police forces in England and Wales

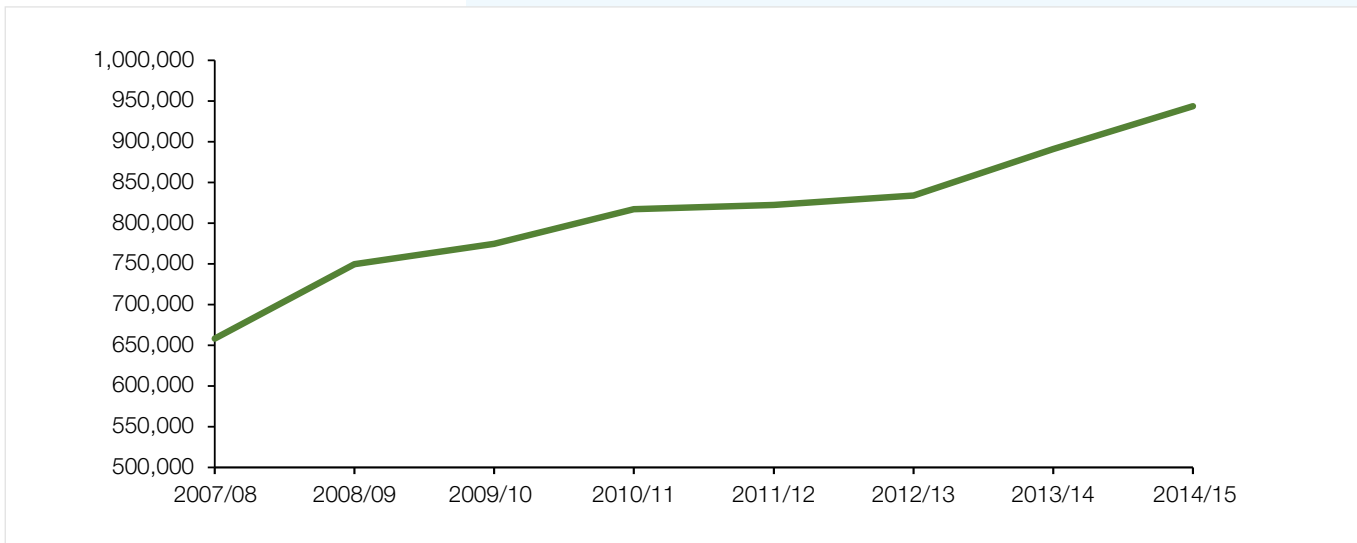
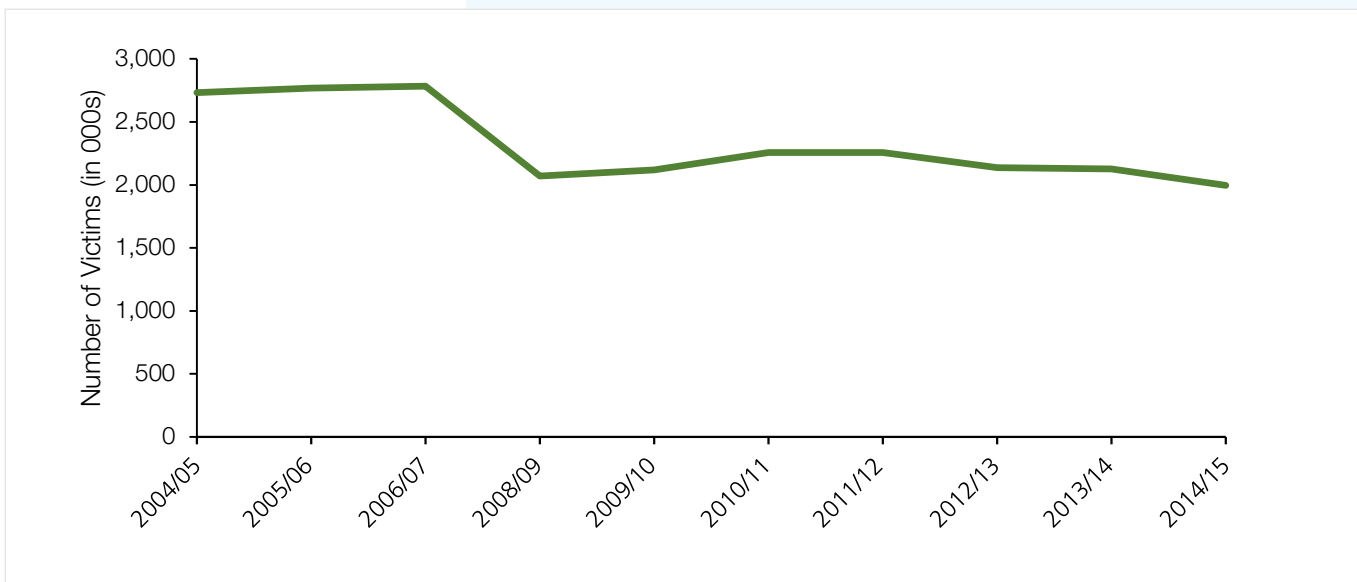


Figure 26: estimated number of victims of domestic abuse (derived from Crime Survey for England and Wales)



Source: Woodhouse and Dempsey (2016)

Under direct rule, in 2005 the Northern Ireland Office (NIO) issued a [strategy](#) for addressing domestic violence in the region. It set out a multi-agency approach, as elsewhere in the UK, with an accompanying action plan. The strategy was to

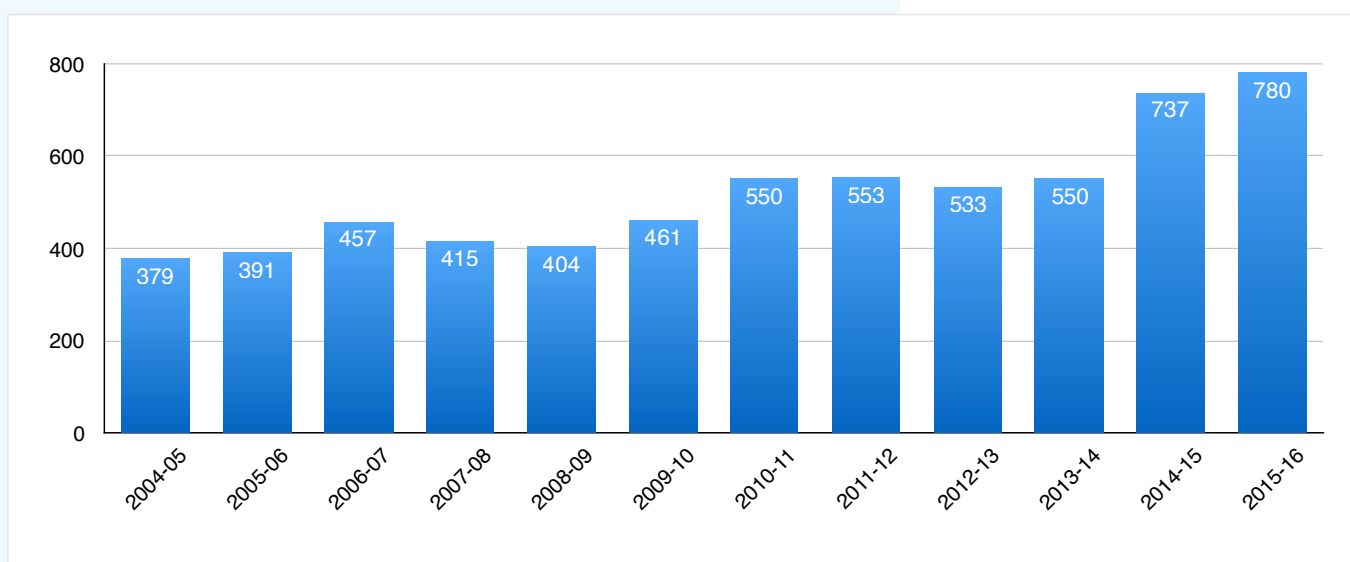
operate for five years but it was not replaced by a devolved successor in that time, although the action plan was periodically updated. The investigative unit *The Detail* (6 September 2015) reported in September 2015 that an inter-ministerial working group on domestic violence, which first met in May 2008, a year after devolution was renewed, had only met five times in all—and not at all since November 2012. The devolved strategy was to have been launched in March 2015 but was held up for clearance by senior officials in the Department of Health, Social Services and Public Safety. The then health minister, Simon Hamilton, said consideration was still being given to how to progress its aims 'in the exceptionally difficult financial environment we all face'.

The [new strategy](#) did finally appear in March 2016. It covers five strands: collaborative working, prevention and early intervention, responsive services, support for victims, and justice and protection. It was accompanied by the first annual action plan. It noted that in 2014-15 932 women (and 689 children) stayed in Women's Aid refuges but 439 were unable to find a place in one. Yet the new strategy came with no budget attached. Siobhan Graham of Belfast and Lisburn Women's Aid described the pressure on the refuges as 'an absolute disgrace' (*The Detail*, 6 September 2015). Meanwhile, the minister of justice, David Ford, opened a [consultation](#) on whether the assembly should legislate to empower individuals entering new relationships to check whether their prospective partner had a record of domestic violence.

## 3.2 Sexual crime

The recorded [incidence](#) of rape in Northern Ireland has been rising alarmingly in recent years, as Figure 27 shows. The recorded episodes include historic offences and some of the increase is likely to be an effect of the heightened awareness of rape following the exposure of the former BBC TV celebrity Jimmy Savile as having engaged in repeated sexual assaults on girls.

Figure 27: incidence of reported rape and attempted rape in Northern Ireland by year



Source: PSNI

Because of the relative ease of identification of the perpetrator, the 'outcome rate' for crimes with a 'domestic motivation' was 31.4 per cent in 2015-16, above the average for all crimes. This is not, however, the case for rape:

even though the perpetrator is overwhelmingly known to the victim, he will challenge her account and an outcome only followed in 11.8 per cent of cases in the same year—and, of course, this is usually a charge, so the proportion of cases leading to a *conviction* of the rapist will be much lower again. Indeed, of more than 2,000 cases passed by the PSNI to the Public Prosecution Service in 2010-14, in 83 per cent no prosecution was pursued, overwhelmingly out of a belief that the case would not pass the 'evidential test'. At the beginning of 2016, a special unit of ten prosecutors began work in Belfast, to assist police in preparing the strongest possible case in rape and murder cases across Northern Ireland (*Irish News*, 14 December 2015).

Rape is, of course, an extreme violation of (overwhelmingly) women and here too an explosive connection emerged during the period with what British ministers used to call the 'men of violence'. This phrase, used routinely during the 'troubles', took on a whole new meaning when Mairia Cahill, grandniece of one of the founders of the Provisional IRA in Belfast, told BBC Northern Ireland's *Spotlight* programme (14 October 2014) that in 1997, when she was 16, she had been subjected to a 12-month cycle of sexual abuse, including rape, by a man believed to be a member of the IRA. Cahill described how an IRA kangaroo court had questioned her repeatedly for months about the abuse allegations, before summoning her to a meeting with her alleged abuser in early 2000. The IRA 'investigators' had told her they did not know whom to believe but that July her family were suddenly told that the alleged perpetrator (who denied her claim) had been placed under 'house arrest' by the IRA; he subsequently fled Belfast. Cahill claimed that, in the wake of her *Spotlight* revelations, she was subjected to a torrent of online abuse, which she attributed to Sinn Féin and its supporters. She told the *Observer* (16 November 2014): 'I am one woman up against a powerful party political machine, one which absorbed the IRA into its ranks, and I lifted the lid on the ugly side of the way in which the republican movement dealt with sexual abuse allegations against its own members ... Some of these people have dangerous pasts, and indeed some of them have not learned how to act in normal democratic society.'

Cahill received a ready welcome for her concerns from parties apart from SF in the republic and she went on to be invited (successfully) to contest a seat in the Seanad for the Labour Party. Claims proliferated of further covered-up sexual-abuse cases and of alleged IRA perpetrators spirited across the border. The SF president and TD for Louth, Gerry Adams, said he had provided An Garda Síochána with a list of names of alleged abusers—by implication, associated with the 'republican movement'—which, he suggested, had been supplied to him anonymously. The Gardai said they were investigating (*Independent*, 31 January 2016).

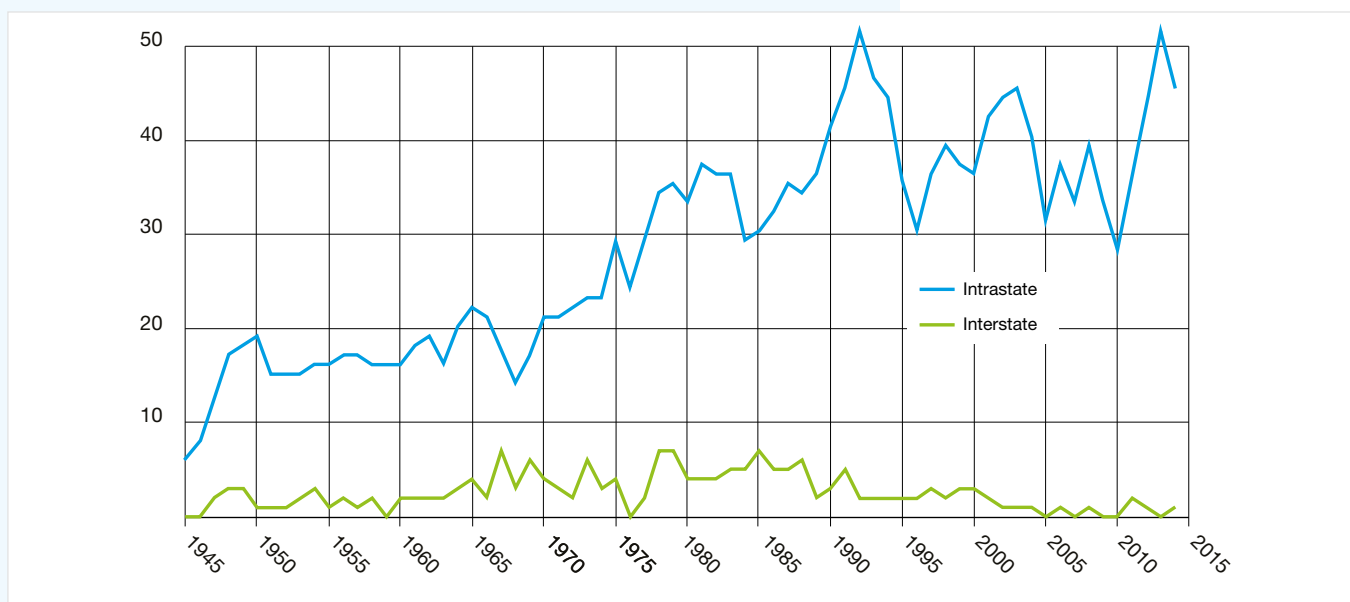
## 4. THE PARAMILITARIES

### 4.1 Overview

The Heidelberg Conflict Barometer chronicles annually conflicts around the world. In 2015 it recorded [409](#), of which 223 were violent. Only 74 of these conflicts were however inter-state, whereas 280 were *intra*-state (between non-state actors and the state) and a further 55 *sub*-state (involving only non-state actors). The trend over the six decades since the dataset began

(and since the end of the second world war) is marked. First, conflicts have proliferated: there has been a nearly fivefold increase since the 84 recorded in 1945. Secondly, while in the era of the United Nations conventional, inter-state wars have been constrained, intra-(or sub-)state conflicts have grown massively. The chart (Figure 28) focuses just on what the conflict barometer calls 'high-intensity' conflicts, that is to say wars or limited wars. Inter-state wars remained below ten throughout the period but intra-state, high-intensity conflicts rose over sevenfold, from six in 1945 to 46 in 2014. This is in line with the argument (Kaldor, 1999) that over recent decades 'new' wars have come to predominate: these have been principally intra-(or sub-), rather than inter-state; they tend to focus on identity, rather than interests; the bulk of the casualties are civilian, not military; and the protagonists are typically paramilitary (non-state). The Northern Ireland 'troubles' clearly fit this pattern, with paramilitaries the perpetrators of 83 per cent of the more than 3,600 killings, albeit with allegations of state collusion attaching to a significant number of those deaths (Fay *et al.*, 1999).

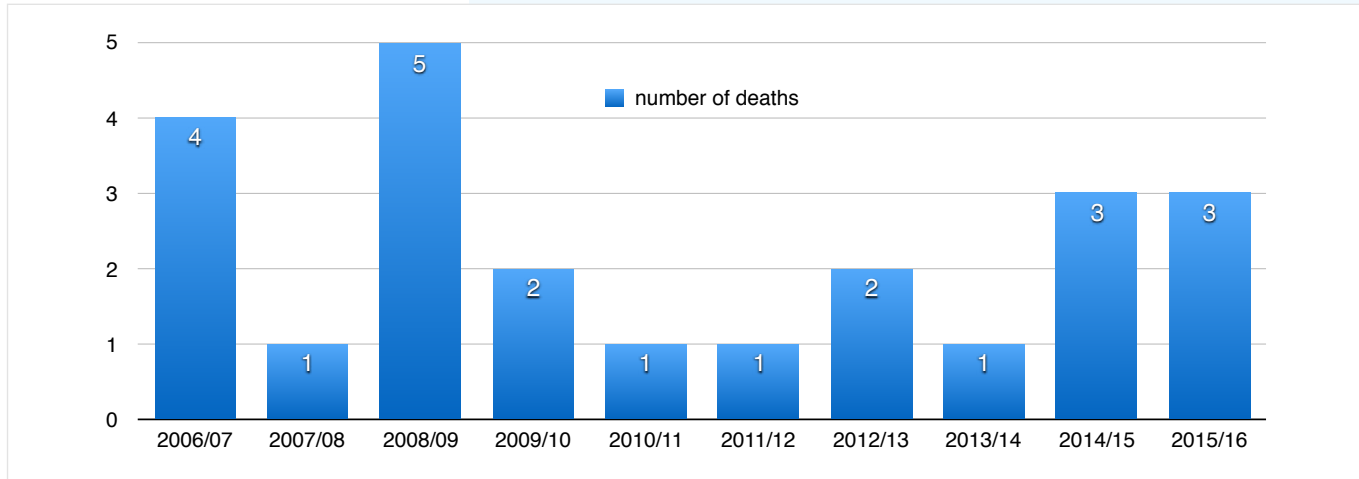
Figure 28: intra- and inter-state conflicts of high intensity, 1945 to 2014



Source: Heidelberg Conflict Barometer 2014

Sadly, the hope that deaths due to what the PSNI describes as the 'security situation' in Northern Ireland might one day come to an end receded in the monitoring period, as the statistics for the last decade (Figure 29) indicate. One human being not yet included in those statistics was Michael McGibbon (33), a father of four from the Ardoyne area of Belfast, whose wife, a nurse, was tragically unable to prevent his death in April 2016 as he lay in an alleyway having been shot by 'dissident' republicans (BBC NI news, 16 April 2016). Amid widespread public sympathy, Joanne McGibbon wrote a poignant note to Rev Colin Duncan at the nearby Woodvale Methodist Manse, thanking members of the Protestant community for their support. In it, she expressed the wish: 'It would be nice if our children could have a better future.'

Figure 29: deaths due to the 'security situation', 2006-07 to 2015-16



Source: PSNI

The other key indicators for the monitoring period are reproduced in Figure 30.

Figure 30: key statistics about the 'security situation', 2014-16

	2014-15	2015-16
Shooting incidents	73	36
Bombing incidents	36	52
Casualties of paramilitary shootings	36	14
Casualties of paramilitary assaults	58	58
Firearms found	58	66
Rounds of ammunition found	4,569	4,418
Explosives found (kg)	22.9	2.4

Source: PSNI

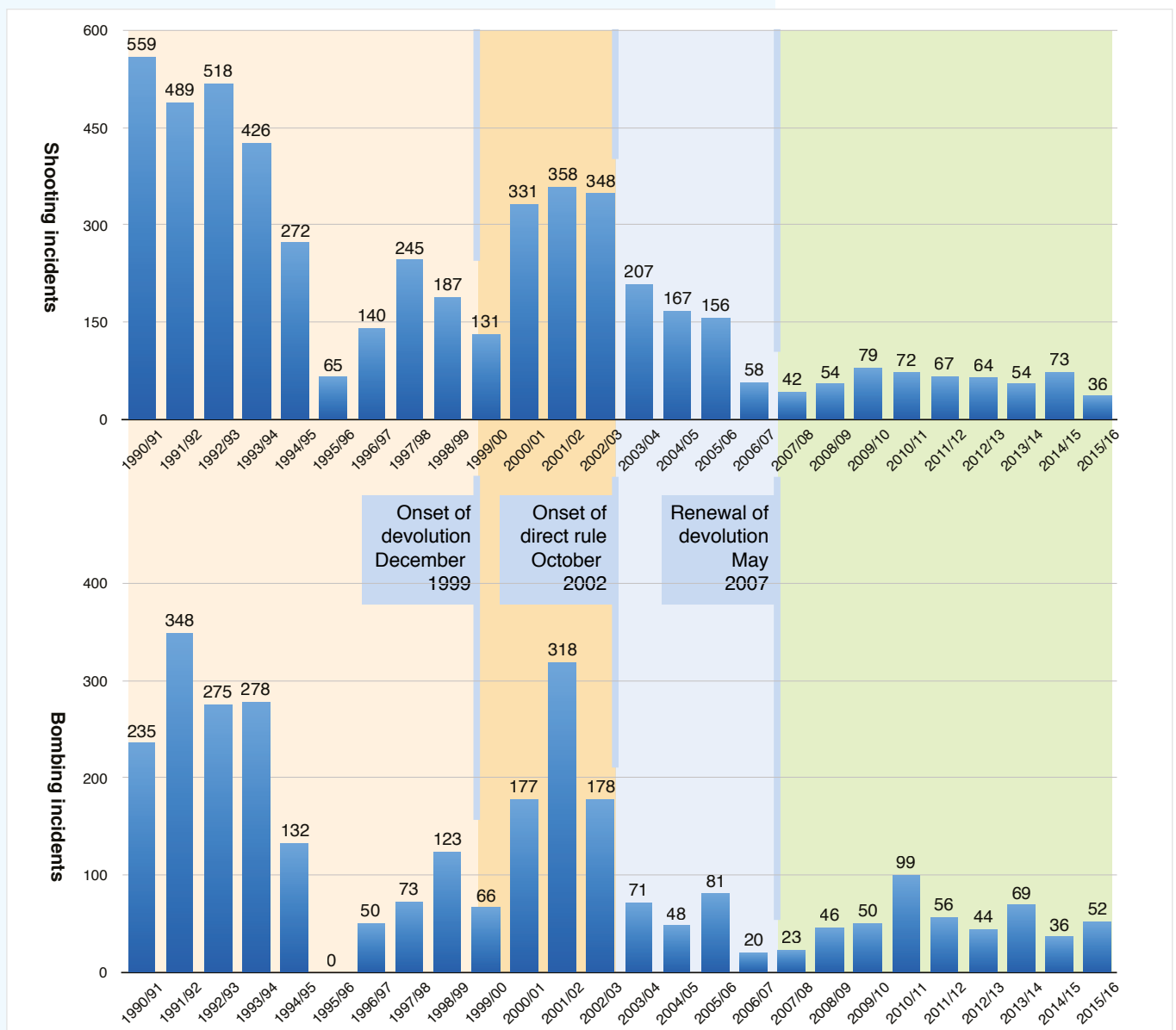
Looking back over the last 15 years, a longer-run trend is now apparent, which mirrors the pattern in other arenas in this report (Figure 31). After devolution of power in the wake of the Belfast agreement, the various indicators of the severity of the 'security situation' exacerbate, as paramilitary violence recrudesces. After direct rule is reimposed in October 2002, following the exposure of an IRA spy ring at Stormont, the graph turns back downwards. But the decline in violence is halted and to an extent reversed after devolution is restored in May 2007. At the end of 2015, a freedom-of-information request to the PSNI by the *Belfast Telegraph* (30 December 2015) showed that since the beginning of 2013 there had been 680 security alerts—the vast majority of course hoaxes—or an average of over four a week. At the same time the *Irish News* (29 December 2015) revealed that the Northern Ireland Housing Executive had awarded additional 'points' for intimidation—which mainly happens in Protestant-majority neighbourhoods and mainly involves 'loyalist' paramilitaries—to 1,285 social-housing tenants in the same three-year period.

Although the intensity of paramilitary violence has clearly declined overall in the last two decades in Northern Ireland, *paramilitarism* has however proved remarkably enduring. The 'new wars' theory (Kaldor, 2007) provides part of the explanation: the wars in former Yugoslavia, for example, highlighted how amid the associated physical destruction and disruption of commercial activity, compounded by fear and insecurity, an 'illegal informal economy linked to



criminal networks and paramilitary groups' emerged and many there remained dependent on it. This morphing of paramilitarism into organised crime appears to have taken place in Northern Ireland too. And the nexus of paramilitarism and the black economy came under an unusual public spotlight in December 2015 with the conviction of the alleged former IRA chief of staff Thomas 'Slab' Murphy, whose home in south Armagh straddles the Irish border, on several counts of tax evasion. A joint raid by the PSNI and the Gardaí in March 2006 had discovered the equivalent of €630,000 in cheques, cash and payment orders. Murphy was charged in 2007, based on his activities between 1996 and 2004, but he engaged in a protracted legal contest over the proceedings being allocated to the non-jury Special Criminal Court in Dublin. He was subsequently sentenced to 18 months in prison (*Irish Times*, 26 February 2016). The gang around Murphy appear to have believed they had been assured by 'architects of the peace process' that their vast fuel-laundering and smuggling operation could continue unmolested after the definitive second IRA ceasefire of 1997 and they apparently felt 'betrayed' by the action taken against their leader (*Irish Times*, 22 December 2015).

Figure 31: shootings and bombings, 1990-91 to 2015-16



Source: PSNI

The SF president, Adams, defended Murphy (*News Letter*, 24 December 2015). He had previously described him as 'a good republican' and he said: 'I don't believe that people who were involved in the IRA, if he was involved in the IRA, are criminal.' Such statements by leading party figures, gardai believed (*Irish Times*, 23 December 2015), stemmed from fears of a split within the 'republican movement' between those in south Armagh around Murphy and the Adams leadership in Belfast—the former already incensed by the latter's consent to a new PSNI-Garda taskforce charged with investigating the very fuel-laundering and smuggling activities which had largely funded the Provisional IRA campaign (*Irish News*, 22 December 2015).

But why then should direct rule—with its attendant connotations for republicans of unmediated British 'imperial' control—be apparently a better antidote to paramilitary violence than devolution? The answer may lie in the moral-hazard effect of the ambivalence of figures in Northern Ireland's principal political parties towards the rule of law when they have simultaneously been responsible for government. The flags controversy which erupted in December 2012, when unionists on Belfast City Council rejected a democratic decision to fly the Union flag only on designated days, was often associated with illegal demonstrations and low-level 'loyalist' violence. As for SF, in March 2016 a party councillor in the new Causeways and Glens council area, a member of the local Policing and Community Safety Partnership, wrote on Facebook (*Belfast Telegraph*, 8 March 2016): 'Republicans can never rule out any tactic, including violence. I now believe politics is expedient, that view could change if circumstances change.' He faced no censure from the leadership of the party.

Just how embedded in society in Northern Ireland paramilitaries have become was demonstrated by a major [investigation](#) by *The Detail*, published in April 2016. The results are captured in the infographic. Alan McBride, who lost his wife, Sharon, in the IRA Shankill bomb in 1993 and is now co-ordinator of the non-sectarian victims' organisation WAVE, said the centre received new referrals on average daily, half of them arising from current intimidation. *The Detail* highlighted the contrast between the pervasiveness of this violent criminal activity and the paucity of convictions under terrorism legislation during the period, commenting that 'today's report includes criticism of government failure to tackle the scale of violence 20 years into the peace process, with evidence that groups retain huge numbers of members, with large amounts of weaponry still in circulation'. In June 2016, the UN Committee on the Rights of the Child, in its observations on the UK's report on compliance with the Convention on the Rights of the Child, [called on](#) the authorities in Northern Ireland to take 'immediate and effective measures to protect children from violence by non-State actors involved in paramilitary-style attacks'. The strength of the rule of law—a recurrent concern throughout this report—remains in inverse proportion to the strength of its paramilitary alternative, as we shall see further below.

# Paramilitary Activity

in Northern Ireland  
2006/07~2014/15



Source: *The Detail*

## 4.2 'Dissident republican' and 'main-stream' paramilitaries

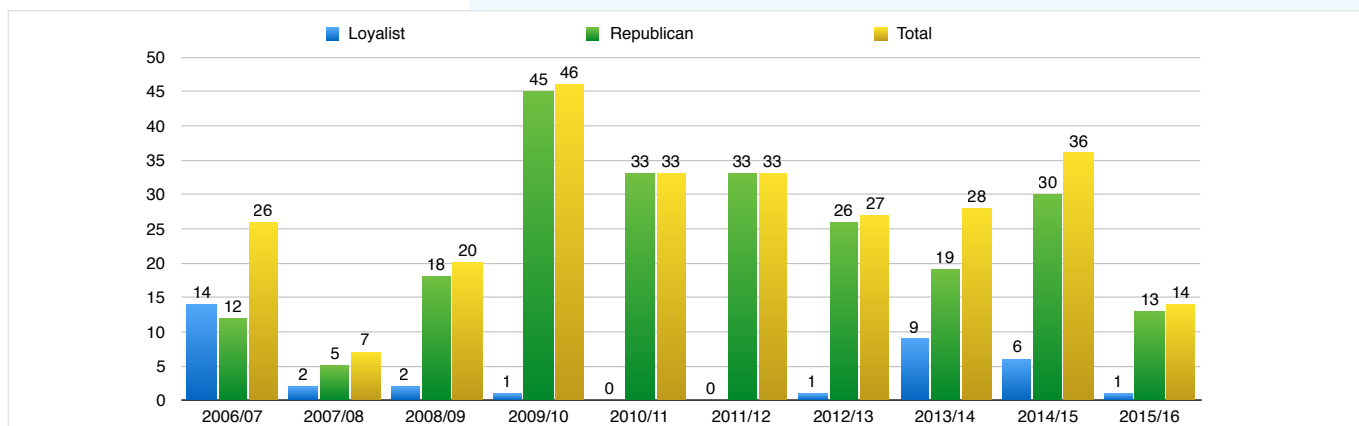
On 5 May 2015, Gerard 'Jock' Davison (47), a member of the army council of the IRA understood to have ordered the fatal stabbing of Robert McCartney at a city-centre bar a decade earlier, was murdered in the Markets area of Belfast. He had grown up there with Kevin McGuigan (53), with whom he had collaborated in running an IRA front organisation called Direct Action Against Drugs, involved in post-ceasefire paramilitary enforcement. McGuigan had himself been the victim of a brutal IRA 'punishment' shooting and in August 2015 he was subjected to an execution-style killing, in front of his wife in the neighbouring Short Strand area. He had been warned three times by the PSNI that his life was in danger (*Guardian*, 13 September 2015; *Sunday Independent*, 13 September 2015).

The chief constable, George Hamilton, indicated that IRA members were involved in the McGuigan murder. The first minister, Robinson, urged the suspension of the assembly on the British government, which declined to oblige. To provoke a governmental response, Robinson stepped aside from his post, nominating the DUP finance minister, Arlene Foster, as his 'acting' replacement, but with meetings of the power-sharing executive in abeyance. The secretary of state, Theresa Villiers, said (*Guardian*, 10 September 2015): 'It is a sign of a complete breakdown in working relationships within the executive.'

Villiers established a panel to provide an independent assessment of paramilitary groups, similar to the former Independent Monitoring Commission. It comprised Lord Carlile QC, who had reviewed for the UK government its 'anti-terrorism' policy, the senior Northern Ireland civil servant Rosalie Flanagan and the barrister Stephen Shaw. They relied on the PSNI and MI5 for the intelligence on which they based their assessment. In October 2015 the panel reported that the Provisional IRA still existed, albeit much attenuated, as did its army council, and it said IRA members believed that the army council oversaw the IRA and SF 'with an overarching strategy'. That strategy, however, had a 'wholly political focus' and the IRA of the 'troubles' was 'well beyond recall'. The latter comments were sufficient to end the immediate political crisis. The relationship, as described, between the IRA and SF is understood to be of longstanding. In December 1977, gardaí discovered a draft document in a Dublin flat belonging to the IRA chief of staff, Seamus Twomey (Moloney, 2002). The document said: '[Irish Republican] Army men must be in total control of the movement.' Specifically, it said, 'Sinn Féin should come under army organisers at all levels.' A former minister of justice in the republic, Michael McDowell, said after the McGuigan killing that it had never been the intention of the British and Irish governments that the IRA disband. They had calculated, he said, that 'an inert, freeze-dried husk of the IRA was preferable to passing the ideological torch to the dissidents' (*Irish Times*, 26 August 2015).

'Dissident republican' paramilitaries have continually sought to embarrass the 'mainstream' of the republican movement by launching military activities against those targets the Provisional IRA used to attack. And so in recent years they have dominated the police casualty figures for paramilitary shootings, as Figure 32 shows. Yet in the period since the mainstream republican movement supported the PSNI in 2007, the vast majority of victims of the dissidents have been those they deem 'criminals' and members of their own ranks. Between 2007 and 2015, these accounted for ten and five respectively of the 21 deaths they caused, as compared with two police officers, two soldiers and one prison officer (Figure 33).

Figure 32: casualties of paramilitary shootings by year



Source: PSNI

Figure 33: deaths caused by 'dissident' paramilitaries, 2007-15

	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Civilian					1					1
Police			1		1					2
Prison officer						1				1
Army			2							2
'Criminal'			1	5		2	2			10
'Dissidents'	2	1		1				1		5

Source: Morrison and Horgan (2016)

For the most part, operations by the dissidents proved unsuccessful during the period covered by this report. Notably, Easter 2016, the long-awaited landmark centenary of the 1916 rising—an unparalleled moment to seize the political limelight with what the Provisional IRA used to call a 'spectacular'—passed with debates only about the legitimate 'inheritors' of the rebels' mantle and, indeed, about the very legitimacy of the rising itself. The dissidents can claim that SF has deserted the ground of 'physical force' it previously defended. On Easter Sunday 2016, Adams said (*Irish Independent*, 29 March 2016): 'Today we also pay tribute to all of those who, in every decade since 1916, stood by Ireland and stood by the Republic. Our country and our people suffered hugely as a result of conflict in the 1970s, '80s and '90s.' To which the rejoinder from the former Provisional quartermaster general and ex-leader of the Real IRA, Michael McKeivitt, was (*Belfast Telegraph*, 29 March 2016): 'Historically, the only form of resistance in Ireland that the British actually took notice of, was armed struggle like they did in 1916 and in every decade since.' And this ensures the dissidents endure. But they lack a *casus belli* in continuing human-rights depredations by the 'security forces', since the restructuring of the police and the end of the British army's 'Operation Banner' in Northern Ireland, and they are understood to be heavily infiltrated by informers. And the experience of power-sharing, as against historic Protestant-monopoly power or direct British rule, means most individuals from a Catholic background are relatively satisfied with the new status quo and even those still aspiring to an end to partition are unwilling to support violence to realise it.

On 4 March 2016, however, the dissidents did succeed in detonating a bomb under the van of a prison officer, Adrian Ismay (52), in Belfast. He was working at Maghaberry where dissident prisoners are held and he died 11 days later from his injuries. The killing was claimed by the 'new IRA', an amalgam of splinters which is now the largest of the three dissident groups—the others being Óghlaigh na hÉireann (an appropriation of the title of the armed forces of the republic) and the Continuity IRA. But the former appears to have been weakened by the arrest of its leader, the latter by infiltration. The 'new IRA' seems by contrast to benefit from 'engineering' expertise carried over from the Provisional IRA and access to some of its old Semtex stock—the explosive it claimed to have used in the attack on the prison officer (*Irish Times*, 7 March 2016; *Sunday Independent*, 10 April 2016).

At Easter, a few weeks later, the 'new IRA' army council issued a statement claiming that 'a century on and the IRA armed actions against Britain and her agents are [as] legitimate as they were in 1916', which it described as an 'unfinished revolution' (*Guardian*, 29 March 2016). This, however, begged the question as to quite what contemporary developments, paralleling the extra-judicial executions of the leaders of the rising and the crisis in Ireland caused by the British effort to impose wartime conscription (Townshend, 2005), could plausibly engender wider support for such a project in 2016.

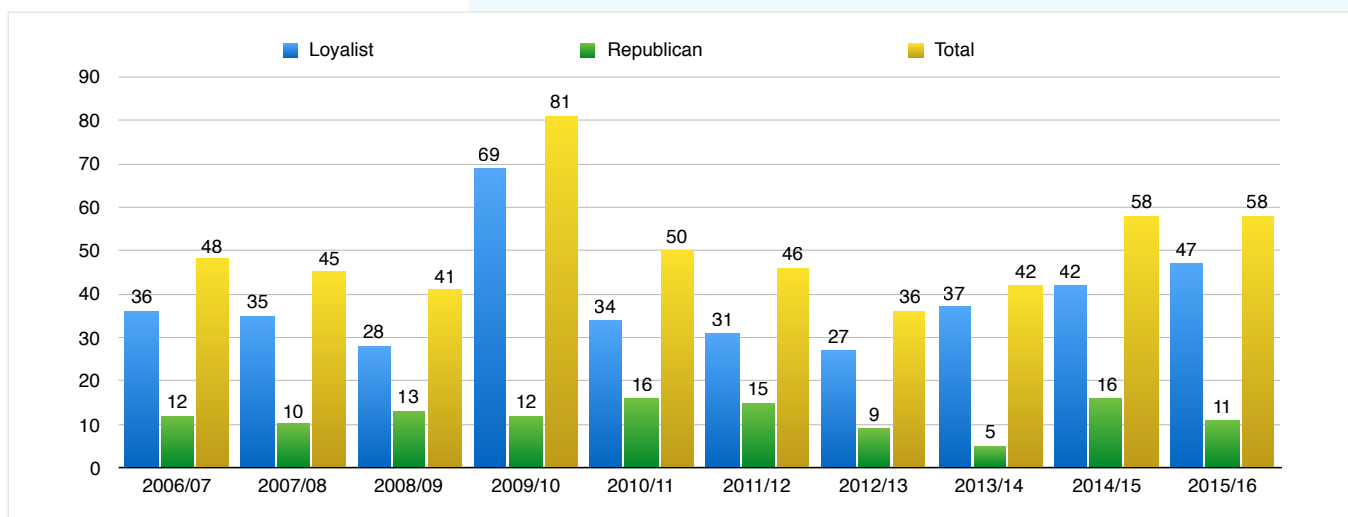
In the aftermath of the attack, a senior PSNI officer, Asst Chief Const Will Kerr, told a veteran Belfast security correspondent (*Irish Times*, 12 March 2016) that three-quarters to four-fifths of dissident attacks were being thwarted, including through 'very effective' co-operation with MI5 and An Garda Síochána. But the fringe groups nevertheless comprised hundreds of members in total, he suggested. The official position of the UK government is that the security threat in Northern Ireland is 'severe'—as against 'substantial' (from Northern Ireland paramilitaries) and 'severe' for ('international terrorism') in Great Britain (*Belfast Telegraph*, 11 May 2016). But in the same *Irish Times* article a 'PSNI source' suggested: 'It's at the upper end of severe, touching through the ceiling of severe.' Bombings by dissidents have escalated to a rate of one per week (*Observer*, 15 May 2016)—bearing no comparison with the height of the Provisional IRA bombing campaign in the early 1970s but still disturbing. And in an arms find in Co Antrim in May 2016 police were alarmed to discover not only enough explosive for 'a substantial number' of bombs but also two military-grade anti-personnel mines and an improvised armour-piercing rocket (BBC NI news, 18 May 2016).

In May, a further dissident killing took place, of Dan Murray (54), from north Belfast. A takeaway driver, he had been lured by a hoax call to west Belfast to be shot. He had twice previously been the victim of paramilitary shootings; his widow denied claims he had been involved in drug-dealing (*Belfast Telegraph*, 11 May 2016; BBC NI news, 11 May 2016).

### 4.3 'Loyalist' paramilitaries

We saw above how dissident republican paramilitaries had dominated shootings in recent years. The opposite is true, however, when it comes to paramilitary assaults recorded by the police, as Figure 34 shows. If the dissidents are still trying to attack 'crown forces', the 'loyalists' are mostly attacking members of the Protestant community in such assaults.

Figure 34: casualties of paramilitary assaults by year



Source: PSNI

Loyalists lack the support SF has been able to garner within the Catholic community—in part because of and in part stimulating such crude attempts to exercise neighbourhood social control. On the 21st anniversary of their 1994 ceasefire, in August 2015, the Ulster Defence Association, the Ulster Volunteer Force and the Red Hand Commando (linked to the UVF) launched a new 'Loyalist Communities Council'. They said this would 'play a full and meaningful role in connecting loyalism to civic society'. Outside the east Belfast hotel where the launch took place, victims of loyalist violence staged a protest—including Raymond McCord, whose son, Raymond Jnr, was murdered by the UVF in 1997. Inside was the former Downing Street advisor and key figure in the Good Friday agreement negotiations, Jonathan Powell. Although lacking any current *locus standi*, Powell said: 'The misuse of loyalism for criminal purposes will not be tolerated ... but we should be ready to help those who want to make the transition.' He accepted that public reaction would be cynical and he said the test would be in how the undertakings made were implemented in practice (*Belfast Telegraph*, 13 October 2015).

Events in Clondeboye, Co Down, the following month did little to foster confidence. The UDA had erected paramilitary flags around a play park in the area and a community worker, Aaron McMahan, had called for them to be removed. In November, a UDA gang went to his home and beat him with a hammer in front of his family. The local community association had been invited to talk to the UDA but he said: 'My committee agreed that this wasn't an issue for the community association. The community felt they were left high and dry. They said they believe the issue is up to the police, the council and our politicians to resolve. But no action was taken.' Around 200 people did however attend a rally in support of McMahan, addressed by a Green Party councillor (BBC NI news, 26 November 2015).

Less than two weeks later, it emerged that the UDA had forced a young Belfast man to leave his home and family, warning him never to return, on pain of being 'severely punished'. The police apparently placed a guard on his house—until he left. At the October event, the loyalist paramilitaries had pledged: 'We eschew all violence and criminality. If there are those who attempt to use current or past associations with our organisations to further criminality, they will be disowned and should be aware that they will not be permitted to use the cover of loyalism.' Margaret Ritchie, a former SDLP leader who as minister for social development had withdrawn funding from a loyalist initiative following UDA violence, said: 'Despite all the pledges they are still bullying and intimidating communities.' But she added: 'I think the political will to properly address this is weak.'

In August 2016, the leading north Belfast UDA figure John Boreland (46) was shot dead outside his home. This was not the first attempt on Boreland's life and police had warned him in prior months that his life was in danger (BBC NI news, 13 August 2016).

## 5. POLICING

### 5.1 Strength and composition

The devolution of policing and justice to Northern Ireland in 2010 meant that the budget for the PSNI, which looms large within the overall regional budget, could no longer be a matter on which (primarily unionist) Northern Ireland politicians could simply press for additional spending by the Treasury in London. Now extra police officers on the streets could only come at the expense of fewer staff in hospitals or in classrooms in Northern Ireland. Over the same period, with the election of a Conservative-dominated and then, in 2015, Tory-only government at Westminster, the screw of austerity has been progressively tightened, with 'Barnett consequentials' for Northern Ireland and a reluctance to indulge traditional, 'troubles'-based, Northern Ireland special pleading.

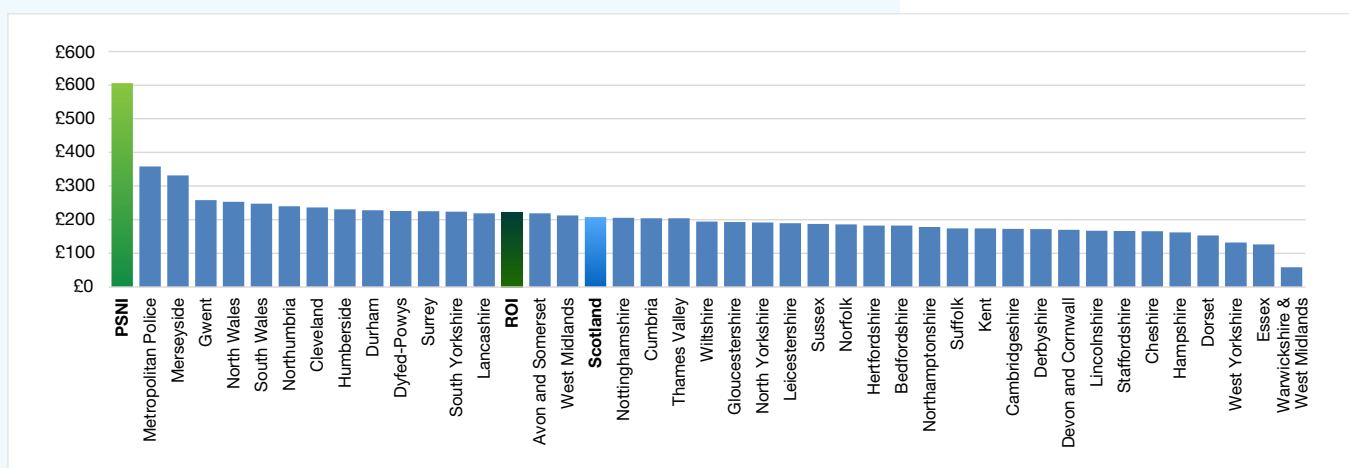
By 2015, the PSNI had seen its budget reduced cumulatively by £175 million over five years, according to the chief constable, Hamilton, who was appointed to that position in June 2014, introducing the service's annual [report](#) for 2014-15. In April 2016, he [reported](#) to the Policing Board that there had been an additional cut of £26.2 million in the latest financial year. And, at the end of that year, the service was envisaging a further cut of 2 per cent in 2016-17, which would translate into a 10 per cent cut in non-staff costs. Her Majesty's Inspectorate of Constabulary meanwhile [reported](#) in March 2015 on how the PSNI had coped with austerity: not only did it face a future shortfall of funding without having moved to an operating model which could be covered by its allocated budget but also it did not yet have 'a comprehensive and co-ordinated assessment of the total demand facing the PSNI, both currently and in the future'. The chief constable pointed out to the Policing Board that no additional monies had as yet been earmarked to the PSNI for costs associated with the externally-led inquiry into the IRA intelligence agent known as 'Stakeknife'—set to be the most expensive police inquiry in UK history—or the accelerated procedure for 'troubles' inquests called for by the lord chief justice (see below). The PSNI has also failed to persuade the Northern Ireland executive to fund conversion of historic hard-copy files to electronic records, making dealing with the past a much more laborious exercise.

As indicated above the official designation of the paramilitary threat is 'severe'. The 2014-15 PSNI annual report described this as having 'an impact on the level of resources available to other core areas of policing, which could have a negative impact on public confidence'. And it warned that, even if there were no further cuts to the PSNI budget, there would be 'very significant gaps in the years ahead'. The service is thus significantly below strength in terms of the benchmark set by the Independent Commission on Policing in the wake of the Belfast agreement. The consequent Patten [report](#) envisaged reducing the size of the police from 16,000 in 1999 to 7,500, assuming a post-conflict environment. The PSNI leadership's view today, when residual violence remains, is that a minimum of 6,953 police officers is required for 'operational resilience'. The number of officers at 1 May 2016 was 6,875—78 short of that minimum and 625 short of the Patten target.



But the PSNI still costs a lot by comparison with other UK police forces. A study on the costs of division in Northern Ireland, supported by the Department of Finance and Personnel, was published in January 2016 by the UUEPC (2016). Recognising that it was difficult to disentangle the effects of sectarian division from other sources of higher public spending per head in the region (such as social need), it produced upper- and lower-bound estimates of £834 million and £404 million per year—much less than the upper bound of £1.5 billion estimated by Deloitte in a 2007 report commissioned by the direct-rule administration. By far the biggest element was policing. Here, the Ulster University academics estimated the lower bound by using the PSNI estimate that 27 per cent of its budget, or £297 million, was spent on 'policing the security situation'. The upper bound they identified as the additional cost of the PSNI as against the nearest comparator, Merseyside, which gave a figure of £499 million (Figure 35). The authors did however stress that just because they had identified a cost of division did not mean it could readily be recouped in full.

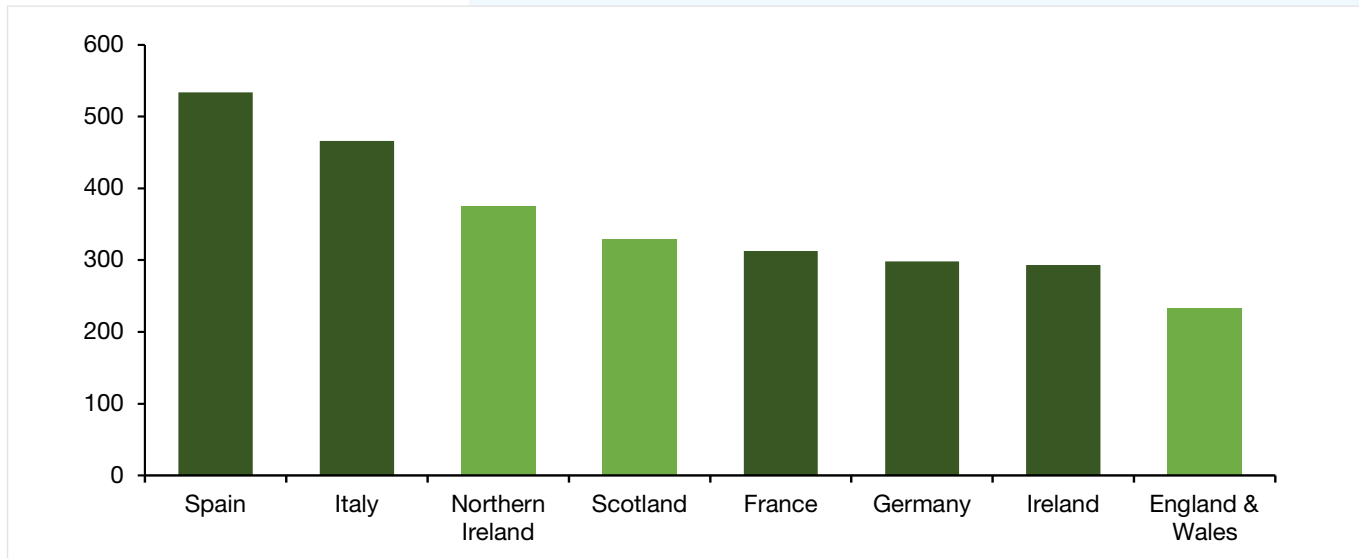
Figure 35: cost per capita of delivering policing services, UK and ROI police forces, 2013-14



Source: UUEPC (2016)

How does the size of the PSNI measure up internationally? For the purpose of comparison, a House of Commons [briefing paper](#) published in February 2016 used 2012 figures. With the cautionary rider that different countries have different police forces at different levels, it generated a scale of officers per 100,000 population in Europe to discount population size (Figure 36). Of 40 jurisdictions, Northern Ireland (375/100,000) emerged between Bulgaria and Hungary at the lower end of a group otherwise comprising poor and fractious eastern and southern European societies, the most heavily policed (Montenegro came top at 679/100,000). The other UK jurisdictions and the republic all thus had lower ratios of police to public. But lower still came the egalitarian and prosperous Nordic societies, the most lightly policed (Finland coming bottom at 149/100,000, just two-fifths of the ratio applying in Northern Ireland).

Figure 36: number of police officers per 100,000 population in selected European jurisdictions (2012)



Source: Commons briefing paper 634, *Police Service Strength*

## 5.2 Religion, gender and ethnicity

Figure 37 confirms the pattern identified in the previous monitoring report, of progress by both Catholics and women in gaining access to PSNI officer positions over the years, albeit with religious equality progressing more rapidly. At the outset, in 2001, Catholics made up fewer than one in ten officers and women a little more; today, Catholics comprise a little more than three in ten, women a little less. Yet progress has slowed. Thus, after a decade of the new service, the Catholic proportion of police officers had risen to the critical mass (that 30 per cent) identified by Patten as the threshold for the '50-50' (Catholic / non-Catholic) recruitment quotas he recommended to come to an end. And they were so removed by the justice minister, Ford, in 2011.

Figure 37: breakdown of officers and other staff of the PSNI, February 2016 (%)

	Officers	Staff
Perceived Protestant	67.32	78.31
Perceived Catholic	31.13	19.61
Not determined	1.55	2.08
Female	28.05	63.12
Male	71.95	36.88
Ethnic minority	0.54	0.51
Total (numbers)	6,838	2,356

Source: PSNI

In the intervening five years, however, there has been just a further 1 percentage point advance in the Catholic proportion. Of course, since that period has been marked by austerity, the opportunities offered via new recruitment have been limited to less than the rate of natural wastage. Yet the proportion of Catholic applicants remains stuck at around 30 per cent, despite the rough equality among Catholics and Protestants among the relevant age cohort for recruits. And it remains problematic that the proportion of Catholic

employees among other staff remains stubbornly stuck below one in five. With 47 per cent of the labour force Catholic, according to the latest (2014) data from the Equality Commission, Catholics still remain under-represented among support staff by fully 27 percentage points. The public debate about fair employment in the police has been entirely focused on the officer quota system, now relaxed. The absence of a spotlight on diversity among other staff has been associated with inertia in this regard.

While women predominate among other PSNI staff, their advance among officers also slowed after initial progress, with the Catholic proportion overtaking the female proportion in 2008. During this monitoring period, there was significant controversy over an element of the physical-fitness test for potential officer recruits, simulating a struggle with an individual resisting arrest, which women were disproportionately failing and being rendered ineligible as a result. In March 2015 Asst Chief Const Alistair Finlay told the Policing Board that only around one in five women were passing the test, compared with about 90 per cent of men. His suggestion that female applicants were 'hugely less physically fit' sparked an outcry (*Belfast Telegraph*, 7 March 2015). Within a month (by which time Finlay had left the organisation), the chief constable announced that any potential recruits who failed the physical-fitness test would be assisted and given a retest 12 weeks later. If this proved insufficient to improve the proportion of female officers then 'further radical steps' would be considered (*Belfast Telegraph*, 4 April 2015). Hamilton did not take up an invitation from the *Belfast Telegraph* to take the test himself.

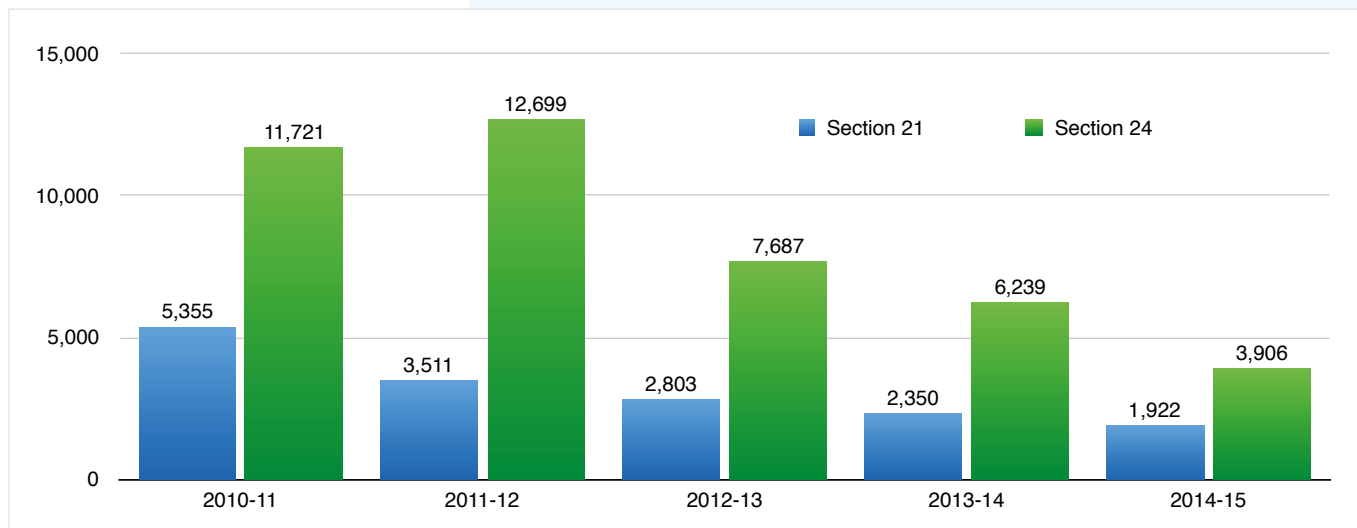
The episode also highlighted the low proportion of women in the decision-making echelons of the police, particularly since the retirement of Dep Chief Const Judith Gillespie in March 2014. The PSNI is run day to day by a Service Executive Board chaired by the chief constable, also comprising other senior offices and top directors. Gillespie's retirement meant there was not a single woman on the board until it was extended the following November to include the heads of legal services and corporate communications—both female, as it happens. That still however means only two of 12 board members are women. In 2015 the Policing Board member Dolores Kelly described the PSNI as a 'boys' club', although she did later welcome the rise of a number of female officers through the ranks (*Belfast Telegraph*, 26 March 2016).

The continuing salience of these diversity issues was indicated in the chief constable's address to the 100th class of recruits to the PSNI since 2001 (*Belfast Telegraph*, 1 April 2016). Saying he was 'very proud' of the transformation in the police, he pointed to the change in religious composition since the days of the RUC but said he would like Catholics to comprise 50 per cent. He also noted that 20 of the 47 officers qualifying that day were female.

## 5.3 The use of police powers

Under sections 21-32 of the Justice and Security(Northern Ireland) Act 2007, PSNI officers have powers of stop and search over individuals, vehicles and premises in the context of Northern Ireland's 'security situation'. In particular, section 21 allows officers to stop and question individuals (including in a vehicle) and section 24 / schedule 3 allows them to stop and search an individual or to search premises for arms or explosives. These specific powers are monitored by an independent reviewer, currently David Seymour. His annual [report](#) for 2014-15 shows a significant decline in the use of these powers over recent years (Figure 38).

Figure 38: number of uses of stop-and-search powers under the Justice and Security Act, by year



Source: report of the independent reviewer, 2014-15

The PSNI had come under criticism from civil libertarians to the effect that, while recognising the security threat particularly posed by dissident republicans, these powers were overbroad. This was notably because their exercise did not require any reasonable suspicion as to criminal behaviour on the part of the individual(s) affected—although the associated code of practice did require there to be a basis for an individual being searched—allowing thereby of blanket rather than intelligence-led use. The arrest rate consequent upon such operations had been correspondingly low: the independent adviser noted that in 2014-15 the rate was less than one in 50 for each of the above powers; by contrast, there had been a 9 per cent rate for a corresponding power under section 43 of the Terrorism Act of 2000, which did require reasonable suspicion as a threshold.

A further criticism was that, conversely, such powers could be repeatedly exercised against individuals in a manner experienced as harassment. Seymour noted prior research by the PSNI which had detected eight individuals subject to more than 40 stops a year and found that the average number of stops per year experienced by those stopped on multiple occasions was eight. This was a particular concern in north Belfast and Derry (each with a significant dissident-republican presence). He said that such experience 'generates strong feelings, misunderstandings and mistrust' and a 'full explanation by the PSNI of why these powers are necessary and how they are exercised would be helpful'. At time of writing, a case was pending at the High Court in Belfast in which the applicant, Steven Ramsey from Derry, who said he had been stopped 200 times in five years, would claim that the section 24 / schedule 3 power was incompatible with article 8 of the European Convention on Human Rights (right to respect for private and family life).

The independent adviser further addressed the claim that PSNI officers exercised these powers in a 'heavy-handed' way. He noted that a controlled experiment with body video-cameras had been conducted in the Foyle area between June 2014 and March 2015, subsequently evaluated by Cambridge University. A proposal had been submitted to the Department of Justice to roll this out, at a cost of £2 million, and Seymour proposed that this be done as soon as resources permitted—including with an eye to the benefits of body cameras in domestic-violence and public-order situations.

A final issue in this arena is whether such powers are exercised impartially. The Northern Ireland Human Rights Commission (NIHRC) and others had urged the PSNI to monitor those individuals subjected to the powers by religion and ethnicity. Seymour reported that a pilot scheme, the Equality Monitoring Stop and Search Project, was to run in Derry and Strabane between December 2015 and February 2016. This would involve individuals affected by the JSA powers being given a card, which they could voluntarily complete with data including their 'community background', and return to the police via FREEPOST.

Another controversial aspect of policing in Northern Ireland referred to in previous reports has been the role of MI5, the Secret Service, and the National Crime Agency (NCA), which tackles organised crime. As UK-wide organisations outside the purview of the post-Patten policing institutions, these were viewed with suspicion by political nationalists. MI5, with a clear focus on dissident republicans in Northern Ireland, inevitably became a target for the latter when it set up a large regional headquarters—supposedly its UK reserve in the event of an attack on its London HQ—within the old Palace barracks in Co Down formerly occupied by the British army. In August 2015 a bomb exploded inside a postal van in the barracks, some distance from the MI5 complex (*Belfast Live*, 14 August 2015).

In May 2015, the controversy over the NCA came to a conclusion with its director and the minister of justice, Ford, signing an authorisation to extend its operations to Northern Ireland. This drew the agency into the pre-existing regional policing arrangements, addressing concerns about its accountability. Its officers would operate in Northern Ireland only with the consent of the chief constable and would be trained in the PSNI code of ethics. Its director general would attend the Policing Board on request and 'take account' of the latter's policing plan in preparing the agency's annual plan, Northern Ireland aspects of which would have to secure the consent of the board. And the police ombudsman would oversee complaints against agency officers. The difficulty remains, however, that the primary line of accountability for the NCA is to the home secretary and so whether paper Northern Ireland commitments will mean much in practice is a moot point.

## 5.4 PSNI—audit and accountability

Public perceptions of the PSNI are positive and gently rising. As Figures 39 and 40 show, this relates to a diminishing gap in confidence between Catholic and Protestant respondents, in terms of their assessment of policing as a whole and, specifically, the impartiality of the PSNI. The data come from a Policing Board module in the January 2015 Northern Ireland Omnibus survey and earlier iterations ('C' = Catholic, 'P' = Protestant).

Figure 39: performance of the police in Northern Ireland as a whole

Rating	Percentage of respondents											
	2012 (January)			2013 (January)			2014 (January)			2015 (January)		
	C	P	All	C	P	All	C	P	All	C	P	All
Very/fairly good	63	73	69	63	76	70	70	73	71	67	73	72
Neither good nor bad	23	16	19	24	15	20	20	19	20	21	15	17
Very/fairly poor	12	11	11	12	7	10	8	7	8	11	11	11
Don't know/refusal	1	0	1	1	0	1	1	1	1	1	0	1

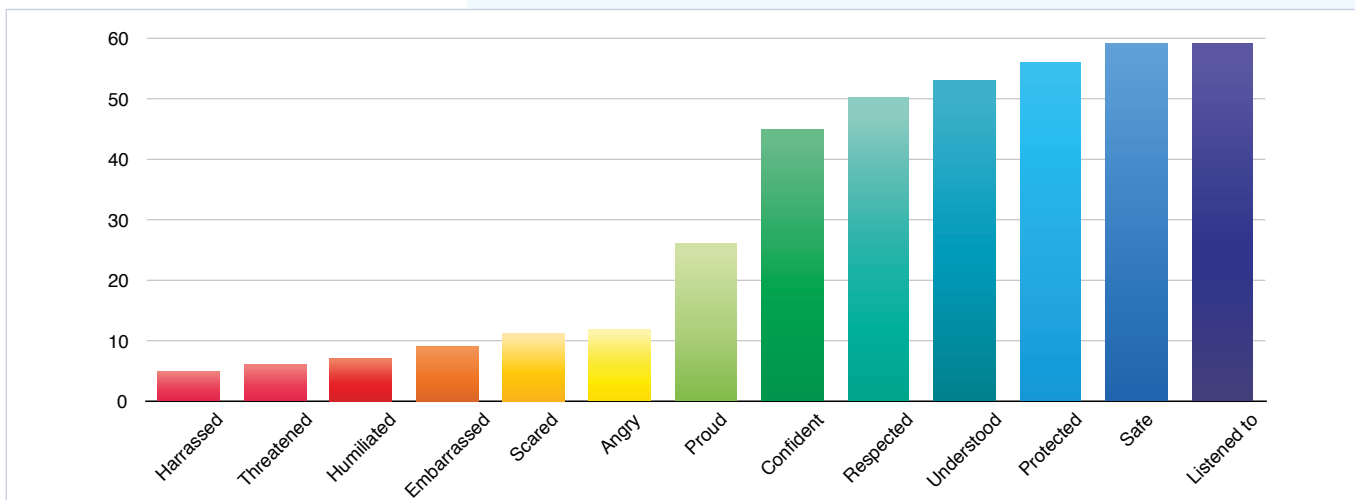
**Figure 40: satisfaction that the PSNI treats members of the public fairly in Northern Ireland as a whole**

Rating	Percentage of respondents											
	2012 (January)			2013 (January)			2014 (January)			2015 (January)		
	C	P	All	C	P	All	C	P	All	C	P	All
Very/fairly satisfied	62	74	68	67	80	73	68	77	73	67	71	70
Neither satisfied nor dissatisfied	21	17	19	19	15	17	21	13	17	19	15	17
Fairly/very dissatisfied	15	8	12	14	4	9	10	10	10	13	12	12
Don't know/refusal	2	1	1	2	0	1	1	0	1	1	1	1

Source: Policing Board

The old RUC suffered a major deficit in Catholic confidence but that gap has been eroded over the decade and a half since the PSNI replaced it, to a relatively small number of percentage points. This can be traced back to the Patten blueprint for the new service. An influential submission came from the Standing Advisory Commission on Human Rights (precursor to the NIHRC) and the first substantive chapter of the consequent Patten report was entitled 'Human rights', which affirmed in terms: 'There should be no conflict between human rights and policing: policing means protecting human rights.' This came after a chapter on public perceptions of the RUC, based on earlier Omnibus surveys, which highlighted a gap of over 30 percentage points between Catholics and Protestants on overall approval of the force and an even larger gap, of some 40 points, on whether it treated citizens impartially by religion. Against that historical backdrop, differentials in attitudes to the PSNI by religious background appear to be diminishing to a vanishing point. In fact, as a 2014 report to the Policing Board by Millward Brown Ulster showed, the serious differentials in confidence in the service are to be found between upper-(ABC1) and lower-(DE) class respondents, with significantly lower levels among the latter across a raft of survey questions and similar shortfalls in areas of high social exclusion like north and west Belfast. A research report from Queen's University Belfast (Devaney *et al*, 2014) published in the same year, focused on a sample of 14-16 year-olds in Northern Ireland. Most were satisfied with the police but a (cross-sectarian) minority expressed dissatisfaction (Figure 41). The latter was linked to ignorance of the accountability arrangements discussed below and a wider sense of exclusion from society.

**Figure 41: feelings reported by respondents with experiences of different types of encounter with police officers (% reporting these feelings at least 'quite a bit')**



Source: Devaney *et al* (2014)

Every year the Policing Board publishes a human-rights report and the 2015 report (published in March 2016) begins: 'The Policing Board knows that a commitment to safeguarding human rights, the substantive and visible protection of those rights and the exposure of violations of rights if they do occur are the best means of building public confidence in policing and ensuring an effective and efficient police service which can police with the consent of the community.' It recalls how Patten led to human rights being incorporated into officer training, the oath of allegiance and the service's code of ethics and is the subject of an annual programme of action.

As indicated in previous monitoring reports, the PSNI is also monitored by an array of additional agencies: the Office of the Police Ombudsman, the Criminal Justice Inspectorate, the Northern Ireland Audit Office (like other public bodies) and Her Majesty's Inspectorate of Constabulary (like other UK police forces). The ombudsman deals with complaints against the police and the picture here is of little change over the years in the number and nature of complaints against officers—except for a spike occasioned by the reverberations on the streets of the flags controversy, addressed in the last monitoring report. Figure 42 provides the overall number of complaints and Figure 43 provides a breakdown into the main categories, the [data](#) drawn from the 2015-16 annual statistical bulletin of the office. These have translated into an average of some 300 recommendations per year since 2010 of disciplinary proceedings or sanctions against individual officers. A police inspector described the number of complaints as 'concerning' (*Irish News*, 10 December 2015).

**Figure 42: number of complaints against the PSNI recorded by the ombudsman's office**

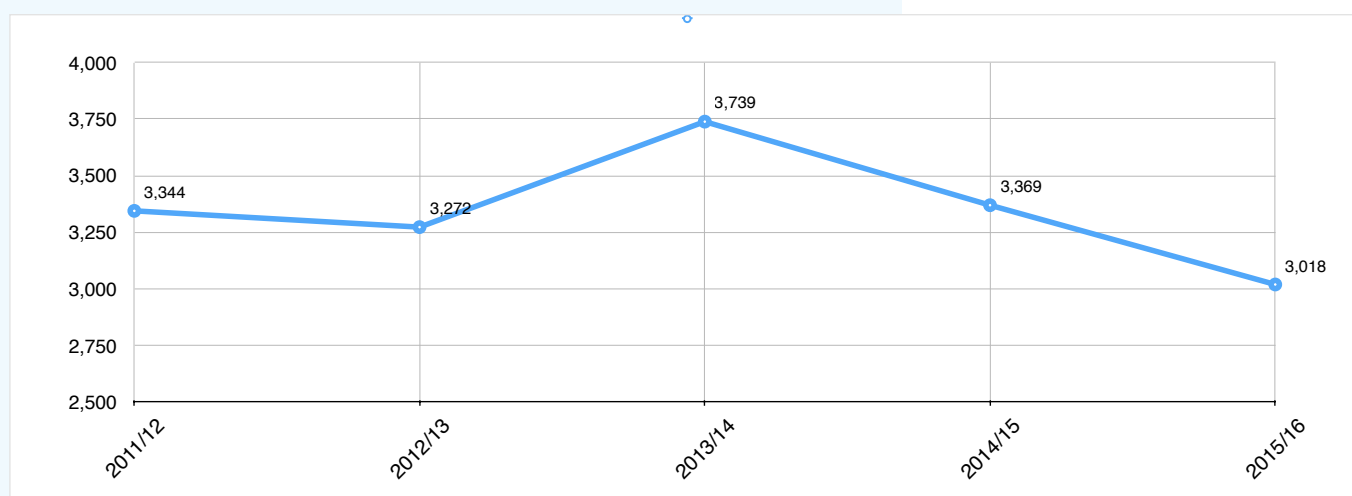
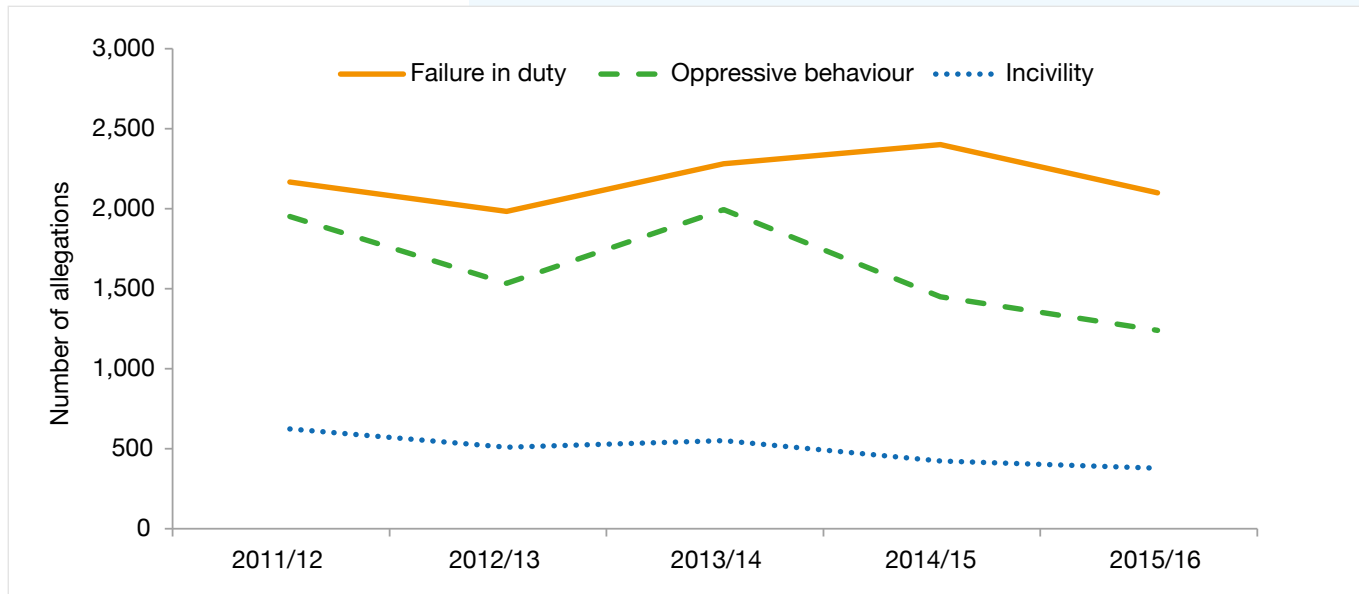


Figure 43: breakdown of complaints by main categories



Source: Office of the Police Ombudsman

The Policing Board is required under the legislation establishing the PSNI to produce a policing plan for the service for each financial year. In turn the plan is audited by the NIAO. The 2014-15 plan contained ten desired outcomes, with which 29 indicators and 50 performance measures were associated. In March 2016 the comptroller and auditor general reported that less than half of the measures (48 per cent) had been realised and that this had been obscured by the summary presentation of the data in the annual report of the board. Yet the C&AG also contended that 50 measures were simply too many. Such targets became a key element of governance after the 'New' Labour government came to power in the UK in 1997, with several hundred rapidly appearing across government departments. Four years on, the *Economist* newspaper began an acid critique of 'Target Britain', noting how it lagged the rest of the rich world in the quality of its public services but led in the use of targets to measure their performance. Many of the targets set out in the policing plan are outwith the competence of the police (notably reducing crimes, which depends on social policy rather than the police who detect them) or are partially so (such as improving 'outcome' rates, dependent not only on detection but on the actions of other criminal-justice agencies). The evidence as to confidence in the PSNI indicates that members of the public bring other considerations to bear.

Also in March 2016 the Criminal Justice Inspectorate reported on its inspection of police custody in Northern Ireland. The report was broadly favourable, while expressing continued concern about arrangements for the handling of the medication of individuals detained. What stood out, however, was the fact that 2,438 children (aged 17 or under) had been detained in police custody in the year 2014-15—on this issue, too, the CJI had previously expressed concern. It reported: 'During the fieldwork police custody staff did not appear to appreciate that children who were charged could, or indeed should, be held anywhere except a police cell or Woodlands Juvenile Justice Centre.' It reiterated a Law Commission call for assembly legislation on bail for children and urged reform of the Police and Criminal Evidence Order arrangements to allow of alternative accommodation.



The underlying difficulty is that children in Northern Ireland are deemed criminally liable for delinquent behaviour and so drawn early into the criminal-justice system, whereas in many other places in Europe this would be seen as a child-welfare issue for intervention by social services. The minimum age of criminal responsibility in Northern Ireland (as in England and Wales) is 10, the same as in Nepal and an outlier in western Europe where otherwise it ranges from 12 to 18. The UN Committee on the Rights of the Child has said that any minimum below 12 is not 'internationally acceptable' and has suggested a higher threshold such as 14 or 16. In its [submission](#) to the UN committee in Geneva in May 2016, the NIHRRC called for the lifting of the age of criminal responsibility to 12. In its observations the following month on the UK, the committee [urged](#) that secure accommodation in Northern Ireland be only used 'as a measure of last resort and for the shortest possible period of time' and that alternatives be developed.

In March 2015, Her Majesty's Inspectorate of Constabulary published a [report](#) on the recording of crime by the PSNI, following similar reports on the 43 forces in England and Wales. It did make recommendations for improving the timeliness and comprehensiveness of crime recording. But it spoke of the greater external scrutiny to which the PSNI was subjected, by comparison with its counterparts on the other side of the Irish Sea, and it detected 'a culture whereby ethical and accurate crime recording is viewed as the "norm"'.

Meanwhile, south of the border in Ireland, there was a major innovation during the period when on 1 January 2016 a new Policing Authority came into being to oversee the work of An Garda Síochána. Civil libertarians had long complained that the Irish government had signed up to a transformation of policing in Northern Ireland with the Belfast agreement, yet in the republic the police remained directly accountable to the minister for justice. The new authority has a similar role to the Policing Board in the north, including the approval of an annual Garda policing plan (*Irish Times*, 1 January 2016). It signalled its intent not to be a paper tiger in a highly critical statement in May 2016 on the force, expressing 'serious concern' at its treatment of victims of crime, 'dismay at the familiarity of performance failures' and 'deep unease at the organisation and management culture' (*Irish Times*, 27 May 2016).

## 5.5 The burden of history

As indicated above, in the context of austerity the PSNI also faces the challenge of coping with the resource implications of aspects of dealing with the past—its role with regard to 'troubles'-related investigations and inquests. On the first, in October 2015 the director of public prosecutions, Barra McGrory, announced that he had asked the PSNI to investigate allegations that Freddie Scappaticci had as head of the IRA's internal-security 'nutting squad' been involved in a large number of murders between 1978 and 1996, while simultaneously acting as an agent ('Stakeknife') for the British state—allegations Scappaticci denies. In March 2016 it was reported (*Belfast Telegraph*, 3 March 2016) that the PSNI had advertised across the UK for 17 investigating officers to be dedicated to the work. The justice minister, Ford, publicly complained in February about the refusal of the Northern Ireland Office to provide additional funding to his department for such legacy investigations (BBC NI news, 8 February 2016). The NIO made clear no extra funding would be provided. It said any such investigation was 'a matter for the PSNI', adding: 'It is the Department of Justice and the wider Northern Ireland Executive who have the responsibility for funding the PSNI.'

On the second issue, inquests, in February 2016 the lord chief justice for Northern Ireland, Sir Declan Morgan, called for a Legacy Inquest Unit to accelerate long-delayed inquests into individuals killed during the 'troubles'. He envisaged these could be concluded within five years—only 13 having been held in the previous ten—if the money were available. This followed a meeting with members of the families involved in the 56 outstanding cases, covering 95 deaths, and a two-week review he had commissioned from a senior judge, Lord Justice Weir, who had stressed the UK government's responsibility under the European Convention on Human Rights for rights-compliant inquests and described some of the 'excuses' for delay by state agencies as 'preposterous' (*Irish Times*, 25 January 2016). Following discussions with the Council of Europe commissioner for human rights and the UN special rapporteur on transitional justice, Morgan aired their concerns that the cases should not be seen entirely individually, suggesting that the 'bigger picture' could be grasped by grouping some together (*Belfast Telegraph*, 13 February 2016).

The chief constable, Hamilton, had meanwhile told the Policing Board that the PSNI would work with Morgan to ease the logjam on inquests but he said (*Belfast Telegraph*, 4 February 2016): 'We need to work out who is going to pay for that ...' Ford said his officials were working with the office of the lord chief justice on the detail of the proposed unit and he once more urged the Northern Ireland secretary, Villiers, to provide resources from the £150 million earmarked by the Treasury at the time of the [Stormont House agreement](#) of December 2014 for the associated initiatives to deal with the past (*Irish News*, 12 February 2016). He had earlier told the justice committee in the assembly that his department, the lord chief justice and the chief constable had discussed the 'resourcing issues' accelerated inquests would entail but Villiers had taken the view that the money available was dependent on the institutions envisaged in the agreement being established (*Belfast Telegraph*, 4 February 2016). Morgan told a conference in Belfast organised by the Commission for Victims and Survivors that in the absence of additional funding only one or two more inquests could take place before the end of the year (*Irish News*, 10 March 2016).

But while the Department of Justice did produce papers to bid for £10 million from the Northern Ireland secretary, the first minister, Foster, prevented the item coming on to the agenda of the Stormont executive at its last meeting before the May 2016 assembly election. Most of the inquests involve killings by state forces and the DUP said that the proposal would have affected the ability of the executive to address the needs of 'innocent' victims (BBC NI news, 3 May 2016). Challenged on BBC NI's assembly election leaders' debate that evening, Foster elaborated (*Belfast Telegraph*, 4 May 2016): 'Unfortunately a lot of innocent victims feel that their voice has not been heard recently and there has been an imbalance in relation to state killings as opposed to paramilitary killings ... I wanted the opportunity to discuss further with the Lord Chief Justice around the issues with innocent victims and how we can deal with their issues and I make no apologies for that. I think the rights of innocent victims are very key in this and I will not allow any process to rewrite the past.' Amnesty International said the rights of families to the long-delayed inquests 'shouldn't become bargaining chips in some kind of political game'. Morgan said it had been indicated to him that Villiers would give 'very serious consideration' to an application for funding and he was 'disappointed' that this had not happened. The minister of justice, Ford, said it was an 'absolute tragedy' (BBC NI news, 4 May 2016).

The difficulty is that dealing with the past remains a source of profound disagreement among the parties, given the conflicting ethno-nationalist historical

narratives on which the mutually antagonistic ideologies of 'unionism' and 'nationalism' depend, as explained in previous monitoring reports. And they were unable to agree in their 'Fresh Start' agreement of November 2015 (discussed later) how to implement the particular aspects of the Stormont House agreement on dealing with the past to which they had agreed a year earlier. After Hamilton said the Scappaticci inquiry alone could cost £35 million, the first minister, Foster, pressed the NIO to provide additional support. But the NIO said it would only provide the funding for a comprehensive scheme for dealing with the past, not piecemeal investigations (*Irish News*, 6 February 2016). When Villiers was stewarding the Northern Ireland (Stormont Agreement and Implementation Plan) Bill through the Commons (*Belfast Telegraph*, 22 February 2016), her Labour shadow, Vernon Coaker, echoed Ford and Foster in urging her to release to the PSNI and the coroners service at least some of the additional funding anticipated. Villiers was non-committal: 'If a credible reform package for inquests is put together then we take very seriously a request to provide some funding to support it.'

## 6. PRISONS

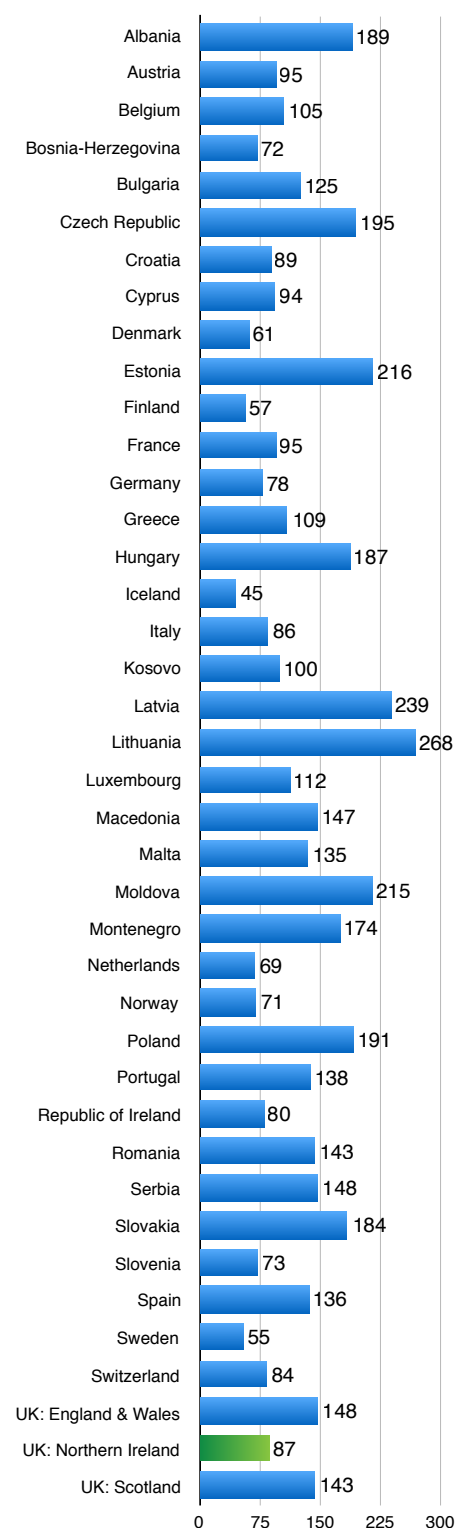
### 6.1 The prison population

Comparative data on prisoners per 100,000 population are compiled in the *World Prison Population List*, published by the Institute for Criminal Policy Research (ICPR) at Birkbeck, University of London. The latest edition draws on figures for 2015 or, in some cases, the latter part of 2014. European data are presented in Figure 44. On the one hand, by comparison with other UK jurisdictions, Northern Ireland emerges as a relatively light imprisoner, with 87 prisoners per 100,000 as against 148 for England and Wales. But the UK is an outlier by west-European standards, with England and Wales on a par with Serbia, for instance. Northern Ireland is a little above the imprisonment rate of the republic but well above the Nordic countries and the Netherlands. And the 1,607 inmates on the day of the ICPR count (23 October 2015) represented a welcome decline after an apparently inexorable rise.

The Maze prison was of course notorious as the location for the imprisonment of paramilitary offenders during the 'troubles'. They were released on licence by 2000, two years on from the Good Friday agreement, and the prison was closed. Yet the Northern Ireland [prison population](#) then rose dramatically, increasing by more than half in the decade from 2003 to a peak in excess of 1,800—this at a time when recorded crime was gently falling in the region, from a peak in 2002-03—as Figure 45 shows. During that period, there has been a very rapid growth in the number of female prisoners, who have tripled in number since 2003, albeit from a low level (Figure 46). Remarkably, a large proportion of those admitted to prison—more than those admitted to immediate custody in recent years, if less than those on remand—were fine defaulters, albeit usually for short stays, as Figure 47 shows. But a judicial review in 2012 led to the suspension of the imprisonment of fine defaulters and special fine-default hearings were introduced in 2014.

A continuing concern is the high proportion of the prisoner population in Northern Ireland on life sentences. At 12 per cent in 2014, this is the second-highest in Europe, with only Scotland higher at 16.4 per cent (*Belfast Telegraph*, 8 March 2016). This though is a significant reduction from 2010, when 'lifers' constituted one in five prisoners. Only 1 per cent of those imprisoned are given life and an additional issue is the fact that 65 per cent are given sentences of one

Figure 44: prisoners per 100,000 population



Source: ICPR

year or less, and an even higher proportion of female prisoners. Prison reformers argue that since offending is a product of weak social relationships, as a study of Northern Ireland offenders demonstrated (Byrne and Trew, 2005), the further severing of such relationships for a period insufficient to engage in any serious rehabilitation is of little value and is associated with high reoffending rates.

Figure 45: the daily prison population, average per year

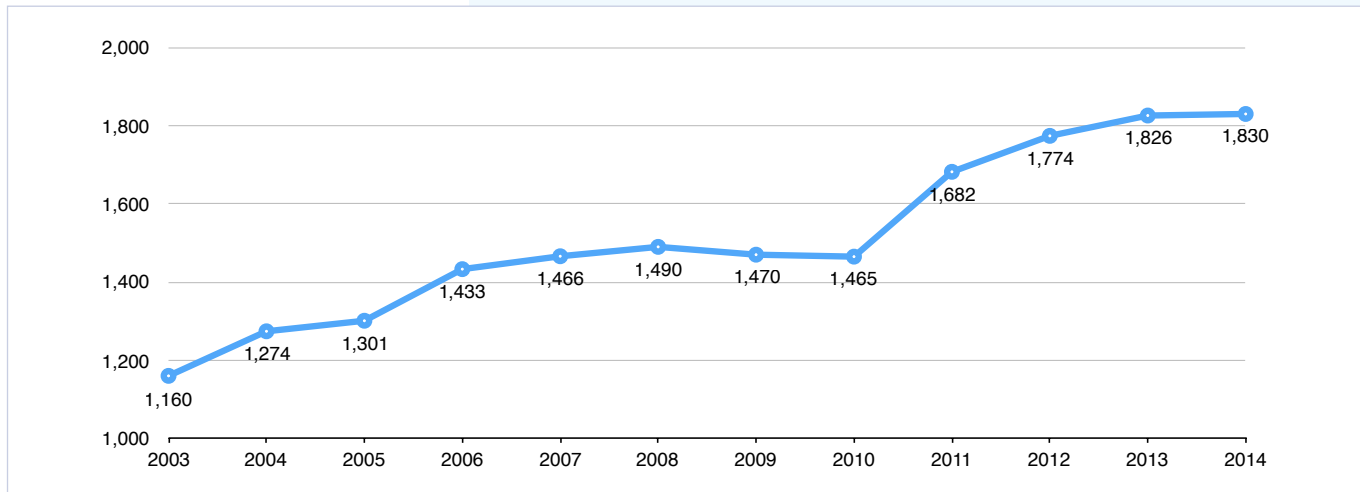


Figure 46: breakdown of prison population by gender

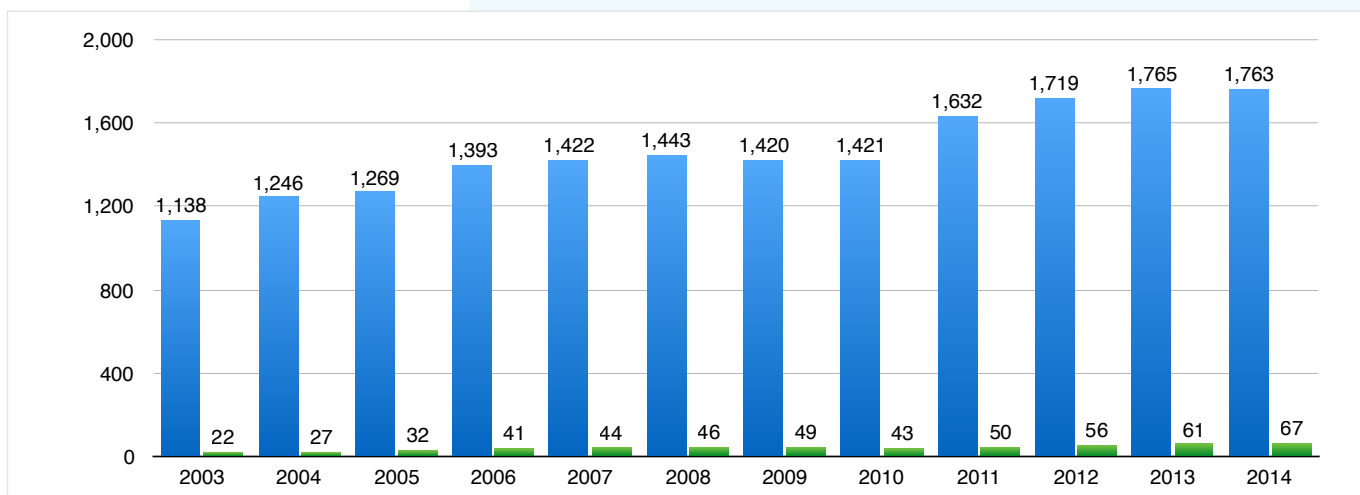
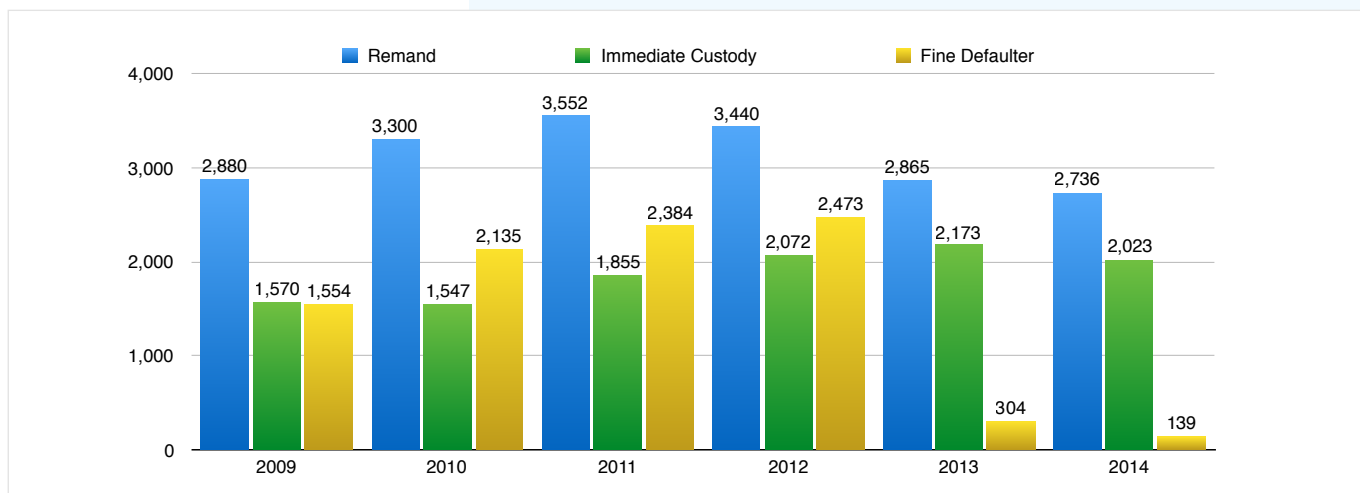


Figure 47: prison receptions by type



Source: Department of Justice

## 6.2 Prison conditions and reform

Maghaberry prison, in Co Antrim, received what can only be described as a shocking inspection [report](#) in November 2015, after a team of 20 inspectors had arrived unannounced in May that year for a two-week investigation. The inspection of Maghaberry was highly significant because with its 1,000 or so inmates, including separated 'dissident republican' and 'loyalist' paramilitaries, it is the core of the prison system and therefore a major test of the prison-reform programme initiated by the justice minister, Ford, following the devolution of policing and justice in 2010—the Owers review crystallising the reform programme was addressed in detail in the last monitoring report. The inspection was a joint assessment from Criminal Justice Inspection in Northern Ireland and Her Majesty's Inspector of Prisons in England and Wales. The latter, Nick Hardwick, described it as 'the most dangerous' jail he had ever visited and suggested that Dickens could have written about it 'without batting an eyelid'. The report addressed the performance of Maghaberry on four internationally recognised criteria: safety, respect, purposeful activity and resettlement. On only the last of these was the assessment 'reasonably good'; for the other three it was 'poor'. Indeed, far from detecting an improvement since the last inspection in 2012—and six prisoners had committed suicide in the interim—the inspectors said there had been a deterioration in performance on these three indices. They called on Northern Ireland politicians to read the report and take 'urgent action' (BBC NI news, 5 November 2015). Twenty inspectors were tasked with returning to the prison in January 2016 to assess the follow-up. In their interim report they said that 'a significant amount of work was still required to make Maghaberry safer and to reflect more positively in prisoners' experiences' (*Irish News*, 1 July 2016).

During the 'troubles', prisons were dominated by 'security' thinking, with officers overwhelmingly Protestant—the Maghaberry inspection complained of continuing poorer outcomes for Catholic prisoners. Living under constant threat from paramilitary organisations, they were very well paid. And although they have come down significantly in recent years, costs per prisoner place remain higher than elsewhere in these islands, as the UUEPC (2016) study calculated (Figure 48). In 2012 recruitment began for a new category of 'prison custody officer', with a starting salary of only £18,000, while those recruited amid the violence—when 29 serving and retired officers were killed by paramilitaries—were in some cases still earning £38,000. In December 2015 the *Irish News* reported (23 December 2015) that 99 of the 411 such officers recruited in 2012-13 had already left the service. This followed the revelation three months earlier that some 300 prison staff had been assaulted since 2011 and the murder of an officer, David Black, in 2012 by dissident republicans.

Figure 48: cost per prisoner place, 2014-15 (£)

England and Wales	Scotland	Northern Ireland	Republic of Ireland
36,237	34,102	58,387	49,207

Source: UUEPC (2016)

## 6.3 Prisons and probation

As elsewhere in these islands, the debate about crime and punishment in Northern Ireland is dominated by the assumption that offenders are rational actors freely choosing to offend and therefore deserving of incarceration for serious crimes, including as a deterrent to themselves and others. But half of all inmates in Maghaberry prison and the Hydebank young offenders' centre and women's prison are prescribed drugs for mental illnesses (*Irish News*, 15 March 2016).

In line with a recommendation from the Owers review, the justice minister, Ford, did seek to legislate to end the imprisonment of offenders for short periods in 2012 (BBC NI news, 24 July 2012). He failed however to secure the necessary support of MLAs on the justice committee, with DUP members in particular perceiving this proposal as 'soft on crime'—even though the minister could point out that the reoffending rate within one year for those given a sentence of three months or less was 40 per cent, compared with 25 per cent for those given the alternative sanction of community service, supervised by the Probation Board for Northern Ireland. But in 2015 the lord chief justice, Morgan, invited the Probation Board to develop an 'enhanced combination order', focusing on rehabilitation, reparation, restorative practice and desistance, which would offer sentencers an alternative to short custodial sentences. In October that year, the PBNi began piloting the new order in two court divisions—an initiative welcomed by the justice minister.

## 7. SAFETY IN THE PUBLIC SPHERE

### 7.1 Internal perceptions

However much people in Northern Ireland are living in the shadow of the 'troubles' and with residual paramilitary violence, overwhelming numbers feel quite safe in their own neighbourhoods. As earlier, Figure 49 again shows the relevant results from the Policing Board module of the January 2015 Omnibus Survey and the prior trend. While broken down by religion, in fact the results are very consistent across the denominational divide and across time, with only one in 20 respondents, or fewer, feeling 'fairly' or 'very' unsafe.

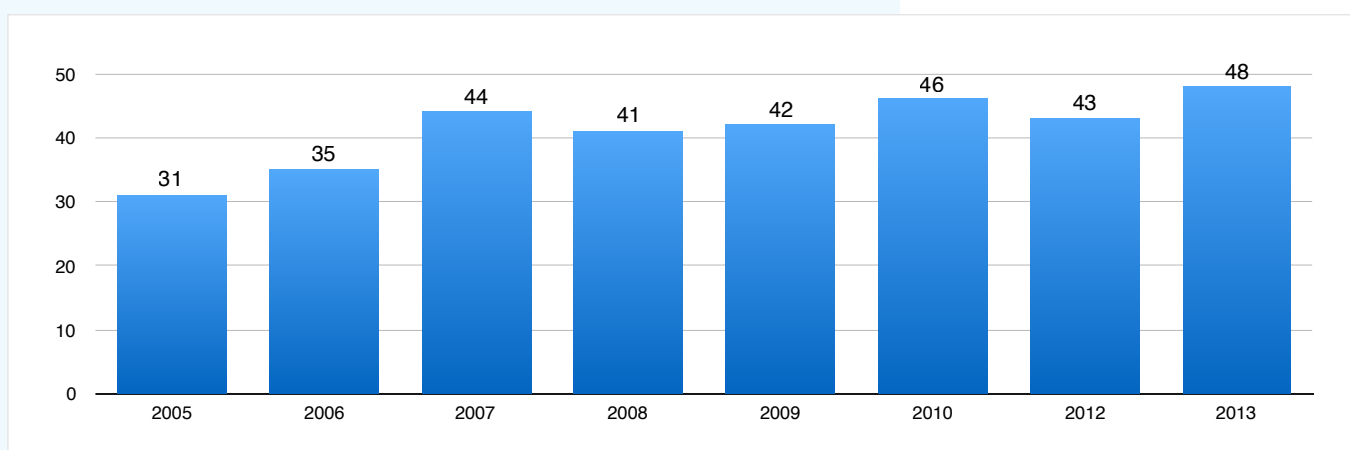
Figure 49: responses to 'How safe do you feel in your local community?'

Rating	Percentage of respondents											
	2012 (January)			2013 (January)			2014 (January)			2015 (January)		
	C	P	All	C	P	All	C	P	All	C	P	All
Very safe	34	32	33	40	38	38	39	37	38	40	40	40
Fairly safe	55	55	55	51	54	53	53	53	52	51	48	49
Neither safe nor unsafe	6	8	7	5	7	6	4	6	5	5	7	6
Fairly unsafe	4	4	4	2	1	2	4	3	3	2	4	3
Very unsafe	2	1	1	0	0	0	1	1	1	2	1	1

Source: Policing Board

The NILT survey has periodically asked respondents how safe and welcoming they believe town centres in Northern Ireland to be for people of all walks of life. The last available data, for 2013, [show](#) the most positive results so far, on a generally upward trend over the last decade, with 48 per cent giving this a score of six or more out of ten (Figure 50). This however remains predominantly a society organised around the private sphere of the family: the Northern Ireland Crime Survey for 2012-13 found that fully 56 per cent of respondents had not visited their local high street or town centre in the evening at any time in the past month and more than four out of five of the stay-at-homes said that they did not need or want to go to the centre at night for leisure.

**Figure 50: 'town centres are safe and welcoming' (% of respondents ranking at 6 or higher):**

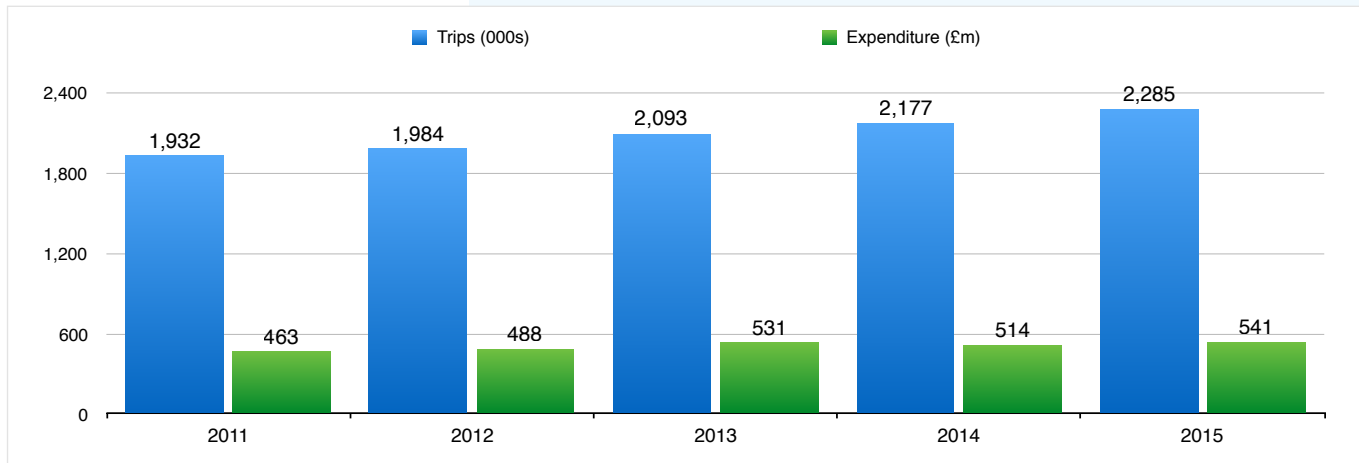


Source: NILT

## 7.2 External perceptions

Nevertheless, the shadow is still there, nearly two decades on from the second IRA ceasefire in 1997. A PSNI officer told the *Belfast Telegraph* (20 April 2016): 'Death threats and "punishment" attacks happen daily.' As indicated above, bomb scares still take place roughly every other day in Northern Ireland. *Guardian* and *Observer* readers were however undeterred in voting Belfast 'Best UK City' in the papers' 2016 travel awards (*Belfast Telegraph*, 8 March 2016). The Belfast Visitor Welcome Centre received almost 700,000 inquiries in 2015, according to the city council. The latest tourism figures for the region as a whole showed that in 2014 there had been an estimated 2.29 million overnight trips to Northern Ireland, an increase of 5 per cent on 2013. This was associated with an expenditure of £541 million, also a 5 per cent increase (Figure 51). On a longer view, the tourism numbers have been on a steady upward graph as violence has diminished, since the nadir of the early-mid 1970s, when fewer than half a million visitors came annually to the region. They remain, however, a fraction of the number of visitors to the republic, which enjoyed 8 million trips in 2014, and fewer visitors to Northern Ireland make the trip for a holiday than to see friends and relatives.

Figure 51: trips to Northern Ireland and associated expenditure, by year



Source: Department of Enterprise, Trade and Investment

Violence, and its international media impact, clearly was a major deterrent to foreign investment in Northern Ireland during the 'troubles'. The number of investment projects has also been on a rising graph in recent years, as [data](#) from UK Trade and Investment show (Figure 52). There were 48 inward investment projects in 2014-15, out of 1,988 for the UK as a whole, marginally below what would have been expected on a proportionate population basis. While the number of projects identified in 2014-15 was slightly down on 2013-14, the associated employment was higher, at 83 jobs per project (as against 77 a year earlier), the highest for any UK region/nation.

Figure 52: inward investment projects in Northern Ireland by year

2011-12	2012-13	2013-14	2014-15
27	38	50	48

Source: UK Trade and Investment

## 8. THE 'PEACE WALLS'

### 8.1 Making the count

As indicated in the previous monitoring report, there is some confusion as to how many physical barriers there are between neighbourhoods defined in sectarian terms, partly because of different departments being responsible and partly because such barriers include but are not confined to actual walls. Research for the Belfast Interface Project in 2011 [identified](#) 99 sectarian barriers in Belfast. The Department of Justice acknowledges responsibility for 52 'peace walls' (down from 58 in 2012), while a further 20 fall under the responsibility of the Northern Ireland Housing Executive. That latter figure had been 21 until a landmark development in February 2016, when demolition work began on an eight-foot wall on the Crumlin Road in Belfast which had been there for more than 30 years. Under the radar, community workers on both sides of the interface had done considerable spadework over the years, supported by the Community Relations Council, to build relationships in an area which has seen high tension and many deaths. Rab McCallum, one of the key figures involved on the ground, said (*Belfast Telegraph*, 25 February 2016): 'This is a brave and a bold step taken by residents who have seen more than



their fair share of the conflict yet have an eye on the future and a better way of life for themselves and their families. Hopefully, their course of action will inspire others to consider how we move forward together as a society.' Having said that, the wall was replaced by railings—so, in that sense, a barrier remains.

## 8.2 When will the walls come down?

In its 2012 policy document on intercommunal relations, discussed later, the Office of the First Minister and Deputy First Minister (OFMDFM) set a target of removing the walls by 2023. In November 2015 the chair of the International Fund for Ireland, which has invested heavily over the years in work to bring them down, spoke critically of progress to date (*Belfast Telegraph*, 11 November 2015). Adrian Johnston said that 'three years later we don't have a strategy in place nor a financial strategy about how that will occur'. And he said: 'We have already lost three years of that timescale and we are ultimately taking those communities to a place where they cannot progress any further.' The following month, an Ulster University team published research funded by the Department of Justice on attitudes to the 'peace walls' (Byrne *et al*, 2015), a follow-up to similar survey-based work three years earlier. The researchers said that this 'conflict related architecture' served as a public reminder that 'the problems of hostility and fear in Northern Ireland have not yet disappeared'. Indeed they noted that in the intervening period the flags controversy had 'led to a measurable hardening of attitudes', while the social deprivation characteristic of interface areas had 'almost certainly deepened' in the context of austerity. The research was a postal survey attracting more than 1,000 responses in areas in close proximity to the 'peace walls' in Belfast, as well as barriers in Derry and Craigavon.

The survey found that respondents felt *less* safe in those communities bounded by 'peace walls' than the average in Northern Ireland. Asking the same question as in the Policing Board survey cited above, which found 89 per cent of respondents feeling 'very' or 'fairly' safe in their community in 2015, the same was true of only 76 per cent of those living close to the walls. Research by a Queen's University team separately found that the latter population were also 19 per cent more likely than the Northern Ireland average to be on anti-depressants and 39 per cent more likely to be on medication for anxiety (Maguire *et al*, 2016). This deficit could well be related to the fact, according to the Ulster University study, that fully 60 per cent 'never' or 'rarely' had any contact with members of the community on the other side of the wall nearest to them, which might undermine sectarian enemy images—67 per cent believed at the same time that any such contact was 'always' or 'mostly' positive. Asked to suggest the functions of the local wall, 61 per cent said it was 'to help me feel safer', but the highest response (70 per cent) was 'to keep the communities apart from one another'. And asked who would benefit most from the removal of the wall, 52 per cent said 'people in both communities'.

Yet 73 per cent professed to know 'hardly anything' or 'nothing at all' about the Stormont executive's strategic goal of removing all the walls by 2023. Forty-nine per cent did want the local wall to come down now or sometime in the future, but 30 per cent wanted it to stay as it was. This was clearly explained by the expectation on the part of 78 per cent of respondents that incidents of anti-social behaviour and/or sectarian violence would, to varying degrees, issue as a result. Only 29 per cent were 'very' or 'fairly' confident that the PSNI would be able to preserve peace and maintain order. Comparing this survey with that in 2012 (Byrne *et al*, 2012), the researchers demonstrated

a cooling in attitudes towards removing the walls, with more respondents favouring leaving things as they are (Figure 53).

**Figure 53: 'Thinking about these statements, which one comes closest to our own view of the peace wall in your area?'**

	Total response 2012 (%)	Total response 2015 (%)
I would like things left the way they are now	22	30
I would like the Peace Wall to come down now	14	14
I would like the Peace Wall to come down some time in the future	44	35
I want to keep the Peace Wall, but have it opened for some accessibility	9	6
I would like to keep the Peace Wall, but change how it looks to make it more appealing	8	7
Don't know	3	8

Source: Byrne *et al* (2015)

Evidently there is a desire on the part of those living cheek-by-jowl to the walls to see them removed but insufficient confidence that the police will be able to secure the rule of law in their absence. Indeed, the very building of the walls in the first place was effectively as *an alternative to* guaranteeing the rule of law. Respondents also called in the 2015 survey for CCTV cameras and more policing, as well as more youth programmes, to prepare the ground for a removal of the local wall. Yet cuts in public spending make these unlikely developments in the near future. In February 2016, however, the justice minister, Ford, said he was establishing an interdepartmental programme board to pursue the executive's commitment to bring down the walls and had invited ministerial colleagues to nominate representatives to it (*Londonderry Sentinel*, 13 February 2016).

## DIMENSION TWO

### Equality

## 1. WEALTH, POVERTY AND INEQUALITY

### 1.1 Overview

'Inequality is now at the forefront of public debate.' This laconic claim begins a book (Atkinson, 2015) collating half a century of work on the theme by the leading UK expert on poverty. It is not a claim he could persuasively have made in recent decades, dominated as they have been by the contention that the 'invisible hand' of the market, left to itself, always achieves optimal economic outcomes.

A number of arguments have however changed the global terms of political trade, starting from an unlikely source—public health. Studies of Whitehall civil servants revealed that their morbidity and mortality rates increased the lower they were in the service hierarchy (Marmot, 2004). This detrimental effect of social hierarchies was explained by the physiological effects of accumulated stress on the part of those in lower ranks (Wilkinson, 2005). And collating a vast number of studies from across the world showed that steep hierarchies were correlated with a host of social problems, from violent crime to drug abuse, whereas more egalitarian societies performed better for everyone who lived in them (Wilkinson and Pickett, 2009). Individual social mobility did not provide a way out as, notably in the country of the 'American dream', working-class living standards had stagnated since the neoliberal revolution of the 1970s, after decades of steady growth, while the gains from increased prosperity had been largely appropriated by a soaring rich stratum (Irvin, 2008). Contrary to arguments that such 'wealth creators' should be incentivised by even higher remuneration, economic recovery was being weakened, it became evident, by the suppression of demand among the least well-off with the greatest propensity to consume (Lansley, 2012). Indeed many at the bottom of the labour market were falling into an insecure netherworld of at best casual, irregular and precarious employment (Standing, 2011). In this changed environment a French economist acquired something akin to rock-star status with a weighty tome turned unlikely bestseller (Piketty, 2014), charting how inequality had followed a U-shaped curve over the 20th century and was returning to levels last seen at the time of *The Great Gatsby*. This groundswell of opinion foregrounding equality as a global concern was reinforced by a huge investigation, led by the International Consortium of Investigative Journalists, of tax avoidance by the rich and powerful, culminating in the explosive leak of the so-called Panama Papers in April 2016. Its whistleblowing source said (*Guardian*, 6 May 2016): 'Income inequality is one of the defining issues of our time.'

Some countries, however, remain more equal than others, which is down to how much they offset the inherent tendencies for incomes to polarise in unregulated markets through taxation systems of varying degrees of progressiveness and (relatedly) welfare systems of different degrees of universality. For a quarter of a century, it has been recognised that there are 'three worlds of welfare capitalism' (Esping-Andersen, 1990), or at least fuzzy clusters (Hay and Wincott, 2012), whose differential outworkings in terms of equality in the advanced capitalist

countries are captured in Figure 54 from the Dublin think tank TASC (the republic tends to fall between the market-liberal and corporatist models). The benchmark is the Gini coefficient of income distribution, which in this representation ranges from 0 for an absolutely equal society to 100 where all income is held by the richest household. The Nordic universal welfare states, with strong social-democratic traditions, are the most equal; the continental models, with counterposed Christian-democratic parties and a social-insurance foundation, come next; and Anglo Saxon cases (the UK and north America) with winner-takes-all electoral systems favouring 'free market' parties and means-tested welfare perform poorest (Van Kersbergen and Manow, 2009).

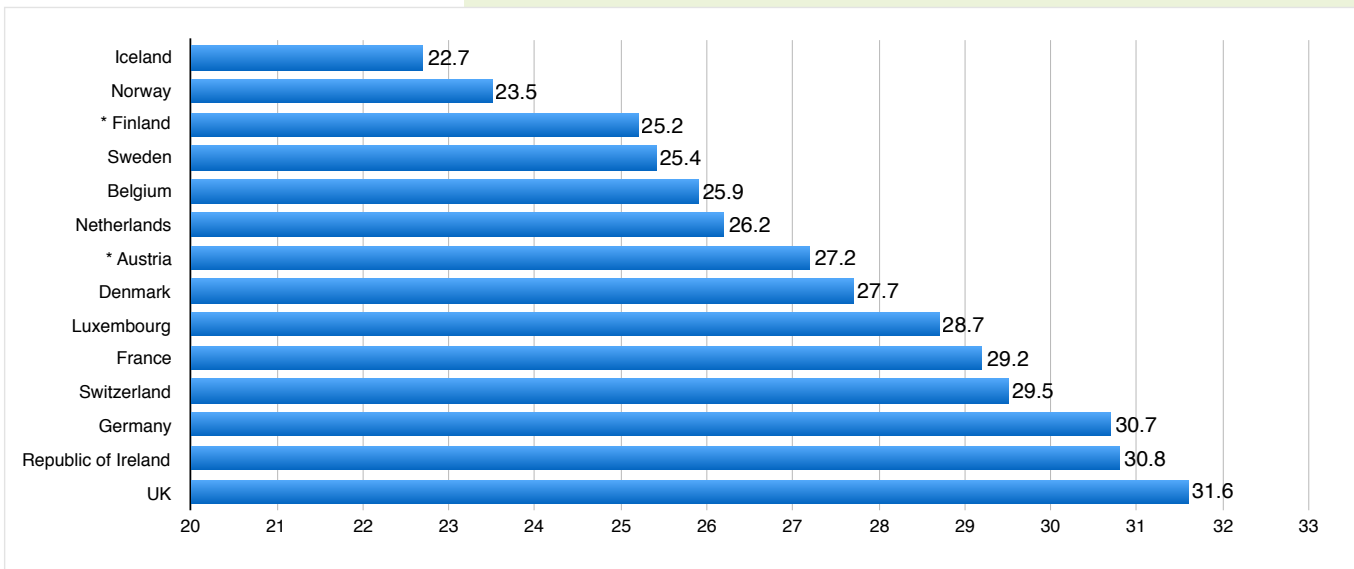
Figure 54: inequality in different welfare regimes

Welfare regime	Example countries	Top 10% income share growth since 1982	Income share of top 10%	Income inequality (Gini before tax and transfers)	Income inequality (Gini after tax and transfers)
<b>Liberal</b>	Canada, USA, UK	7-13%	39-48%	44-53	32-39
<b>Corporatist/conservative</b>	France, Germany, Netherlands	2-3%	31-35%	42-51	28-31
<b>Social democratic</b>	Denmark, Norway, Sweden	2-6%	27-28%	42-43	25-27
	<b>Ireland</b>	<b>3%</b>	<b>36%</b>	<b>57</b>	<b>30</b>

Source: O'Connor and Staunton (2015)

The latest available Gini coefficient data for income, after taxes and transfers, for selected European countries are in Figure 55.

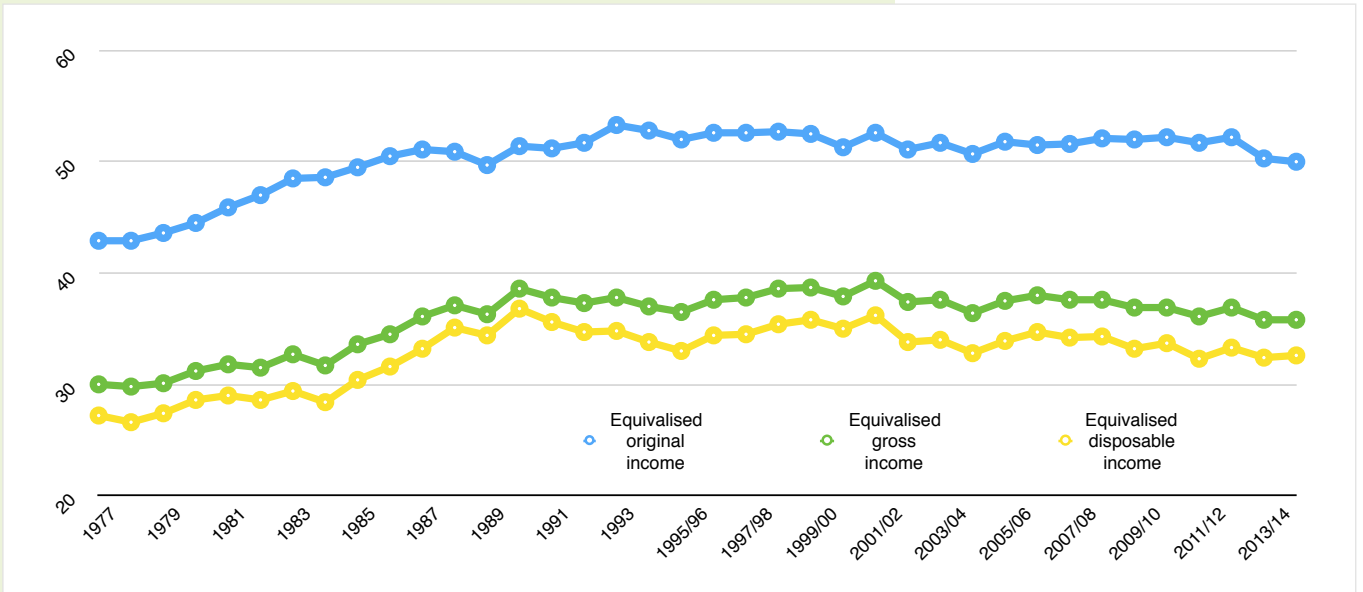
Figure 55: Gini coefficient for equivalised household disposable outcome, 2014 (\*2015)



Source: Eurostat

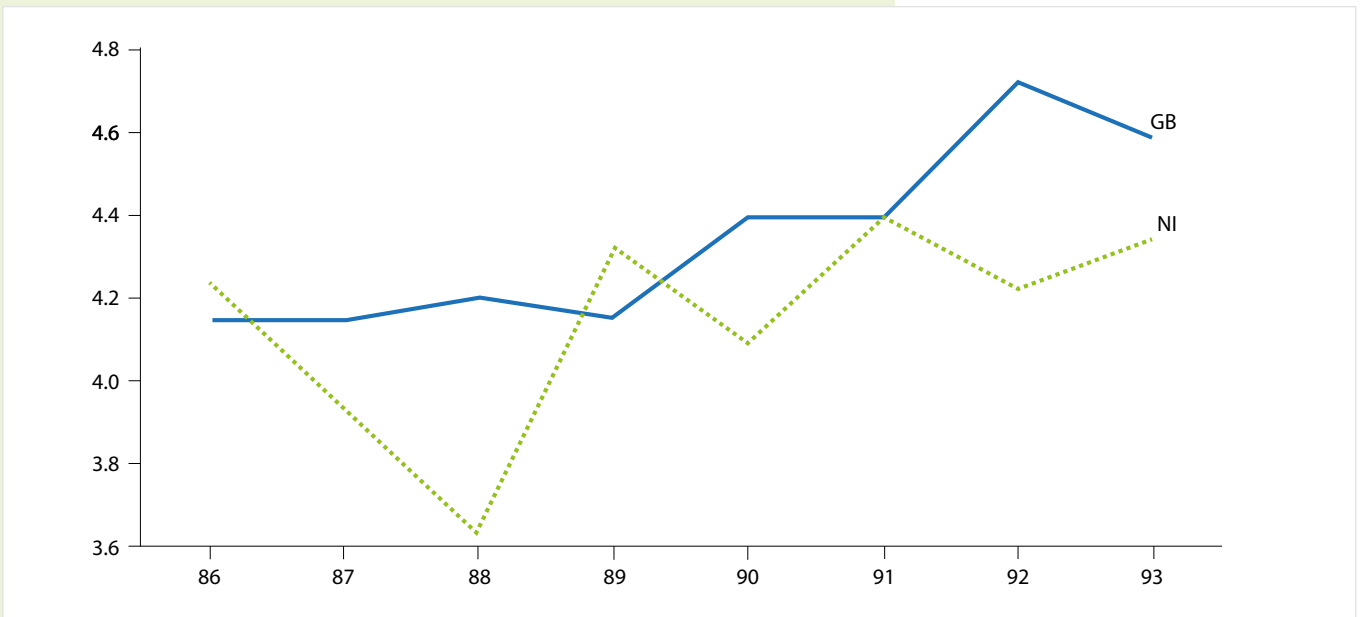
The UK changed from having the Gini coefficient characteristic of a social-democratic welfare state to the 'free-market' alternative during the Thatcher years. A once-and-for-all hike in inequality took place then which has never been reversed, as Figure 56 from the ONS shows. Research using the Family Expenditure Survey found a parallel step change in inequality in Northern Ireland during that period, as Figure 57 shows, using as a measure the ratio of income at the 90th and 10th percentiles.

Figure 56: UK Gini coefficients for original, equivalised and equivalised disposable incomes, 1977 to 2014-15



Source: ONS

Figure 57: the rising 90/10 coefficient, Great Britain and Northern Ireland, by year



Source: McGregor and McKee (1995)

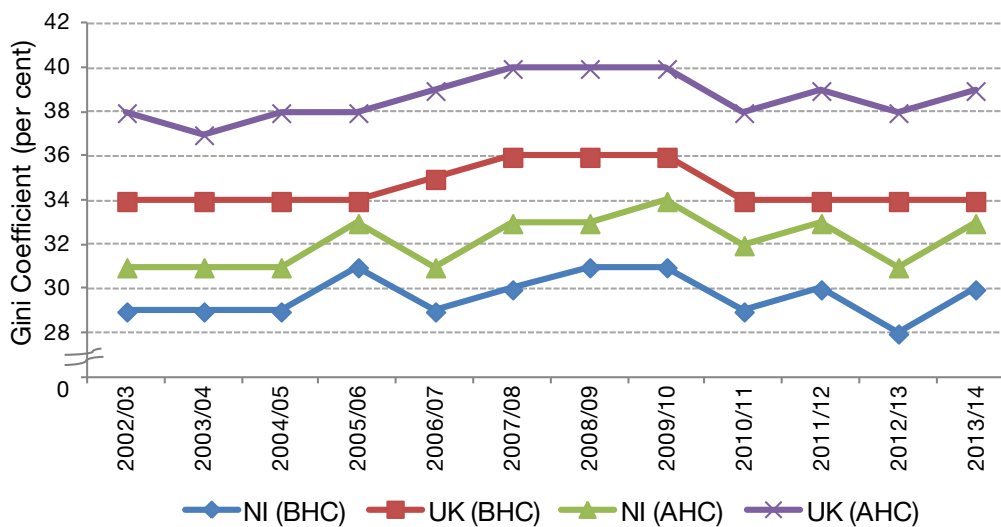
These data are important in that, in as far as inequality is debated in Northern Ireland it is as part of the regional political antagonism, hermetically sealed off from politics elsewhere—as if the determinants of inequality in the region were contained within it, on the model of sectarian discrimination under the pre-1972 devolved government. Yet Northern Ireland has a high rate of inequality, as we shall see, primarily because it is part of a market-oriented, conservative welfare system within a global context of rising inequality. The only econometric study to explore what proportion of income inequality in Northern Ireland could be explained by differences in mean income between Catholics and Protestants found that the answer was 1.6 per cent (Borooah *et al*, 1995). This is why the principal policy lever to tackle inequality in Northern Ireland, the provision in section 75(i) of the Northern Ireland Act 1998

implementing the Belfast agreement, has proved ineffectual (Wilson, 2007). This sense of Northern Ireland being stuck in a sectarian time warp as the global debate has moved on is captured in a 2015 report commissioned by the OFMDFM from the New Economics Foundation (NEF) in London. This noted: 'Inequality has been considered, but the focus has tended to be on inequality between groups defined by religion or gender, rather than overall economic inequality ... More generally, we found that there has been little change in the direction of policy over the years, with little learned from the experiences of [the crisis of] 2008.'

## 1.2 Income differentials

Northern Ireland's Gini coefficient for equivalised household disposable income is a little below that for the UK as a whole. This is particularly so when housing costs are taken into consideration. The data in Figure 58 come from the Households Below Average Income (HBAI) survey in 2013-14, published by the Northern Ireland Statistics and Research Agency (NISRA) in 2015.

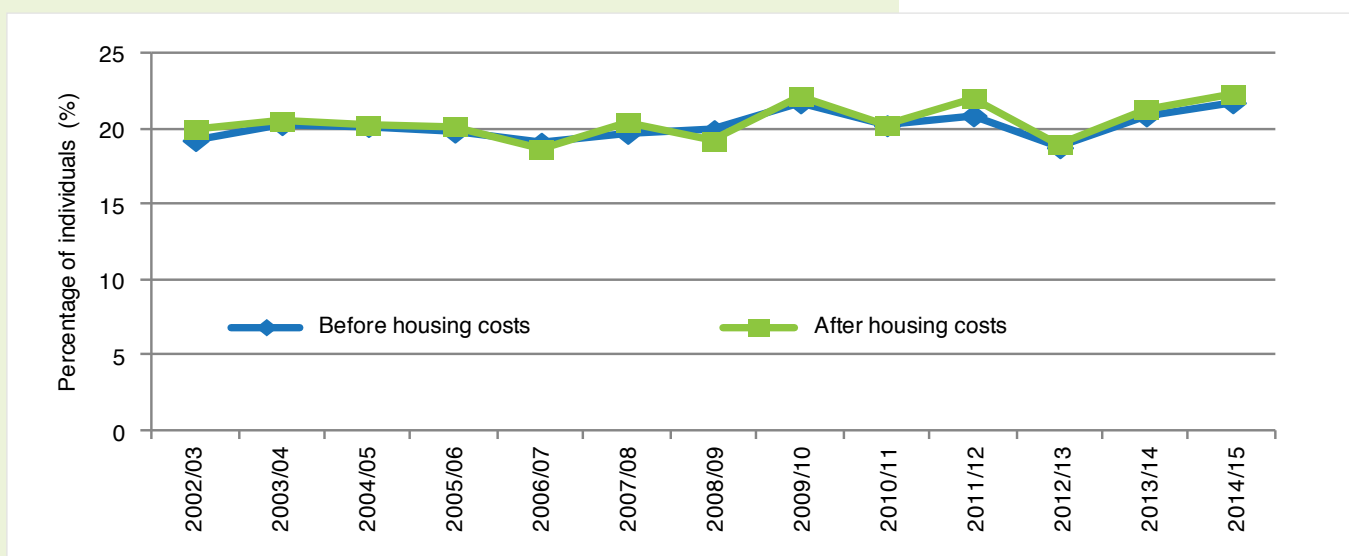
Figure 58: Gini coefficient, Northern Ireland and UK as whole, before and after housing costs, 2002-03 to 2013-14



Source: NISRA

There are many other ways of measuring inequality of income, one of which is to determine the proportion of households living on less than 60 per cent of the median income (that of the household which has exactly the same number of households above and below it in the income scale). And every year the story is broadly the same: roughly one in five individuals in Northern Ireland are in poverty, thus defined, about the same as the UK average. The steady trend over recent years, again taken from HBAI data (including select data from 2014-15 made available by NISRA in advance of the full dataset), is shown in Figure 59.

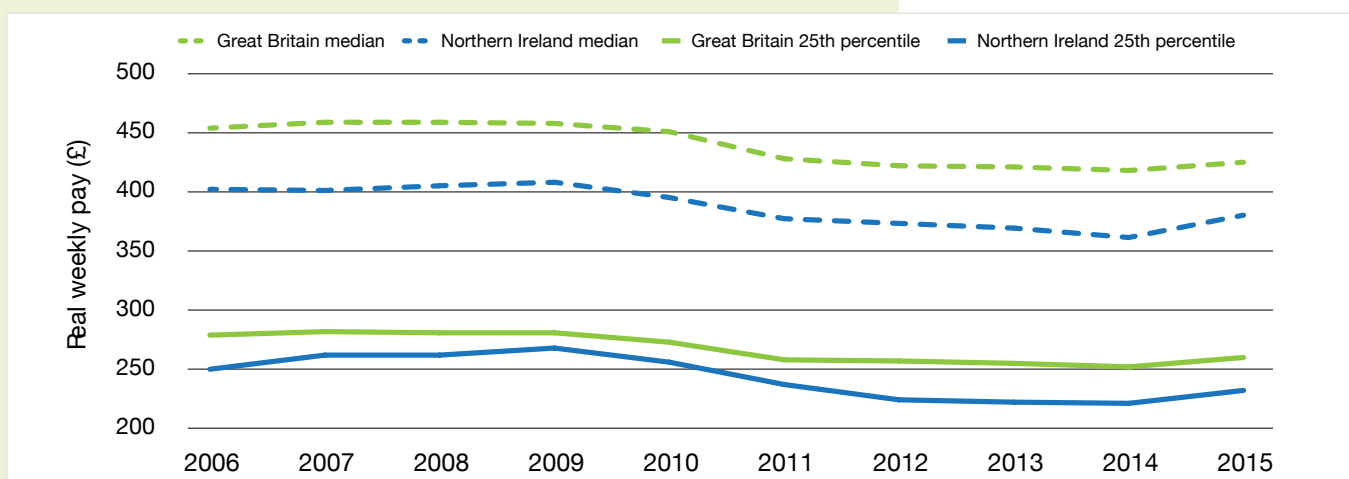
Figure 59: proportion of individuals in Northern Ireland below 60 per cent of median income, before and after housing costs, 2002-03 to 2014-15



Source: NISRA

Every year the New Policy Institute (NPI), supported by the Joseph Rowntree Foundation (JRF), draws on the HBAI statistics and other data to produce a report on poverty and social exclusion in Northern Ireland (as it does for the rest of the UK). In 2016 this highlighted how 45 per cent of those in poverty were now living in households where someone was in work, with a significant downward trend in weekly wages, as elsewhere in the UK but at a lower level, over the past decade (Figure 60).

Figure 60: weekly pay after inflation in Northern Ireland and Great Britain (£)

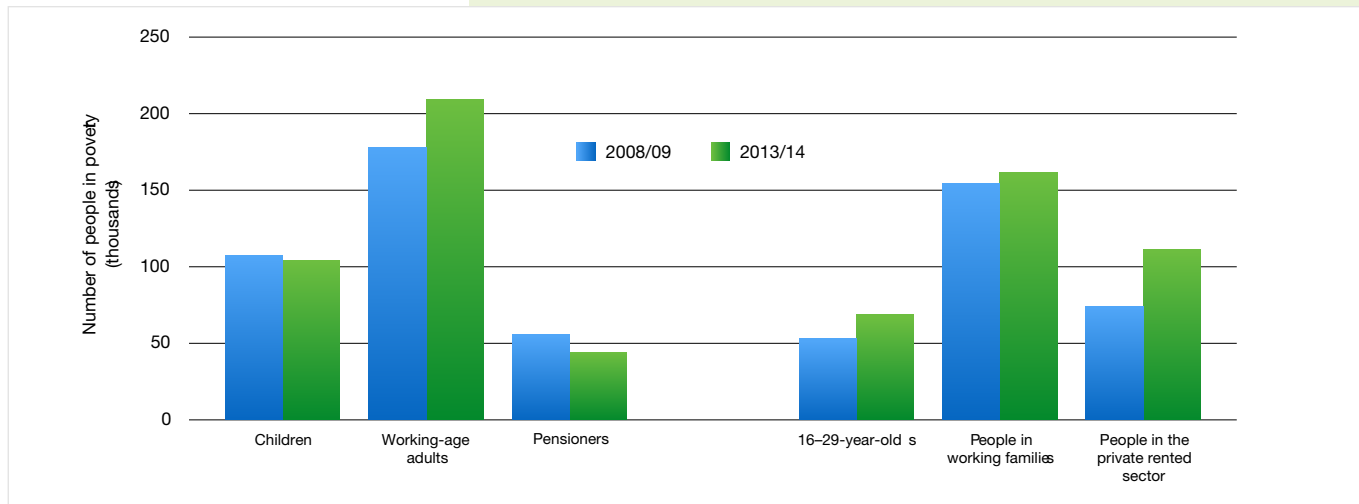


Source: NPI

There has been a dramatic reversal in housing tenure in Northern Ireland in the last decade. This has been accelerated by owner-occupiers using spare equity in their own property to invest in buy-to-let mortgages amid the depletion of social housing through the 'right to buy' and inadequate renewal—the stock of social housing fell by a fifth to 110,700 between 2001 and 2011, the Housing Executive reports in its latest housing-market review. According to Family Resources Survey (FRS) data, while in 2003-04 17 per cent of the population lived in social housing and 10 per cent in privately-rented accommodation, by 2013-14 the balance had reversed, with social housing receding to 14 per

cent of dwellings and the private-rented sector doubling in size to 21 per cent. Among 16-24 year-olds the change has been even more dramatic: in 2003-04 44 per cent were in private tenancies; by 2013-14 this had risen to 78 per cent. On average, private rents are 30 per cent higher than social rents in Northern Ireland, even though quality is highly variable and tenancies significantly less secure. All of this can be seen to connect with the rise of the 'precariat' described earlier. And NPI found that poverty had risen in Northern Ireland generally among working-age adults but particularly those (often overlapping) in the 16-24 age group and in the private-rented sector (Figure 61).

Figure 61: changes to the low-income population in Northern Ireland



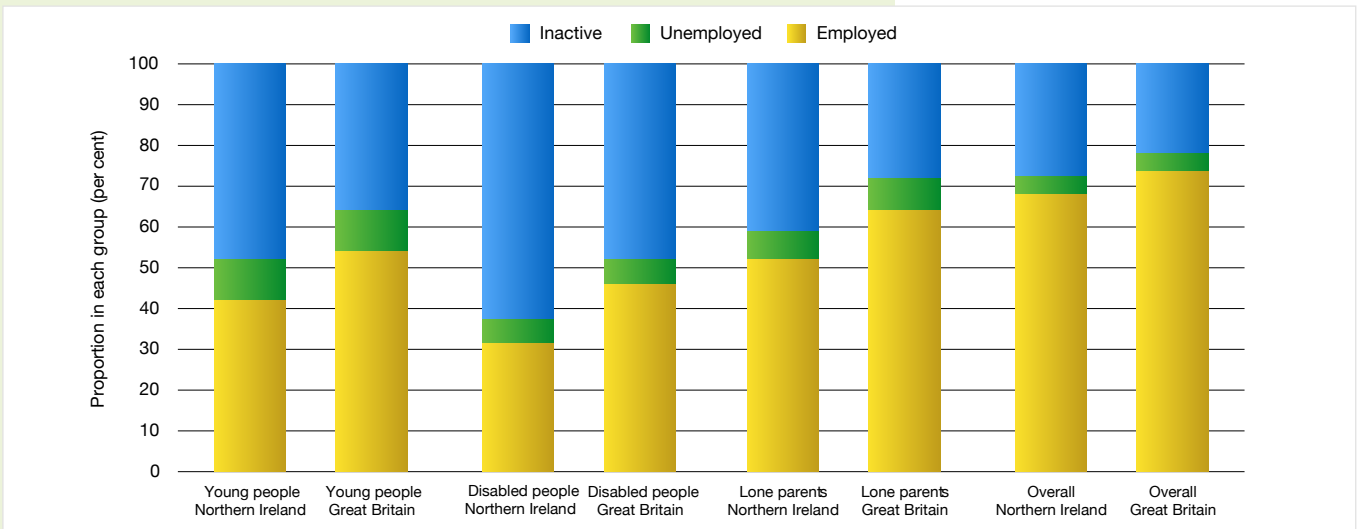
Source: NPI

Owning one's own home has conventionally been much more privileged in Britain and Ireland than in mainland Europe, yet this is clearly a receding horizon for many young people in Northern Ireland, lacking a secure foundation in tenured and reasonably remunerated employment. The FRS data show that in 2003-04 66 per cent of 25-34 year-olds were buying their home with a mortgage, while only 16 per cent were renting privately. A decade later, the homebuyers had plummeted to 35 per cent, while the proportion in private tenancies had soared to 47 per cent.

What about those outside the labour market? Northern Ireland has a structural problem with lower economic activity than the UK average, which consistently runs to several percentage points. NPI disaggregated these data to show how economic inactivity—with the associated poverty—is concentrated among three social groups: young people, people with disabilities and lone parents, as Figure 62 shows. (Note that the differential in activity among young people is mainly accounted for by higher continuing participation in education in Northern Ireland.)



Figure 62: economic activity for different groups in Northern Ireland and Great Britain, 2014-15

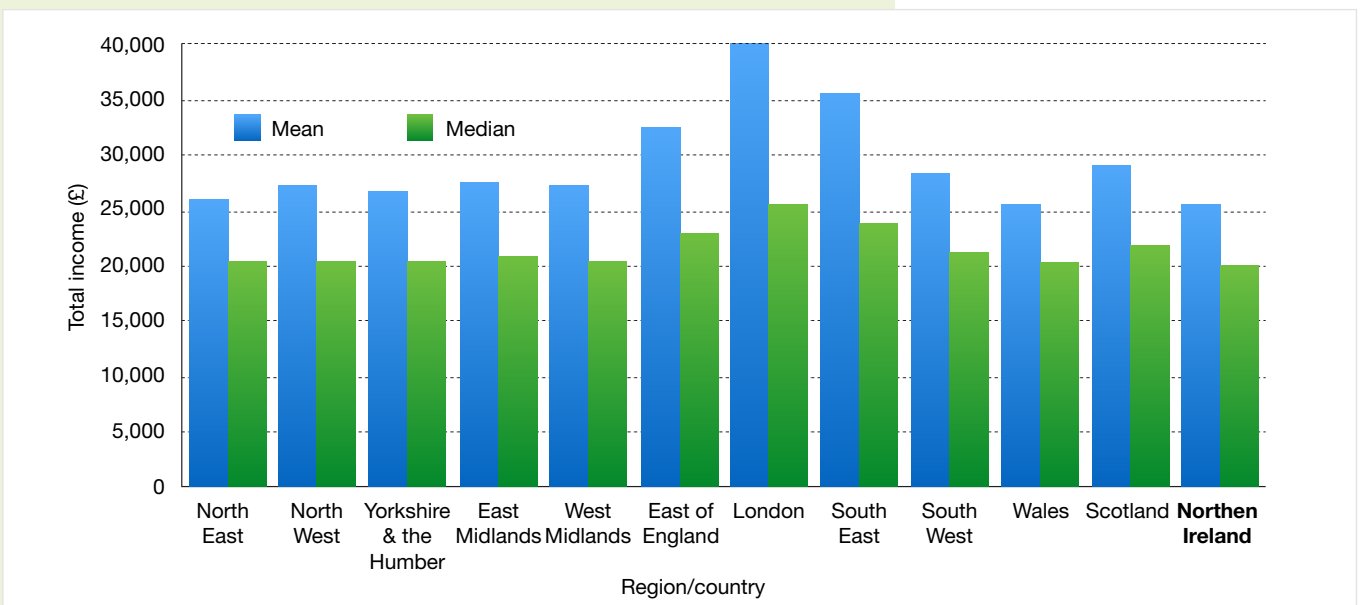


Source: NPI

### 1.3 The wealthy

The previous section suggests a conundrum. How can Northern Ireland have roughly the same poor proportion of its population as the UK average, yet have a lower Gini coefficient? The answer seems to be that it has a smaller proportion of the very wealthy. The super-rich will drag up the mean (average) by comparison with the median (mid-sample) income, because the lowest incomes tend to zero whereas the highest tend to infinity. Hence the difference between the top and bottom halves of the distribution will be all the greater where there are many super-rich, pulling the mean away from the median. And Her Majesty's Revenue Commissioners (HMRC) [data](#) on personal income taxpayers bear this out. Contrast (Figure 63) the big gap between the mean and the median in London with the small gap in Northern Ireland (likewise Wales).

Figure 63: mean and median income by region/nation, 2013-14



Source: HMRC

This is also borne out by the HBAI data, which show a significantly weaker tail of high-income earners in the Northern Ireland spectrum than in that for the UK as a whole, as Figures 64 and 65 (both after housing costs) show.

Figure 64: income distribution for the total Northern Ireland population, 2013-14

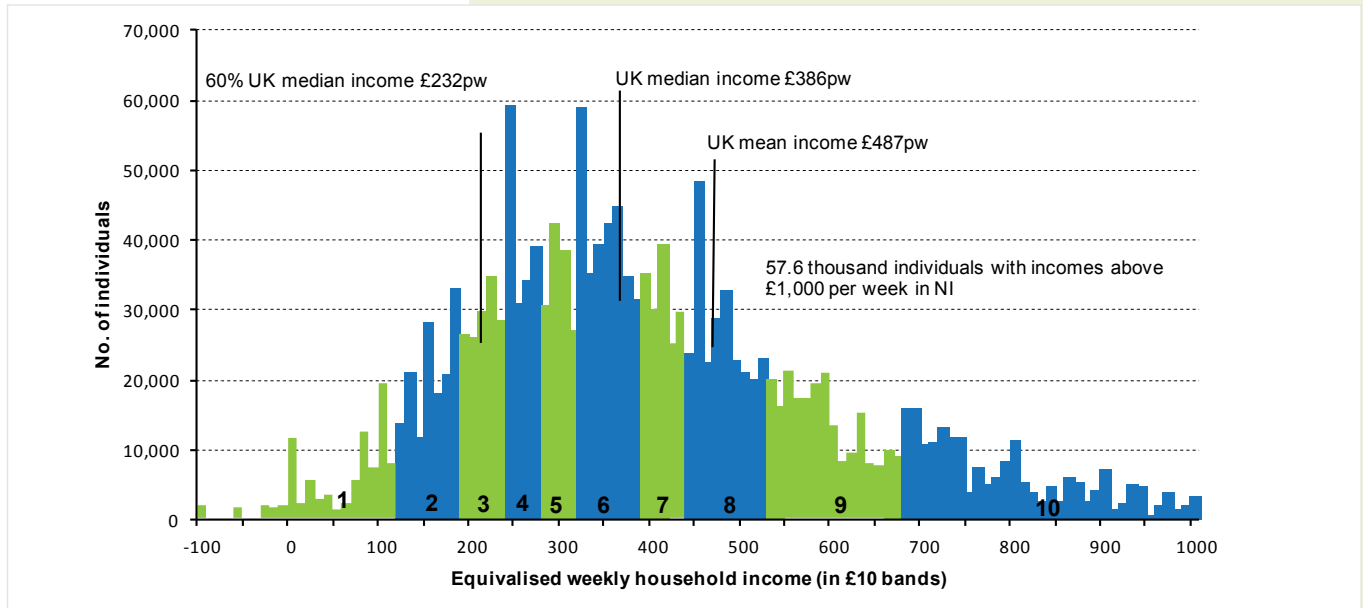
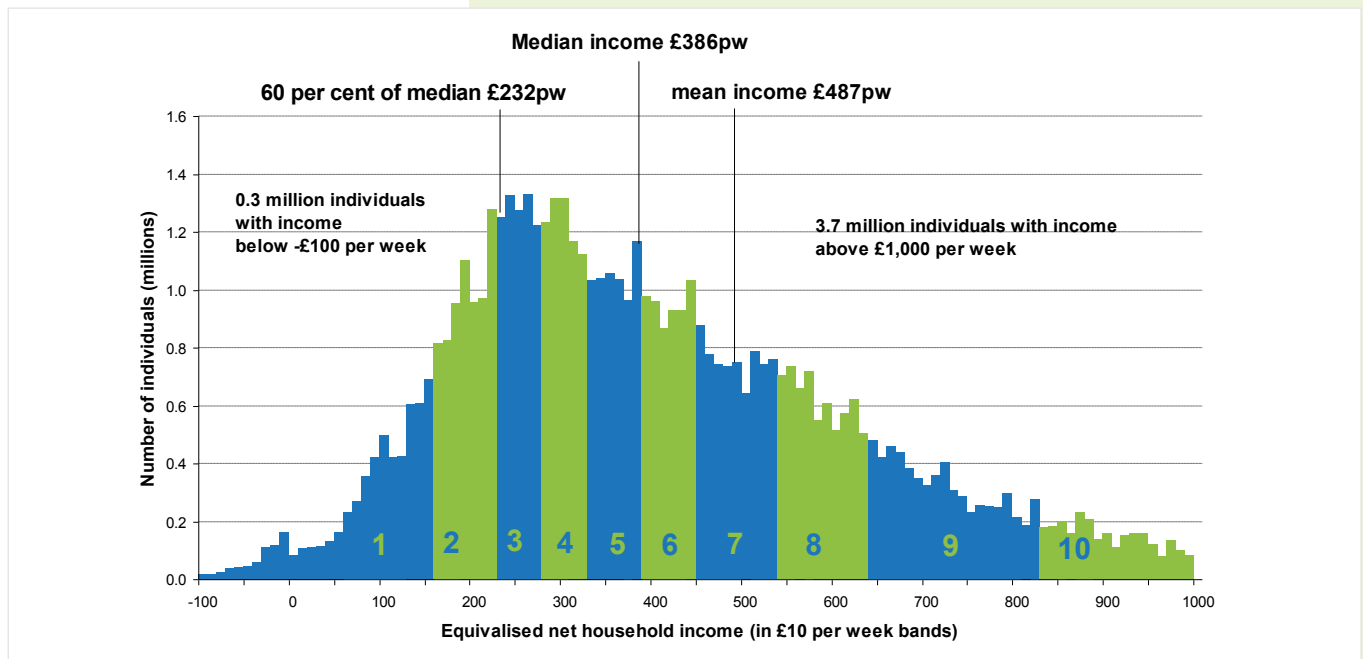


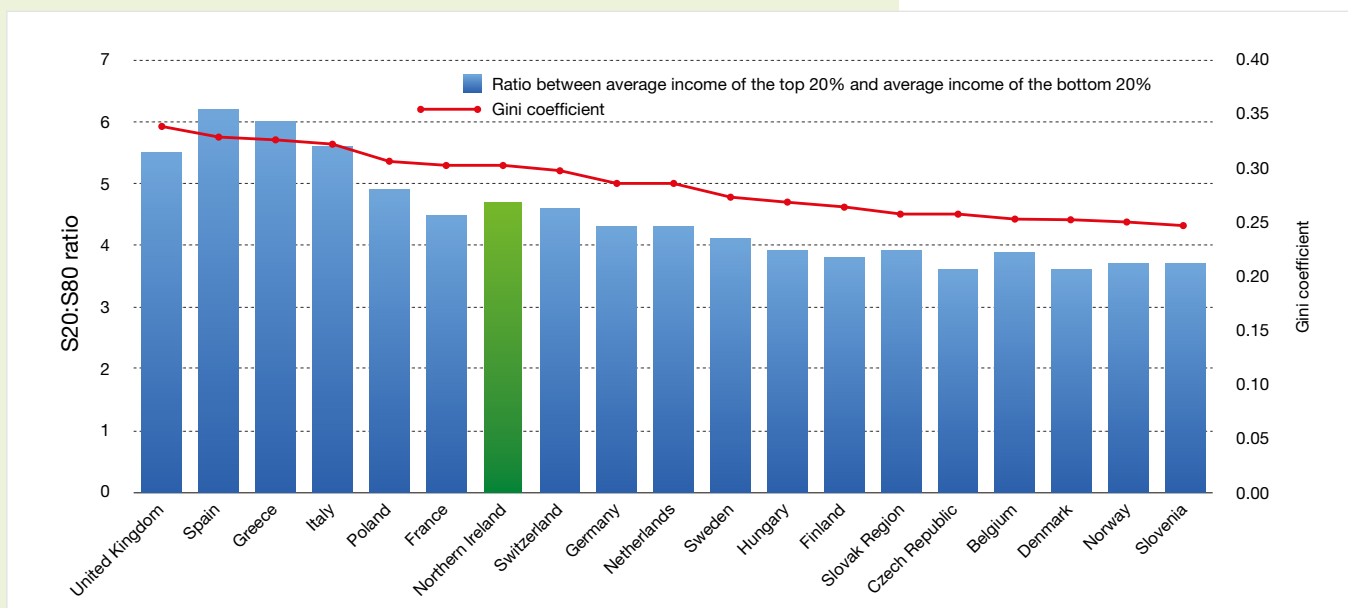
Figure 65: income distribution for the total UK population, 2013-14



Source: NISRA

This means, by default rather than public policy, that Northern Ireland is actually the least unequal region of one of Europe’s most unequal states, based on income. Figure 66, taken from an NPI research paper for the Northern Ireland Council for Voluntary Action (Tinson *et al*, 2016), draws on 2010 OECD data to compare income ratios between the top and bottom quintiles, and Gini coefficients, across Europe. While the UK is up there with the poor and unequal southern European cases with the most modest welfare states, Northern Ireland is in the central-European pack—albeit that leaves it still much more unequal than the Nordic leaders.

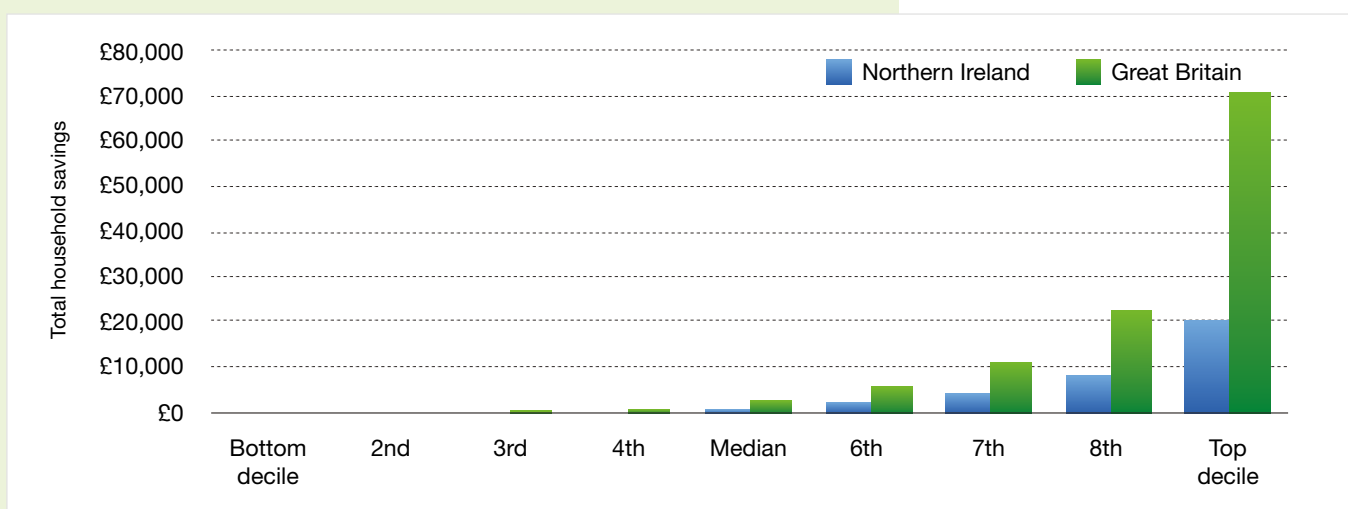
Figure 66: top and bottom quintile income ratios and Gini income coefficients, 2010



Source: Tinson et al (2016)

While the words 'wealthy' and 'rich' are often interchanged, of course *wealth* and income are quite different things. Defined strictly as the household balance sheet (assets – liabilities), private wealth follows an even more unequal pattern than income. The [Crédit Suisse Global Wealth Databook 2015](#) shows that most developed countries have a wealth Gini coefficient of around 70. NPI however found that Northern Ireland's wealthy are not so asset-rich either, in relative terms, as their counterparts in Great Britain. While having savings of at least £70,000 would be required to come within the top decile of savers in Britain, to join this 10 per cent club in Northern Ireland would only require savings of £20,000 or over, as Figure 67 (using data averaged over the three years to 2013-14) shows. Having said that, savings are a readily measurable but small, and by definition inefficiently deployed, proportion of the assets of the wealthy, so this comparison should be treated cautiously. Total personal wealth in Northern Ireland, mainly comprising property and land, has been estimated at close to £100 billion (Hillyard, 2014).

Figure 67: total household savings, Northern Ireland and Great Britain, by decile

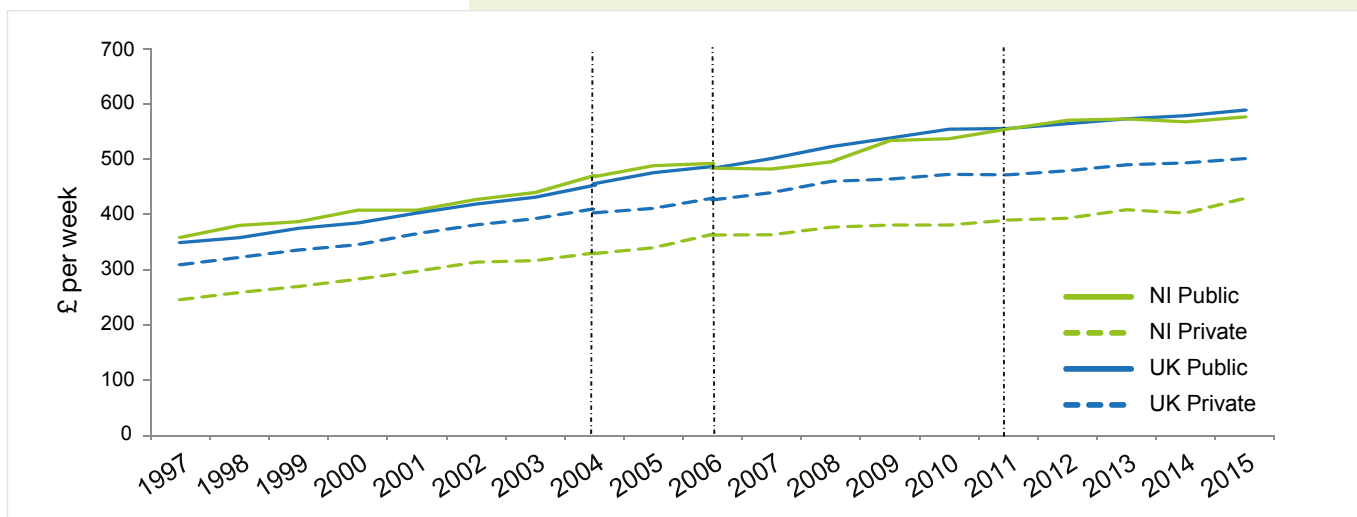


Source: Tinson et al (2016)

## 1.4 Household income

The 2015 Northern Ireland Annual Survey of Hours and Earnings (ASHE) found that median gross weekly full-time earnings had risen in the region by 5.4 per cent on 2014, from £460 to £485. Private-sector earnings had risen by even more, 6.7 per cent, whereas austerity-constrained public-sector salaries had only grown by 1.6 per cent. Yet this was deceptive. Wages and salaries remained significantly lower in Northern Ireland than the UK average: the 2015 ratio was 92 per cent. And in absolute terms private-sector weekly incomes were still much lower (£429) than public (£577). As Figure 68 shows, the gap in median earnings between Northern Ireland and Great Britain stems entirely from its weaker private sector, whereas public-sector workers are still largely covered by 'nationally' negotiated packages—something rarely taken into account in economic debate in Northern Ireland, which takes for granted that the public sector is too large and the private sector too small.

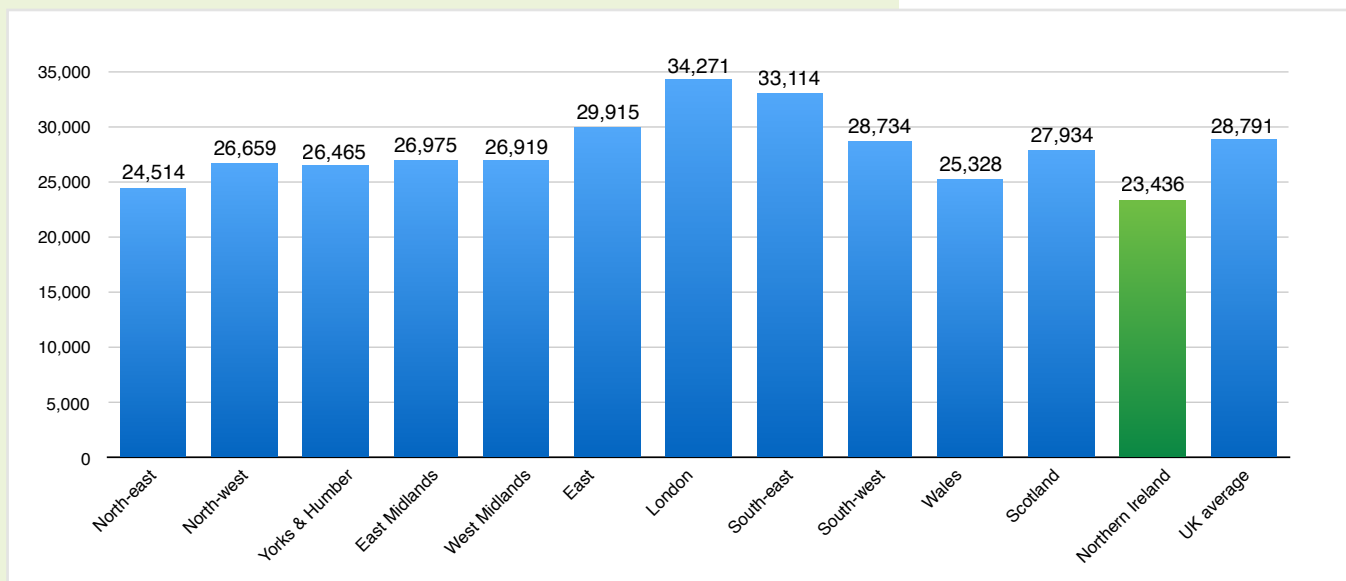
**Figure 68: median gross weekly earnings (Northern Ireland and UK) for full-time public- and private-sector employees, 1997 to 2015**



Source: NISRA

The ONS produces data on household income disaggregated by region, along with the UK average. The last year for which data are available is 2013-14. Northern Ireland had the second lowest original income (mainly wages, self-employment and private pensions), at £25,540, of any UK region/nation, the average being £32,251, with only the north-east of England coming lower because of even lower salary levels. Notably, bearing out its relative lack of wealth, investment income (at £320) was less than a third of the UK household average. Perhaps surprisingly at first sight, direct benefits paid in cash in Northern Ireland (£6,112) only amounted to marginally more than the UK average (£6,005): while unemployment and disability benefits loomed larger, as did student support, the younger average population meant pension payments were lower. Taxes and national insurance contributions were lower in the region, linked to lower salaries, although rates—and consumers in Northern Ireland pay no water charges, unlike in Great Britain—were lower (at £880) than council tax on the other side of the Irish Sea (£1,058). This left disposable income in Northern Ireland still ahead of the north-east laggard but the region's larger mean family size meant that it had the lowest equalised household income (£23,436) across the UK—£5,355 short, at 81.4 per cent, of the UK average (Figure 69).

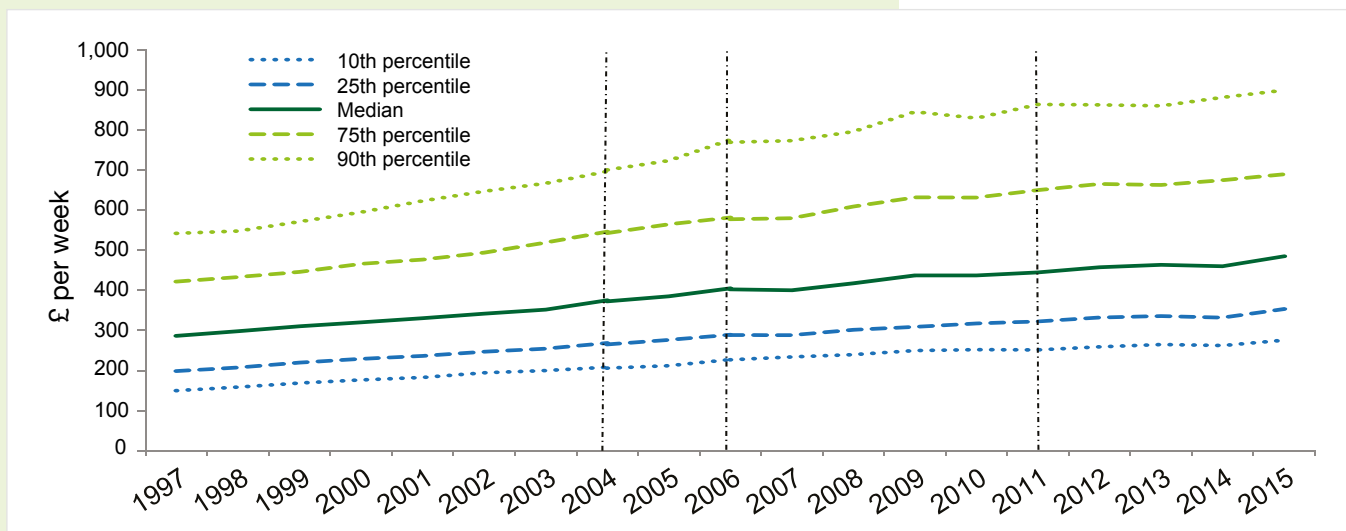
Figure 69: equivalised household income by region/nation, 2013-14 (£)



Source: ONS

The gap between high and low earners in Northern Ireland has remained stubbornly wide, as disaggregated ASHE data show (Figure 72). The 90/10 ratio between the top and bottom decile in full-time gross weekly earnings was 3.6 in 1997 and 3.3 in 2015. In the latter year the top decile earned more than £899 per week but the lowest earned less than £276.

Figure 72: distribution of full-time gross weekly earnings in Northern Ireland, 1997-2015

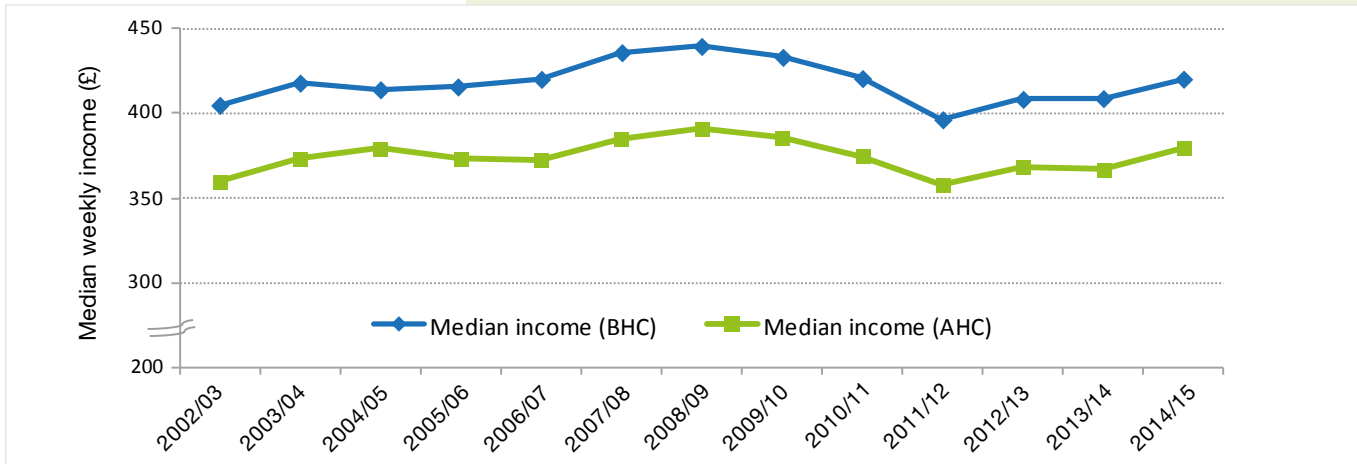


Source: NISRA

Largely under the media radar, a quiet crisis has been developing in Northern Ireland in recent years. With living standards deteriorating, until a modest recent uptick, as HBAI [data](#) rehearsed in Figure 71 show, many households have had to get into debt to finance (albeit unsustainably) day-to-day expenditure. Most have no reserves to draw on: 59 per cent of households, according to the FRS, have no savings and this proportion is higher still among lone parents, the jobless and those on low incomes. According to research by the Money Advice Service, 15 per cent of the adult population in the region—that’s 217,000 individuals—are over-indebted. Yet the vast majority, given the

stigma attached, suffer in silence: only 11 per cent of that group are in receipt of help to attempt to manage down their debts. Citizens Advice dealt with more than 9,000 such requests in 2015 (*Belfast Telegraph*, 8 January 2016).

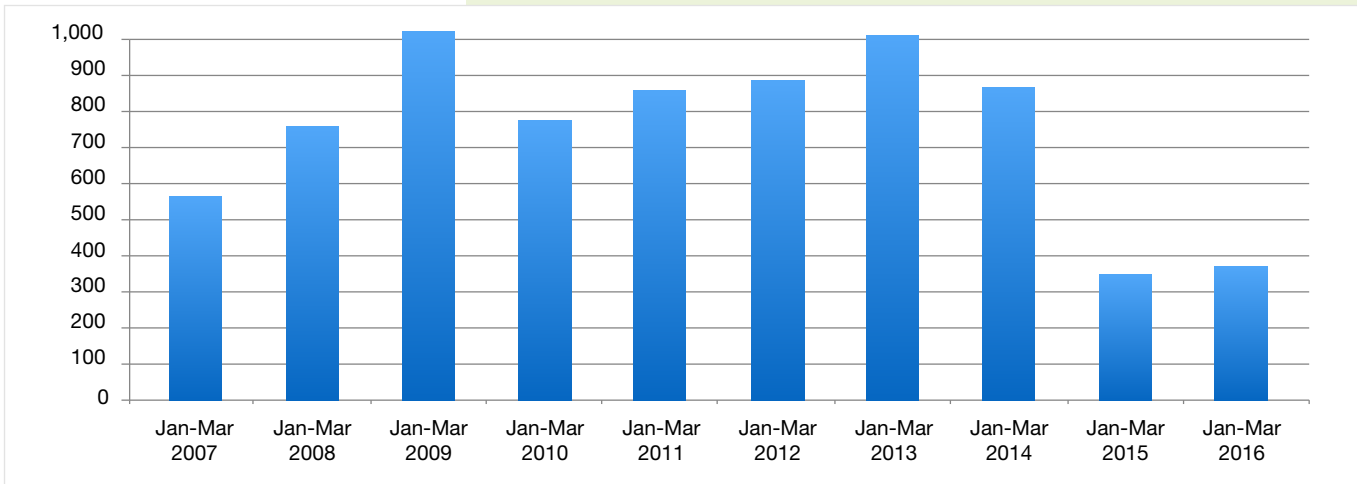
Figure 71: median income (2014-15 prices), before and after housing costs



Source: NISRA

That over-indebtedness has tipped over in many cases to homeowners being unable to service their mortgages. Between 2007 and 2014, 6,286 homes were repossessed by banks and building societies but that represented a surge from 139 in 2007 to 1,522 in 2013, as the economic crisis took hold (*Belfast Telegraph*, 2 June 2015). There has, however, been an easing in the more recent past, as Figure 72 shows, comparing applications for repossession in the first quarter of 2016 with the same quarter in preceding years.

Figure 72: applications for repossession in Northern Ireland, Q1 of each year

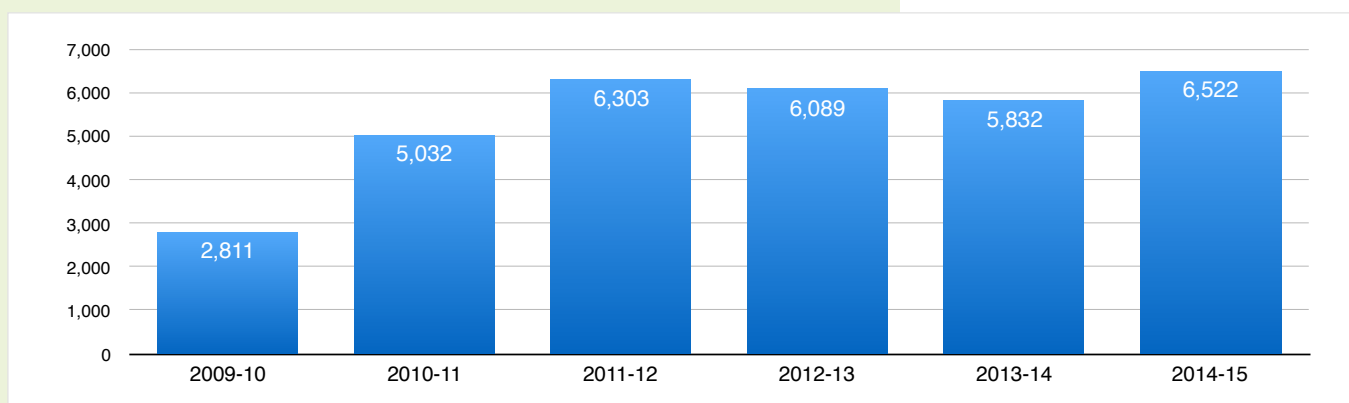


Source: Northern Ireland Courts and Tribunals Service

The homelessness pressure group Shelter was formed as a result of the famous 'Wednesday play' *Cathy Come Home*, televised by the BBC in 1966 (and rebroadcast on its 50th anniversary), which saw a couple with young children driven into destitution. The Children and Young People's Strategic Partnership (CYPSP) is a multi-agency network in Northern Ireland which regularly monitors outcomes for young people. Figure 73 comes from its March 2016 monitoring report. It shows how the number of households with children presenting as homeless to the Northern Ireland Housing Executive has risen inexorably in the years since the crisis. Five homeless people died on the

streets of Belfast in the first three months of 2016 (BBC NI news, 20 March 2016).

**Figure 73: households with children presenting as homeless to the Housing Executive, 2009-10 to 2014-15**



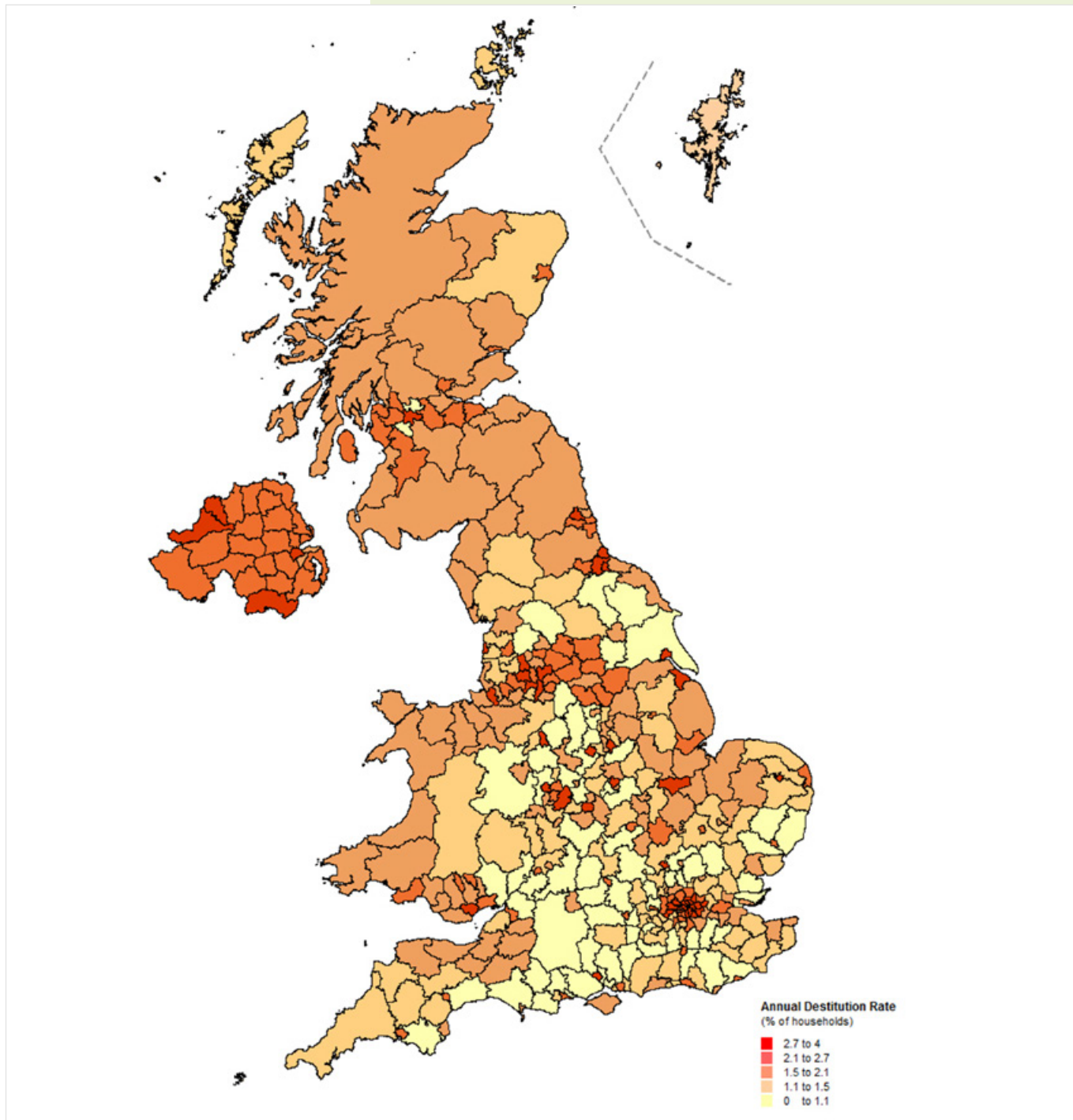
Source: CYPSP

If the living-standards crisis has meant several thousand households have lost their homes, many more have been unable to put food on the table at times. Food banks have proliferated since the onset of the crisis, largely co-ordinated by the UK-wide Trussell Trust, which recognises 37 food banks in Northern Ireland. Worryingly, Trussell reports that usage of its food banks rose in 2015-16 by almost half (48 per cent) to 27,555 packages, including 11,155 going to children. The Ireland secretary of the trade union Unite, Jimmy Kelly, said the figures reflected 'the failure of the Northern Ireland Executive to act to raise incomes for the working poor' (BBC NI news, 15 April 2016).

Entitlement to free school meals accordingly breached the threshold of 100,000 pupils in 2015-16, reaching a total of 101,063, a rise of 16,000 in two years. Now over three in ten of the total school population (330,411) are able to receive free meals, though around one in five of those do not avail themselves of the opportunity (BBC NI news, 14 April 2016). This is likely again to be due to the associated social stigma, whereas in Europe's best educational performer, Finland, all schoolchildren receive a free lunch (Sahlberg, 2011).

Unsurprisingly in this context, Northern Ireland emerges as a blackspot for destitution. In April 2016 the JRF published *Destitution in the UK*, based on survey data and interviews secured via third-sector crisis services. It defined destitution as the respondent lacking, over the previous month, two or more essentials—shelter, food, heating, lighting, clothing and/or basic toiletries—or having such extremely low income as to be unable to purchase them. It was typically precipitated by benefit delays or sanctions or by debt becoming unsustainable. On this basis, the foundation compiled a map of destitution across the UK. It acknowledged that the non-inclusion of Northern Ireland in many UK data sources meant that information from the region was 'very limited'. Nevertheless, as Figure 74 shows, it can be seen to take its place alongside the central belt of Scotland, the north-west of England and inner London as suffering from high destitution rates—most of all in Belfast, Derry and the north-west and south Armagh. Indeed north Down and Ards emerges as the only area within Northern Ireland where the prevalence of destitution is less than one in 50 households.

Figure 74: estimated annual destitution rate by local-authority district, based on secondary indicators, 2015



Source: JRF

This picture is reinforced by the [Asda Income Tracker](#), a collaboration between the retailer and the Centre for Economics and Business Research which last reported in 2013. This assesses not just trends in income but also the cost of living, to arrive at an estimate of disposable household income after essentials have been paid for. As Figure 75 shows, the high cost of living in Northern Ireland means that households have the lowest level of disposable income across the UK regions and small nations. And Asda projected that under austerity this could only get worse, with a further 20 per cent drop in disposable income per household forecast for the region by 2018.



Figure 75: net annualised household income, cost of living and thus disposable income across the UK regions/nations, including 2018 projection

Annualised figures	Net incomes			Cost of living			Discretionary incomes		
	2008	2013	2018	2008	2013	2018	2008	2013	2018
North East	£22,400	£25,700	£29,100	£16,500	£19,000	£22,300	£5,900	£6,700	£6,800
North West	£25,200	£28,900	£32,700	£18,900	£21,900	£25,600	£6,200	£7,000	£7,100
Yorkshire & Humber	£23,500	£26,800	£30,300	£17,500	£20,300	£23,700	£6,000	£6,500	£6,600
East Midlands	£26,000	£29,700	£33,500	£19,300	£22,500	£26,300	£6,700	£7,200	£7,200
West Midlands	£24,900	£28,500	£32,200	£18,300	£21,400	£25,100	£6,600	£7,000	£7,100
East	£29,900	£33,900	£38,600	£21,300	£24,500	£28,700	£8,600	£9,400	£9,900
London	£36,000	£40,600	£46,000	£24,700	£28,400	£33,400	£11,400	£12,200	£12,600
South East	£30,600	£34,900	£39,600	£22,900	£26,300	£30,900	£7,700	£8,600	£8,600
South West	£27,300	£31,300	£35,300	£20,700	£24,000	£28,100	£6,600	£7,300	£7,200
Wales	£24,400	£28,000	£31,500	£17,600	£20,500	£24,000	£6,800	£7,500	£7,500
Scotland	£26,700	£30,200	£34,000	£18,800	£21,900	£25,600	£8,000	£8,300	£8,500
Northern Ireland	£23,700	£27,000	£30,400	£20,600	£24,100	£28,000	£3,100	£3,000	£2,400

Source: Asda Income Tracker

The United Nations Committee on Economic, Social and Cultural Rights, which monitors the performance of states-party with regard to the International Covenant on Economic, Social and Cultural Rights, was highly critical of the UK in its [observations](#), published in June 2016, on the state's latest periodic report under the convention. Noting the 'adverse impact' of social-security reforms, it called for 'immediate measures' to reduce the 'exceptionally high level of homelessness, particularly in England and Northern Ireland'. While housing is a devolved responsibility, the committee also bemoaned the lack of engagement by the Northern Ireland authorities with its deliberations.

## 1.5 The assembly's 'anti-poverty' strategies

Under the direct-rule interregnum between the two phases of post-agreement devolution in Northern Ireland, the Labour government promulgated key policy documents covering the strategic challenges faced by Northern Ireland because of its history—sectarianism (*A Shared Future*) and social exclusion (*Lifetime Opportunities*)—as well as one the region faces as with any other in the world: sustainable development (*First Steps Towards Sustainability*). The last of those has not survived the executive's prioritisation of 'the economy', conventionally conceived, in its Programme for Government. The first was shelved by the incoming administration in 2007 and, eight years after its appearance, replaced by *Together: Building a United Community*, as we shall see. The second appeared in November 2006, after close consultation between the advisor to the Northern Ireland secretary, Peter Hain, and senior representatives of the Northern Ireland Council for Voluntary Action (NICVA). It had been a long-running complaint of some Northern Ireland politicians that direct rule had allowed such 'unelected' interlocutors disproportionate access to government and the incoming executive did endeavour to replace *Lifetime Opportunities* by a policy devolved ministers would design. But this proved beyond them and the 'architecture and principles' of *Lifetime Opportunities* were endorsed, without fanfare, in October 2008.

The difficulty was that there was a potential discrepancy between the executive's lukewarm embrace of *Lifetime Opportunities* and the statutory duty placed on it by the St Andrews agreement of 2006, under which devolution had been renewed. This agreement led to an amending article 28E of the Northern Ireland Act 1998 implementing the Belfast agreement. It read:

28E Strategy relating to poverty, social exclusion etc.

- (1) The Executive Committee shall adopt a strategy setting out how it proposes to tackle poverty, social exclusion and patterns of deprivation based on objective need.
- (2) The Executive Committee—
  - a. Must keep under review the strategy; and
  - b. May from time to time adopt a new strategy or revise the strategy.

Had the executive implemented this clause? The Committee on the Administration of Justice thought not and it pursued a judicial review of the executive's actions to that effect. Justice Seamus Treacy ruled in the High Court in Belfast in June 2015 that the CAJ was right:

The Oxford English Dictionary defines a 'strategy' as a 'plan of action designed to achieve a long term or overall aim'. In adopting only the 'architecture and principles', the Executive adopted something that was inchoate. There is no evidence before me that this inchoate strategy was ever finalised. There is no evidence that it was ever crafted into a road map designed to tackle the issues referred to in the section.

The executive had not developed such a revised strategy by the time of the May 2016 assembly election. It remained a requirement of the Programme for Government for detailed elaboration between the parties to the new administration in the aftermath. One source for that strategy could be the report of a commission on intergenerational poverty and social exclusion established at the request of the Labour Party in advance of the Westminster election and launched in Belfast in November 2015. The commission was co-chaired by Prof Deirdre Heenan, a long-time social-policy expert at Ulster University, and Colin Anderson, a businessman. In their foreword the co-chairs said: 'Northern Ireland urgently needs a flagship anti-poverty programme, which is a coherent cross-departmental strategy that enables working in a joined-up way.' In line with the norm in Europe's more egalitarian Nordic societies of treating children as a 'positive collective good' and investing in public childcare (Esping-Andersen, 2009), they said: 'There is a wealth of evidence nationally and internationally which highlights the importance of early intervention to reduce costs and lost opportunities further on down the line. Many existing strategies acknowledge the value of early intervention, but there is little evidence of this approach being adopted in a systematic way.' At the heart of the commission's recommendations was thus 'a universal and affordable childcare system', allied to integrated ante- and post-natal, parenting and child-development services. The UN Committee on Economic, Social and Cultural Rights was also to demand that childcare be rendered more accessible and affordable in the UK, particularly in Scotland and Northern Ireland. The commission further called for the region's transfer tests to be replaced by continuous assessment of pupils—school students in Finland do not undergo any externally-standardised examinations till matriculation at 18 or 19 (Sahlberg, 2011)—and for an integrated system of education for 14-19 year-olds.

As to adults, the NEF report referred to above saw a key part of tackling poverty in Northern Ireland as promoting what it called 'good jobs'. Conventionally, anti-poverty strategies in the region have defaulted to neighbourhood-based approaches. These have been remarkably unsuccessful: from Belfast Areas of Need in the 1970s, such programmes have stubbornly failed to shift the pecking order of prosperous and poor neighbourhoods across the region, as the previous monitoring report highlighted. That is because they assume that poor households are poor because they live in poor areas, rather than being simply sorted there—having been impoverished by wider social forces—by the working of the housing market (Gibbons *et al*, 2005). On a wider European canvas a focus on the quality of working life, including work-life balance, has been advanced as a key element of a renewal of welfare (Gallie, 2002). NEF [proposed](#) a region-wide focus on the labour market, with the following recommendations:

- Leverage social clauses in public procurement so that good jobs are prioritised.
- Promote living-wage initiatives, over and above the UK-wide minimum.
- Boost employers' demand for skills, rather than just expecting workers to upskill.
- Build in progression routes for workers from low-wage/low-skill positions.
- Address pay ratios between the top and bottom in the public and private sectors.
- Boost domestic investment to avoid reliance on foreign direct investment.
- Develop job guarantees through careful use of public subsidies.
- Establish a Northern Ireland investment bank and promote banking diversity.
- Support and grow co-operative ownership models which can create the conditions for good employment.
- Develop community ownership of local assets, with similarly beneficial impacts on the quality of employment.

Reduction of resource inequality, however, by definition involves redistribution of resources from the better- to the worse-off: it has been the process of transfer in the opposite direction in recent decades which has seen inequality progressively worsen. Discussion of inequality has not, however, addressed such issues in Northern Ireland, where any debate about tax variation has been confined to acquisition of devolved power to reduce capital taxation, as discussed earlier. When devolution was restored in 2007, an Independent Water Review Panel, commissioned by the then minister for regional development, recommended that that portion of the cost of water and sewerage not yet accounted for within the regional rate be added to it. This would have been broadly progressive, in taxing asset-rich households more than the asset-poor. Since then, however, the regional rate has been frozen in real terms and a cap introduced on rates on properties worth more than £400,000. In 2015, the chair of the review, Paddy Hillyard, emeritus professor at Queen's University, protested about the inaction which had followed his panel's report (*Belfast Telegraph*, 23 January 2015).

Where there has been more activity has been in the collection of data. Fully 29 'outcome indicators' are annually monitored in the context of *Lifetime Opportunities*—though Justice Treacy made clear that this did not add up to having a strategy. In the absence of policy addressing the underlying income differentials, over the long-term these have mostly deteriorated or remained unchanged, although a minority have improved, as Figure 76 shows.

The indicators are taken from the 2015 OFMDFM [report](#), with green arrows going in the direction intended by the policy, red in the wrong one and yellow showing no change.

Figure 76: trends in *Lifetime Opportunities* income-poverty indicators

Income poverty indicators							
Indicator		Year on year progress			Long term trend		
1	Relative poverty rate (UK median)	2012/13	2013/14	↑	2002/03	2013/14	↑
		19%	21%		19%	21%	
2	Relative poverty rate (NI median)	2012/13	2013/14	↑	2002/03	2013/14	↓
		13%	15%		16%	15%	
3	Absolute poverty rate (UK median)	2012/13	2013/14	↑	2002/03	2013/14	↑
		20%	23%		20%	23%	
4	Urban rural relative poverty comparison (Urban)	2011/12	2012/13	↓	2002/03	2013/14	↔
		20%	19%		19%	19%	
4	Urban rural poverty comparison (Rural)	2011/12	2012/13	↓	2002/03	2013/14	↑
		23%	21%		20%	21%	
5	Ratio between median household income of top 20% of the income distribution to the bottom 20%	2012/13	2013/14	↓	2002/03	2013/14	↓
		3.7	3.6		3.9	3.6	
6	Relative median poverty gap	2012/13	2013/14	↑	2002/03	2013/14	↓
		19%	21%		22%	21%	
7	Proportion of households living just below the poverty line	2012/13	2013/14	CS	2002/03	2013/14	↑
		9%	8%		7%	8%	
7	Proportion of households living just above the poverty line	2012/13	2013/14	CS	2002/03	2013/14	↔
		10%	9%		9%	9%	
8	Relative low income poverty rate before social transfers	2012/13	2013/14	↑	2002/03	2013/14	↑
		45%	46%		42%	46%	
9	Number of working-age people in receipt of out of work benefits for 2+ years	2014	2015	↑	2002/03	2013/14	↑
		135,900	138,800		138,500	138,800	
10	Proportion of individuals in households without savings	2012/13	2013/14	↑	2002/03	2013/14	↑
		53%	56%		47%	56%	
11	Percentage of household weekly expenditure on necessities **No update available beyond 2009**	2008	2009	↑	2001/02	2009	↓
		34%	36%		37%	36%	

\* cs = can't state  
Source: OFMDFM

But, according to the independent Institute for Fiscal Studies, there is worse to come. In September 2014, it provided an updated [briefing](#) to the OFMDFM on its projections for inequality, taking account of changes enacted or envisaged in tax and welfare. Figure 77 compares, after housing costs, actual data for 2013-14 with forecasts for 2020-21, focusing on the proportion of children and adults living in households with less than 60 per cent of median UK (equivalised) income. Clearly the forecasts were uncertain—affected by subsequent developments such as those discussed in the next section—but the direction of travel remains clear and of serious concern.

Figure 77: projections of relative income poverty rates, after housing costs, from 2013-14 baseline (%)

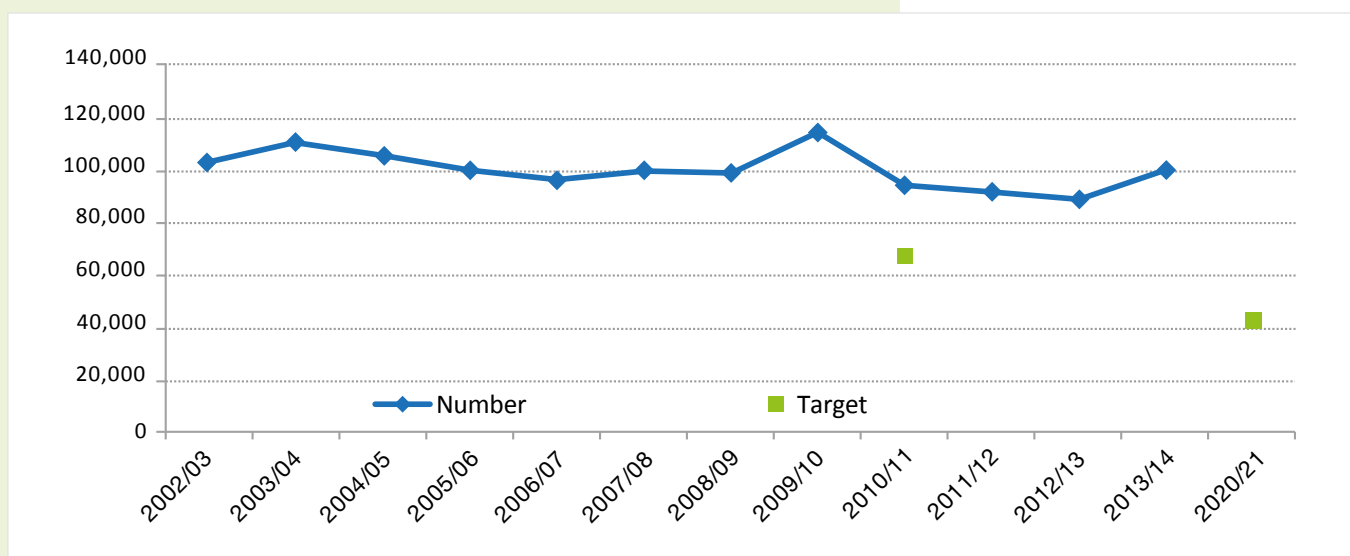
	Children	Working-age adults	Working-age parents	Working-age non-parents
2013-14	22.5	18.6	17.8	19.2
2020-21	27.1	24.5	21.8	26.3

Source: IFS

The Child Poverty Act 2010 gave legislative impetus to the pledge in 1999 by the then prime minister, Tony Blair, to 'eradicate' child poverty in the UK by 2020. The act mandated the devolved jurisdictions to produce their own strategies to tackle child poverty and the OFMDFM did so in 2011 with *Improving Children's Life Chances: The Child Poverty Strategy*. The JRF said that it placed an unevidenced emphasis on intergenerational poverty and young mothers. This could also be said of its 2014-17 successor, *Delivering Social Change: The Executive's Child Poverty Strategy*, which affirms that macro-economic and taxation issues are decided at Westminster and essentially collects together what Stormont departments can do under existing legislation and within existing budgets. To take for example a small but for hard-pressed families significant headache, the cost of school uniforms, the strategy proposed to extend eligibility for grants to help with the cost of purchase to low-income parents of secondary-school students. Uniforms for public schools are virtually unknown in Europe outside of Britain and Ireland but the alternative of ending this practice (with the spin-off benefit of removing a sectarian marker for many youngsters) was not considered.

The strategy acknowledges the IFS projection on child poverty, reproduced in Figure 78. Consistently some 100,000 children in Northern Ireland live in households where the income is less than 60 per cent of the UK median. Given the 2010 act target, this means a widening gulf between performance and the goal of ending child poverty. In July 2015, however, the then UK minister for work and pensions, Iain Duncan-Smith, promised to remove society-wide income differentials as a government target on poverty, to be replaced by indicators instead suggestive of individual pathology, such as poor educational attainment, worklessness and addiction (*Guardian*, 1 July 2015). The Welfare Reform and Work Act 2016 duly repealed the child-poverty targets—a reversal which the UN Committee on Economic, Cultural and Social Rights also rued, noting that child poverty 'remains high and is projected to increase in the future, especially in Northern Ireland'.

**Figure 78: children in relative poverty in Northern Ireland, with 2010-11 and 2020-21 targets**



Source: OFMDFM

## 1.6 'Welfare reform'

In principle, welfare powers are devolved in Northern Ireland, as they were under the pre-1972 dispensation. But as the post-war welfare state emerged in the wake of the Beveridge report of 1942, Unionist Party reluctance to embrace its 'socialistic' temper was offset by concern to sustain (Protestant) working-class support, facing a challenge from the Northern Ireland Labour Party. The solution, which was to endure through direct rule and into the post-1998 arrangements, was a convention to match 'step by step' new welfare entitlements (Birrell and Murie, 1980). Indeed, the universal nature of the welfare state in its heyday was to act as a major stimulus to the civil-rights movement, clashing as it did with the discrimination which took place under the Stormont administration (Morgan and Taylor, 1988): the movement's demands (such as one person, one vote), were universal, not 'Catholic', and enjoyed the support of the official labour movement.

The UK welfare state has steadily become more selective, however, since the 1980s, with the contributory principle undermined in favour of means-testing. Means-tested welfare systems are associated with weak and declining social trust, because those who believe themselves to be net contributors tend to believe beneficiaries are claiming fraudulently and so become tax-averse, while those claimants dependent on an increasingly constrained system are driven to game it as best they can. In universal Nordic welfare states, by contrast, all benefit as well as contribute and the state is trusted as an impartial authority (Rothstein, 2005). Thus a study of responses to World Values Survey questions on trust from the early 1980s to the early 2000s found that trust was middle-range but declining in the UK, the Republic of Ireland, Northern Ireland and the US, whereas it was high and rising in Norway, Sweden and Denmark (Halpern, 2005).

This had predictable consequences in Northern Ireland once devolution was renewed, given the tendency for the sectarian divide to offer the faultline for social mistrust. A research project funded by the Economic and Social Research Council exploring the meaning of equality in the region in the context of devolution (Osborne *et al*, 2000) highlighted how Catholic parties tended to argue for an 'equality of outcome', whereas their Protestant counterparts sought a more limited 'equality of opportunity'. Wider European debates were meanwhile pointing to the incompatibility of equality of outcome with any individual agency (Phillips, 1999) while challenging the meritocratic assumptions of equality of opportunity (Van Denbroucke, 1998). This implied instead a more nuanced focus on equality of condition via the elimination of brute-luck disadvantage (Wilson, 2007; Atkinson, 2015).

These tensions could only increase when the Conservative-dominated coalition government elected at Westminster in 2010 pursued an austerity programme, involving major curbs in welfare entitlements. The Welfare Reform Act of 2012 allowed for the introduction of a 'universal credit' to replace a number of benefits (its roll-out delayed by the challenges of implementation), a 'personal independence payment' to replace disability living allowance, a toughened regime of assessments and sanctions for claimants, as well as a 'bedroom tax' reducing housing benefit for claimants in social housing with a spare room and a benefits cap linked to estimated earnings regardless of claimant need. Deadlock ensued between the DUP and SF as to whether these measures of retrenchment would be applied to Northern Ireland, like the 'step by step' ameliorations of earlier decades—the former supporting this 'welfare reform', the latter opposing it. This thus became a key issue in inter-party talks in 2014 and 2015 to maintain devolution (see below).

Under the Scotland Act 2016 the Scottish government has acquired control over 11 welfare benefits, including allowances for carers and those with disabilities. Before the Holyrood election, the social justice secretary, Alex Neil, told the parliament that a new, devolved welfare agency would be established, which he said would pay benefits fully and on time. He wanted to remove the stigma associated with welfare and the agency would 'treat people with dignity and respect' (BBC Scotland news, 1 March 2016). Meanwhile, ironically, the 'Fresh Start' agreement between the Northern Ireland parties of November 2015 discussed below effectively returned control over welfare to Westminster, with the 2012 act and a subsequent Welfare Reform and Work Bill being transposed to Northern Ireland via the order-in-council mechanism characteristic of direct rule. Counterbalancing this was a provision for a working group, led by the veteran welfare expert Eileen Evason, to propose mitigations of the benefit cuts.

Its [report](#) suggested various transitional and/or supplementary payments to smooth the path to the new, harsher welfare regime. The payments would fall for varying periods within the financial years 2016-17 to 2019-20, would not be means-tested and would particularly ease the situation of carers, those with ill-health and disabilities and their families. They would insulate the small number of households otherwise affected by the benefit cap. (The parties had already agreed that the bedroom tax would not apply to Northern Ireland.) There should be support for independent advice services, particularly in assisting clients threatened with sanctions bringing loss of benefit. The working group also sought a cost-of-working allowance, to offset cuts facing those taking up employment in the context of the shift to universal credit, and support for relevant voluntary organisations, such as those tackling food poverty and credit unions.

The estimated cost of these measures over the four years, including their administration, would be £501 million. This was actually less than the £585 million figure allowed for in the Fresh Start agreement but the latter had assumed that cuts to tax credits announced in the 2015 budget by the then chancellor of the exchequer, Osborne, would go ahead—in fact they were withdrawn after significant public opposition two days after the agreement appeared. Prof Evason said: 'There is not another part of the UK with a belt and braces system in place to help people through this.' Her report was welcomed by the NIO (*Irish News*, 20 January 2016). The OFMDFM said the report would be shared with the Department for Social Development, with a view to 'speedy implementation' (*Belfast Telegraph*, 19 January 2016).

## 2. EQUALITY AND INEQUALITY IN THE LABOUR MARKET

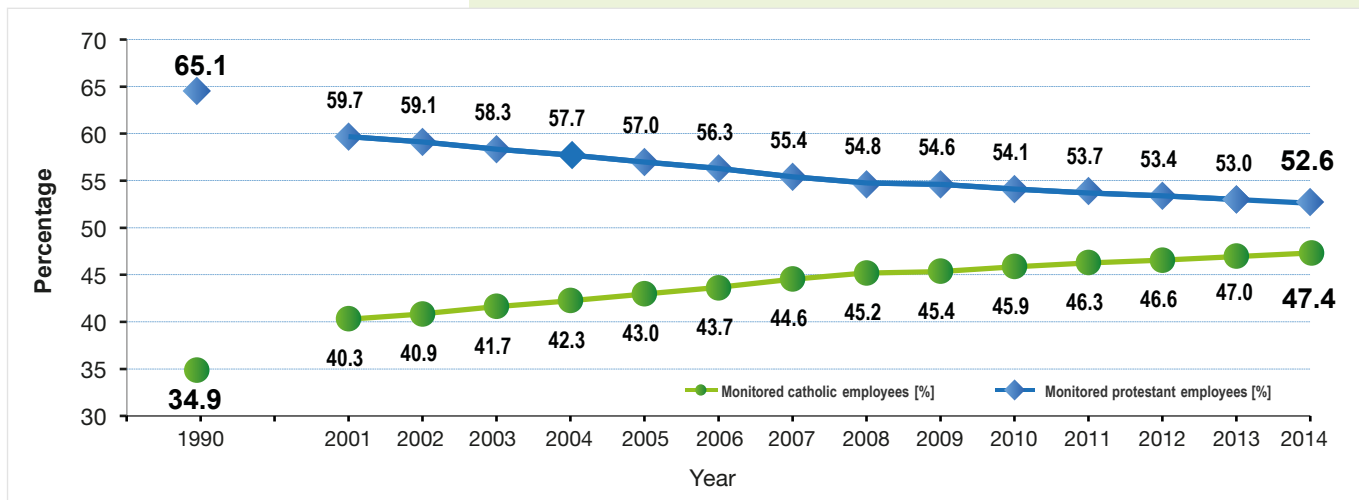
### 2.1 The changing balance of the labour force

Discrimination in the labour market was at the heart of the civil-rights movement's concerns. The 1976 Fair Employment Act proved insufficient to remove the significant differential between Catholics and Protestants in access to employment. But the 1989 successor, with at its core the requirement that all employers record the religious background of all job applicants and appointees, has almost entirely removed that differential. In 1992, 70 per cent of working-age Protestants were employed, compared with only 54 per cent of

their Catholic counterparts; according to the Labour Force Survey [religion report](#) released in March 2016, the proportions are now respectively 67 and 66 per cent. The issue now, clearly, is that three in ten of the working-age population are not in work, because demand in the labour market remains deficient.

These data mirrored those collated by the Equality Commission for Northern Ireland (ECNI) in its 25th [Fair Employment Monitoring Report](#), released in December 2015, derived from 3,663 monitoring returns from employers submitted in 2014. They showed clearly how the employment differential had been eroded. Figure 79 shows the overall balance of the monitored workforce since 2001, with 1990 data included for comparison.

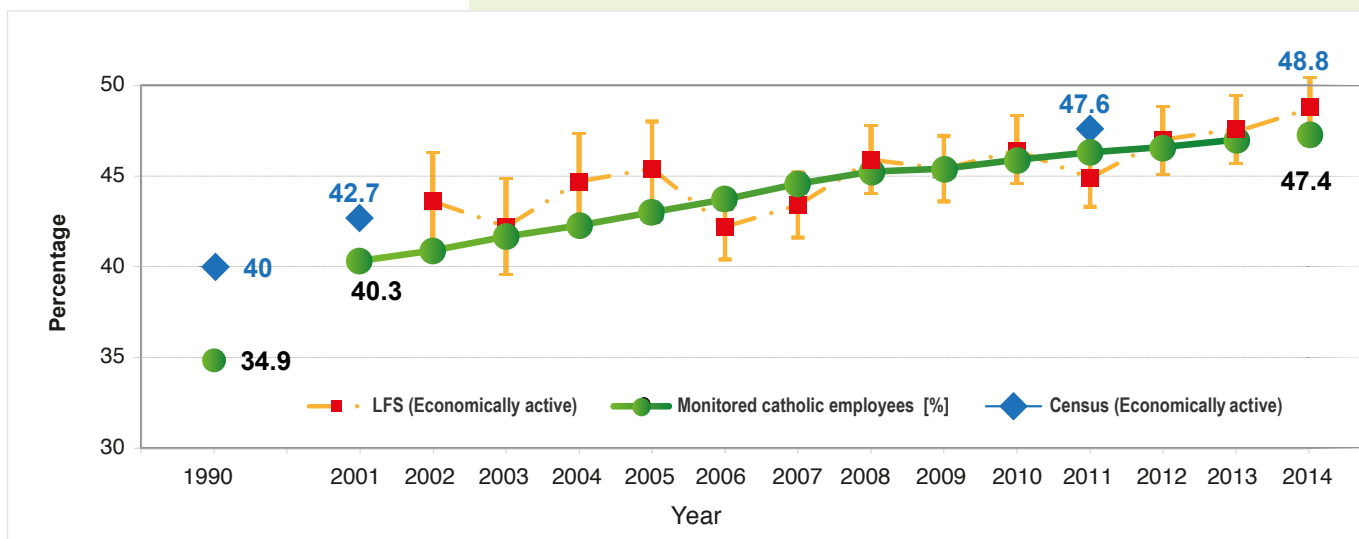
Figure 79: the monitored workforce in Northern Ireland, by religion and year



Source: ECNI

The gap between the Catholic proportion of the economically active (as measured by the census and the Labour Force Survey) and the corresponding proportion of those in monitored employment has thus been largely closed, as Figure 80 shows. The gap was five percentage points in 1990 and just 1.3 percentage points in 2014—the latter however within the 95 per cent certainty range of the LFS data (indicated by the vertical bars).

Figure 80: the Catholic proportion of the monitored workforce, as compared with the economically active

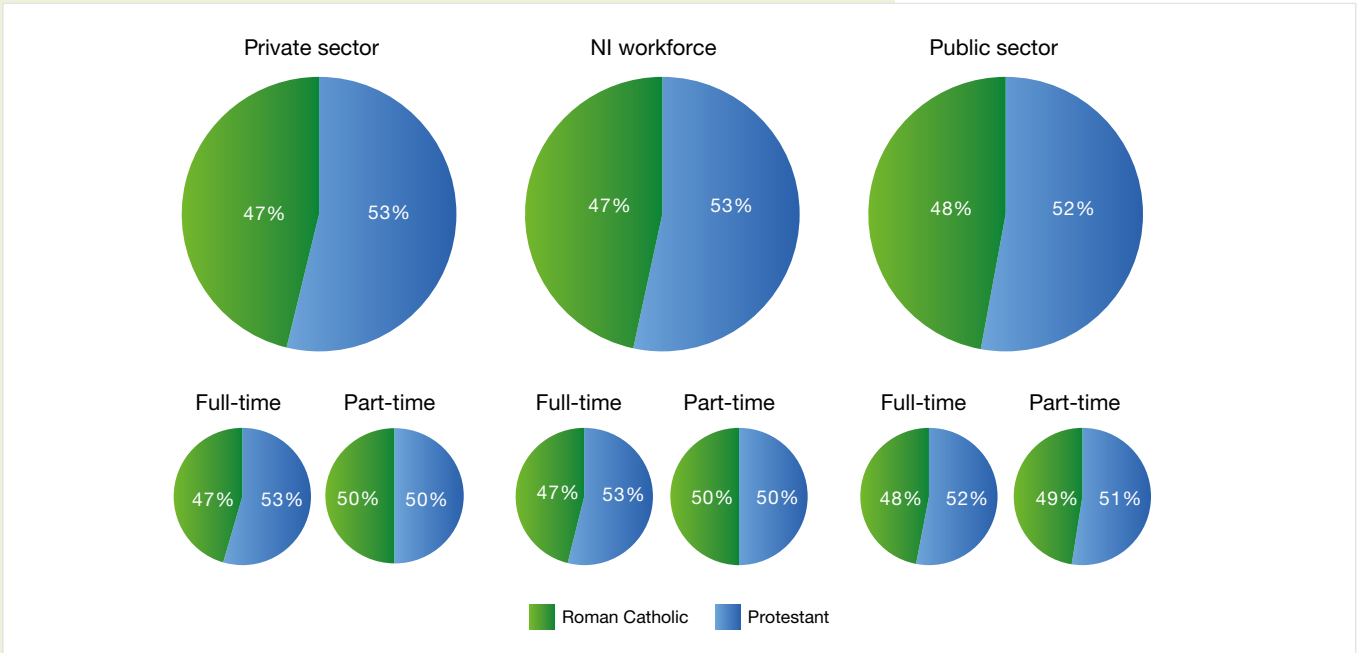


Source: ECNI



Historically, the private sector was a laggard in fair employment, with an overhang of Protestant domination in some sectors (like engineering and shipbuilding) to redress. There is only a marginal difference now, though, between the private and public sectors, as Figure 81 shows.

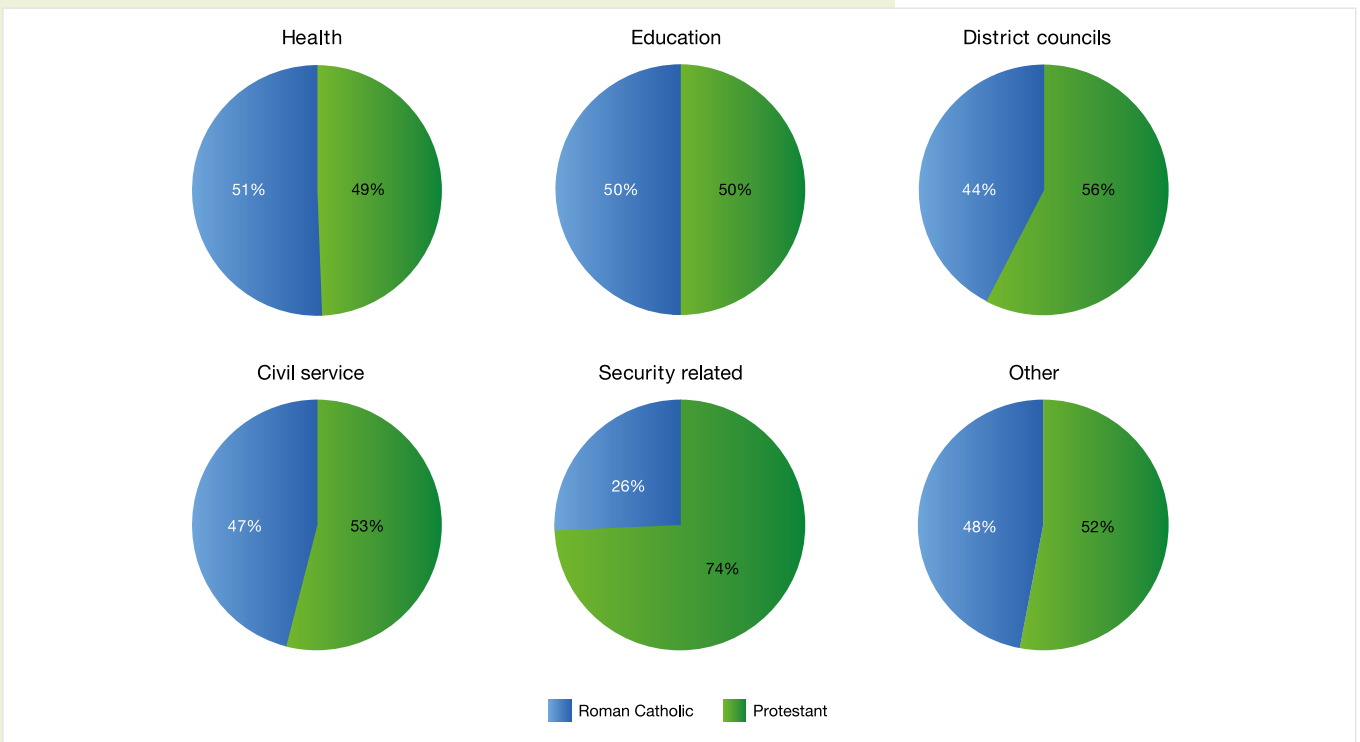
**Figure 81: the religious background of the monitored workforce in 2014, disaggregated by sector**



Source: ECNI

The weakness in the public sector remains the security domain, as Figure 82 shows. This principally concerns the PSNI, as discussed above.

**Figure 82: the composition of various components of the public sector in 2014**



Source: ECNI

While this is a positive story, a question arises as to whether a system devised to eliminate sectarian discrimination is adequate to guaranteeing fair employment more broadly to today's multinational and multi-ethnic workforce in Northern Ireland. Launching the ECNI report, the chief commissioner, Michael Wardlow, said: 'Given the changing make-up of the Northern Ireland workforce, the commission has been calling for the extension of workforce monitoring under Fair Employment legislation to include nationality and ethnic origin.'

## 2.2 Unemployment and economic inactivity

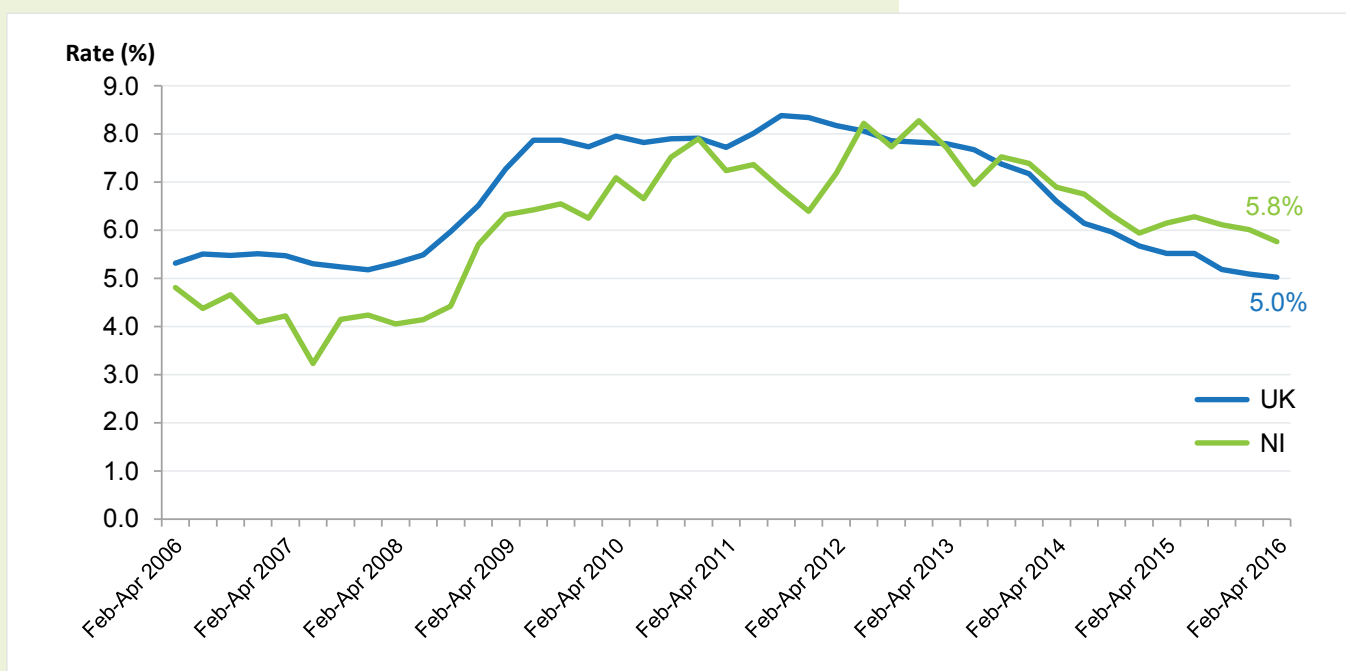
A disturbing long-term feature of the Northern Ireland labour market is the large proportion of adults medically recognised as disabled, indicative of the high levels of physical and mental morbidity among the inactive towards the bottom of the social hierarchy, as well as the enduring impact of violence. Fully 11.2 per cent of the population are in receipt of disability living allowance, nearly double the rate in Great Britain of 5.7 per cent. Of the 208,760 recipients in November 2015, 153,680 (73.6 per cent) had been claiming DLA for more than five years (*Belfast Telegraph*, 25 February 2016). Work by social geographers using data from across the UK has shown a correlation between those areas most economically disadvantaged and the highest rates of survey respondents saying their day-to-day lives are 'limited a lot' by disability or illness: the 15 per cent positive response in Belfast was comparable with 16 per cent in Neath, Port Talbot and Merthyr Tydfil (*Guardian*, 22 March 2016), communities severely affected by the collapse of coal-mining across south Wales.

Employment is a demand-driven phenomenon. Quarterly [employment survey](#) data from the Department of the Economy show that in the decade to March 2016 employment in Northern Ireland grew by just 4.1 per cent, with the impact of austerity on public-sector employment offsetting recovery in employment in the private sector in latter years. Unfortunately, recent data on unfilled vacancies are not available. The last, from the Department for Employment and Learning, showed that in June 2013 there were 2,380 live vacancies in job centres. In the same month, there were 64,100 individuals claiming unemployment benefits. Accepting that there are many vacancies which are not notified to job centres but otherwise filled, this still shows a huge disparity between the supply of unemployed labour and the demand for it.

Seasonally adjusted unemployment in Northern Ireland was estimated at 5.8 per cent in the quarter to April 2016, according to NISRA's [Labour Market Report](#). This was well above the pre-crisis level and, indeed, the limited nature of the recovery in Northern Ireland has seen unemployment in the region rise above the UK average, having been below the mean, during the period of renewed devolution (Figure 83). Of further concern is that the proportion of the unemployed who are out of work for more than a year, although falling, is still one in two (50.2 per cent), as against 28.4 per cent on average across the UK. And that is before we take account of the much higher level of economic inactivity in Northern Ireland—26.0 per cent of the working-age population in the first quarter of 2016, the highest as ever of the 12 UK regions, as against 21.8 per cent for the UK as a whole. This has left the *employment* rate in Northern Ireland, at 69.6 per cent, nearly five percentage points short of that across the UK, 74.2 per cent. Labour-market experts say that it is only when

employment percentage rates reach the mid-70s or higher, as is typical of the Nordic countries, that those who are disadvantaged labour-market outsiders—such as individuals with disabilities or ex-offenders—can have any real chance of competing for work. Where unemployment is structural, by contrast, economists diagnose a 'hysteresis' effect, where the long-term unemployed become even less able to compete in the labour market over time, as their skills atrophy and morale sinks.

**Figure 83: seasonally adjusted unemployment, Northern Ireland and UK average, 2006 to 2016**



Source: NISRA

The Steps 2 Success programme of the devolved government does not create employment for the long-term unemployed but instead pays private contractors to address the 'individual's needs and barriers to work'. Of 32,714 clients referred to the programme from its inception in October 2014, just 5,822 had been placed in employment by March 2016. While this will have expedited the filling of some vacancies, making the labour market 'churn' a little better at the bottom end, it will not have created any jobs. By definition, those who found work would eventually have found it otherwise or will in so doing have displaced others, not on the programme, who might have done so. But unemployment has increasingly come to be treated in Anglo-Saxon welfare systems as if it were a supply-side problem, reflecting inadequate motivation on the part of the unemployed.

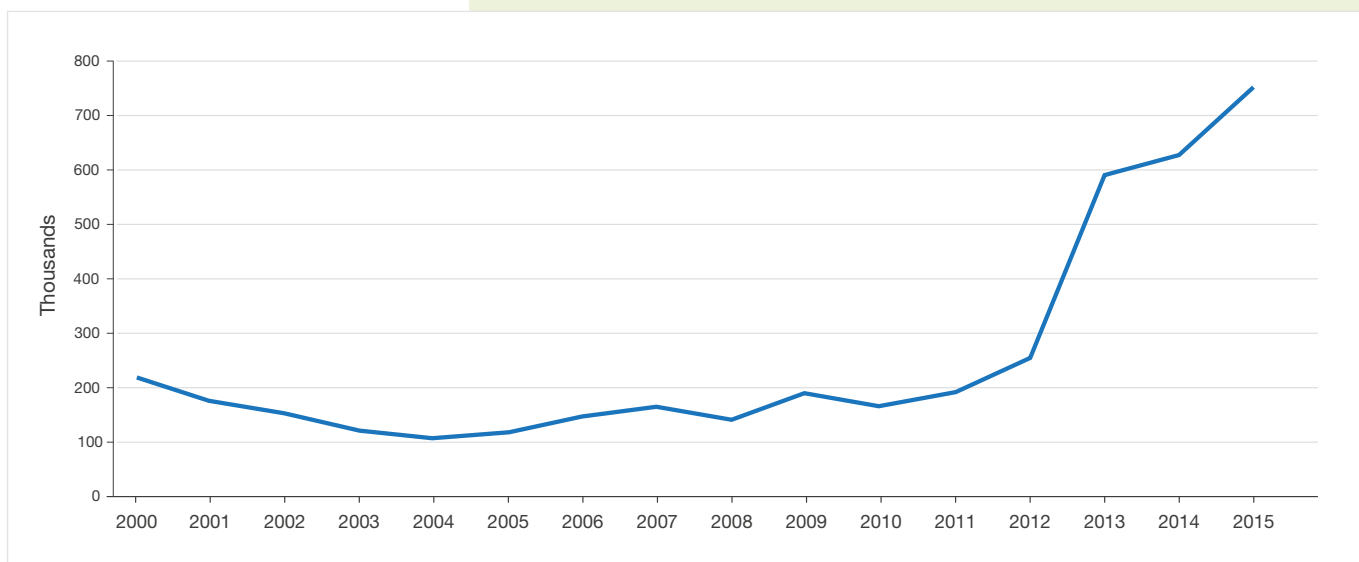
In recent years, pressures have accordingly been increasingly applied to claimants, with benefit withdrawn from those deemed to be making insufficient effort to find jobs. Research on behalf of an unemployed advocacy group, Right to Work Right to Welfare (R2W), measured this growing pressure in Northern Ireland. It found that in 2013 39 per cent of claimants surveyed had had their benefit stopped because of a sanction. In 2014 this rose to 50 per cent and in 2015 it reached 59 per cent. According to the group, many respondents felt unable effectively to appeal against the sanctions applied. In 2013, 64 per cent of those sanctioned had said they did not have appropriate information to appeal. This rose to 77 per cent in 2014 and 83 per cent in 2015. R2W called for measures to ensure claimants enjoyed due process and

benefits were not withdrawn without a risk assessment of the effects on the claimant. At the north Belfast launch of the report, Seán Brady, a development worker from the associated Participation and the Practice of Rights project, said the region’s political parties and ministers ‘can’t wash their hands and blame Westminster’ (*Irish News*, 29 March 2016).

## 2.3 Underemployment and insecurity

In default of the NEF 10-point plan for ‘good jobs’ presented to the OFMDFM, the risk is that any jobs created in Northern Ireland will be ‘bad’ ones—precarious, poorly-paid, lacking associated entitlements and putting all the burden of risk on the worker, such as with zero-hours contracts. These have mushroomed across the UK since 2012, as ONS trend [data](#) collated by NICVA indicate (Figure 84). The ONS [estimated](#) in March 2016 from LFS data for the final quarter of 2015 that there were now 801,000 predominantly female employees on zero-hours contracts, or 2.5 per cent of those in employment. Research by Citizens Advice showed that around this was a wider arena of insecurity, taking in an additional 1.1 million on temporary contracts and more than 2.3 million on variable shift patterns in England and Wales (*Guardian*, 13 June 2016).

Figure 84: employees on zero-hours contracts across the UK



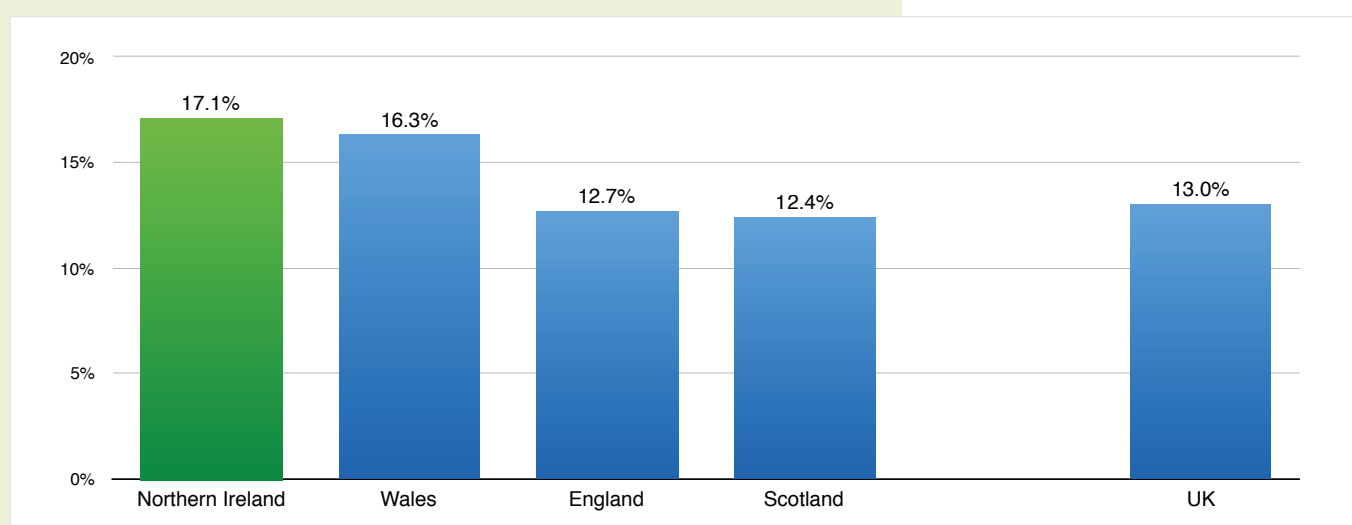
Source: NICVA

There are no separate data for zero-hours contracts in Northern Ireland. Were there to be a proportionate number, they would amount to some 18,000 employees. Invest NI advises employers on the employment of staff on zero-hours contracts, which it [notes](#) on an information site it runs are becoming ‘increasingly common in Northern Ireland’. It says these offer employers advantages of flexibility, including during expansion. It does however recognise that ‘not every zero-hours worker will be happy that they are on such a contract because of lack of job security’. And it adds: ‘Asking an individual to work at very short notice, which does not allow them to plan ahead, eg to arrange childcare, could be problematic for them, causing tension or upset.’ In 2014 the minister for employment and learning, Farry, organised a consultation on zero-hours contracts but he [decided](#) at its conclusion not to recommend that they be banned in the [Employment Act](#) passed by the assembly in 2016. Instead, the act provided for the minister to make regulations to address abuses of such contracts.

## 2.4 Youth unemployment and NEETs

Among 18-24 year-olds, the March 2016 Labour Market Report showed unemployment running at 18.5 per cent, or almost three times the overall rate. This was down 2.0 percentage points on a year earlier but remained well above the UK youth-unemployment rate of 11.9 per cent. An analysis of the NEETs phenomenon (those young people not in employment, education or training) by Stephen Donnelly of the Department for Employment and Learning for the 2015 *Labour Market Bulletin* considered the larger group of 16-24 year-olds. Of these (using last quarter 2014 LFS data), about 18,000 were unemployed and some 18,000 inactive (but not in education), giving a total NEETs population of 37,000, or 17.1 per cent of the age cohort of 210,000. This was the highest prevalence of the four UK jurisdictions (Figure 85).

Figure 85: proportion of 16-24 year-olds characterised as NEETs, Q4 2014



Source: DEL

About 10,000 of the Northern Ireland NEETs have no qualifications whatsoever. They tend to be single, the children of single parents or single parents themselves. And they are heavily concentrated in areas of high social exclusion, such as north and west Belfast and Derry. In the most disadvantaged quintile of areas, according to NISRA's Multiple Deprivation Measure, the NEETs rate reaches one in three of the cohort (Figure 86). Comparison with census data from 2011 (which yielded a number of 33,516 NEETs) shows this to be a stubborn phenomenon which public policy is failing to address, scarring a significant proportion of each rising generation.

Figure 86: proportion of NEETs among age cohorts, by quintiles of area deprivation

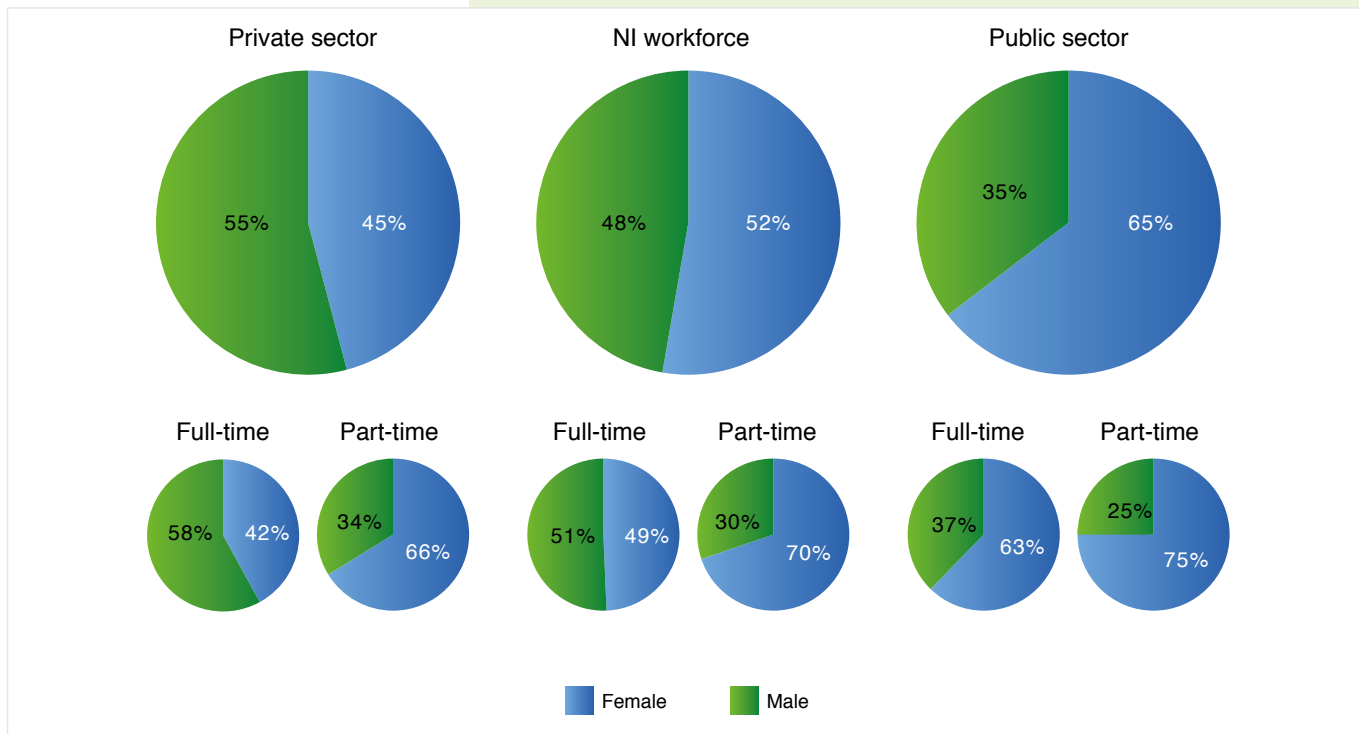
MDM quintile	Age band		
	All 16-19	All 20-24	All 16-24
Group 1 - Most deprived	33%	34%	34%
Group 2	23%	24%	23%
Group 3	17%	18%	18%
Group 4	16%	15%	15%
Group 5 - Least deprived	10%	10%	10%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: DEL

## 2.5 The gender gap

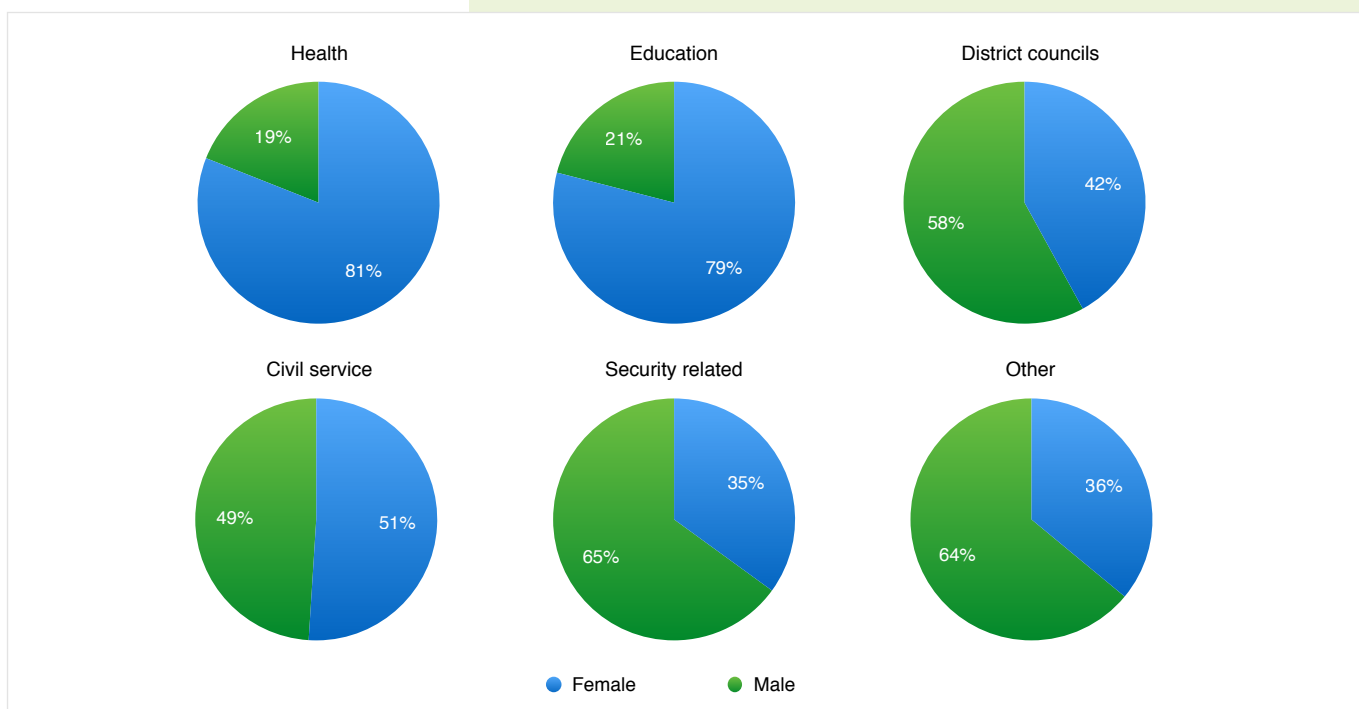
As Figure 87 shows, the private sector in Northern Ireland remains male-dominated but this is offset by female dominance of the public sector. This is particularly evident in the large employment arenas of health and education (Figure 88), where of course employment and real salary levels are vulnerable to cuts stemming from austerity.

Figure 87: the gender composition of the monitored workforce, 2014



Source: ECNI

Figure 88: the gender breakdown of the public sector, 2014



Source: ECNI

This, again, problematises the taken-for-granted assumption of 'public bad, private good' which dominates political debate in Northern Ireland. The relatively high incidence of public-sector employment for women has meant a lower gender pay gap than in Great Britain. While women are often confined to part-time employment due to unshared or unsocialised domestic responsibilities, according to the ASHE [data](#), median female full-time earnings in Northern Ireland were actually greater than for men in 2015, at 101.3 per cent, whereas they were only 91 per cent of the male level in the UK as a whole. Again this was entirely due to the significance of the public sector in Northern Ireland: median full-time private-sector earnings for women in the region were only 83 per cent of the level of their counterparts across the UK.

Much public discussion of economic inactivity focuses on individuals who are sick or disabled and whether they 'really' could work. Yet, as the *Labour Market Bulletin* shows, the largest group of economically inactive in Northern Ireland are women looking after the 'family home' (Figure 89), who rarely figure in policy debate—despite the effect on their opportunities to join the labour market of the paucity of affordable childcare. Thus only one in five lone parents are in full-time employment (Gray *et al*, 2015).

Figure 89: reasons for economic inactivity, mid-2014



Source: DEL

### 3. EQUALITY AND INEQUALITY IN EDUCATION

#### 3.1 Overview

Every year the Department of Education (DE) conducts a school census. The results from October 2015 were published in March 2016. They showed, overall, that there were 168,669 pupils in Northern Ireland primary schools, the highest number in almost 15 years, and 141,112 pupils in post-primary—a decline for the fifth year in a row. At the pinnacle of the system there were more than 30,500 pupils studying for A-level or equivalent qualifications, enrolled in sixth-form education.

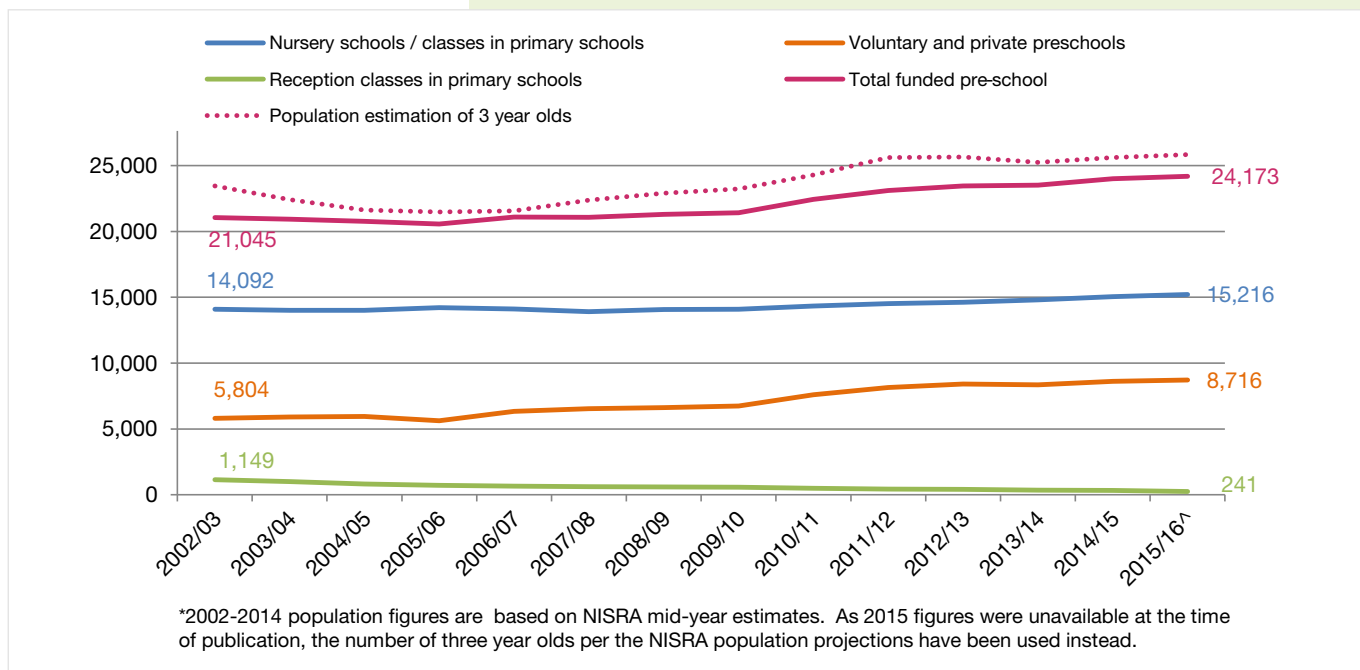
The data also showed the extent of the social challenges faced by a system focused on parental aspiration, and so the primary-to-grammar transition, amid taken-for-granted segregation by family Christian denomination. By 2015-16, in the context of the increasingly female workforce described above, almost 24,200 children, equivalent to 92 per cent of the population of three year-olds, were enrolled in pre-school education. More than 100,000 school pupils, or three in ten, were entitled to free school meals. Nearly 75,000 (22 per cent) had some form of recognised special educational need. About 12,500 pupils were recorded as 'non-white'—an increase of 3,800 in just a year—and 13,000 (3.8 per cent) as 'newcomer' pupils, so defined as lacking satisfactory English-language skills on entry to the system. More than 80 first languages are now spoken by pupils, with Polish and Lithuanian the most common after English.

The system also faces huge budget challenges in the context of austerity. The vast majority of current expenditure goes on salaries, including of teachers and ancillary staff, with very little discretion for savings. But a DE official warned the assembly's education committee in March 2016 of a 3.8 per cent cut in the incoming financial year. Earlier, the then education minister, John O'Dowd, had said young people considering a career in teaching in Northern Ireland should not expect a full-time job after training. Those wanting to enter the profession should give 'very, very careful consideration' to their choice (BBC NI news, 6 January 2016).

### 3.2 Childcare

There has been a steady increase over the last decade in pre-school provision, particularly in private and voluntary units (Figure 90). This generated a row in May 2016 when a teachers' union leader questioned whether those looking after children in the private and voluntary sectors were more than 'well-meaning amateurs', lacking professional teaching qualifications, although the chief executive of Early Years claimed this was 'totally inaccurate' (*Irish News*, 3 May 2016).

Figure 90: funded pre-school enrolment by school type, 2002-03 to 2015-16



Source: DE

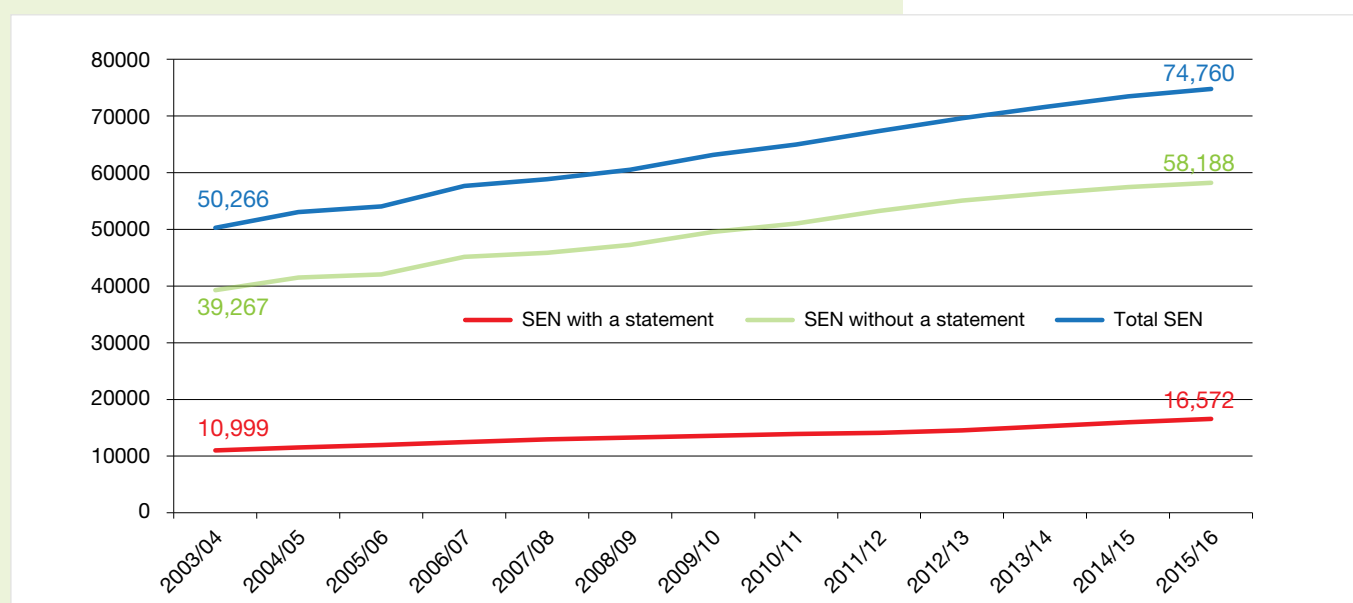


The tension arises because the growth in pre-school provision has been driven primarily by the growth of demand in the labour market for women's employment, rather than considerations of child development. This is in sharp contrast to the approach in the European leader in pre-school provision, Reggio-Emilia. Children do not attend primary school in Reggio-Emilia until age seven (this is also true in Finland). In pre-school centres, the focus is on children learning through play and their own projects, developed in conjunction with their professionally qualified teachers—there are two of these per group of children. A centre has been established in Reggio-Emilia to showcase the work.

### 3.3 Primary and post-primary education

In modern European societies the school has gradually taken over much of the responsibility from the family as the vehicle of socialisation of the child. The corollary of this enhanced demand is a rise in children identified as having 'special' educational needs (SEN). The numbers so recognised in Northern Ireland, including those 'statemented' to that effect, are in Figure 91, which shows an overall growth by nearly half since 2003-04, to close to a quarter of the school population. This is not in itself a matter for concern: better that pupils with special needs are recognised and assisted as such, rather than allowed to languish at the back of the class or play truant. And indeed in Finland up to half of those who have completed their compulsory education have been treated as 'special' at some point, to avoid them falling adrift in the egalitarian Finnish system; this has the spin-off advantage of removing the stigma which still attaches to being identified as 'special' in other systems. But in Northern Ireland it is indicative of the growing pressures teachers find themselves under, particularly with resources squeezed by austerity. Finnish teachers are better placed to cope, having as a minimum a masters qualification, fewer teaching hours than the OECD average and no inspectors looking over their professional shoulders (Sahlberg, 2011).

Figure 91: pupils with special educational needs, 2003-04 to 2015-16

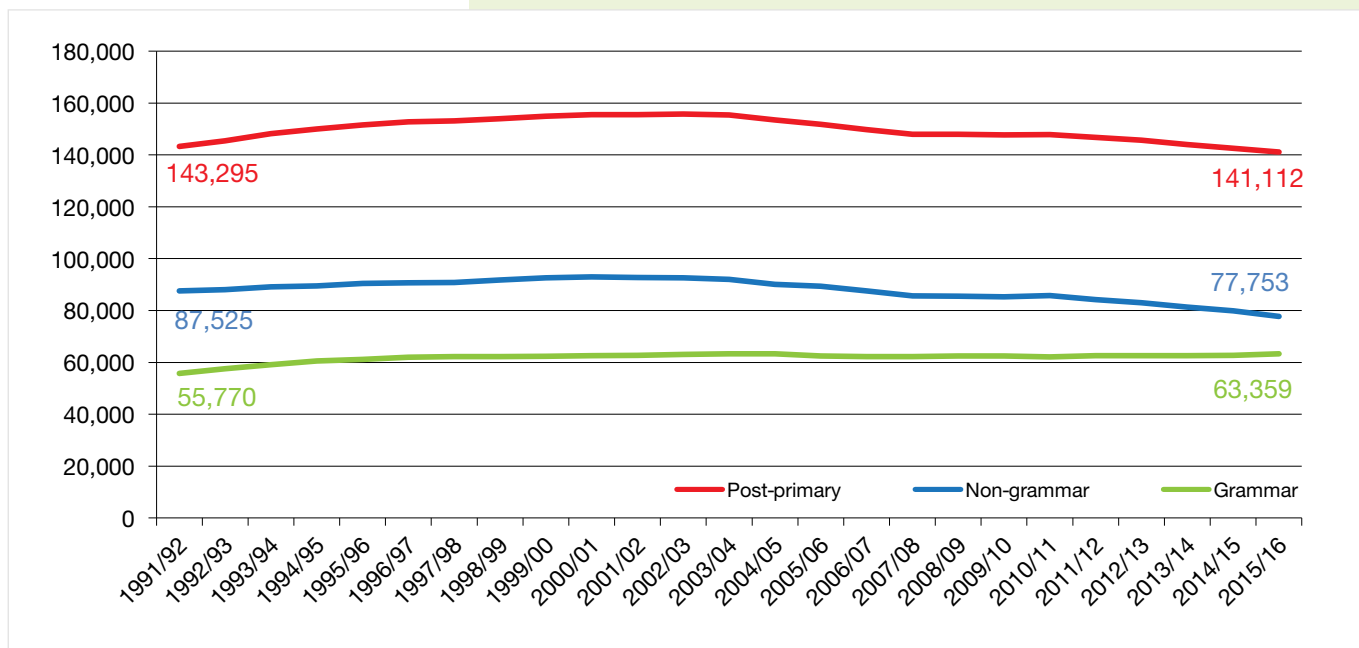


Source: DE

In the earlier period of direct rule, in 1989 the Education Reform Order extended to Northern Ireland the principle of a core curriculum for primary and secondary schools, devised with the comprehensive systems in Great Britain in mind. Yet the 'transfer test' which was Northern Ireland's version of the old '11-plus' examination across the UK remained. It was abolished by the then SF education minister, Martin McGuinness, in 2002, only to be replaced by unregulated alternatives. Elsewhere in Europe, public schools tend to be either wholly or predominantly comprehensive, as in England, Scotland and Wales and the Republic of Ireland (leaving aside private schools selecting by ability to pay), or there are different academic and vocational school pathways at post-primary level, as in Germany's and Austria's *Gymnasien* and *Hauptschulen* (although Germany has some comprehensive *Gesamtschulen*).

Given aspirational pressures, there has been a clear trend of expansion of grammar places at the expense of non-grammar schools—the former growing despite the overall contraction in the post-primary school population, as Figure 92 shows. By 2015-16, 44.9 per cent of secondary pupils were attending grammar schools. This relates to the only middling performance of the system in Northern Ireland: the fewer the non-grammar schools, the more in effect more disadvantaged pupils are sorted into poor-performing schools which parents will increasingly seek to avoid if they can place their children elsewhere. This creates the opposite dynamic to a well-performing system, in which middle-class parents will ensure that their local school performs well for all pupils as well as their own.

Figure 92: enrolments in post-primary education, 1991-92 to 2015-16



Source: DE

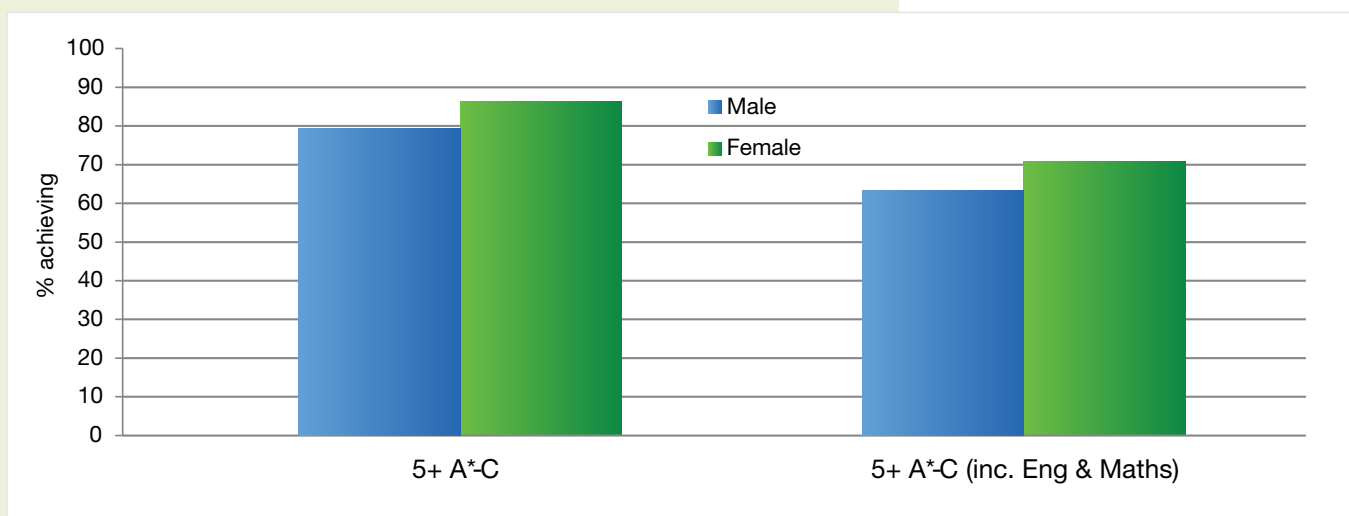
### 3.4 Class, religion and gender in education

The tension between class affinities and the religious cleavage in Northern Ireland has been evident in the selection debate, with a section of Catholic middle-class opinion inclined to work, rather than oppose, the selective system.

In February 2016 the Council for Catholic Maintained Schools (CCMS) sent a letter to the principals and governors of all 374 primary schools under its purview reminding them of its opposition to academic selection at 11. It said teachers should not be preparing pupils for the unregulated tests and principals should not be encouraging parents to have their children take part in them or providing verification for grammar schools that they had done so (*Irish News*, 10 February 2016). Some voluntary grammar schools are, however, non-selective and two prominent Catholic grammars in Omagh, Co Tyrone, the Christian Brothers' School and Loreto Grammar, for boys and girls respectively, said the previous month that they would begin to phase out selection from 2017, ending it by 2020. Both schools are to move to a new, six-school, shared-education campus on an old army base, a project which has encouraged public engagement with schooling in the town. They said their decision had followed consultation with governors, staff, parents and pupils (*Irish News*, 19 January 2016).

Gender rarely gets on the agenda when it comes to discussions about educational performance in Northern Ireland. Girls do outperform boys, though not by such a significant margin as to indicate they should be invisible in the public debate. DE school performance statistics (Figure 93) show the modest differential in performance in terms of the proportions of boys and girls in year 12 securing five or more A\*-C GCSEs and the results when these are required to include English and mathematics.

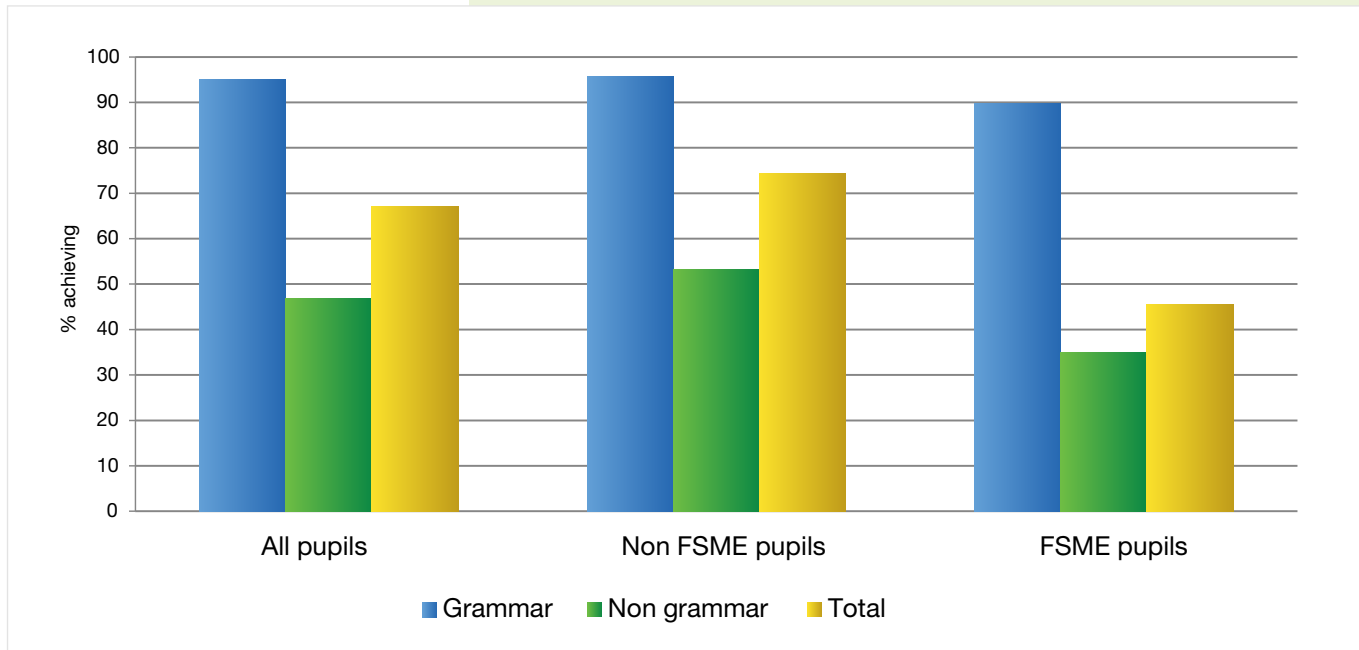
**Figure 93: percentage of year-12 pupils attaining in 2014-15 at least five 'good' GCSEs, and the proportion where these include English and maths, by gender**



Source: DE

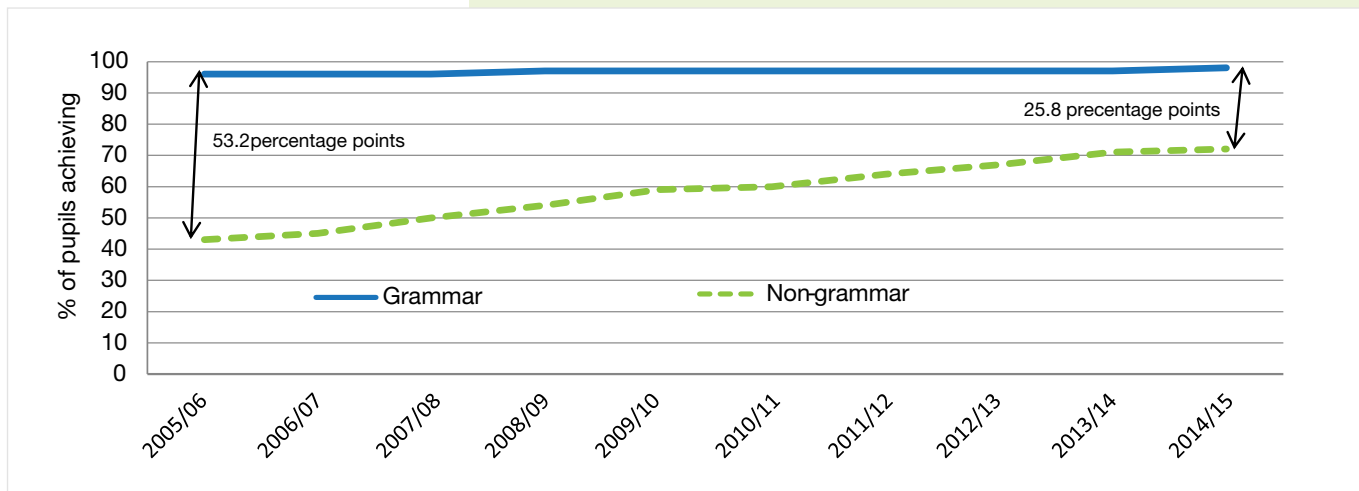
But the gross educational divide is by social class, as indicated by two proxies: whether the child attends a grammar or non-grammar secondary and whether s/he is a recipient of free school meals. Figure 94 shows how non-grammar pupils are only about half as likely to gain five 'good' GCSEs, including English and maths, as their grammar counterparts, a ratio falling to a little over a third if one considers only those non-grammar pupils entitled to free school meals. And stark as this divide is, it was wider in the past: the near-total achievement of the five 'good' GCSEs benchmark by grammar schools has meant any improvement in the non-grammar sector would entail some catching up, and that has indeed eventuated to an extent (Figure 95).

Figure 94: percentage of year-12 pupils attaining in 2014-15 at least five 'good' GCSEs, including English and maths, disaggregated by school type and entitlement to free meals



Source: DE

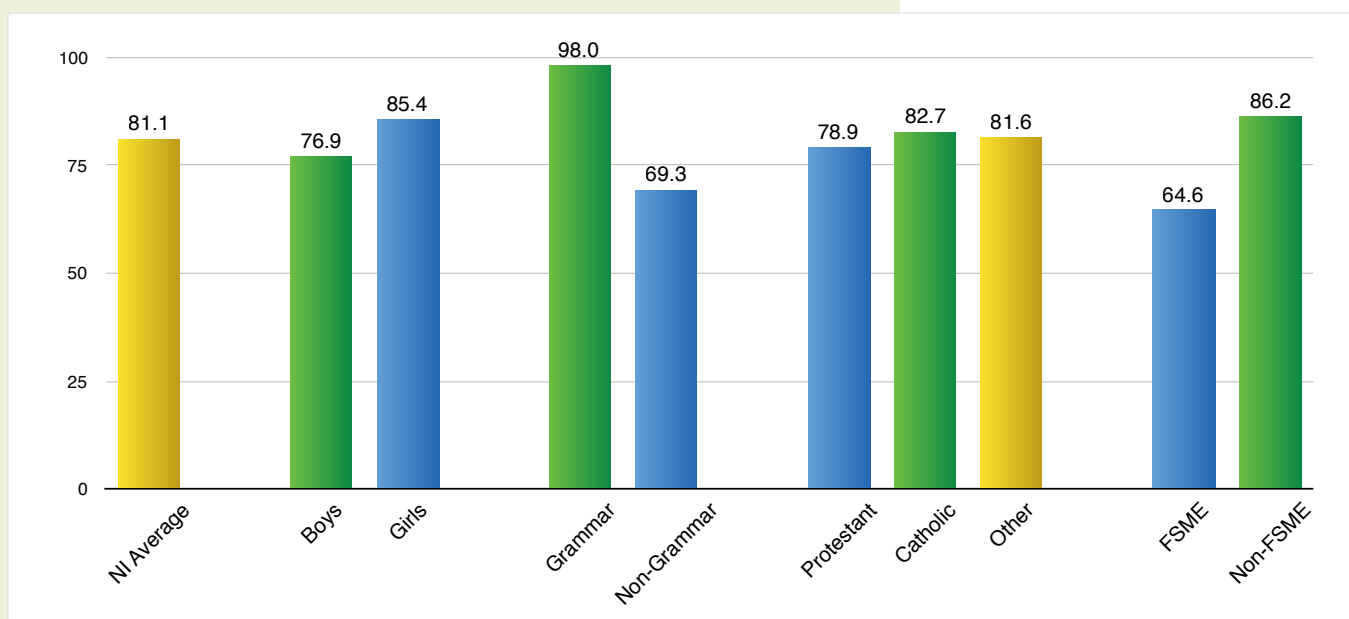
Figure 95: the narrowing of the attainment gap in percentage of pupils attaining at least five 'good' GCSEs



Source: DE

The DE's 2016 bulletin on school leavers in Northern Ireland puts all this in perspective. As Figure 96 shows, it indicates a minor gap in performance between Protestants and Catholics, a modest one between boys and girls, and a massive one between non-grammar and grammar pupils.

Figure 96: percentage of school-leavers in 2014-15 who had attained at least five 'good' GCSEs (or equivalents), including English and maths

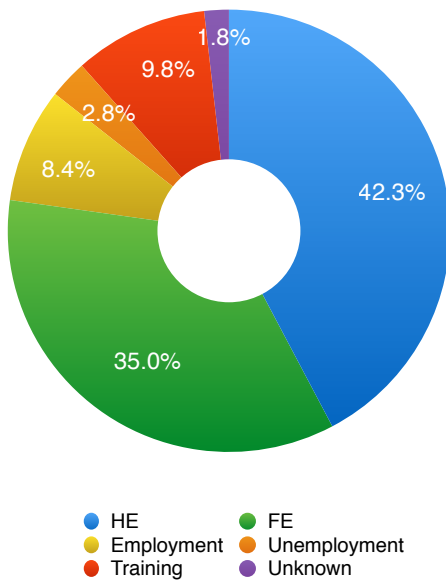


Source: DE

Much of the debate about the education system in Northern Ireland—and, particularly, about sustaining grammar and non-grammar schools—assumes that it performs very well and that 'standards' would be levelled down if grammar schools were abolished. The last monitoring report showed, however, that this did not withstand the spotlight of the OECD's triennial Programme for International Student Assessment, which fell on the region in a 2012 [report](#). The PISA study showed that 15-year-olds in Northern Ireland, on average, performed only at around the OECD mean in reading and science and below it in maths (a score of 487 as against 494)—'must try harder' in other words. Because there is always a ceiling to what the highest achievers can attain in any education system, the average depends largely on the steepness of the performance gradient. Northern Ireland's grammar/non-grammar split steepens that gradient by widening the performance gap. In June 2016, the UN Committee on the Rights of the Child [called](#) for 'a truly inclusive education' throughout the UK, urging the authorities to 'abolish the practice of unregulated admission tests to post-primary education in Northern Ireland' in that context.

The Finnish system again offers a relatively well-performing point of [comparison](#). In 2012 Finnish 15-year-olds achieved well above the OECD mean in the PISA maths test (519), and the variance in scores in Finland between high and low performers was only 86 per cent of the spread characteristic of the OECD as a whole. There is plenty of variance *within* schools in Finland, as would be expected in terms of the ability range—indeed it is similar to that across the UK. But in 2012 the variance *between* Finnish schools—in a unified system where children essentially attend their local school—comprised only 8 per cent of the OECD average spread in performance; across the OECD as a whole between-school variation accounted for 37 per cent of that performance gap. As it happens, in sharp contrast to the relative complacency in Northern Ireland about the system, the 2012 results provoked angst in Finland: the average maths performance, while 25 points above the OECD average, was 25 points *lower* than it had been in the 2003 assessment. While Finland remained the highest-placed European country in the PISA league tables for science and reading, the Ministry

Figure 97: destinations of school-leavers at the end of the 2014-15 year (%)



Source: DE

of Education and Culture elected to publicise this perceived failure in a press release, describing it as 'a cause for serious concern'. The 2015 PISA assessment was due for release in December 2016.

### 3.5 School-leaver destinations

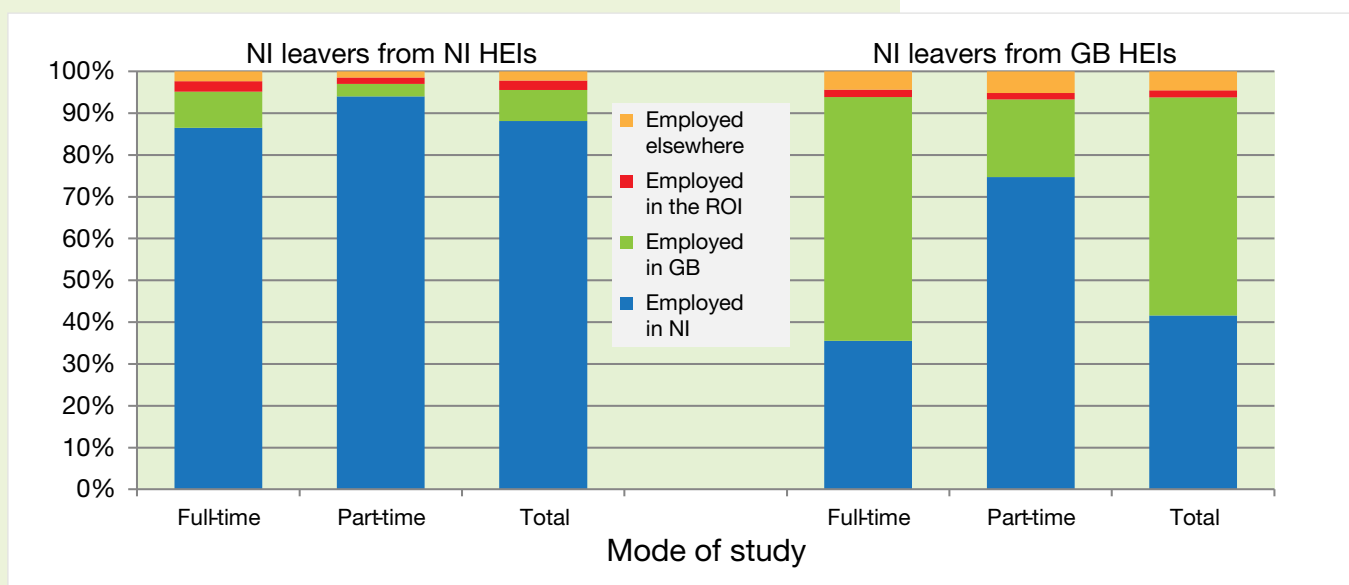
Nearly 42 per cent of Northern Ireland's school-leavers continue into higher education (Figure 97). By contrast, only one in ten go into training—testament to the decline in apprenticeships in the region since the old sectoral industrial training boards, funded by a compulsory employer levy, were abolished in the Thatcher years (only that for construction remains). This is in sharp contrast to the German economic powerhouse, based on high levels of productivity and well-paid skilled labour, where firms are obliged to be members of their local chamber of commerce, through which training is collectively provided. There are 79 of these chambers across Germany, with the largest, Munich, having some 350,000 member companies. Market-based systems, such as that in the UK, under-invest in training by comparison, because individual employers are tempted to free-ride and poach skilled labour from others.

There are significant differences within this overall distribution. The proportion of female school-leavers entering higher education (50.2 per cent) is much higher than for males (34.7 per cent), while the opposite is true of training (13.5 of boys and 5.9 per cent of girls). Catholics (45.4 per cent) are also more likely than Protestants (39.0 per cent) to take the higher-education path. And of those who do, Catholics (73.8 per cent) are more likely to attend institutions in Northern Ireland than Protestants (60.5 per cent).

### 3.6 Higher education

Participation in higher education among school-leavers is however modestly declining, as data compiled by the Department for Employment and Learning before its demise in 2016 show (unfortunately these are no longer available online). In the decade to 2014-15 participation fell by 2.7 per cent, to 63,965. Of those, a quarter (24.8 per cent in 2014-15) attended institutions in Great Britain, many in Scotland and the north-west of England, and this proportion is increasing. Most of the latter group who enter gainful employment do not do so back in Northern Ireland, as indicated by other DEL data (Figure 98): only 36 per cent of those in full-time work had found it at home six months after leaving college in 2014. Nor was this continuing 'brain drain' counterbalanced by students not domiciled in Northern Ireland deciding to stay and seek employment after study in the region: only 30 per cent of this group who were employed full-time six months on were working in Northern Ireland, with the rest mainly doing so in Great Britain or the republic. Even though the repellent effect of violence on those who enjoy a much higher mobility than the population at large is much diminished over two decades, the region has not developed adequate forces of magnetic attraction for those who can choose to come or return, remain or leave. One of the challenges facing such peripheral western-European regions is attracting and retaining a critical mass of highly qualified professional workers, more concentrated in successful, core European regions (Simmie, 1997). This not only adds directly to economic (and cultural) dynamism but also to demand for lower- and entry-level employment, such as in hospitality.

Figure 98: employment destinations of those leaving higher-education institutions after 2013-14 year, six months on



Source: DEL

Achieving such a benign outcome is rendered more problematic by the squeeze on funding of higher education in Northern Ireland. Over the decades since the heyday of free mass higher education (allied to maintenance grants) across the UK, initiated by the Robbins review of 1963 and the launch of the Open University in 1971, there has been an increasing shift in the burden of paying for higher education from the taxpayer to the individual student, rendering access increasingly dependent on ability to pay. In 2012 fees were trebled in England and Wales to a maximum of £9,000 per student per year. As with the regional rate, the Northern Ireland executive has restricted its 'fiscal effort' in this regard to inflation-linked increases, so that in 2015-16 fees were £3,805 in Northern Ireland for students domiciled within the region. Taking all sources of funding for universities into consideration, the gap between funding per undergraduate student in Northern Ireland and those elsewhere in the UK is now between £900 and £2,500, leaving higher-education institutions £39 million worse off than they would be were funding to match the level in England. This has been associated with major cuts, amounting in 2015-16 to £16.1 million and associated with reductions in student numbers. By contrast, the Scottish government strategically decided to combine restraint on fee increases with an injection of an additional £135.5 million into higher education between 2011 and 2015.

After a public consultation, in March 2016 the minister for employment and learning, Farry, published an options paper (also gone from the online ether) ahead of the assembly election, seeking to concentrate minds on the hard choices the executive would face in its next term. The paper set out the severity of the squeeze on the system in the years ahead (Figure 99). Taking account of ambitions for expansion, the shortfall would come close to £100 million a year by 2019-20, against the backdrop of a forecast under-supply of university-level skills. The minister's three options would clear this shortfall through enhanced public investment, raising the cap on fees to £9,000 as in England or a combination of increased investment and a more modest fee increase to £6,000. If the minister's intent was to ensure higher-education funding would figure prominently on the election agenda, however, he cannot be said to have succeeded—though inevitably it briefly emerged when BBC

Northern Ireland allowed a 'Good Friday generation' of young people to confront political leaders in the studio (BBC NI news, 20 April 2016). Farry's anxiety was echoed by the Royal Irish Academy, which published a paper after the election warning that higher education in Northern Ireland was experiencing unprecedented underfunding compared with other UK regions. It rehearsed Farry's options, saying (*Irish News*, 13 May 2016): 'A failure to address the current HE funding situation will lead inevitably to a decline in the quality and reputation of Northern Ireland's universities and their graduates.'

Figure 99: the shortfall in higher-education funding in Northern Ireland (£m)

Challenge	Annual financial requirements		
	2017-18	2018-19	2019-20
Funding gap	39	39	39
2015-16 cuts	16.1	16.1	16.1
Expansion ambitions	13.1	26.2	39.4
<b>Total</b>	<b>68.2</b>	<b>81.3</b>	<b>94.5</b>

Source: DEL

## 3.7 Qualifications and skills in the adult population

The last *Labour Market Bulletin* from DEL, published in July 2015, shows how in a comparative context Northern Ireland is stuck in a low-pay/low-skill equilibrium, performing worse in this regard than the rest of the UK and Ireland and much worse than the high performers like the Nordics. Weak levels of skill (including basic skills) among the adult population are matched by weak investment in the education and training of that population. Sustaining the Finnish comparison, Northern Ireland lags not only in performance at school but also in terms of participation in post-school and, particularly, lifelong education and training. Specifically of concern is its relatively poor performance in turning out graduates in the 'STEM' subjects (science, technology, engineering and mathematics) so essential to the knowledge economy.

## 4. HEALTH INEQUALITIES

### 4.1 Mortality and morbidity

Health inequalities used to be discussed in terms of the poor 'lifestyles' of the poor. As indicated earlier, however, that superficial view has been replaced by one which recognises that health and ill-health have profound social determinants and health inequalities are products of the social gradient: where that is steep, individuals at all levels of the social hierarchy will tend to have poorer health than in more egalitarian societies. Mindful of this debate, the Department of Health, Social Services and Public Safety collated [data](#) on life expectancy in Northern Ireland, broken down by quintiles from most to least deprived areas. The data published in 2015 were up to the triennial period 2011-13 inclusive. Life expectancy and the gap in years between the top and bottom quintiles are shown in Figure 100. There had been a small erosion of the gap, for both men and women, but it remained the case that a boy born in 2013 in one of the most advantaged fifth of areas could expect to live on



average seven and a half years longer than his counterpart in one of the fifth poorest. The current overall average life expectancy of just over 80 is a little below the typical northern-European level of 81 (UK, Republic of Ireland) or 82 (Iceland, Norway, Sweden), according to World Bank [data](#).

**Figure 100: average life expectancy by deprivation quintiles and gap in years between top and bottom**

Life expectancy years	2006-08		2007-09		2008-10		2009-11		2010-12		2011-13	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
NI	76.3	81.2	76.7	81.3	77.0	81.4	77.4	81.9	77.7	82.1	78.0	82.3
Deprivation quintiles												
(Most deprived) 1	71.8	78.6	72.2	78.6	72.7	78.9	73.4	79.2	73.5	79.6	73.6	79.6
2	75.2	80.5	75.6	80.6	76.1	80.8	76.6	81.5	76.8	81.9	77.1	82.2
3	77.1	81.5	77.5	81.5	77.6	81.5	77.9	81.9	78.2	82.2	78.6	82.4
4	78.1	82.4	78.4	82.6	78.5	82.6	78.8	83.0	79.4	83.1	79.7	83.3
(Least deprived) 5	79.6	83.1	79.8	83.2	80.2	83.3	80.5	83.6	80.7	83.8	81.1	83.9
Inequality gaps												
Most-least deprived	7.7	4.5	7.6	4.6	7.5	4.4	7.2	4.4	7.3	4.3	7.5	4.3

Source: DHSSPS

But this is not the whole story: quality of life matters as well as quantity. Using health-survey data, as to respondents' state of health, average years of expectancy of life *in good health* can be calibrated. And here the gap between rich and poor is even bigger in Northern Ireland, especially for women. In the most deprived quintile of areas, they can expect to enjoy less than 55 years of healthy life, 14 years less than their least-deprived counterparts (Figure 101).

**Figure 101: years of healthy life expectancy by deprivation quintile and average gap in years between most- and least-deprived areas**

Healthy life expectancy	2011-13	
	Male	Female
NI	58.7	62.2
Deprivation quintiles		
(Most deprived) 1	51.6	54.3
2	57.6	59.6
3	59.6	63.2
4	61.1	64.4
(Least deprived) 5	63.4	68.4
Inequality gaps		
Most-least deprived	11.8	14.2

Source: DHSSPS

And this brute-luck disadvantage starts at birth—even in the womb. The same pattern emerges in the gap between the most and least deprived quintiles on the proportion of low-birthweight babies. Defined as less than 2.5kg, the rates for rolling quadrennial periods are in Figure 102. They show no diminution over time in the excess of low-birthweight babies in the most deprived areas.

Figure 102: proportion of low-birthweight babies by deprivation quintile and percentage excess of most- over least-deprived areas

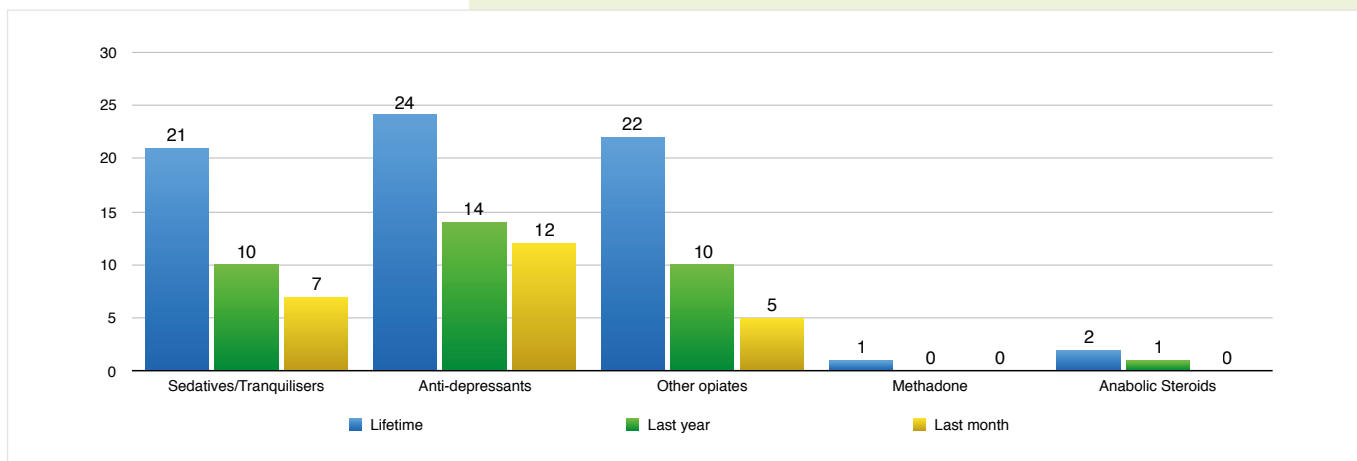
Low birthweight (% of live births)	2005-09	2006-10	2007-11	2008-12	2009-13	2010-14
NI	6.2%	6.1%	6.1%	6.1%	6.1%	6.1%
Deprivation quintiles						
(Most deprived) 1	7.7%	7.6%	7.5%	7.4%	7.4%	7.3%
2	6.4%	6.3%	6.2%	6.1%	6.0%	6.0%
3	5.5%	5.7%	5.7%	5.8%	5.8%	6.0%
4	5.7%	5.5%	5.6%	5.7%	5.8%	5.9%
(Least deprived) 5	5.4%	5.3%	5.1%	5.2%	5.3%	5.1%
Inequality gaps						
Most-least deprived	41%	42%	46%	42%	41%	44%

Source: DHSSPS

## 4.2 Prescription drugs

Higher mortality and morbidity rates at the bottom of the social pile are related to over-production of the hormone cortisol, induced by chronic stress (Wilkinson, 2005). And one little-discussed symptom of health inequality in Northern Ireland is the high rate of dependence of many working-class women on prescription drugs. According to the All Ireland Drug Prevalence Survey, in 2014-15 nearly a quarter of respondents in Northern Ireland said they had been prescribed anti-depressants at some stage in their lives and over a fifth sedatives or tranquilisers (Figure 103).

Figure 103: usage of prescription drugs in Northern Ireland by time period, 2014-15 data

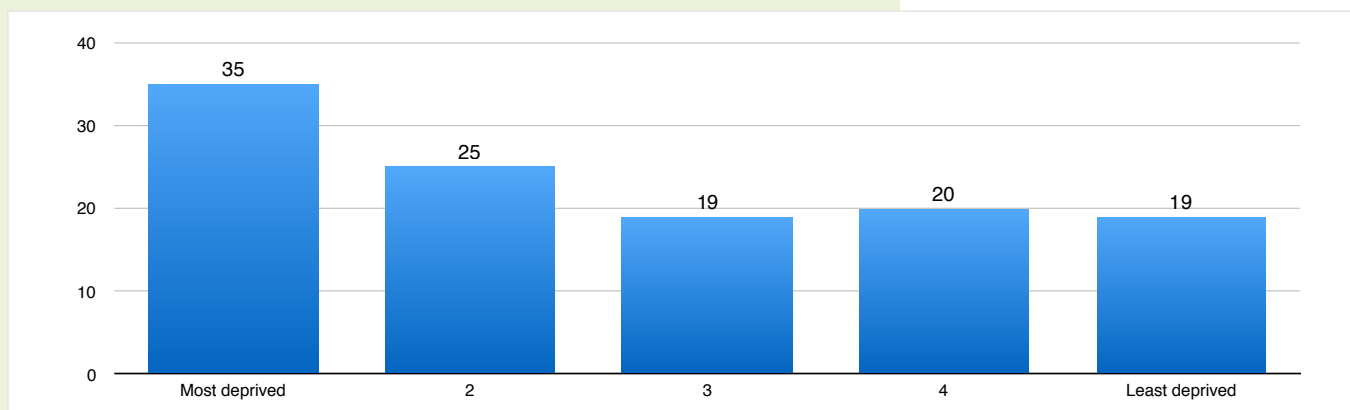


Source: All Ireland Drug Prevalence Survey

But usage is heavily skewed towards women and the working class—especially older working-class women, which may include those still traumatised by events in the 'troubles', given the concentration of violence in the poorest areas. So when usage is broken down by deprivation quintile (Figure 104), it turns out 35 per cent of respondents in the most deprived areas have been prescribed anti-depressants at some point. If the more disaggregated data from the previous, 2010-11 survey apply, this would indicate that 45 per cent

of women in the most deprived areas had used anti-depressants, and 58 per cent of women aged 35-64 in those areas had turned to them.

**Figure 104: proportion of respondents who had ever taken anti-depressants by deprivation quintiles**



Source: All Ireland Drug Prevalence Survey

The paradox is that this is a minor epidemic of distress and despair which, while in one sense 'treated', goes in another sense undiagnosed and unaddressed.

## 4.3 Abortion

In 1967 a Liberal MP called David Steel piloted a private members' bill through Westminster, which decriminalised abortion in Great Britain. But the legislation did not extend to Northern Ireland, then under the old devolved system, where the 1861 Offences Against the Person Act, allowing of life sentences for the procurement of abortion, still applied, albeit modified by the Infant Life Preservation Act introduced by the Stormont parliament in 1929. Almost a half-century on, now Lord Steel told the BBC that the situation was 'ridiculous'. He said (BBC NI news, 22 April 2016): 'I find it absolutely extraordinary that Northern Ireland doesn't, even in a small way, attempt to catch up with where we were in 1967. Fifty years later is just incredible. I think politicians [at Westminster] look slightly askance at those from Northern Ireland, and say: "How can you possibly represent human rights in that territory if you allow your colleagues in Northern Ireland to constantly turn their backs on a sensible law?"' A few days earlier, two Labour frontbenchers had written to Westminster's joint committee on human rights in just these terms. While justice and health are both devolved to Stormont, human rights as a domain is not. And they wrote (*Guardian*, 18 April 2016): 'We believe that there are few more egregious breaches of human rights than the denial of vital healthcare, yet this is the situation for hundreds of thousands of women in Northern Ireland.'

All the relevant standard-setting bodies at the United Nations on human rights have recently concurred with this argument. A spokesperson for the UN Human Rights Committee, which monitors compliance with the International Covenant on Civil and Political Rights, said in April 2016 (*Independent*, 10 April 2016): 'The State party [UK] should, as a matter of priority, amend its legislation on abortion in Northern Ireland with a view to providing for additional exceptions to the legal ban on abortion, including in cases of rape, incest and fatal foetal abnormality.' The committee went on to censure the

republic, saying that the refusal of an abortion to a woman whose foetus had congenital defects denying its viability amounted to degrading and inhuman treatment. It called on the government there to introduce 'accessible procedures for pregnancy termination' (*Guardian*, 9 June 2016). The UN Committee on the Rights of the Child, in its observations on the UK in June, urged the state-party: 'Decriminalize abortion in Northern Ireland in all circumstances and review its legislation with a view to ensuring girls' access to safe abortion and post-abortion care services.' And the UN Committee on Economic, Social and Cultural Rights, in its UK observations later that month, said: 'The Committee is concerned that termination of pregnancy in Northern Ireland is still criminalized in all circumstances, except when the life of the woman is in danger[,] which could lead to unsafe abortions and is disproportionately affecting women from low-income families who cannot travel to other parts of the United Kingdom.' It called for amendment of the legislation on termination of pregnancy in Northern Ireland, 'to make it compatible with other fundamental rights, such as women's rights to health, life and dignity'.

In Europe, outside of Ireland abortion is highly restricted only in Cyprus and Poland—where at time of writing the ruling party was seeking an outright ban—and outlawed only in Malta (Euronews, 14 April 2016). In June 2016, the Council of Europe commissioner for human rights, Nils Muižnieks, called on Poland to remove the barriers which still hampered women's access to safe and legal abortion there. In November 2015, the High Court in Belfast had ruled that the legislative position in Northern Ireland was incompatible with the European Convention on Human Rights, following an application to that effect by the NIHRC. The justice minister, Ford, had initiated a consultation in October 2014 on whether the law in Northern Ireland should be liberalised to address cases of rape, incest and/or fatal foetal abnormality—following a well-publicised case of a young woman, Sarah Ewart, who had had to go to England to obtain a termination because of foetal anencephaly—but nothing had eventuated. Justice Mark Horner declared (*Guardian*, 30 November 2015): 'In the circumstances, given this issue is unlikely to be grasped by the legislature in the foreseeable future, and the entitlement of citizens of Northern Ireland to have their convention rights protected by the courts, I conclude that the article eight rights [to respect for private and family life] of women in Northern Ireland who are pregnant with fatal foetal abnormalities or who are pregnant as a result of sexual crime are breached by the impugned provisions.' The attorney general, John Larkin, who has publicly averred his hostility to abortion, said he would appeal the ruling.

The explosion of interest in the issue in London, accompanied by headlines in which the word 'shame' figured prominently, followed an episode in Belfast in which a young woman was prosecuted for having availed herself of abortion pills online, because she could not afford the cost of travelling across the Irish Sea and obtaining a termination. In March 2016, long-awaited guidelines from the DHSSPS indicated that health professionals could elect not to pass on to the authorities information from a patient that she had used abortion pills, on grounds of patient confidentiality (*Irish Times*, 21 March 2016).

An investigation by *The Detail* had reported in December 2015 that 4,652 women had made the journey to Great Britain for an abortion in the five years from 2010 to 2014. (This is likely an underestimate, since not all would have given their Northern Ireland addresses to the provider.) The cost of the procedure was between £400 and £1,500 and of course there were travel and

accommodation costs on top. In 2015, the tally was 833 (*Belfast Telegraph*, 17 May 2016). In that year 3,451 women with addresses in the republic obtained abortions in England and Wales (*Irish Times*, 17 May 2016). The 2013 Protection of Life During Pregnancy Act in the republic meanwhile allows of abortion in the very restricted circumstances of a risk to the life of the woman, including via suicide, were the pregnancy to proceed. This was a response to the outcry over the October 2012 death in Galway University Hospital of Savita Halappanavar, who was unable to obtain a termination while miscarrying and fearing for her life, because doctors detected a foetal heartbeat; she died of blood poisoning.

In 2015 Amnesty International published a report which quoted the director of the Abortion Support Network in Britain, describing the experience of the quest for an abortion of women from Northern Ireland. She said: 'What they have in common is that they are pregnant, they don't want to be pregnant—or in the case of fatal foetal anomaly the pregnancy has become untenable—and, above all, the women who contact us are poor.' In his High Court judgment, Horner had acknowledged that those of 'limited means' suffered the most from the legal framework in Northern Ireland, arguing that it 'smacks of one law for the rich and one law for the poor'.



## DIMENSION THREE: Cohesion and sharing

### 1. THE POLICY CONTEXT

#### 1.1 'Building a united community'?

The process of agreeing an official policy to counter sectarianism in a society where sectarian politics still dominates has inevitably been tortuous. It began with a review commissioned by the first devolved government after the Belfast agreement, though its report was not discussed by the executive in the nine months between its production and the suspension of devolution in 2002. It continued with a further consultation under direct rule and the publication as a substantive policy in 2005 of *A Shared Future*, which was however shelved at the behest of the DUP (which successfully proposed that it be merely 'noted') when devolution was renewed in 2007. Protracted negotiations between DUP and SF special advisers on a successor, which at one point led to two separate documents on intercommunal relations being published by the largest Protestant and Catholic parties, issued in a further consultation paper, *Cohesion, Sharing and Integration*, in 2010—but this was stillborn after adverse public reaction. Finally, in May 2013, the OFMDFM published *Together: Building a United Community* (TBUC) as agreed policy. But as the last monitoring report noted, this assumed the permanence of the two sectarian blocs, for example by retreating from the goal of integrated education in the Good Friday Agreement and *A Shared Future* to the notion of ten education campuses shared between the continuing denominational systems.

Normally, a new public policy, especially on something which, to the international community, so clearly embodies *the* Northern Ireland problem, would require legislation to confer new powers or duties on government and agencies, steered by top-level political leadership. But the policy was mainly a series of discrete projects, including for ten shared neighbourhoods, with a strong implication that youth was the problem to be tackled, as embodied in projects for 100 summer camps and a 'United Youth' volunteering scheme for NEETs. The only headline policy outcome, dismantling of the scores of 'peace walls' by 2023, as discussed above, has seen only modest achievements in the first three years of that decade—dependent as it is on the confidence of anxious local residents about the absence of the walls rather than on guarantees by the police of the rule of law.

Nearly three years on, in February 2016, there was a difficult meeting between the lead official in the OFMDFM responsible for the implementation of TBUC, Mark Browne, and the assembly committee monitoring his department. The committee chair, Mike Nesbitt, elicited from Browne that there had been only two meetings of the ministerial panel guiding implementation, in December 2013 and October 2014—the last 16 months previously, in other words. Asked what had been the outcomes of the first meeting, Browne said: 'I cannot recall the specific outcomes.' Asked about the second meeting, he said: 'I plead the same thing, Chair.' The committee had recommended that an annual report be produced on the progress of the policy, with a 'take note' debate led by ministers in the assembly. Browne said that officials were 'looking at the development of' an annual report and 'would want to consider further' with ministers their views

on such a debate, consequent on such a report. Asked about legislation to merge the Community Relations Council and the Equality Commission, as the agency outside the OFMDFM responsible for driving the policy forward, Browne said there was no ministerial agreement on that and the two organisations would continue to work together. The committee had also recommended that a forum to allow engagement with practitioners on the ground should be chaired by a representative of the third sector. Browne said that, 'to show the extent' of engagement by the department, it had been decided rather that a senior official should chair the forum. He duly did so when it had its first meeting in Belfast a month later. At the forum's June 2016 meeting, he reported :

- 101 summer camps had been established,
- funding had been allocated to three shared campuses and two more had been approved,
- two shared neighbourhoods had been completed and three were under construction, and
- three barriers had been removed on Derry's walls and sections of five other structures had been removed.

## 1.2 The wider framework

Northern Ireland has been by no means alone in facing the challenge of managing its cultural diversity in a peaceful and tolerant fashion—but it has been unusual in seeking to do so outwith the wider international debate of recent years on how this is best done. That debate has been led by the Council of Europe since 2002, following the wars in ex-Yugoslavia of the 1990s and the events of 'September 11' in the US. Hitherto the management of cultural diversity in western Europe had been characterised by two models: assimilationism and multiculturalism. But a series of shocks destabilised these models and moved the challenge of living together higher and higher up the European political agenda.

If assimilationism can be briefly characterised as the idea that minority individuals should subscribe to a dominant ethos inscribed in the 'nation-state', it was dealt a body blow in its standard-bearer, France, by the 2005 riots *en banlieue*. For here were masses of alienated, mainly *maghrébin* youth who knew from daily life that the discrimination by name and *arrondissement* which they experienced belied the 'republican values'—most notably equality—which France proclaimed, and they took their anger out on the state and its forces. By the same token, if multiculturalism can be encapsulated in the notion that minority 'communities' have homogeneous 'cultures' which should be politically recognised, that too was exploded by the 2001 riots in northern England. For if multiculturalism had focused attention solely on the vertical relationships between such 'communities' and the state, the interethnic clashes in Oldham, Bradford and Burnley highlighted the pathological horizontal relationships which had developed out of segregation and mutual incomprehension and which led to youngsters venting their anger on each other. Nor were these the only crisis symptoms—quite the contrary.

It was against this backdrop that in 2005 the member states of the Council of Europe called for a 'white paper on intercultural dialogue', to offer them guidance on policy and good practice. And the notion of intercultural integration has encapsulated the new paradigm for the management of cultural diversity which has emerged since the launch of the [white paper](#) in 2008. One of the most



positive sequels is the [Intercultural Cities \(ICCs\)](#) network, which has provided the growing number of member municipalities (including Dublin and Limerick) with the support to pioneer and share good practices on the ground. In 2015, the 47 member states of the Council of Europe gave a [ringing endorsement](#) to this body of work, in light of the positive experience of the ICCs.

The white paper reaffirmed the universal norms of democracy, human rights and the rule of law, which the Council of Europe was established in 1949 to uphold, as the essential foundation of intercultural integration. It thus established the necessary common language for interculturalism to be other than a dialogue of the deaf and simultaneously disavowed the legitimacy of claims, incompatible with universal norms, in defence of particular 'cultural traditions' (forced marriage, for instance). It incorporated the best elements of the preceding models, while also offering innovation: 'It takes from assimilation the focus on the individual; it takes from multiculturalism the recognition of cultural diversity. And it adds the new element, critical to integration and social cohesion, of dialogue on the basis of equal dignity and shared values.' And the white paper approached the task of integration in a new way. If multiculturalism is unconcerned about integration, assimilationism places all the onus on members of minorities to integrate into a society with a taken-for-granted majority ethos. By contrast, and based on the equality of human dignity universal norms enshrine, the white paper defined integration as 'a two-sided process'.

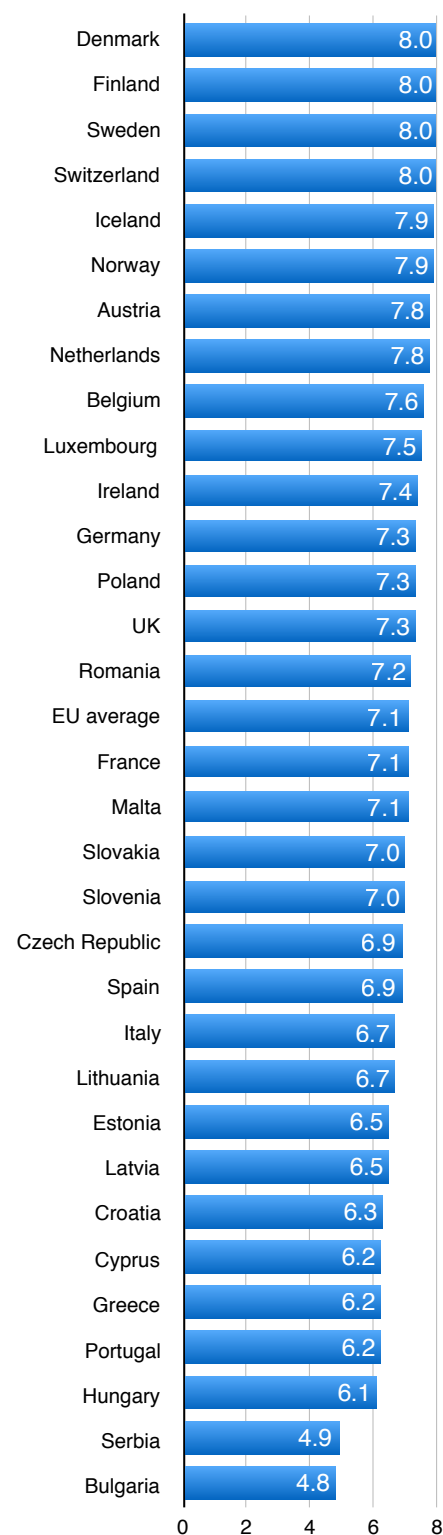
Northern Ireland has taken no note of this evolving discourse—even though, elsewhere in Europe, only in Cyprus and Bosnia-Herzegovina could intercultural integration be said to be at such a premium. It has instead thus sustained its polarisation between many 'unionists' unwittingly articulating the assimilationist model (as political representatives of ethnic majorities always do), with many 'nationalists' in contradistinction making multiculturalist claims (as political representatives of ethnic minorities always do). The white paper was almost entitled 'A Shared Future' and that eponymous document did refer to 'the wider international debate on inter-culturalism' by then in train. But while practitioners on the ground broadly welcomed *A Shared Future*, TBUC has met a significantly less sympathetic response. And yet with neither unionists nor nationalists appreciating that they are unconsciously rehearsing wider assimilationism-versus-multiculturalism positions now under critical scrutiny—still less recognising how the Council of Europe has been the standard-setter in moving the debate on—it has remained impossible to produce a policy on intercultural integration which has the philosophical 'glue' to make it greater than the sum of its individual project parts.

## 2. WELLBEING

### 2.1 The measurement of 'happiness'

The most recent Europe-wide data on wellbeing come from 2013. Among a series of survey questions, respondents were asked to rate their 'life satisfaction' on a score of 1 to 10. The scores by country are in Figure 105. The pattern mirrors the earlier discussion of equality in terms of the adequacy of the welfare state, with the Nordic, universal welfare states coming out top, the northern-European, social-insurance welfare states coming next, the Anglo-Saxon states (like the UK) coming next (with the Republic of Ireland on the margin) and those countries with only a residual welfare state bringing

Figure 105: overall life satisfaction scores by EU member state, 2013

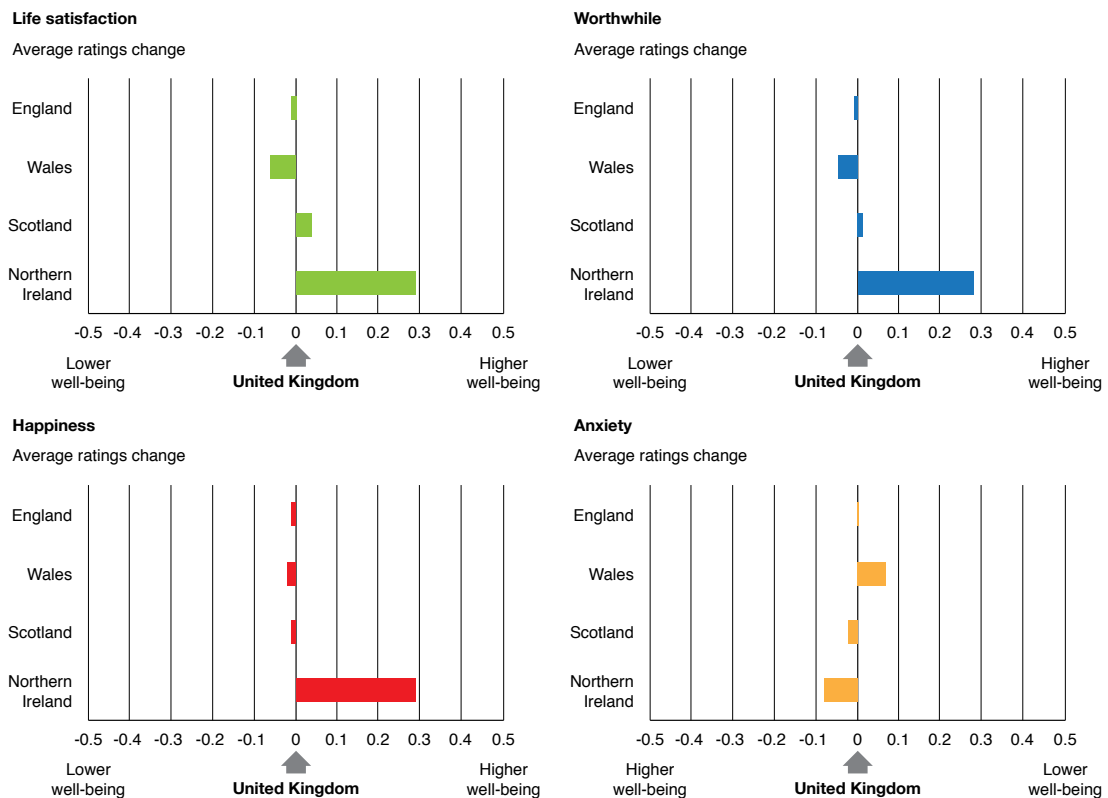


Source: Eurostat

up the rear. Decades of evidence from the World Values Survey [show](#) that life satisfaction correlates with government consumption as a proportion of GDP, welfare expenditure in terms of the same ratio, welfare-state generosity and labour-market regulation. Remarkably, the degree of state interventionism in this sense makes more difference on average to personal wellbeing than being married or being employed (Flavin *et al*, 2014).

The ONS started collecting survey data on wellbeing in the UK in 2011-12. In each year, Northern Ireland has come out top on three of the four measures used. These measures are life satisfaction, feeling what one does in life is worthwhile, happiness (the respondent being asked to think of yesterday) and anxiety (ditto). Indeed, in the latest iteration of *Measuring National Wellbeing*, released in September 2015 (Figure 106), the ONS pointed out that Northern Ireland was the only jurisdiction to come out statistically significantly above the UK average on satisfaction, feeling worthwhile and happiness. It was the least anxious too, albeit in this case its variance from the UK average was not statistically significant.

Figure 106: aggregated survey responses on four wellbeing measures, 2014-15, comparing England, Scotland, Wales and Northern Ireland with the UK average

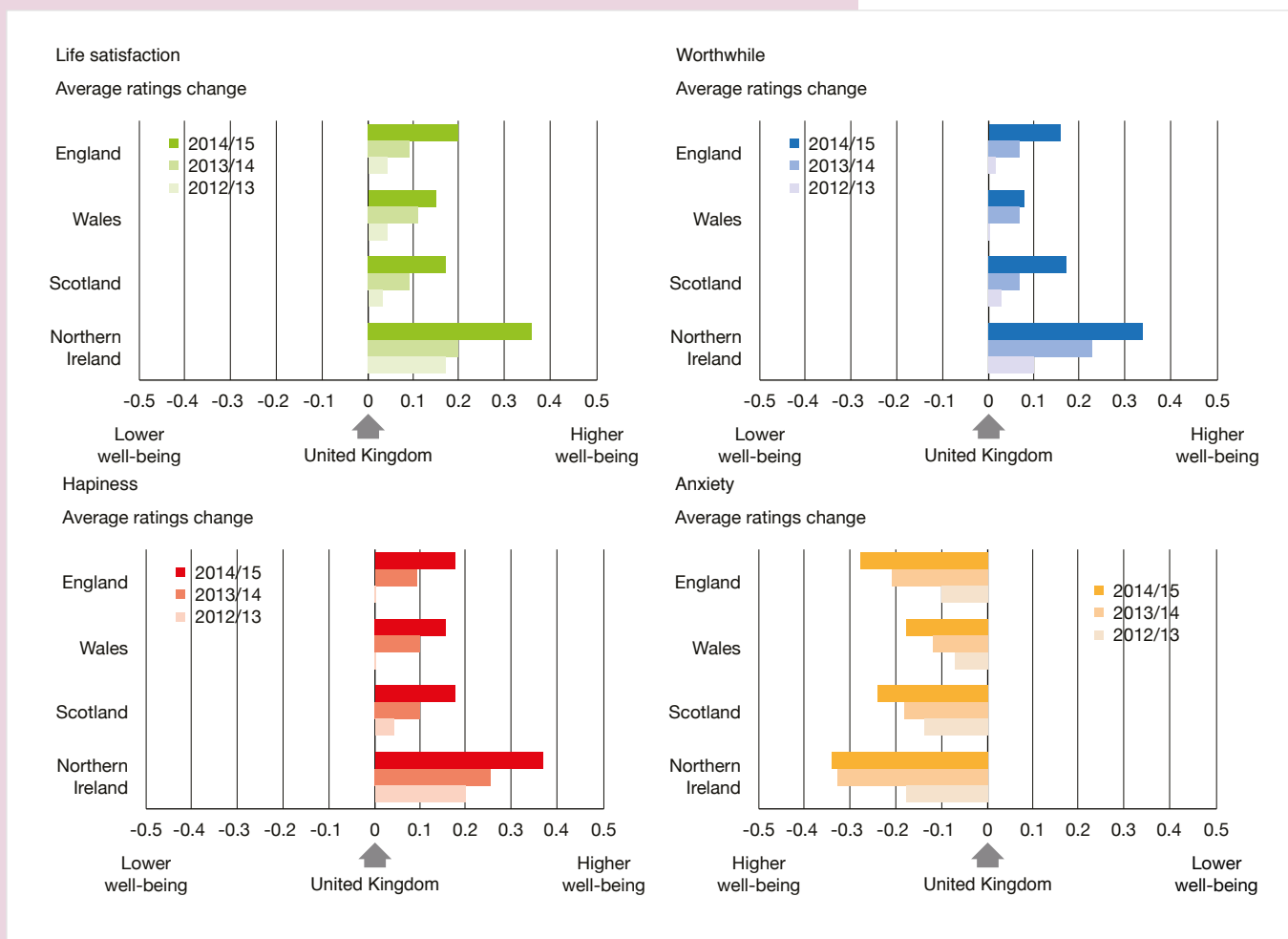


Source: ONS

The trend towards collecting data on wellbeing internationally stems from an increasing appreciation that per capita GDP bears little correspondence with personal wellbeing in developed economies. And these comparative data reinforce that conclusion: Northern Ireland has a very similar GDP per head to that of Wales, around the bottom of the UK distribution, yet it finds itself at the opposite end of the data spread on each of the four indices—and as the best performer overall in each case. What is also remarkable from the data is that Northern Ireland has seen the biggest cumulative improvements in wellbeing,

on every dimension, in every year since 2011-12, as Figure 107 shows. This, as indicated above, at the same time as the region has seen a very flaccid economic recovery—the priority of the devolved executive—by comparison even with the weak rebound in Great Britain. To keep some perspective, however, this still leaves Northern Ireland short of the high northern-European performers in absolute terms. And it could of course be that Northern Ireland’s better performance is explained by lower, or just more fatalistic, expectations as to what life will bring.

Figure 107: cumulative annual changes in average personal wellbeing, across UK jurisdictions, from 2011-12 baseline



Source: ONS

## 2.2 The measurement of ‘unhappiness’

There are, of course, caveats. Averages conceal cases far from the mean. Northern Ireland clearly has a major problem of post-traumatic stress. And one of the architects of the Good Friday agreement, the former prime-ministerial adviser Alastair Campbell, claimed in February 2016 that the challenge of mental ill-health—with which he had also struggled—was not being adequately dealt with in the aftermath of the agreement. He told a conference organised by Action Mental Health that, despite facing this greater challenge, Northern Ireland was spending less than other parts of the UK on addressing it. And he said (*News Letter*, 23 February 2016): ‘I believe the people of Northern Ireland are being let down by the failure adequately to tackle one of the long-term legacies of the troubles.’

Campbell's claims were founded in [research](#) AMH had commissioned from Queen's University academics, published in October 2015. This highlighted that 24 per cent of women and 17 per cent of men in Northern Ireland have a mental-health problem—rates over 20 per cent higher than in England or Scotland, due to excess unemployment, social deprivation and the 'troubles' overhang. Mental ill-health constitutes 23 per cent of the burden on the NHS in England, yet only 13 per cent of health spending is devoted to it. The research found, however, that spending on mental health represented only 8 per cent of health expenditure in Northern Ireland—towards the low end of the range of those OECD countries with disaggregated data, where this ratio varies between 5 and 18 per cent. The focus of health debate in the region has been on the configuration of acute hospitals, with marked local political resistance to changes, leaving the rest of the budget tightly squeezed—especially in the context of austerity, where health consumes 46 per cent of the non-ring-fenced budget. The researchers complained that 'it is clear that mental health does not feature largely in the Programme for Government 2011–2015 nor does it have much presence in recent assessments of progress'. Such concerns were reinforced by the publication in June 2016 of the report of an independent commission on Northern Ireland's mental-health services, which was highly critical of the shortage of facilities in the region, given it had the highest incidence of suicide and mental ill-health within the UK (BBC NI news, 17 June 2016). The new health minister following the May 2016 assembly election, Michelle O'Neill of SF, did however quickly stress that mental health was a priority for her.

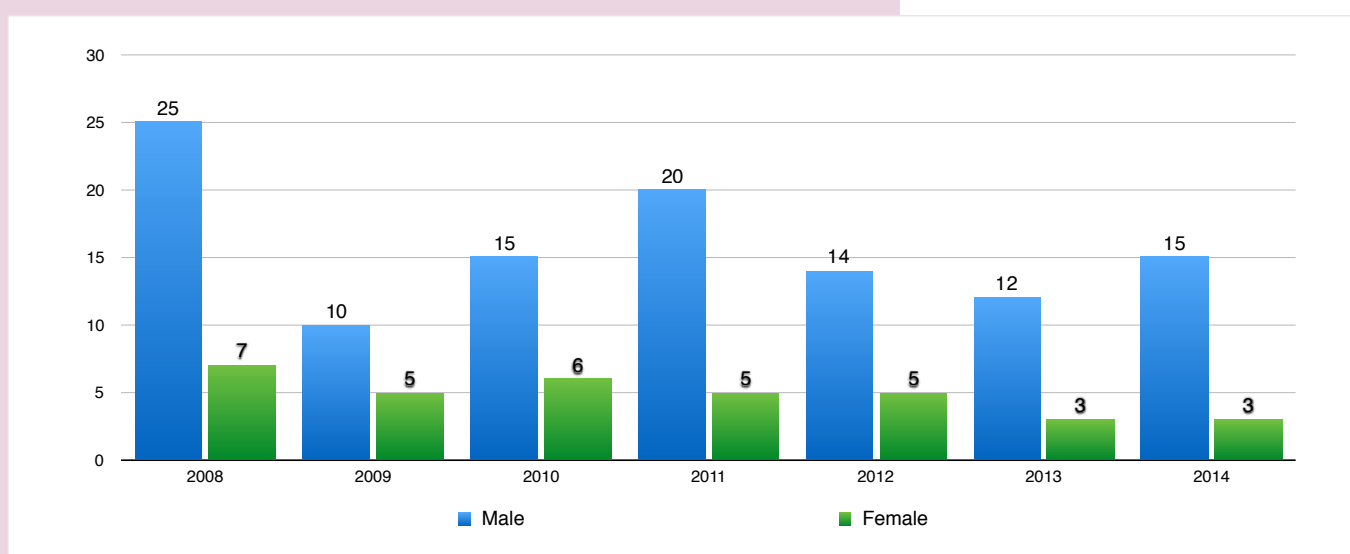
## 2.3 Suicide

In April 2016, the health department briefed some Northern Ireland Assembly members with a paper which contained discouraging recent data on suicides in the region. The annual rate had been falling from a peak of 313 in 2010 but in the first nine months of 2015 there had been 246 suicides, implying an annual figure above the 2010 high (*Belfast Live*, 11 April 2016). Northern Ireland has now the highest incidence of suicide in the UK: in 2014 the rate was 16.5 suicides per 100,000, compared with 14.5 in Scotland, 10.3 in England and 9.2 in Wales, with 77 per cent of the victims male (*Belfast Telegraph*, 5 February 2016). It is much higher still among the socially excluded: the rate is three times as high in the quintile of most deprived areas as in the least deprived. And there is a wider phenomenon of self-harm, which in 2013–14 affected 327 per 100,000 in Northern Ireland, a rate 64 per cent higher than in the republic (*Belfast Live*, 11 April 2016). In Belfast and particularly Derry this is even more disturbing: the incidence per 100,000 (15 years and over) in 2013–14, according to the latest chief medical officer's [report](#), was 563 and 623 respectively.

According to Siobhan O'Neill, professor of mental health at Ulster University, 'insecurity is a factor in suicide, and if there was economic insecurity about the living circumstances of the person then certainly it would be [a factor]'. She pointed to the impact of cultural norms of home ownership and male-breadwinner status and predicted that 'welfare reform' would lead to more suicides in Northern Ireland (*The View* 35, 2016). Having said that, ever since the time of Emile Durkheim, one of the founders of social science in the 19th century, the causes of suicide have been controversial; unlike other social pathologies, its prevalence by country does not correlate with the degree of social inequality (Wilkinson and Pickett, 2009).

Only a little over £7 million is spent per year on suicide prevention in Northern Ireland. In March 2016 the charity FASA (Forum for Action on Substance Abuse), based on the Shankill Road in Belfast, closed its doors, facing insolvency. It blamed the absence of full-cost recovery for its services, facing growing demand, with more than 2,000 clients being seen per week, many at risk of self-harm or suicide (BBC NI news, 10 March 2016). In Derry, meanwhile, Denis Bradley, a director of the Northlands Centre dealing with addictions, warned that the centre could have to close within a year due to uncertainty about funding (*Belfast Telegraph*, 3 June 2016). FASA's 62 staff and 70 volunteers worked mainly with young people and, in a context where the bulk of those who commit suicide are under 35, the prevalence of suicide even among teenagers in Northern Ireland remains disturbing (Figure 108).

Figure 108: number of suicides among the under-20s in Northern Ireland by year



Source: Children and Young People's Strategic Partnership

There is a Ministerial Co-ordination Group on Suicide Prevention at Stormont. In January 2016 it emerged that it had met just 11 times in a decade (*Irish News*, 25 January 2016).

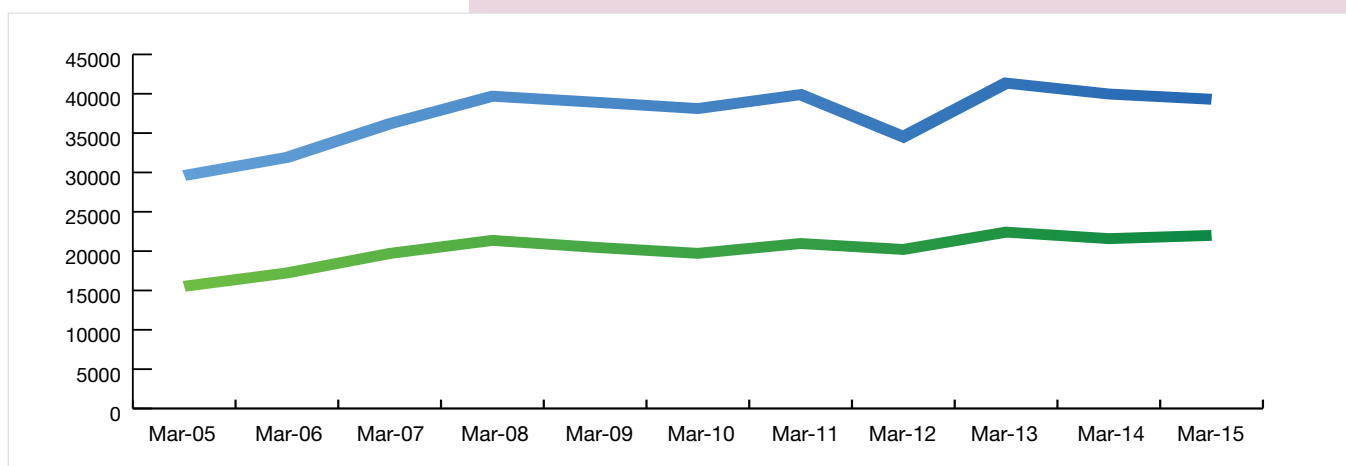
## 3. SHARING AND SEPARATION IN HOUSING

### 3.1 Public housing

As indicated earlier and discussed in the last monitoring report, there has been a tenure revolution in recent times, where the idea of housing as a right to shelter has been replaced by a property as a commodity to own—or, for the growing group for whom this aspiration is impossible to realise, a place to rent. The Northern Ireland Housing Executive's 2015-18 [review](#) of the housing market notes: 'High levels of worklessness and rising numbers in part-time and temporary employment, as well as substantial waiting lists for social housing and affordability issues for first time buyers, will ensure that the private rented sector will continue to play an increasingly important role in Northern Ireland's

housing market in the longer term.' Figure 109 shows how the waiting list has slowly but inexorably risen, along with the smaller group facing 'housing stress' in their current situation. In the four years to 2014-15, work started on 6,101 social dwellings. This met the Programme for Government requirement of 6,000, or 1,500 a year, but the Housing Executive argues that a further 500 new starts per year, or a total of 2,000 per annum, are required if it is to begin to eat into the waiting list.

Figure 109: trends in the waiting list for social housing (blue) and those in 'housing stress' (green)



Source: NIHE

By 2014, average monthly private rents had risen to £549 across Northern Ireland and to nearly £600 in Belfast, which accounted for 41 per cent of new lettings. In 2013-14 these rents were subsidised by the taxpayer via housing benefit to the tune of £300 million. A register of landlords was introduced in 2014.

## 3.2 Residential segregation

'Mixed housing' was a commitment in the Good Friday agreement, along with integrated education. Implementation has only been partial, however. This section of the agreement was inserted at the behest of the Northern Ireland Women's Coalition, a short-lived party which secured two seats in the first assembly election after the agreement. But its politics of 'civic principles' clashed with Northern Ireland's 'traditional discourses of nationalism and realism, as well as the passive, supplementary political roles they ascribe to women' (Murtagh, 2008). The TBUC strategy thus only supports projects for shared housing and shared neighbourhoods, rather than aiming to normalise how people live together across Northern Ireland as a whole, so that segregation becomes a thing of the past. To do more would require dismantling the apparatus of murals, flags, kerbstone-painting and paramilitary memorials, defacing public property, which embed those competing 'traditional discourses'.

The Northern Ireland Housing Executive has a community cohesion unit and during the period it launched a [Community Cohesion Strategy](#) for 2015-20. This admits: 'Political and sectarian displays are prevalent within our estates and symbols such as murals, flags, kerb painting, bonfires and paramilitary memorials can create a significant "chill factor" for visitors to our estates.' The Housing Executive established a Shared Neighbourhoods programme in 2008: 30 neighbourhoods were involved, and a further 20 engaged in another

three-year successor programme from 2011. To this TBUC simply added plans for a further ten, plus four 'urban villages'. If this feels like a loss of momentum, the difficulty is that shared neighbourhoods need a source of local collective efficacy, if they are to bind individual residents who happen to live in the same place in support of a shared project, so that the 'official' notion has real traction. Successful instances of sharing like Ballynafeigh in south Belfast and Springfarm outside Antrim have a history of a neighbourhood association with credibility on the ground committed to fostering integration. These low-hanging fruit have been picked.

In the wake of the publication of *A Shared Future* in 2005, the Housing Executive had also set in train a 'Shared Future' newbuild programme, beginning with a scheme outside Enniskillen, Co Fermanagh, in 2006. Now there are 11 such schemes across Northern Ireland. Yet in the autumn of 2015 it was evident just how vulnerable these islands of progress are to sectarian forces in the vicinity determined to use symbols to engender new 'chill factors'. In two projects, one in Carryduff, Co Down, the other in Newtownabbey, Co Antrim, flags were erected to have precisely this effect. In the former, predominantly Protestant area, flags of the paramilitary UVF were displayed in the new Killynure Green scheme. A Protestant in a mixed marriage, who had intended to become a tenant but whose son had balked when he saw the flags, told Radio Ulster: 'There are UVF flags up on every lamppost in the estate ... This is not the Northern Ireland that I want for my children.' Within days, Irish tricolours were put up on the Mill Road scheme near the predominantly Catholic Bawnmore estate in Newtownabbey. SF condemned the flag-flying, which followed the appearance locally of graffiti saying 'No Prods' (*News Letter*, 28 October 2015; *Irish News*, 28 October 2015).

The 2015-20 strategy commits the Housing Executive to continue this 'twin track approach' of supporting shared neighbourhoods and developing neutral newbuild schemes. But it does so in qualified terms, reflecting these wider constraints on the process of integration: 'We will facilitate and encourage mixed housing schemes in the social and affordable sector as far as this is practicable, desirable and safe.'

## 4. SHARING AND SEPARATION IN EDUCATION

### 4.1 The management of schooling

While there are a significant minority of 'faith' schools in Great Britain, allocation of control of the public education system to religious authorities in Ireland north and south is unique in Europe. Elsewhere there are, to varying degrees, private schools as a minor element of the system but public schools are just that—for the public as a whole, rather than overwhelmingly for children of one religious background—and private schools, being selective on some criterion (often ability to pay), are hence only partially funded by the taxpayer, if at all. This peculiarity is a product of the failure of the British state in 19th-century Ireland to impose an integrated schooling system when mass education was introduced (Akenson, 1988). After partition, the baton was passed in Northern Ireland to Protestant 'transferors' and Catholic 'trustees', who ensured that what are today called 'controlled' and 'maintained' schools

gave privileged positions to Protestant and Catholic clergy respectively. As with abortion, Malta perhaps comes closest to the Irish situation. Even there the public schools are public and in the majority, while the predominant Catholic church does however manage most of the significant private sector.

Department of Education [data](#) show how segregation remains the leitmotif of the system. Figure 110 shows the distribution of the primary-school population in 2015-16. The continuing concentrations of pupils of Protestant family backgrounds in controlled schools and those of Catholic origin in maintained schools are evident. Also apparent, however, is the significant, and ever-growing, group of pupils of other (including other Christian) religious backgrounds and, especially, those for whom no religion is affirmed. An educational system framed a century and a half ago by the dominant Christian churches of the day in Ireland continues to operate in a society of much greater religious diversity—and one, even more importantly, where for many religion has a diminished salience by comparison with how other, social and educational, considerations might govern schooling arrangements. Thus in 2005-06 pupils of other religious backgrounds or those for whom no religious affinity was identified amounted to 15,250, or 9.6 per cent of the primary population. Ten years later, that number had grown by over 10,000 children, to 25,270, or 15.1 per cent overall.

**Figure 110: primary-school pupils, years 1-7 (excluding special schools and grammar preparatory departments), 2015-16**

	Protestant	Catholic	Other religion	No religion/none recorded
Controlled	<b>51,765</b>	5,401	5,207	14,949
Catholic maintained	600	<b>74,175</b>	984	1,263
Other maintained	286	2,508	42	#
Controlled integrated	1,547	1,143	200	#
Grant maintained integrated	1,768	2,449	494	1,008
Total	55,966	85,676	6,983	18,287

# Number suppressed  
Source: DE

The same pattern—of Protestant and Catholic concentrations in segregated schools and of a significant and enlarging group who do not fit the system's governing principles—applies at post-primary level, secondary and grammar (Figures 111 and 112).

**Figure 111: secondary (non-grammar) pupils (excluding special schools), 2015-16**

	Protestant	Catholic	Other religion	No religion/none recorded
Controlled	<b>22,055</b>	925	1,294	3,049
Catholic maintained	478	<b>36,652</b>	361	425
Other maintained	0	580	*	#
Controlled integrated	1,603	380	#	#
Grant maintained integrated	3,914	3,801	593	1,108
Total	28,050	42,338	2,368	4,997

\* Fewer than five cases



Figure 112: grammar pupils (years 8-14), 2015-16

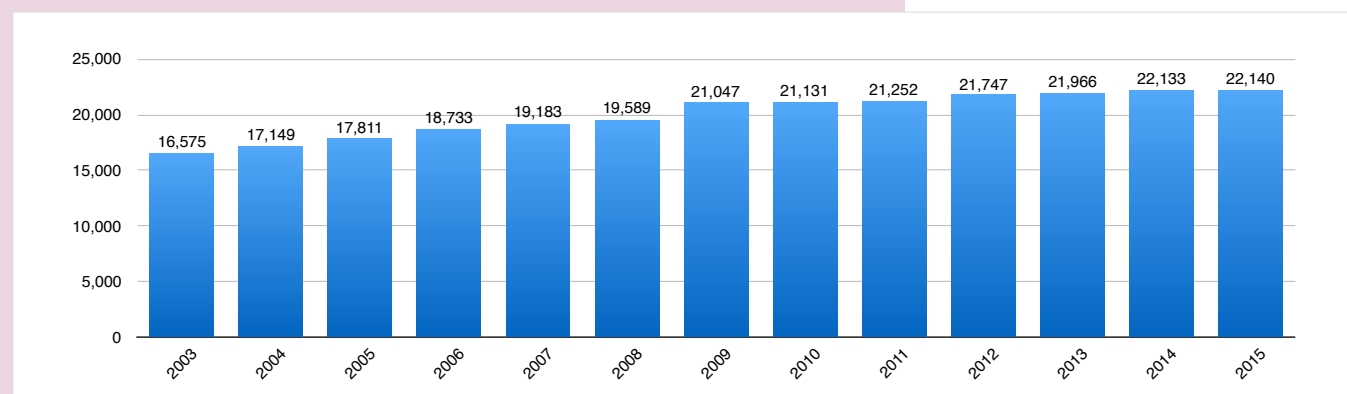
	Protestant	Catholic	Other religion	No religion/none recorded
Controlled	<b>11,043</b>	1,339	892	1,626
Voluntary, under Catholic management	273	<b>27,446</b>	249	289
Voluntary, under other management	<b>13,062</b>	2,507	1,663	2,970
Total	24,378	31,292	2,804	4,885

Source: DE

## 4.2 Integrated and shared education

Still only 7 per cent of pupils in Northern Ireland attend integrated schools, of which there were 63 in the 2015-16 school year. There has been a slowing of the pace of integration, as data from the Northern Ireland Council for Integrated Education show (Figure 113). In the first half of this decade, the number of integrated-school students only grew by about 1,000, with the only new school Mallusk Primary, Co Antrim, which added just 12 pupils to the system in 2015. In the 2000s, 20 integrated schools had been established, and in the last decade of the last century the tally was 32.

Figure 113: number of pupils in integrated schools by year



Source: NICIE

The difficulty is that there is an inherent limit to how many integrated schools can be added to the existing, segregated system, already highly fragmented not only by denomination but also by the grammar/non-grammar divide—not forgetting the small Irish-medium sector. The integrated schools have at least sought from the outset, with the foundation of Lagan College in Belfast in 1981, to be socially comprehensive as well as religiously mixed. (They have, though, as a path-dependent result of the orientation of the movement's initiators in All Children Together, been ecumenically Christian in ethos—rather than simply public and therefore open to, and tolerant of, all faiths and none.) That difficulty could be solved were there to be a willingness on the part of the transferors or trustees in the segregated system to exercise the option the legislation provides to transform to integrated status. And two more schools, Loughries and Killyleagh, have been approved by the department for transformation, operating as integrated schools from September 2016 and taking the total to 65. But such transformation as has taken place to date has

been largely confined to controlled schools threatened with closure, as pupil numbers have depleted to the threshold of viability, opening their doors to Catholic pupils to secure their future. In 2014 Clintyclay Primary School in Co Tyrone became the first Catholic maintained school to seek to transform to integrated status but the Council for Catholic Maintained Schools, supported by the education minister, O'Dowd, endorsed its closure; legal argument continued on that case at time of writing. Where rationalisation of the school estate has taken place through area planning, it has tended to go with the prior denominational grain by mergers within rather than across sectors.

In that context, as indicated in the last monitoring report, since the restoration of devolution in 2007 the scale of ambition has been reduced to collaboration among existing schools, with their separate governance structures, across the divide. Collaborative networks, which were effectively pioneered in Birmingham when Prof Tim Brighouse was chief education officer there in the 1990s, are necessary to deliver all the options of the core post-primary curriculum to all pupils. And there are a number of jointly managed campuses in Scotland, straddling the religious divide. In the Bosniak-Croat federation of Bosnia-Herzegovina, meanwhile, more than 50 schools have operated under the 'two schools under one roof' practice of segregating Muslim and Croat students. But the federation supreme court ruled this to be discriminatory in November 2014 and its education minister said: 'As a minister of education who is a citizen of this state, I believe children should live with one another, not one next to the other. The only natural way of education is schooling in the same classes.'

A 2013 review of the policy and evidence on integrated education by the UNESCO Centre at Ulster University surveyed this international scene and concluded that the Bosnian experience should counsel 'caution about pragmatic approaches to sharing school premises if there is no deeper commitment to structural and social change within society'. The Shared Education (Northern Ireland) Act of May 2016 conferred a duty on the Department of Education to 'encourage, facilitate and promote' shared education, which was very loosely defined. The Education Reform Order (Northern Ireland) 1989 had not only introduced the common curriculum in the region but accordingly required the department to 'encourage and facilitate the development of integrated education'. But that duty had come to be interpreted by the department in a permissive rather than proactive way, as merely responding to expressed parental demand for new integrated schools. The UN Committee on the Rights of the Child upbraided the authorities in Northern Ireland in its June 2016 report, calling on them to 'actively promote a fully integrated education system and carefully monitor the provision of shared education, with the participation of children, in order to ensure that it facilitates social integration'. The committee also called for children to have the right to opt out of collective worship in school.

### 4.3 Where do newcomers go?

In 2015-16, according to DE statistics, there were 8,848 primary pupils (years 1-7, excluding prep schools) described as 'newcomer' children. Just two years earlier, this number had been 6,849, indicating an increase in that short time of 29 per cent, to 5.3 per cent of the primary population. Much of this has yet to feed into post-primary schools, where the number of newcomers has risen less from a lower level—from 2,011 to 2,550 over the same period.

Newcomer pupils are not evenly distributed throughout the system. David McNarry, the former MLA representing the anti-immigrant UK Independence Party in the assembly—he was expelled from the UUP in 2012—asked a number of questions of the education minister in the last assembly term about where such pupils were concentrated, the associated expenditures and how these monies were found. Two schools in south Belfast, Fane Street and Botanic, as well as Dungannon Primary in Co Tyrone, had a majority of newcomers among their pupils, the minister's answer [showed](#). In all 77 primary schools (9 per cent of the total of 827) had more than 40 newcomer pupils.

A [study](#) by Barnardo's published in 2015 looked at this, rather, from the standpoint of the children. It found that most principals were satisfied with the admissions system and with the additional funding which followed newcomer children. But two thirds of the children themselves had felt scared starting primary school in Northern Ireland, because of the difficulty of interacting and making friends due to the language barrier. And some had not been school-ready because they had had no previous experience of being away from their family or of school routines and behaviours. Parents' lack of English could cause problems for schools communicating with them and in helping with homework. Malone College, an integrated secondary school in south Belfast with a very diverse pupil population, recently ran a successful project to engage mainly female parents in English classes, to improve their involvement with their children's education.

## 5. SHARING PUBLIC SPACE

### 5.1 Culture wars

As the last monitoring report pointed out in contextualising the flags controversy, Northern Ireland's politico-military conflict has morphed into a politico-cultural one, a series of 'culture wars', since the 1990s ceasefires. This explains the paradox of why arguments over parades and flags have proved more, rather than less, intense in an environment where violence has become much less so. In George Orwell's dystopian novel *1984*, it is famously a slogan of the Party that 'Who controls the present controls the past' and the 'culture wars' in Northern Ireland reflect persistent efforts to do so, now that the sound and fury of the bombings and shootings have somewhat subsided. The Israel-Palestinian conflict shows some similar tendencies since the abandonment by the Palestine Liberation Organisation of 'armed struggle' in 1993, including growing [polarisation](#) in Israel itself amid intensified argument about purported threats to the 'Jewish' character of the state. The common strand in these symbolic battles is a them-and-us opposition in which the former are presented as perpetrators posing an existential threat and the latter as innocent victims merely trying to go about their own lives. Indeed, the persistence of the middle-east conflict, two decades on from the Oslo accords of 1995, has been [attributed](#) to its nature as an endless struggle for the moral high ground of legitimate 'victimhood'.

Northern Ireland's culture wars are fought out in physical space: parading on highways, erecting flags in neighbourhoods, painting murals in estates. All seek to give those spaces competing ethnic colorations or to move their boundaries, with only dead space in between. In April 2016, a project by a team of Queen's University planning experts came to fruition with a wholly different vision. Called *Making Space for Each Other: Civic Place-Making in a Divided Society*, it was a [manifesto](#) urging planners not simply to follow the path of least resistance or

to adopt the Newspeak of 'community' and 'peace walls' with which ethnic and dead spaces were associated. Supported by the EU Peace programme, it called for planners instead to develop neutral, shared and cosmopolitan spaces. The first would be outside of any territorial claims and available for general public use and encounter—by contrast, for example, with Alexandra Park in Belfast where the erection of a 'peace wall' through the park coincided with the 1994 IRA ceasefire. The second would allow of 'agonistic conversation', of deliberative exchanges across the divide, like the work for decades by the Corrymeela Community through its residential space on the Co Antrim coast. And the third would embrace 'a more global contour and perspective', like the Chinese Welfare Association's resource centre on the Stranmillis Embankment in Belfast, open to individuals and associations of all ethnic origins.

## 5.2 The 'marching season'

Freedom of assembly and association are rights recognised in article 11(1) of the European Convention on Human Rights as applying to 'everyone' in the 47 member states. They are understood to extend to the right to demonstrate. Article 11(2) however qualifies this commitment: 'No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.' For the most part these can be seen as not particularly onerous constraints. Notably, they do not include a right 'not to be offended'—on the contrary, the European Court of Human Rights, in the landmark *Handyside* case on the related right to freedom of expression, ruled that the pluralism on which a democratic society depends requires acceptance of manifestations which might 'offend, shock or disturb' the state or any section of the population. 'Normal' parades and protests in Northern Ireland thus require virtually no regulation beyond stewarding and light policing. According to the Parades Commission's 2014-15 [report](#), there were 1,980 notified, non-communalist parades in the region in that period (Figure 114)—that is almost two in five of all such events. Just one was deemed 'sensitive' by the commission.

A tiny minority of the communalist parades have a Catholic character—176 in 2014-15 or 3 per cent of the total. It is true that they are disproportionately 'sensitive', making up 9 per cent of the latter cases in that year. But the vast majority of such cases are Protestant communalist marches. There were 2,918 such episodes during the year—that is eight every single day, a phenomenon only echoed *sotto voce* in Co Donegal and Glasgow each 12 July and otherwise unique across the continent. These marches comprised 58 per cent of the total and 91 per cent of all 'sensitive' occasions. Totalling 619, the latter however made up only 12 per cent of the 5,074 notified parades in 2014-15. And almost six in ten of these were accounted for by recurring protests over two July Orange Order parades, which had been subjected to commission restrictions years earlier: in the Woodvale/Twaddell area of north Belfast and in Portadown, Co Armagh.

Figure 114: parades notified to the Parades Commission

	Total	Protestant-communalist	Catholic-communalist	Non-communal	Deemed 'sensitive'	Restrictions applied
2014-15	5,074	2,918	176	1,980	619	583
2013-14	4,665	2,766	119	1,780	491	437

Source: Parades Commission

In deciding whether to restrict marches, the Parades Commission has had to operate with the difficult benchmark of the 1998 [Public Processions \(Northern Ireland\) Act](#). There are five criteria which it must consider, including two which are contradictory as well as vague: 'any impact which the procession may have on relationships within the community' and 'the desirability of allowing a procession customarily held along a particular route to be held along that route'—the first a nod to parade protesters, the latter to parade organisers. Neither squares with the governing provisions of the European Convention on Human Rights, which the UK incorporated into domestic law in the same year as the act, allowing it to be brought to bear in the courts in Northern Ireland. One of a number of reviews of the parades controversy, that by the late George Quigley in 2001-02, did [recommend](#) recasting the framework for regulation in line with human-rights standards but this was ignored. What is remarkable in the two decades of intense contest over Protestant-communalist parades is that neither of the protagonists—the 'loyal orders' or the variously-named protest groups—has sought an interpretation of the application of article 11 of the ECHR, by taking a case to the High Court seeking a judicial review of a Parades Commission determination, which could ultimately go to Strasbourg for a definitive ruling. It is hard to escape the conclusion that neither has been confident of securing the 'right' outcome were it to do so.

As indicated in the previous monitoring report, in the absence of a robust regulatory framework in line with universal norms, the costs of policing the huge number of parades in Northern Ireland—and there were over 400 more in 2014-15 than in the previous year—are very substantial, at a time of heavy pressure on the PSNI budget as discussed. One parade in east Belfast in July 2015, to mark (a year in advance) the centenary of the Battle of the Somme, passed the Catholic Short Strand and cost £160,000 alone to police, a Freedom of Information request elucidated (*Irish News*, 11 January 2016). Another such request revealed that policing the protest camp at Twaddell Avenue, set up in August 2013, had by the end of September 2015 cost £18.5 million (*Belfast Telegraph*, 23 November 2015)—a figure similar to the annual budget of the Probation Board for Northern Ireland, itself subject to major cuts in recent years. And in December 2015 the Northern Ireland secretary, Villiers, revealed that policing that summer's 'marching season' had cost £6.7 million, as well as injuries to 25 officers (*Irish News*, 27 December 2015).

### 5.3 Flagging protest

The last two monitoring reports dealt extensively with the flags controversy which erupted in Belfast in December 2012, linked to a decision by the city council to fly the Union flag over City Hall only on designated days, rather than all-year round (as previously) or not at all (as with most local authorities in Great Britain). A [report](#) by Queen's University researchers found that there had been 55,521 recorded protest events in the period to St Patrick's Day 2013, before the momentum faded. By November 2014, 362 files had been sent to the Public Prosecution Service, with the majority of offenders young (Protestant) men and the main charge that of riotous behaviour; there were 224 convictions, with 37 individuals receiving a short custodial sentence. The researchers concluded: 'Our overall finding is of a marked deterioration in community relations.'

While the 'loyalist' protests against the decision have subsided, the controversy continues to reverberate, although evidence elsewhere in this report suggests

some softening of attitudes after its polarising impact. Consensus proved elusive in the Stormont House agreement of December 2014, where all that could be agreed between the main parties was to establish a 'Commission on Flags, Identity, Culture and Tradition'. It was to have the very large membership of 15, with seven consisting of party representatives. It was to be established by June 2015 and to report within 18 months. In fact, it was not unveiled until June 2016 and represented more a forum for the various protagonists to rehearse their claims than an expert commission—although its co-chair was the recognised authority Dominic Bryan of Queen's University—and so had only one female member, Katy Radford (*Belfast Telegraph*, 20 June 2016). The advent of the new, reduced local-authority structure in 2015 was the occasion for renewed communalist assertions, and counter-assertions, on flags and other benchmarks of the balance of power, as indicated below.

Flying a national flag over a local authority is not without parallel elsewhere in Europe: in France, every *mairie* flies the tricolour, though as an expression of civic pride rather than communitarianism, which is alien to French official discourse. But the 'tradition' in Northern Ireland of using flags on lampposts as a means of local 'friend and foe' demarcation is distinctive, although the blue and yellow colours of Ukraine have proliferated on kitsch popular symbolism since the war with the Russian-supported rebels in the east and a huge Turkish flag remains on the hill above divided Nicosia (lit up by night) as a provocation to Greek Cypriots. In 2005, *A Shared Future* had been very clear on this issue of unofficial flag-flying, stipulating (emphasis in original): 'If we are serious about moving to a normal society then **the display of any flag on lamp-posts should be off limits.**'

Its publication was linked to that of a 'flags protocol' (Bryan *et al*, 2010), which envisaged multi-agency co-operation to deal with the issue among the PSNI, the Housing Executive and four government departments. The protocol aimed to ensure that arterial routes were flag-free, that no paramilitary flags were flown and that flag displays were otherwise restricted in sensitive areas and in duration. But no lead agency was designated and so, despite the fact that what was at issue was the unauthorised defacement of public property, the protocol rapidly became a dead letter. In February 2016 it emerged from an assembly question that, after attending an initial meeting in 2005, the Housing Executive had had no formal meeting with the other agencies to discuss the protocol in the intervening decade (*Irish News*, 3 February 2016). Loyalist paramilitary flags have continued to be erected across Northern Ireland despite the protocol (*Irish News*, 25 May 2016). And in the run-up to Easter 2016 flags celebrating 'D Company' of the IRA were erected close to the city-centre campus of Belfast Metropolitan College (*Belfast Telegraph*, 22 March 2016).

In February 2016 a further [study](#) was published by two of the researchers who had compiled the flags report—Bryan and Paul Nolan, author of the previous monitoring reports. This was allied to a survey of public opinion by Lucid Talk and on the issue of flags flying over town halls the authors advanced the Belfast compromise of 18 designated days across all 11 new local authorities. This attracted a plurality of support among survey respondents presented with the range of options and majority endorsement when presented as a yes-or-no proposal. The policy of flying the Union flag at Stormont on the designated days derives from the Flags Order of 2000, introduced under a brief period of direct rule when the assembly was suspended due to the impasse over decommissioning of paramilitary weapons; it was simply an

oversight at the time that the policy did not extend to local authorities. The opinion survey found that around 60 per cent of the public would support the extension of the Flags Order by Westminster to this effect (Figure 115) but the researchers recommended that political agreement—to date elusive—be sought among the regional parties instead. A similar proportion of respondents (63 per cent) found the flying of flags on lampposts to be 'very' or 'slightly' annoying (Figure 116). But the researchers said that the police did not believe existing legislation gave them the power to take down flags from lampposts and they proposed (and drafted) voluntary guidelines on unofficial flag-flying. Responding to the report at its launch in Belfast, the chair of the CRC, Peter Osborne, called for an approach based more firmly on the rule of law.

Figure 115: should the Flags Order be extended to councils in Northern Ireland?

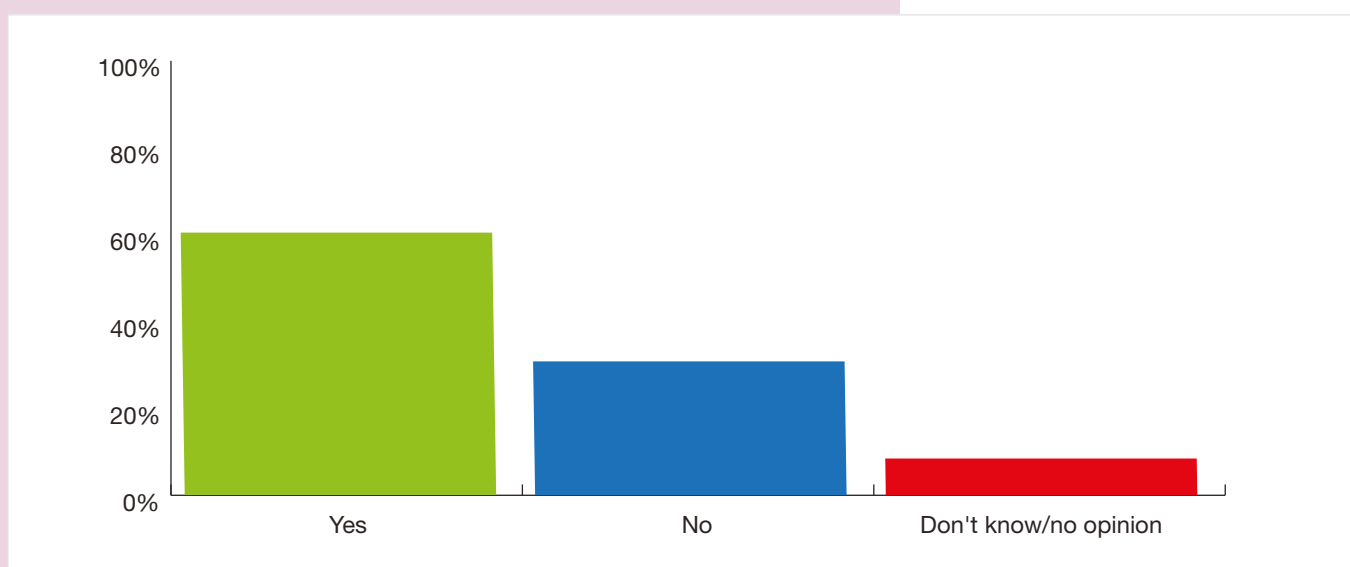
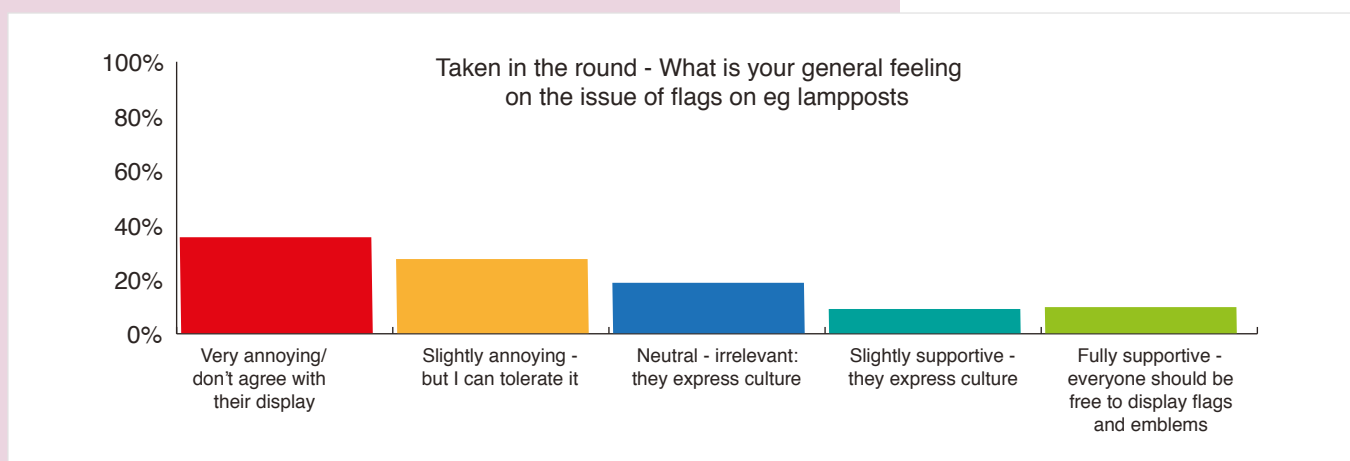


Figure 116: attitudes to flags on lampposts



Source: Lucid Talk

## 5.4 Bonfires and murals

As with lamppost flags, bonfires erected without any approval continued to cause significant problems in the monitoring period. In the summer of 2015, a bonfire set alight on the eve of 12 July in east Belfast comprised so many wooden pallets and was so close to housing that more than 50 occupied homes in the street were boarded up in advance to resist the impact and a number of

households were evacuated. The massive bonfire tipped over when lit, requiring the attention of 35 firefighters in six appliances (*Belfast Telegraph*, 11 July 2015; BBC NI news, 12 July 2015). In February 2016, the SDLP environment minister, Mark H Durkan, proposed that bonfire organisers would be required to obtain a licence from their local authority but a 'loyalist community worker' said this would be 'unworkable' (*Belfast Telegraph*, 8 February 2016). Nothing happened before the May assembly election and so the July 2016 demonstrations.

Irish tricolours have often been burned at such 'Eleventh night' bonfires but in July 2014 a bonfire in the Ballycraigy estate in Co Antrim burned a hanged effigy of the SF leader, Adams (*Irish News*, 2 March 2016). In 2015, the same bonfire burned effigies of Adams, the deputy first minister, McGuinness, and (in a coffin) the IRA hunger-striker Bobby Sands. Unionist members of the new Antrim and Newtownabbey Council resisted demands that a scheme to fund bonfires in the area exclude those with racist or sectarian manifestations. But by May 2016 only 15 of 26 potential beneficiaries had signed up to a less demanding scheme, which still placed environmental constraints on the burning of toxic materials such as tyres (*Irish News*, 10 May 2016). In 2015, 52 groups in Belfast benefited from a similar scheme. But in 2016 a south Belfast group including former UVF prisoners pulled out, claiming that the scheme's constraints, including to reduce carcinogenic substances being burnt, were 'designed to dismantle unionist culture' (*Irish News*, 26 May 2016). In 2014, an [article](#) in the *Journal of Applied Sciences*, reporting a study of the environmental impact of tyre-burning, concluded: 'The results of this study provided strong evidence of the significant amount of air pollution that could be added to the atmosphere from the open burning of scrap tires including hazardous compounds that directly impact human health and the surrounding environment.'

Murals also continue to be a site of the culture wars, even where these seem benign and unproblematic. In March 2016, a mural depicting St Patrick was unveiled in the Village area of Belfast (*Belfast Telegraph*, 11 March 2016). The artist, Ross Wilson, said: 'St Patrick is not for loyalists or nationalists, he's a saint, a man of God, a messenger. He was an outsider and was brought here as a slave and he escaped and returned with a message.' But launching the mural on Tates Avenue, the first minister, Foster, said: 'The difficulty for a lot of unionists and loyalist communities has been the fact that it has been very Gaelicised in terms of celebrating St Patrick.'

## 6. ARTS, SPORT AND LANGUAGE

### 6.1 The arts

The period of this report was a very tough one for artists and arts administrators, with the Arts Council of Northern Ireland subjected to swingeing cuts in its budget from Stormont, with little hope of compensation from enhanced ticket or sponsorship revenue, even where applicable, amid the depressed economic conditions referred to earlier. BBC Northern Ireland's arts correspondent, Robbie Meredith, found himself reporting the story of cuts, and more cuts, on repeated occasions. And there were protests, with 17,000 respondents to the consultation on the executive's 2015-16 budget calling for an end to cuts in arts funding. But in the region's populist political culture, they did not find a ready echo: the ACNI budget was still cut by 11.2 per cent that year, bringing public funding of the arts below 11p per person



per week. Announcing the 2016-17 funding programme for 107 key arts organisations, the ACNI chair, Bob Collins, spoke of 'ten years of disinvestment' by government from the arts—nine of those years, of course, having been under the re-devolved set-up. In the previous three years alone, the council's exchequer funding had been cut by £3.7 million, or over a quarter, he said, and a further cut of up to 5.7 per cent had been signalled for the year ahead.

Spending per capita on the arts is thus now less in cash terms than it was in 2007, when devolution was renewed. Then it amounted to £6.13 per person per year—less than half the level of the other UK jurisdictions or the republic—and the ACNI was [calling](#) on the then new DUP arts minister, Edwin Poots, to raise the figure to £10. Inevitably big arts organisations like the Ulster Orchestra have been placed at risk. In late 2014 it looked as if the orchestra—rare in Northern Ireland for its international reputation—could go under, due to reduced funding. Belfast City Council stepped in to keep the organisation afloat but the SF arts minister, Carál Ní Chuilín—who had confessed never to have attended a concert by the orchestra—said it was not her job to 'drum up' support for it (*Belfast Telegraph*, 5 November 2014).

Yet the arts have a recognised potential for reconciliation in divided societies, as Daniel Barenboim's West-Eastern Divan Orchestra, blending Jewish and Palestinian musicians in a common purpose, explicitly avows. And, according to the Nobel prize-winning writer Orhan Pamuk (*Guardian Review*, 29 October 2005), even as the novel 'relates our own lives as if they were the lives of others, it offers us the chance to describe other people's lives as if they were our own'. This has been the philosophy underlying the work of Partisan Productions, a theatre organisation working to sustain the integrated character of the Ballynafeigh neighbourhood in Belfast, and the efforts by the Nerve Centre in Derry to encourage reflective thinking by young people in the city—but it has yet to have a demonstrable impact on policy at Stormont.

## 6.2 Sport

Sport has been more widely, if sometimes superficially, seen as 'bringing people together'. And at the end of the monitoring period, with two northerners called O'Neill having shepherded the football teams of both parts of Ireland to the knock-out stages of the European Championship finals in France in June 2016, such faith was renewed—as in 1982 and 1986, when Northern Ireland qualified for the finals of the World Cup amid a society polarised by the Maze hunger-strikes of 1980-81 and the Anglo-Irish Agreement of 1985.

In the intervening period, the 'Football for All' campaign launched by the Irish Football Association in 2000, in response to a number of ugly sectarian manifestations around support for the international team, has been a recognised success, including through developing the imagery of the 'Green and White Army' of fans—sidelining the red, white and blue which in prior decades would dominate the Spion Kop end of Windsor Park. Michael O'Neill told the *Irish Times* (9 April 2016): 'We have left a lot of the past behind us ... There are a lot of people who would be Catholics or nationalists who would be behind us and want to see us do well. Our team is very reflective of most sides of the community.' Many of those interviewed for a 2015 [report](#) for the OFMFDM by Ulster University researchers, on social exclusion and sport, commented on the 'good work' the IFA had done. Questions were inserted in the 2013 NILT survey linked to the research project. These found that 86 per cent of respondents believed sport was a good way to break down sectarian barriers and 84 per cent

of respondents said they believed sport in Northern Ireland to be more open and inclusive than a decade previously. Sixty-seven per cent said they believed sports-based peacebuilding projects were effective, a figure which rose to 91 per cent among those who had themselves participated.

It was however clear from the research that problems remain. Gaelic sports are still outwith the experience of most Protestants, while the fan base of Northern Ireland is still disproportionately Protestant. And the playing of *God Save the Queen* at soccer internationals remains a divisive issue: Scotland and Wales have their own anthems and, in January 2016, a Labour MP put forward (unsuccessfully) a private member’s bill which would endorse an English national anthem (*New Statesman*, 13 January 2016). The IFA president, Jim Shaw, said he felt Northern Ireland would be duty-bound to follow suit if this eventuated but the DUP first minister, Foster, insisted *God Save the Queen* should be played at Northern Ireland games regardless (*Belfast Telegraph*, 4 January 2016, 15 January 2016). Two thirds of Catholic respondents would however like to see more Catholics supporting Northern Ireland (Figure 117) and almost the same proportions of Catholic (56 per cent) as Protestant (60 per cent) respondents said they would be willing to accept free tickets to go to Windsor Park for a home game (Figure 118).

Figure 117: 'I would like to see more Catholics supporting the Northern Ireland international soccer team'—broken down by religion

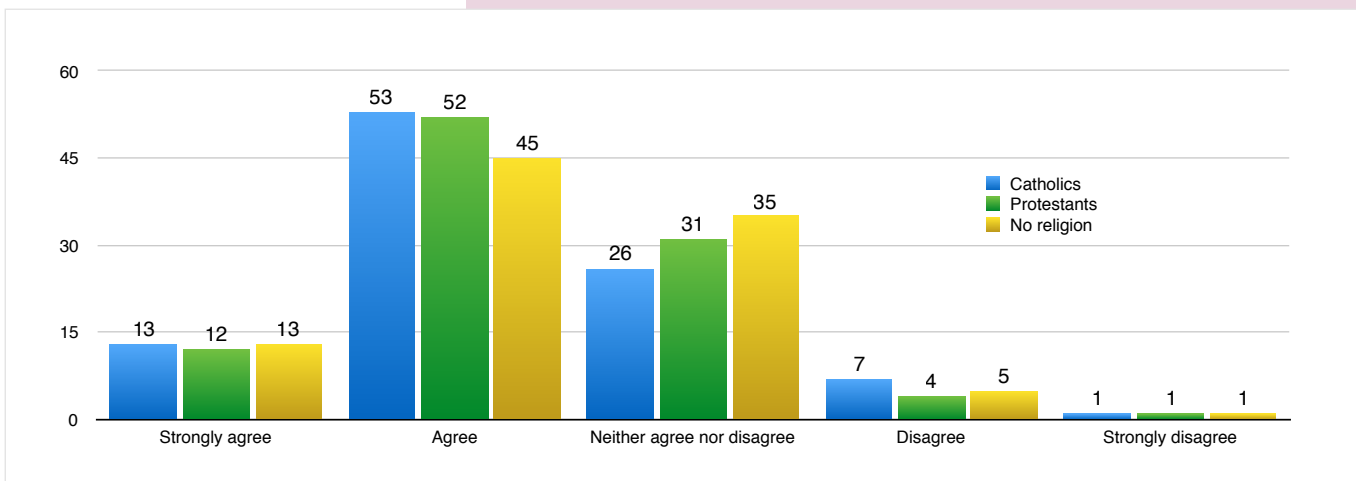
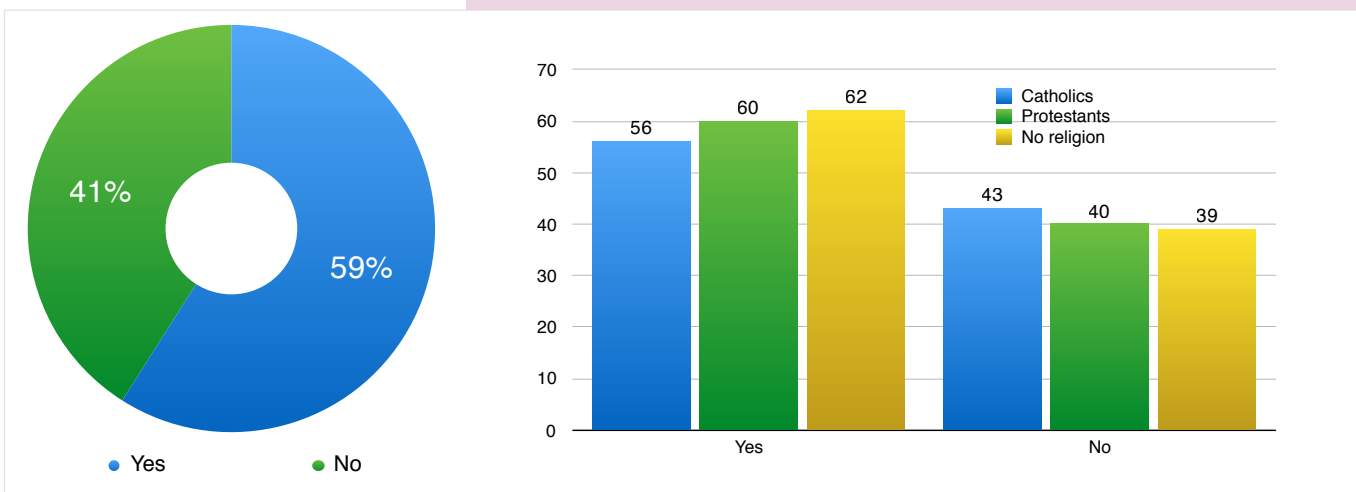


Figure 118: proportion of respondents saying they would go to a Northern Ireland soccer match at Windsor Park, overall and broken down by religion (%)



Source: NILT

There is a recognised case for caution in assuming that sport, with all its masculinist, competitive and occasionally chauvinistic aspects, is always a force for social good (Coalter, 2014). But looking across the various domains of this report in recent years, sport has had the most positive story to tell in terms of reconciliation. The three main governing bodies, covering soccer, Gaelic sports and rugby, agreed on the imaginative proposal for a new, multi-code stadium on the old Maze prison site, a powerful potential symbol of reconciliation. The main parties at Stormont were however unable to agree, owing to a dispute over a 'conflict resolution centre' proposed as part of the development, which some unionists described as a potential 'shrine to terrorism' (BBC NI news, 3 February 2012). As a result, separate investments were incurred at Windsor Park and Ravenhill (the Ulster Rugby ground) to upgrade the stadia there during the period covered by this report, although the Gaelic Athletic Association's contribution to that investment programme became mired in legal battles with west Belfast residents, unconvinced that the quart of the new Casement Park stadium could be put into the pint-pot of those tight terraces without major issues of crowd safety or public nuisance arising (*Irish News*, 14 March 2016).

But, as recorded in the last monitoring report, the IFA, the GAA and the Irish Rugby Football Union have sustained their relationship through collaborative projects, including a three-year project, Sport in the Community, financed by the Department for Social Development. This employed two officers in each of the three associations to enhance volunteering in sport, pursue grassroots club development and build relationships in the process across the sectarian divide. A positive independent evaluation (by the author) led to the project, well received within the department, accruing funding from that source for a further year in 2015-16, in the expectation that support would subsequently be forthcoming from the fourth iteration of the EU Peace programme. In the absence of stronger political leadership in the task of reconciliation—even the Euro 2016 successes of both Irish football teams provoked rows, with unionist councillors resisting a proposal for a joint reception at Belfast City Hall (*Belfast Telegraph*, 6 January 2016) and demanding that a congratulation letter be sent to England too (*Belfast Telegraph*, 6 July 2016)—such resilient relationships among practitioners on the ground across the divide become all the more critical.

## 6.3 Language

Deadlock remained at Stormont throughout the monitoring period on the most politically charged of these three cultural domains—language. The DUP was still refusing SF demands for an Irish Language Act. In February 2015, the culture minister, Ní Chuilín, launched a consultation on such legislation, which would give the language an official status in Northern Ireland. This would take in usage at Stormont and in the courts, provide for Irish street-names and guarantee the availability of Irish-medium education (*Belfast Telegraph*, 10 February 2015). It was to no avail. In 2013, the education minister, O'Dowd, had commissioned a review on how best demand for Irish-medium education could be met, which reported in April 2014. Reflecting the growth of recent years described in the previous monitoring report, in 2014-15 according to the DE there were 5,256 pupils undergoing Irish-medium education, in 29 Irish-medium schools and ten Irish-medium units attached to English-medium host schools. But in the run-up to the 2016 assembly election, the DUP leader, Foster, promised (*Irish News*, 6 April 2016): 'No more squandering money on Irish medium schools which cater for as few as 14 pupils.' After the election, as we shall see, her party assumed the

education portfolio. As her party's education spokesperson, the minister-to-be, Peter Weir, reacted to the opening by O'Dowd of a new school in February 2016 by saying that Irish-medium schools should not be 'placed on a pedestal', while others were being forced to close (*News Letter*, 13 February 2016). As minister, Weir did make his first school visit to an Irish-language school in west Belfast with a new extension (BBC NI news, 2 June 2016). But he subsequently provoked a protest at Parliament Buildings when he denied funding to two Irish-medium schools for 'nurture units', aiming to tackle under-achievement in that context (*Irish News*, 29 June 2016).

The UK government signed the Council of Europe Charter for Regional and Minority Languages, as mooted in the Belfast agreement, as a state party in 2000. This meant that in January 2014, as signalled in the last monitoring report, the Northern Ireland Executive was the subject of a highly critical report from the Council of Europe, over its failure to agree a report to the council on its actions to promote Irish (and Ulster-Scots) under the charter. In the official list of minority languages in Europe, Irish and (less demandingly) Ulster-Scots in Northern Ireland are recognised as UK state-party responsibilities. States-party are supposed to supply a report to the secretary general of the Council of Europe every three years, for examination by a Committee of Experts. So the Stormont standoff over a language act, should it be sustained, will come back on the committee's agenda. Meantime, in April 2016 the Irish-language advocacy body Conradh na Gaeilge announced that it was seeking a judicial review of the executive's inaction (*Irish Examiner*, 5 April 2016).

More positively, an initiative to promote Irish has proved remarkably successful in an at-face-value unlikely quarter—east Belfast—as revealed by an unpublished 2015 masters dissertation by a former student at the Irish School of Ecumenics in the city. The scheme, called *Turas* (journey), is dynamically led by Linda Ervine, widow of the Progressive Unionist Party leader, David. Irish-language classes take place in the Skainos Centre on the Newtownards Road. These have not only attracted significant local participation in an area overwhelmingly comprising individuals from a Protestant background. They have also drawn some attendees from west Belfast, unenthusiastic about the ideological baggage with which sometimes the language has become associated there. More than 200 learners have taken part in the seven weekly classes of the programme and about 5,000 are claimed to have participated in workshops and presentations on the history of Protestant engagement with the Irish language—extensive in 19th-century Ireland, including in part because of its value for proselytising among Irish-speaking Catholics.

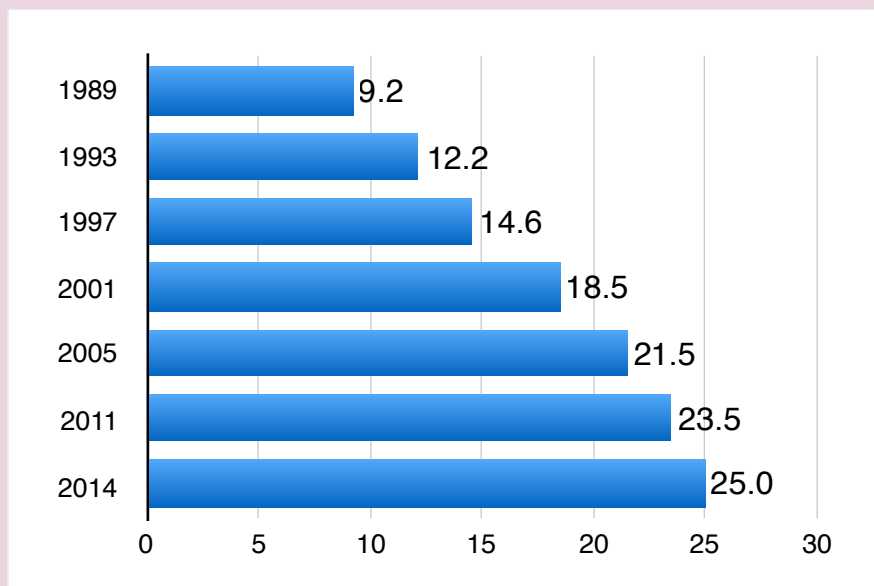
## 7. PARTICIPATION IN PUBLIC AND CIVIC LIFE

### 7.1 Women's representation

There has been modest progress in women's representation at local and regional level over the years, from a very low base. In May 2014 elections took place to the new local authorities (see below), with 11 councils replacing the previous 26. A total of 116 women were elected, or a quarter of the total of 462, as an assembly briefing note [indicates](#). Allied with data compiled for previous council elections (Galligan, 2013), the sequence of slow but steady

female advance is shown in Figure 119. The success rate for women in 2014 reflects, as in previous elections, their likelihood of *selection* as candidates—in this case they comprised 24 per cent. The outcome was also similar to that in local elections in the republic in the same month, which saw women make up 22 per cent of successful candidates.

**Figure 119: women as a proportion of those elected to Northern Ireland's councils, 1989-2014 (%)**



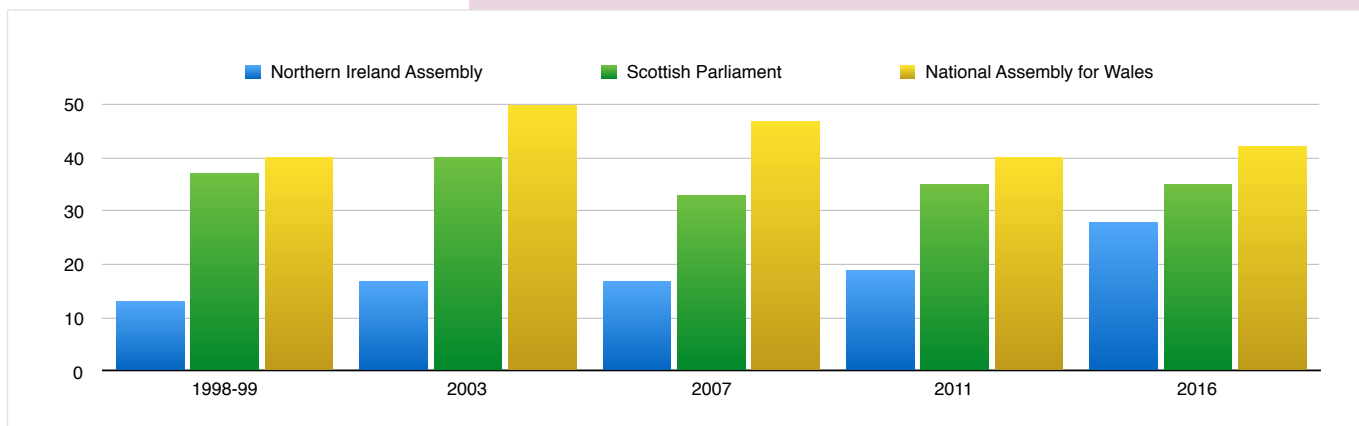
Source: Galligan (2013), updated

The assembly election of May 2016 did see a marked gain for women, as a further assembly briefing paper [shows](#), with 20 MLAs in the outgoing assembly being converted to 30 in the new one. The Greens and Alliance had the highest female proportions, the DUP the lowest. In South Belfast, for the first time in any assembly election, a majority of women were returned for the constituency. Again, there was an exact correlation between selection and election: 27 per cent of assembly candidates were female, as were 27.8 per cent of MLAs elected. This time, the results were a little better than those for the February 2016 Dáil election, where 22 per cent of TDs elected were women. And just days after the election, the assembly appointed a female chief executive, Lesley Hogg (*Irish News*, 11 May 2016).

Northern Ireland still underperforms, however, against the Scottish and Welsh devolved institutions, even if the gap has now narrowed. Figure 120 shows the proportion of women in the two assemblies and the parliament after each election of recent times. As indicated, the issue is candidate selection, rather than any preference among the electorate—which is roughly half female, of course—to vote for male candidates. What Ireland, north and south, has in common but differentiates it from Scotland and Wales is the type of proportional-representation electoral system it uses. And the fundamental difficulty is that in the multi-seat constituencies of the single-transferable-vote system men, who dominate local parties, will dominate nominations for election—although in the republic parties must now have a threshold of 30 per cent of female candidates overall in general elections to secure full state funding. The additional-member system used in Scotland and Wales, by contrast, facilitates the selection of female candidates by party headquarters via the regional lists. Having only one candidate for each party

per constituency, moreover, allows of 'zipping' between adjacent constituencies by parties, so that they alternate between men and women to achieve overall gender balance. And the UK Sex Discrimination (Election Candidates) Act 2002 means all-female shortlists to this effect would not be vulnerable to discrimination claims. Yet there has been remarkably little discussion as to why an electoral system whose usage in Ireland, north and south, stems ultimately, from the Government of Ireland Act 1920 should be maintained, when its use in major elections elsewhere is confined to Malta (again) and the Australian upper house—its principal 19th-century designer having been English. List and mixed proportional systems are much more common around the world than STV—and, indeed, than Westminster-style 'first past the post' (Farrell, 2001). The former taoiseach Garret FitzGerald, who favoured the additional-member system for the republic, tried to persuade the then UK prime minister, Edward Heath, not to use STV for the elections to the short-lived power-sharing assembly in the north elected in 1973; AMS was also supported by the top Northern Ireland official involved in the preparations for power-sharing at the time. Such counsels did not however prevail and STV was carried over, with little further reflection, into the 1998 agreement (Wilson, 2010).

Figure 120: women as a proportion of those elected to the Northern Ireland Assembly, Scottish Parliament and National Assembly for Wales since devolution (%)



Source: Galligan (2013), updated

In the administration formed after the May 2016 assembly election, five out of 12 ministers (including juniors) are women, including the first minister. Foster had already become the first female first or deputy first minister and Claire Sugden became the first female justice minister. As to assembly committees, 79 per cent of chairs and 64 per cent of deputy chairs elected were male, with half the committees having men in both positions. Women did however occupy both posts on the finance committee, hitherto male preserves.<sup>1</sup> The musical chairs to appoint the permanent secretaries to head the nine rationalised departments had however left only men on those seats.

What, then, of women more widely in public life? A November 2015 briefing paper for the North-South Inter-Parliamentary Association compared experiences on either side of the border. Neither has a stellar performance, despite the much greater facility of ensuring gender balance on appointed boards than in elected chambers.

1 These statistics were compiled by Danielle Roberts of Ulster University.

Women comprise 33 per cent of appointees to public boards in the north, as compared with 36 per cent in the south. In the private sector, however, the story is even worse: 15 per cent of members of the boards of the top 100 companies in the north are female and just 5 per cent of those of the top 500 in the republic.

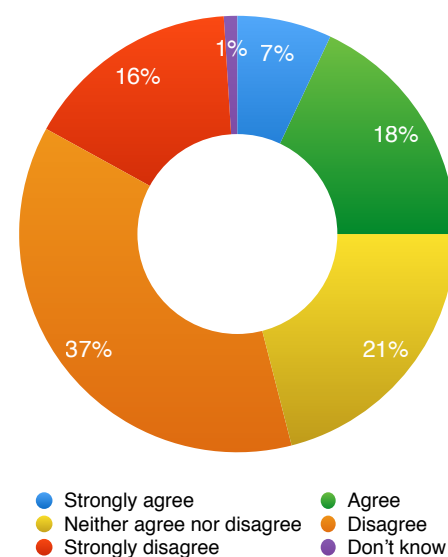
The incoming commissioner for public appointments in Northern Ireland, Judena Leslie, said in October 2015 that government departments should set a target of gender parity on public boards—there are some 1,400 such appointments at their disposal. 'Why not?' she asked rhetorically (BBC NI news, 15 October 2015), and she was soon to rap the knuckles of the outgoing DUP minister for social development, Mervyn Storey, for leaving the Housing Executive board with a ten-two gender imbalance after three 2015 appointments (*Irish News*, 2 February 2016). But within months the executive gave her a positive answer. It agreed before the assembly election to aim for a 50:50 balance in appointments during 2017-18 and, as board members (commonly on three-year terms) turn over subsequently, to secure parity by 2020-21. The latter commitment would extend to board chairs, among whom women have lagged even further behind than in overall representation. Were it to be realised, this would be a standard without precedent in the UK or the republic.

## 7.2 The ethnic-minority presence

The demographic diversification of Northern Ireland in recent years, albeit against a background of a very monocultural, white and largely Christian society, was addressed earlier. But how much has the indigenous population come to terms with this? Over the last decade, the NILT survey has asked respondents whether they agreed or disagreed with the statement 'In relation to colour and ethnicity, I prefer to stick with people of my own kind'. About a quarter of respondents have consistently agreed or 'strongly' agreed. In the 2015 survey, 18 per cent agreed with a further 7 per cent agreeing strongly (Figure 121). While 53 per cent disagreed or disagreed strongly, there clearly is a significant core of opinion unwilling to take this social transformation on board. Those agreeing, or agreeing strongly, rise to 32 per cent of respondents of a Protestant background and 34 per cent of the over-65s. The pro-'Brexit' vote in the EU referendum was concentrated in similar ways.

Indeed, worryingly there is evidence of some hardening of attitudes. Above, a study was reported showing Northern Ireland's poor record on an international measure of tolerance, based on survey responses as to the acceptability of individuals from various minorities as a neighbour. An even more telling question is whether respondents would accept such an individual as a member of their family by marriage. Yet the substantial inward migration of individuals from the former Soviet bloc since 2004 and, latterly, the arrival of refugees and migrants of Muslim background poses this question directly. The series of NILT survey responses to it are presented in Figure 122, from the earliest data available. The early years might suggest signs of accommodation, with attitudes relaxing between 2007 and 2009. But since that time there has been a sharp reversal, with now most respondents rejecting eastern Europeans and, particularly, individuals of Muslim origin as accrued family members. It will be seen that this mirrors the evidence above on rising incidence of hate crimes

Figure 121: how much do you agree or disagree with the statement, 'In relation to colour and ethnicity, I prefer to stick with people of my own kind'?



Source: NILT

and, indeed, troubling wider European developments. In its annual reports, the European Commission on Racism and Intolerance assesses what it sees as the 'main trends' of the year across the continent. In 2015 it [identified](#), among others, growing moves by some states to close their doors, in the context of refugee movements, and growing Islamophobia, in the context of Islamist attacks, all against the backdrop of austerity and the associated threat to social cohesion.

Figure 122: 'would you accept an X as a relative by marriage?'

X =		2007	2008	2009	2010	2012	2013	2014	2015
An Eastern European	Yes	71	73	79	76	58	53	47	45
	No	27	25	20	23	42	47	53	55
A Muslim	Yes	46	51	52	52	47	39	34	32
	No	51	46	46	46	54	61	66	68

Source: NILT

## 7.3 The LGBT presence

As indicated in the previous monitoring report, marriage equality has been a major issue for gays and lesbians in Northern Ireland in recent years—and to an extent more widely a touchstone of tolerance in the region and of its ability to cope with contemporary social trends. A huge demonstration at Belfast City Hall in June 2015 in support of marriage equality, organised by the Irish Congress of Trade Unions and the Rainbow Project in Derry, brought together an unusual combination of young metrosexuals and rather more staid union members in apparently easy conviviality (BBC NI news, 13 June 2015). This followed the successful referendum a month earlier on gay marriage in the republic, leading to legislation to enact it in November 2015. By May 2016 more than 400 gay and lesbian couples had availed themselves of the new dispensation south of the border to tie the knot, while Northern Ireland became the only region of these islands where it was impossible to do so.

In July 2015 an Ipsos MORI poll however found 68 per cent support north of the border for gay couples being able to marry. Amnesty International [pointed out](#) that such support was greater than the referendum 'yes' vote (62 per cent) in the south. The result was confirmed in another poll by the same organisation a year on, with support for marriage equality rising to 70 per cent overall and 85 per cent among the under-35s; indeed 50 per cent of DUP supporters were in favour (*Belfast Telegraph*, 29 June 2016). Yet marriage equality has been rejected in the assembly five times, most recently through the DUP using the petition-of-concern procedure to defeat a pro-equality motion in November 2015. Amnesty claimed from its soundings that at least 58 of the 108 members of the outgoing assembly were in favour (*Belfast Telegraph*, 8 May 2016). Ahead of LGBT Awareness Week, its Northern Ireland director, Patrick Corrigan, argued that those MLAs opposed should simply vote accordingly, rather than using the assembly procedure to block change. He complained too that the Stormont executive had failed to fulfil a pledge to introduce a sexual-orientation strategy and called on the new executive following the assembly election to do so (*Irish News*, 16 May 2016).



The DUP did, however, through its occupation of the health ministry, maintain for a time the ban on blood donations by gays lifted elsewhere across the UK in 2011. In a judicial review sought by an anonymous individual, Justice Treacy ruled in October 2013 that the ban was 'irrational' and that the then minister, Poots, had broken the ministerial code by not taking the issue to the executive (*Irish News*, 16 March 2016). But the Court of Appeal overturned the High Court judgment in March 2016. The lord chief justice, Morgan, said Poots had not acted on his 'Christian beliefs' but on a 'precautionary basis' in sustaining the ban, maintained by his successors, Jim Wells and Simon Hamilton (*Belfast Telegraph*, 17 March 2016). After the assembly election, however, the DUP decided to prioritise control of the education ministry, previously in SF hands. Shortly after being appointed as SF health minister, O'Neill lifted the gay blood-donations ban (BBC NI news, 2 June 2016)—with the support of the executive, according to the first minister, Foster (BBC NI news, 3 June 2016). O'Neill's party counterpart Louise O'Reilly TD urged the republic's health minister, Simon Harris, to follow suit. Harris said a report from an advisory committee would be considered by the Irish Blood Transfusion Service (*Irish Times*, 4 June 2016).

The courtroom was the location for a further equality contest during the period, with a prolonged legal battle involving a husband-and-wife team called McArthur running a Co Antrim bakery. They had refused to bake a cake for a customer, Gareth Lee, with a message in support of gay marriage. Belfast County Court ruled in May 2015 in favour of Lee's claim that this constituted unlawful discrimination in the provision of goods and services. The chief commissioner of the Equality Commission, which supported the case, claimed vindication. But the DUP MLA Paul Givan, who had called for the assembly to legislate for a 'conscience clause', said the ruling would be seen as 'an attack' on Christians' convictions (BBC NI news, 19 May 2015). The attorney general, Larkin, was no more willing to accept this judgment than that of the High Court on abortion the following November. Indeed the appeal by the McArthurs against it was postponed until May 2016 because he sought to intervene in it himself. Larkin told the court that the case was not about discrimination against gays but upholding the freedom-of-expression rights of the Christian couple (BBC NI news, 10 May 2016).

It also emerged during the period that two lesbian couples in Northern Ireland had been told that they were ineligible for National Health Service fertility treatment to allow them to have children. Sarah Murphy, from Co Derry, said she and her partner had been left feeling 'embarrassed for wanting something that every other human in the world wants'. They had had to find £6,000 to pay for the procedure privately (BBC NI news, 23 March 2016).

## 8. THE STATE OF 'COMMUNITY RELATIONS'

After the nadir of the flags controversy reviewed in previous monitoring reports, the NILT survey data for 2014 showed a slight uptick on the recurrent annual questions assessing the public mood on relations between Catholics and Protestants in Northern Ireland. The two standard [questions](#) invite respondents to compare relations with five years earlier and to say how optimistic they are about them in five years time. In 2014, 50 per cent said relations were better now and 9 per cent said they were worse (38 per

cent said they were about the same). In 2013, only 45 per cent had said they were better now and 11 per cent had said worse. Similarly, in 2014, 46 per cent expected relations to be better in five years, as against 8 per cent expecting them to be worse. In 2013, the optimists had comprised 40 per cent and the pessimists nine. The 2015 data show a modest further rebound (Figure 123).

**Figure 123: assessments of intercommunal relations by comparison with five years previously and five years ahead (% respondents)**

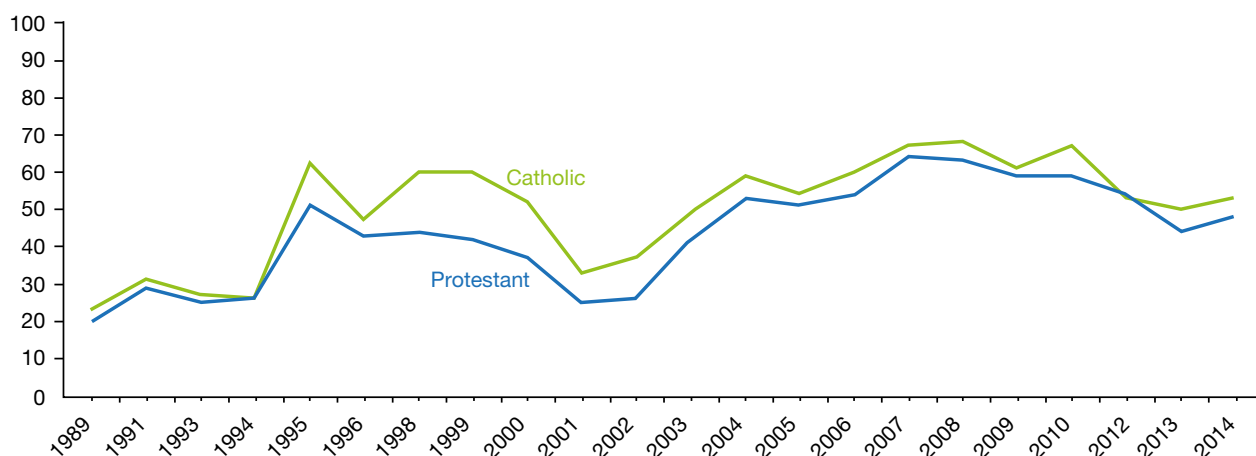
	Compared with five years earlier			Expected relations in five years time		
	2013	2014	2015	2013	2014	2015
Better	45	50	52	40	46	46
Worse	11	9	4	9	8	5
About the same	39	38	39	44	41	42
Don't know	5	3	5	6	4	7

Source: NILT

## 8.1 Longer term trends in 'community relations'

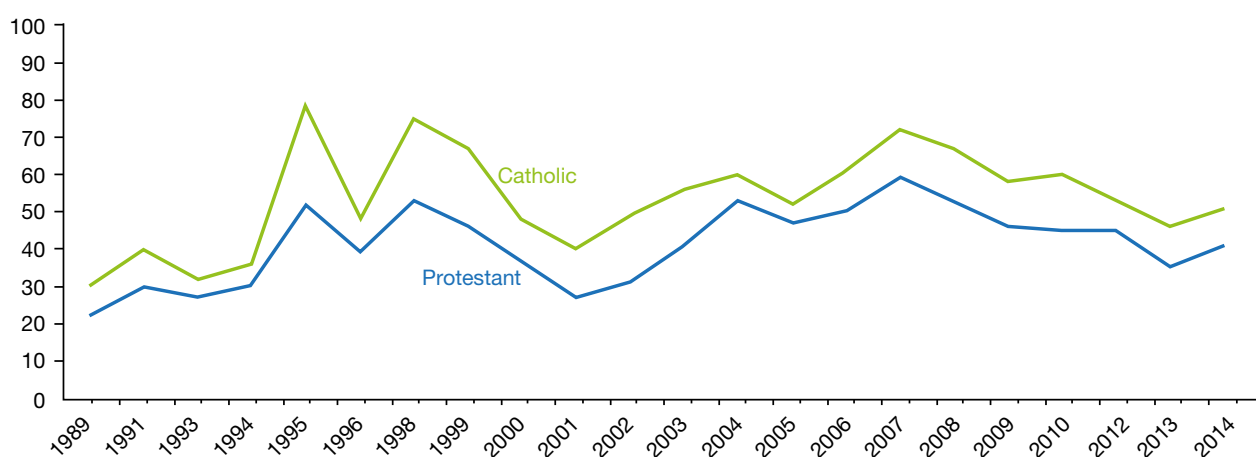
But standing back and taking the longer view, clear and less encouraging patterns emerge (Figures 124 and 125). First, Protestants tend to be somewhat less positive/optimistic than Catholics. But the bigger variation is between periods. After a spike of feeling better and more hopeful about relations, particularly evident among Catholics, following the 1994 paramilitary ceasefires, there is another peak after the Good Friday agreement in 1998. Both graphs however turn down during the first period of devolution, characterised as this was by sectarian polarisation between the parties to the agreement over decommissioning of paramilitary weapons and on the streets in the clashes in 2001-02 at Holy Cross Primary School in north Belfast and in the latter year at the interface on the edge of Short Strand in inner east Belfast. After the post-agreement institutions (except the PSNI) were suspended, following the revelation of an IRA spy ring at Stormont in October 2002, there was a reversal of mood, with again both graphs moving in a positive direction under renewed direct rule from Westminster. London and Dublin worked from the outset to restore devolution, with now the DUP and SF as the main players, having overshadowed the UUP and SDLP, and in May 2007 they succeeded. Despite much overt geniality between the new first and deputy first ministerial pairing, Ian Paisley and Martin McGuinness respectively, the graphs once more turned downwards, as the parties continued to contest on sectarian lines inherited symbolic issues, such as flags and parades, linked to the larger question of dealing with the past—with the additional divisive factor of 'welfare reform' added by Westminster to the agenda as discussed above. The uptick since 2014 could have been affected positively by the talks concluded subsequently at Stormont House but could be threatened by the party divisions over 'Brexit'.

Figure 124: proportion of respondents believing that relations between Catholics and Protestants were better than five years earlier, by religious background



Source: NILT

Figure 125: proportion of respondents believing that relations between Catholics and Protestants would be better five years ahead, by religious background



Source: NILT

What has continued as a downward trend is the public disposition towards living in a more integrated society. Again, there are standard NILT [questions](#) here, which invite respondents to say whether they favour more or less mixing in a range of social arenas. Support for mixing remains high and the fall-off is modest but it is consistent over time and across domains (Figure 126). The trend is echoed when respondents are asked about their personal preferences in these regards. Thus, whereas 82 per cent said they personally would prefer to live in a mixed-religion neighbourhood in 2010, only 70 per cent did so in 2014. And while 94 per cent said they would prefer to work in a mixed-religion workplace in 2010, this had also fallen, to 80 per cent, four years later. (It would of course be in contravention of the Fair Employment Act 1989 for any employer *not* to employ a mixed workforce, whether via discrimination in recruitment and/or redundancy, and they would lay themselves open to individual discrimination claims at tribunal, associated with significant fines and reputational damage, if they were to attempt to do so.)

While this is a small trend, it is nevertheless heading away from what would be seen as normal in terms of the public sphere in other European societies and echoes the earlier evidence on hate crime and xenophobia. For example, in schooling, outside of Ireland the only issue (although important in itself) of segregation in Europe is vis-à-vis Roma children placed disproportionately in special schools, notably in the [Czech Republic](#). It is the same story with residential segregation, where argument has been confined to segregated Roma encampments, for instance recently in [Italy](#). Thus, in 2004, the Parliamentary Assembly of the Council of Europe (PACE), which brings parliamentarians together from across the continent, passed a [resolution](#) on Northern Ireland which, while reaffirming support for the Belfast agreement, expressed anxiety that 'society in Northern Ireland remains deeply divided along community borders'. It said: 'Mutual distrust and fear persist. The end of the conflict has not yet turned into true peace.' PACE recommended that the secretary general of the Council of Europe offer its experience in culture and education to assist Northern Ireland. Yet, as the above graphs indicate, the balance of opinion on the state of intercommunal relations within the region is more negative a decade on than it was then. Launching his analysis of the 2014 survey results in December 2015, the former CRC chief executive Duncan Morrow said: 'The concern of people about the structure of the Northern Ireland system is that it promotes parallelism and not integration.'

Figure 126: support for mixing, 2012 to 2014

	% saying 'much more' or 'a bit more' mixing		
	2012	2013	2014
Primary school	82	81	79
Secondary school	84	82	80
Where people live	83	83	78
Where people work	87	85	82
Sports/leisure	87	86	83
Marriages	72	72	67

Source: NILT

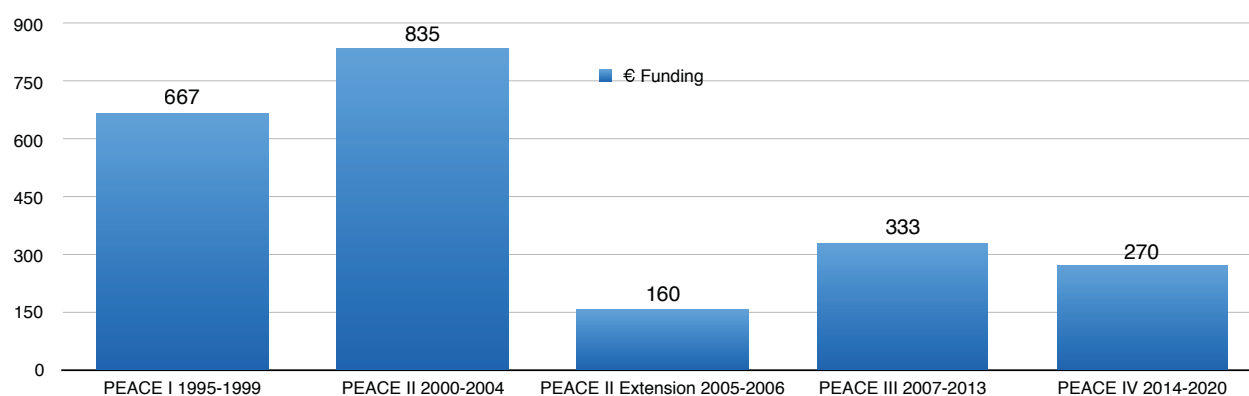
## 9. CIVIL SOCIETY AND PEACEBUILDING

As the previous monitoring report indicated, the Civic Forum mandated by the Belfast agreement remains conspicuous by its absence. The last post-agreement institution to be established in October 2000, the forum gave a voice to representatives of a congeries of civil-society organisations. It was suspended with the other institutions in 2002 but not renewed when devolution was re-established in 2007. The first and deputy first ministers, responsible for (re)convening the forum, instead commissioned a review by a senior OFMDFM official, which however remained unpublished. One civil servant told this author that there was 'no appetite' for a Civic Forum now. The 'Fresh Start' agreement by the two main parties in November 2015 signalled instead a 'compact civic and advisory panel'. Before those talks concluded, another civil-service insider noted that the debate had been whether what would emerge would be 'more like the older forum or something much smaller and more restricted'—with, clearly, nationalists favouring the latter, unionists the former. In that light, the result reflected more the antipathy of the DUP towards the forum than the uninterest of SF. A former member of the Civic

Forum professed 'absolutely no faith' in the panel proposal, as its members would all be 'political appointees' and so 'cronies of the people in power'. She said: 'It's not a Civic Forum or remotely like a Civic Forum. They choose a few people who tell them what they want two times a year.' The panel had yet to be convened at time of writing.

Civil-society organisations have been able to contribute to peacebuilding in their own right in recent times with the external support of the EU Peace programme, administered by the Special European Union Programmes Body. But, as indicated in Figure 127, the successive iterations of the programme since the 1994 ceasefires have seen that funding diminish—and that was before the 'Brexit' referendum placed a question-mark over all future EU funding for the UK. In any event, NGOs working for reconciliation have found the auditing requirements of programme grants both more onerous and more focused on outputs (rather than *outcomes*) than other funders in this arena, such as the CRC, the Joseph Rowntree Charitable Trust and the republic's Department of Foreign Affairs and Trade. But none of the latter has had a comparable budget to support their work.

**Figure 127: funding (including the member-state contribution) from the EU Peace programme for Northern Ireland and the six border counties of the republic**



Source: SEUPB



## DIMENSION FOUR: Political progress

### 1. INTER-PARTY TALKS

#### 1.1 Stormont House

The last monitoring report dealt with the failure of the talks facilitated by Richard Haass and Meghan O'Sullivan to end the standoff between the main parties at Stormont in 2013. Adding to the long agenda of outstanding deadlocks over dealing with the past, flag-flying and communalist parades, as discussed earlier the 'welfare reforms' introduced by the Conservative-dominated government at Westminster had proved predictably divisive along the sectarian faultline. The Americans were unable to surmount these obstacles by their deadline of the year end.

The institutions continued to tick over in 2014 and a further attempt was made by the Northern Ireland secretary, Villiers, with talks she chaired at Stormont House with the involvement of the republic's government. After 11 weeks, these did eventually lead to an agreement among the main parties just before Christmas. But there were only degrees of agreement, more procedural than substantive. On flags, all the parties could agree was that a Commission on Flags, Identity, Culture and Tradition would be established—the name already suggesting that a diminution of flag-flying to the restrained official use typical elsewhere was not in prospect. On parades, currently governed by the Public Processions (Northern Ireland) Act 1998 establishing the Parades Commission, the UK government indicated its willingness that power be devolved and it was agreed that the OFMDFM would bring forward legislative proposals. The text said that the flags commission would be established and the legislation brought forward by June 2015. The deadline came and went.

On dealing with the past, the document signalled a number of institutional moves. An independent Historical Investigations Unit would replace the wound-up Historical Enquiries Team (HET), which was part of the PSNI, to continue to deal with cold 'troubles' cases. An Independent Commission on Information Retrieval would build on the prior work of the Independent Commission on the Location of Victims' Remains, addressing the 'disappeared'. Two fresh innovations welcome to victims and survivors would be an Oral History Archive to collate the results of story-telling projects and a Mental Trauma Service within the NHS. There would also be an overseeing Implementation and Reconciliation Group—except disagreement over their implementation stymied these initiatives too.

The 'welfare reforms' introduced at Westminster would be introduced via assembly legislation, but with financial largesse to allow of 'flexibility' and 'top-ups', the agreement indicated. The legislation was to appear in January 2015 but again it failed to do so. The socio-economic tenor of the document was contractionary, with financial provision for civil-service redundancies and a pledge of Westminster legislation to allow corporation tax to be devolved—with the expectation that the rate (and associated revenue) would fall. With on the one side SF seeking greater financial easement and unionists resistant, agreement on implementation, including an associated budget, proved impossible.

Constitutionally, however, there were the first moves towards political 'normalisation' since the Belfast agreement. The latter had been premised on the notion that only grand-coalition government was compatible with peace and stability in Northern Ireland—at obvious cost in terms of the ability of citizens collectively to secure alternation in government and, between elections, for government to be called to account by an opposition. Now two key changes were signalled. First, after the 2016 assembly election, the executive would be formed by agreement between those parties willing to sign up within a fortnight to a Programme for Government. Secondly, and correspondingly, those parties declining to join the executive would comprise a recognised opposition, with financial provision and speaking rights in the assembly. There was, however, no move to re-establish the Civic Forum mandated in the Northern Ireland Act implementing the Good Friday agreement. Instead, as indicated above, a 'compact civic advisory panel' was to be set up by June 2015—it wasn't.

The document recognised: 'The participants in the talks are very conscious that the integrity and credibility of this agreement is dependent on its effective and expeditious implementation.' But, with no budget agreed as the new financial year opened in April 2015, the crisis deepened and renewed direct rule once more became a talking-point. The subsequent killings linked to the IRA in Belfast and the confirmation that the organisation still existed led the DUP to seek a collapse of devolution—resisted by a UK government as ever antipathetic to direct rule—leading to the resignation of the first minister, Robinson. In September, the NIO initiated a yet further round of discussions on the implementation of the Stormont House agreement, again with the involvement of the republic's government. These inevitably now included another additional agenda item—tackling enduring paramilitarism.

## 1.2 'Fresh Start'

In November 2015 a 'Fresh Start' [agreement](#) was promulgated by Robinson, restored temporarily as first minister, and McGuinness as deputy first minister. The other main political forces—the UUP, SDLP and Alliance—were not party to it. Nor had the ten weeks of talks ended the standoff over the most vexed issue—dealing with the past: there was no agreement on implementation of the initiatives signalled in the Stormont House accord.

On paramilitarism, the document indicated further references to upholding the rule of law would be added to the Pledge of Office taken by devolved ministers. Commitment to the rule of law was however already specified in that pledge, revised as it was to allow the renewal of devolution in 2007. Devolution had been suspended in 2002 following the revelation of an IRA spy ring at Stormont and its restoration was linked to SF's prior acceptance of the PSNI. The agreement also initiated a north-south task force, bringing together not just the police on both sides of the border but also the tax authorities—the latter included because of the vast smuggling operation conducted by IRA veterans around the border, referred to earlier. The Northern Ireland Executive was to establish by December a further three-person panel—this time not to assess paramilitary activity but to bring recommendations before ministers within six months on 'a strategy to disband paramilitary groups'. In April 2016, legislation underpinning the panel was fast-tracked through Westminster (*Belfast Telegraph*, 28 April 2016). And there would be a four-member monitoring body, appointed by London and Dublin and ministers in Belfast, to report annually on 'progress towards ending paramilitary activity'—implying that the dissolution



of the Independent Monitoring Commission in 2011 had been a little premature. The panel when appointed consisted of the former head of the IMC, Lord Alderdice, a former chief commissioner of the NIHRC, Monica McWilliams, and a solicitor, John McBurney. It duly [reported](#) in May 2016, noting that the police engaged with paramilitaries on the ground and concluding that it was 'important to consider how or when society is prepared, legally, socially and politically, to stop treating the remaining groups as paramilitary organisations and, instead, treat them as organised crime gangs'. In August the Policing Board was told that a new unit of 56 PSNI officers would address organised crime by paramilitaries (*Belfast Telegraph*, 11 August 2016).

On the economy, there was further detail on the permanent shrinkage of government envisaged in the Stormont House agreement. It was made clear that the full costs of reduction of corporation tax, to 12.5 per cent in April 2018, would have to be borne by the executive. Within that, on the erosion of the welfare state, any Northern Ireland ministerial blushes were saved by providing that the extension of 'welfare reform' to the region would not take place through devolved legislation. Instead, a legislative-consent motion in the assembly would allow Westminster to assume responsibility. The executive was to find £585 million for easements, to be proposed by Prof Evason (see above), but the agreement elaborated on various elements of financial flexibility which the Westminster government offered in the Stormont House deal, conditional on implementation.

On other outstanding issues from Stormont House, it was agreed that the commission on flags etcetera would be established by March 2016. In the end it appeared in June, as indicated earlier, its 18-month timescale therefore implying it would not issue a final report till the end of 2017. On the devolution of power over parades, a 'discussion paper' would go before the executive, the document said. There was however progress on the political normalisation aspects, with agreement on the new departmental structure, arrangements for an assembly opposition and an outcomes focus for the post-election Programme for Government.

## 2. THE WORKINGS OF THE ASSEMBLY

### 2.1 Progress and logjams

It would be hard to think of an issue more apposite as an indicator of the achievements of devolution in Northern Ireland than hospital waiting lists. The NHS is (in Northern Ireland certainly) under direct government control. The budget for health, the biggest departmental spender, is determined by Stormont, which has the power to vary the regional rate to raise extra revenue if so desired. How long patients have to wait, in uncertainty and sometimes chronic pain, for treatment meanwhile directly and sometimes deeply affects individual citizens and those close to them. And in an NILT survey [question](#) in 1998 on the priority for the then new devolved assembly, the largest group of respondents, two in five, said 'improving [the] health service in Northern Ireland'.

In February 2016, however, it emerged that a total of 400,000 patients—out of a population of 1.84 million—were awaiting treatment. The number of people waiting more than a year for major operations had tripled in nine months to almost 7,000; by comparison, in England in December 2015 there were just 755 people having to cope with such an ordeal. Over the same period, there had been an even more staggering 800 per cent increase in patients waiting for over a year

to see a consultant, to over 32,500. Even women with suspected breast cancer were frequently being required to wait more than the expected limit of a fortnight for consultant assessments. It also emerged that more than 2,000 children were awaiting an autism-spectrum assessment, with 279 waiting for more than a year. The then minister of health, Hamilton, said he was '100 per cent committed' to tackling the waiting-list problem (*Belfast Telegraph*, 1 February 2016; *Irish News*, 3 February 2016, 23 February 2016; *Irish Times*, 25 February 2016). At the end of 2015 and in March 2016 Hamilton announced investments of £40 million and £30 million respectively from in-year budget adjustments to address the problem (*Belfast Telegraph*, 7 March 2016). In June his successor, O'Neill, devoted her first assembly statement to the subject. She said more investment still would be needed to bring waiting lists down (BBC NI news, 6 June 2016).

The difficulty is, however, long-run and reflects a major failing on the part of the devolved institutions. Let us focus just on waiting lists for inpatient appointments—the biggest concern, as it involves more substantial procedures than those dealt with on an outpatient basis. Inpatient lists lengthened during the first period of devolution after the Belfast agreement, beginning in December 1999. Collating data from the different health and social care trusts shows that, by December 2002, two months after Stormont was suspended, inpatient waiting lists had lengthened to 57,649. A concerted effort under the Labour direct-rule administration reduced the tally to 39,234 by March 2007, just before devolution was renewed. Not only that, but whereas when the institutions were suspended more than 5,000 individuals were waiting *more than two years* for treatment, by the time interim direct rule had come to an end no one was waiting any longer than five months; just 9,845 were waiting for more than two months. (The raw archive data for these calculations were supplied by the Department of Health.) Then, however, progress went back into reverse. Official data for March 2016 showed that inpatient waiting lists had lengthened once more to 67,898—more than 10,000 higher than after the first period of devolution. And 32,676 of these individuals (48.1 per cent) were waiting for more than 13 weeks, breaching by some way the target of a maximum of 35 per cent exceeding this waiting time. Indeed, the following table, taken from this recent Department of Health report, shows graphically how the system is failing (Figure 128).

**Figure 128: performance against the inpatient waiting-time target by health and social care trust, March 2016**

HSC Trust	Target achieved?	
	At least 65% of patients should wait no longer than 13 weeks	No patient waiting longer than 26 weeks
Belfast	No	No
Northern	Yes	No
South Eastern	No	No
Southern	No	No
Western	No	No
<b>Northern Ireland</b>	<b>No</b>	<b>No</b>

Source: DoH

In the March 2014 monitoring report, six logjams between the main parties at Stormont were identified as stymieing progress. On three of them, the standoffs ended in the intervening period. 'Welfare reform' was accepted by SF in the 'Fresh Start' deal, albeit as a *de facto* Westminster imposition and with transitional easements. The long-awaited Education Authority became operational in April 2015, although the new body represented a dilution of the original plan for an Education and Skills Authority. And the Northern Ireland

Housing Executive was not dismantled as the then DUP minister for social development, Nelson McCausland, intended, though it has been seriously attenuated by spending cuts.

These three sources of deadlock did not, however, carry the same symbolic charge as the others—where there had been no progress at all at time of writing, as explained above. Despite the commitment made by the UK government in the [St Andrews agreement](#) of 2006, there remained no Irish Language Act a decade on. Nor was there agreement on the redevelopment of the old Maze prison site as a multi-code sports stadium. And, finally, there was no progress on the ending of academic selection.

## 2.2 The limits of ambition

When the third assembly term ended in March 2016, the executive claimed 66 of 82 commitments in the 2011-15 Programme for Government had been met. But *The Detail* independently came to the less generous conclusion that only 45 had been fully achieved. The failures included major shortfalls, such as in fulfilling statutory commitments to reduce child poverty (discussed earlier), reducing serious crime, developing the former Maze prison site, spending a special £80 million fund for disadvantaged areas and introducing energy-efficient measures in social housing. The political correspondent of the *Irish News* (4 April 2016) detected 'an apparent dearth of imagination and determination' in the 67 pieces of legislation (including five private members' bills) passed during the term: 'The five-year mandate was not a complete failure but years earlier at the signing of the Good Friday Agreement, expectations about the effectiveness of devolved government would no doubt have been much greater.'

As indicated earlier, the executive has shown little interest in recasting its economic priority in terms of the concept of sustainable development, nearly three decades on from the [Brundtland report](#) commissioned by the UN secretary-general which gave it global currency. By contrast, the Scottish government, which has shown a strong interest in renewable energy, has an official [commitment](#) to 'provide leadership to support Scotland's transformation to a low carbon economy'. And indeed all the UK jurisdictions are required under the Climate Change Act to contribute to an 80 per cent reduction in greenhouse-gas emissions by 2050 from the 1990 baseline. This provides a benchmark of a very different kind to hospital waiting lists: if the latter is a very direct, personal and immediate concern, addressing climate change is a future-oriented, global, collective responsibility.

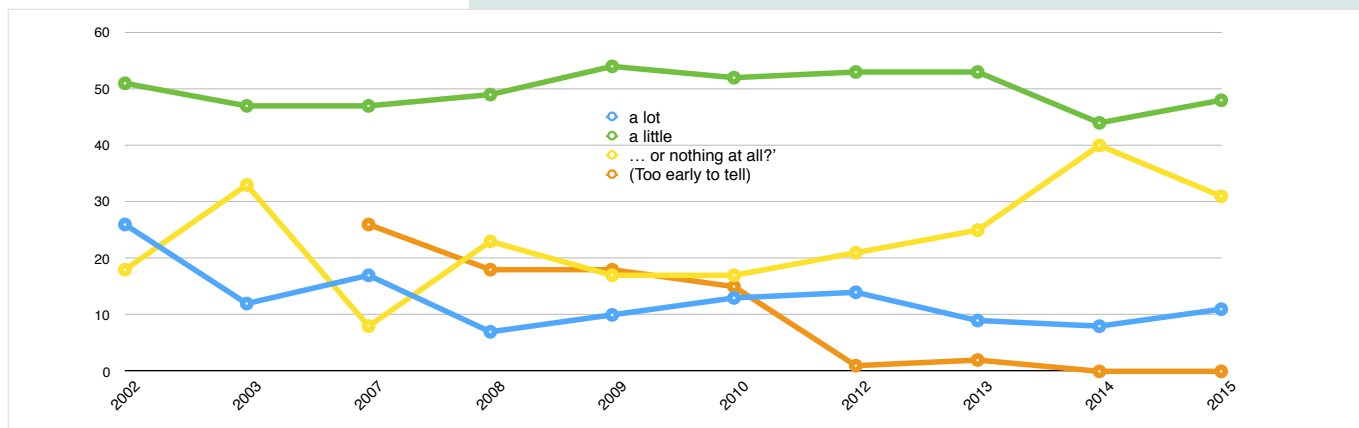
In June 2016, the executive released the most recent, 2014, [data](#) on emissions. Overall, the UK had reduced emissions by 36 per cent from the baseline by then. The figure for England was inevitably close at 38 per cent. But Scotland had performed best, in reducing emissions by 41 per cent. Despite having similar devolved powers to those enjoyed by Scotland, Northern Ireland had seen only a 17 per cent fall, a laggard with Wales where emissions had declined by 18 per cent. It should be said that there is significant uncertainty about the regional estimates but the gap in performance between Northern Ireland and Scotland is instructive—and Stop Climate Chaos Scotland pressed for more government action there (*Guardian*, 14 June 2016). In absolute terms, the region contributes 4.0 per cent of all UK emissions, well above its population proportion of 2.9 per cent.

As signalled in the last monitoring report, a striking contrast between Northern Ireland and the other two devolved UK jurisdictions has been the dearth of debate about fiscal autonomy, outside of the insistence on not increasing property taxation (the rates) and reducing business taxation (corporation tax). The Scottish Parliament had a power to vary income tax rates by up to 3p in the pound from levels set at Westminster from the outset of devolution but the Scotland Act of 2016, which received royal assent in March, gave Holyrood the power to set income tax rates and some welfare entitlements itself. Labour, however, achieved poor traction in the May 2016 election with a modest tax-raising message and the Scottish National Party (SNP) administration was returned with little change expected. Meanwhile, controversy over the perceived inadequacy of the draft Wales Bill published in October 2015—disdained by the scrutinising committee in the Cardiff assembly as ‘a bill made for Wales not with Wales’—meant it was put on hold by the then secretary of state, Stephen Crabb, in February 2016. The following month, the outgoing Welsh government proposed an alternative [devolution bill](#), which would have included partial devolution of income tax if supported by a two-thirds assembly majority. After meeting his Scottish and Welsh counterparts in June, following his appointment as finance minister, Ó Muilleoir did however say he hoped further progress could be made on the devolution of fiscal powers.

## 2.3 Attitudes to the assembly

The assembly’s limited ambitions have been consistently reflected in NILT responses to the question as to what it has achieved. In the latest iteration, in 2015, 79 per cent of respondents [said](#) that the assembly had achieved little or nothing at all. The results were similar regardless of gender, age or religious background. Accepting his nomination as first minister after the 2011 assembly election, Robinson [said](#): ‘Four or five years from now, we will not be judged on the size of our first preference votes but on what we have done to make life better for the people whom we represent. We will be judged on delivery.’ As it happens, his successor, Foster, did make much of the her party’s renewed mandate in May 2016. In the interim, however, the public perception of the assembly has not been one of cumulative achievement but, on the contrary, an increasingly negative assessment, albeit with a slight rebound in 2015 (Figure 129). In 2007, the year devolution was renewed after four and a half years of suspension, only a quarter as many respondents (8 per cent) said the assembly had achieved nothing as in 2015 (31 per cent). Indeed, the most favourable numbers were at the closure of the prior assembly, in 2002, when more than twice as many respondents (26 per cent) said it had achieved a lot as in 2015 (11 per cent).

Figure 129: ‘Overall, do you think that the assembly has achieved ...’ (%)

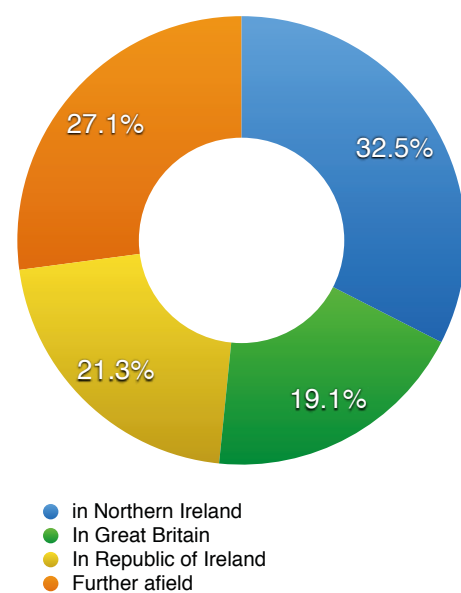


\* Not recorded Source: NILT

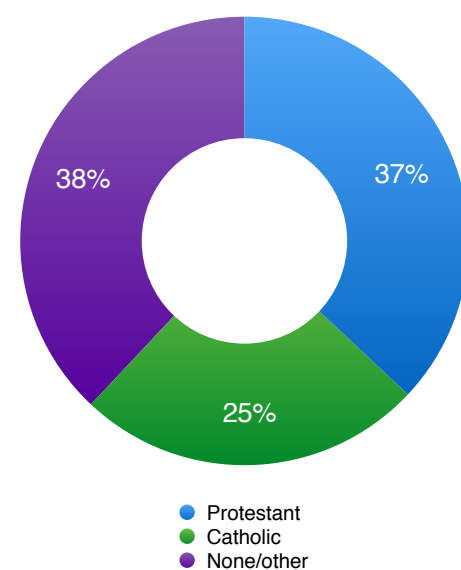
An argument often made in defence of this modesty of achievement, particularly by the former prime minister Blair, was that at least it was superior to violent conflict. Yet in 2014 a poll published in the *Belfast Telegraph* (7 April 2014) found that 65 per cent of young people did not believe there was peace in Northern Ireland—evidently, because of their age, they had a rather more exacting notion of what this might comprise than an absence of daily bombings and shootings. Two thirds of these youngsters also envisaged making their future as adults elsewhere in these islands or further afield. Perhaps linking these two answers was a third in the survey, in which seven out of ten respondents said the region’s politicians were incapable of agreeing a joint vision for it (Figure 130).

Finally, an argument made for the devolution of power across the UK during the Blair administration was that it would bring government closer to the citizen. Even if it did not bring tangible social progress or consolidate peace in Northern Ireland, therefore, at the very least it might give people a voice. Unfortunately, the NILT data give no support to that claim (Figure 131). In the 2014 survey, two thirds of respondents said having an assembly made no difference in this regard and a further one in ten even said it offered less say (than direct rule). And again the trend is downwards: in 2007, year of the renewal of devolution, half of all respondents believed the assembly gave ordinary people more say and only two in five detected no difference.

Figure 130: where young people in Northern Ireland see their future

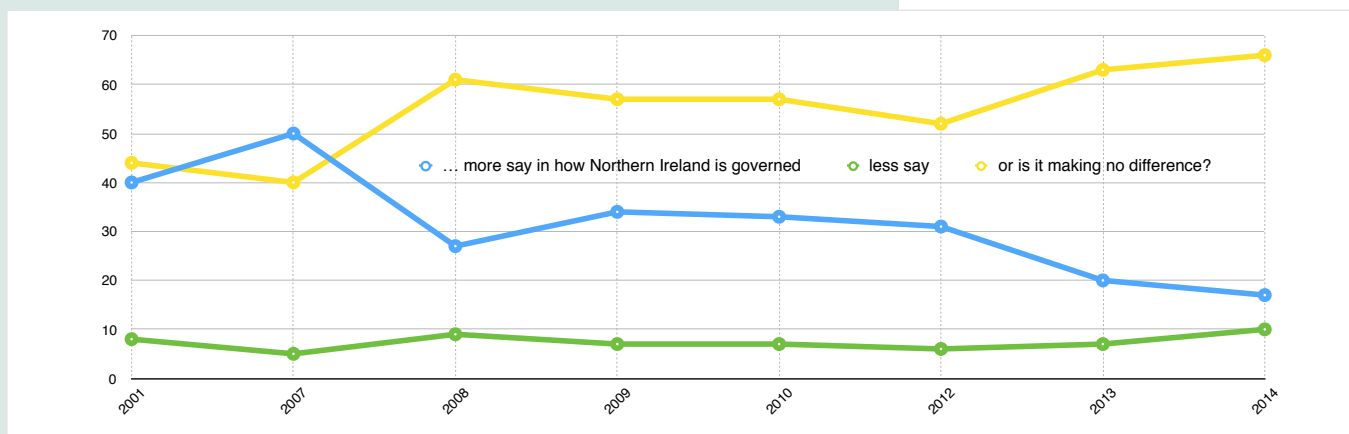


Of those who saw their future outside NI



Source: LucidTalk

Figure 131: 'From what you have seen and heard so far, do you think that having a Northern Ireland Assembly is giving ordinary people ...' (%)



Source: NILT

## 2.4 Changing the assembly

It is a commonplace to blame 'the politicians' for all Northern Ireland's ills but good governance depends on the structures in place as well as the political agents who occupy them. Ever since the green paper called *The Future of Northern Ireland*, published after direct rule was introduced in 1972, debate about governance arrangements for the region has tended to polarise between defenders of the prior, majoritarian system—pointing to the 'Westminster model'—and advocates of a bicomunal duopoly of shared power. What has been squeezed out by this polarisation, which usually follows sectarian lines, is a more 'normal', European-style, coalition type of government, eschewing winner-takes-all monopoly on the one hand in favour of more consensual political styles, while on the other avoiding the calcification of political elites which voters feel unable to replace. Indeed those European countries with the most rigid coalition systems—Switzerland and Austria—have also seen the most worrying rise of the populist radical right, as evidenced by the wafer-thin failure by the Austrian 'Freedom Party' to secure the first outright election victory for the far right in western Europe since the war in the 2016 [presidential ballot](#), which at time of writing was due to be rerun.

The arrangements signalled in the 'Fresh Start' agreement did however indicate just such a political normalisation, as indicated above. The power-sharing baby was not thrown out with the sectarian bathwater by the requirement that an agreed coalition be formed, post-election, around a Programme for Government—often a long-drawn-out process on the continental mainland—with those parties not enjoying electoral success and not willing to be signatories to the programme opting for the opposition benches, with a view to campaigning for a future return to office. The dramatic outworking of this in the aftermath of the May 2016 election is described below.

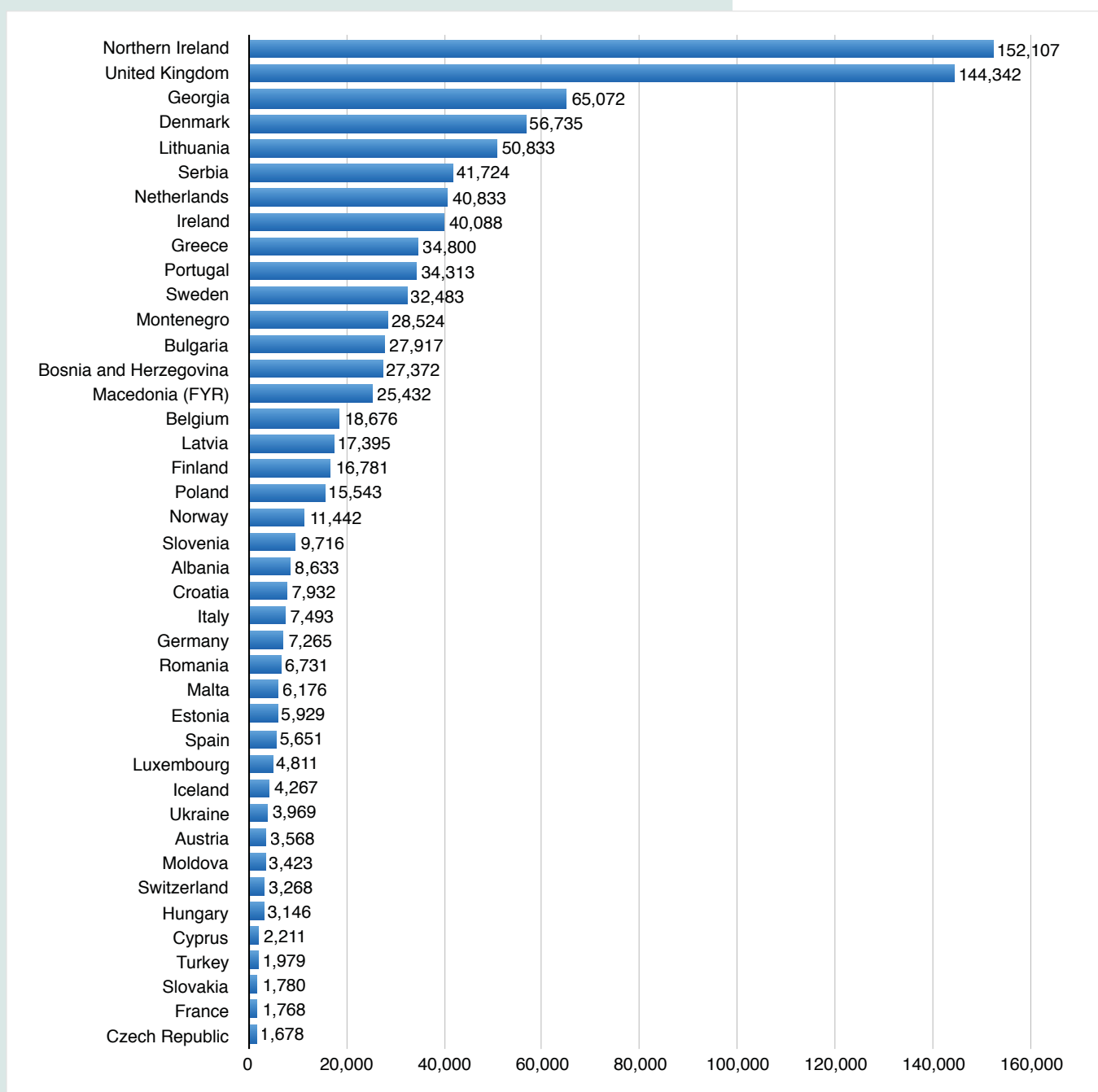
## 3. RESHAPING LOCAL GOVERNMENT

Historically, discrimination in local government, in the context of a system of sectarian clientelism, was at the heart of the widespread sense of grievance which fed the civil-rights movement of the 1960s, particularly in Derry and particularly among the young unemployed—and contrary to the stereotype of the movement as embodying the 'Catholic middle class' (Prince, 2007). The movement led via a review of local government to the rationalisation of Northern Ireland's patchwork system of local authorities into a single tier of 26 district councils, which came into being in 1973 following elections under the single transferable vote. These had relatively modest powers by European standards—they notably did not come to enjoy the power to promote 'wellbeing' in their localities conferred on local authorities in England by the Local Government Act of 2000, extended into a power of general competence by the Localism Act 2011, though this has been rectified for the new authorities following the Local Government Act (Northern Ireland) 2014.

Nor, by European standards, were they by any means excessive in number—quite the contrary. Much of the debate around the reform of public administration in Northern Ireland, which was initiated by the first devolved administration shortly before its suspension in 2002, was premised on a taken-for-granted (because oft-rehearsed) notion that the region was 'over-governed'. The population of Northern Ireland in 2014 was estimated by NISRA at 1,840,500, implying an average number of citizens per council of  $1,840,500 / 26 = 70,788$ . Figure 132, taken from a 2013 [report](#) by the Council

of European Municipalities and Regions (CEMR), shows this was indeed little more than half the ratio for the UK. But it was higher than for every other country in Europe—in many cases, much higher. France, with its famously well-kept *communes*, has just 1,768 persons per municipality. Yet, after the consultation on reform, the direct-rule administration decided in 2006 that the number of councils would be reduced to seven. Opposition from the Northern Ireland parties to such an extreme cull led to a final decision on 11. The new local authorities which came into being on 1 April 2015 however remain so large that there are  $1,840,500 / 11 = 152,107$  citizens per council—the most remote 'local' government anywhere in Europe. Paradoxically, a debate about local government was so parochial that it did not take any cognisance of just how much it was at variance with wider European norms of subsidiarity.

Figure 132: number of citizens per municipality across Europe



Source: CEMR

The socio-economic demographics of the new 11 authorities still bear inegalitarian spatial scars from Northern Ireland's history, as evidenced by the gap between the most well-off (and predominantly Protestant) local authority on the outskirts of Belfast, Lisburn and Castlereagh City Council, and the least prosperous (and predominantly Catholic) authority in the north-west, Derry City and Strabane. The data presented in the infographic were collated by *The Detail* in 2015. Thus residents of the former council area enjoyed essentially full employment, with only 2.7 per cent claiming benefits as unemployed (3 per cent would normally be understood as the 'frictional' unemployment rate at full employment), whereas in the latter the rate was three times that, at 8 per cent. And for those in work, at £20,246 median annual earnings in Lisburn and Castlereagh were 22 per cent higher than in Derry and Strabane (£16,580).

Some of the new authorities were to be characterised by sectarian jousting, as new unstable equilibria of power at (nearly) local level were established. A prolonged argument took place in Causeway Coast and Glens Council, over the requirement to provide a relatively small amount of match funding (£339,000) for a £2.5 million grant from the Department of Culture, Arts and Leisure for a leisure centre in Dungiven, Co Derry. Unionist councillors resisted the proposal for the mainly Catholic town until the then sports minister, Ní Chuilín, agreed in January 2016 to release up to £350,000 towards a multi-sport facility elsewhere in the local-authority area (*Irish News*, 28 January 2016). In April, a UUP council member proposed that the council rename Sandelford bridge in Co Derry the Queen Elizabeth 2nd Bridge, to mark the queen's 90th birthday (*Irish News*, 25 April 2016). Similarly, in Antrim and Newtownabbey Council, a DUP councillor had proposed in September 2015 that the street of the headquarters, Stiles Way in Antrim, be renamed after the monarch. In each case nationalist councillors expressed opposition (*Irish News*, 30 September 2015). Another symbolic clash took place in the latter council, when funding was denied by the unionist majority for events to commemorate the Easter rising but £50,000 was allocated to mark the centenary of the battle of the Somme. This despite nationalist councillors resorting to the 'call-in' procedure in the new local-governance arrangements, whereby 15 per cent of members can seek the reconsideration of a decision which they believe has not been properly reached or will adversely affect a section of the community (*Irish News*, 19 March 2016).

## 4. NORTH-SOUTH AND EAST-WEST

### 4.1 North-south

It is hard to recall now just how neuralgic north-south relationships in Ireland used to be. It was the Council of Ireland which proved to be the Achilles heel of the 1974 power-sharing experiment, as evidence from the official archives in Dublin demonstrates (Wilson, 2010). But the withdrawal of the republic's territorial claim over the north and the ending of the 'mainstream' IRA campaign changed the political terms of trade and ensured that successive administrations in Dublin have found pragmatic partners in Belfast. Indeed, as the previous monitoring report indicated, if anything the concern now would be, as with the internal governance of Northern Ireland, that a modesty of ambition prevails when it comes to north-south co-operation. Even the DUP, whose founding leader notoriously threw snowballs at Jack Lynch, visiting Stormont as the first taoiseach to do so in 1967, became willing to play ball politically instead. Nowadays, meetings of the North/South Ministerial Council established by



# Places Apart: Comparing life in Northern Ireland's 11 new Councils.



Overall Position		1st		2nd		3rd		4th				
Estimated council debt per capita	£534.34	5	•	£641.41	9	•	£731.98	10	•	£322.38	2	•
Estimated council assets per capita	£1,255.34	6	•	£1,379.55	2	•	£1,330.20	3	•	£1,051.13	8	•
Rates on £150k home	£1,015	1	•	£1,054	2	•	£1,200	9	•	£1,092	5	•
Claimant count (% of pop)	2.7	1	•	3.6	4=	•	3.6	4=	•	4.4	7	•
Median earnings	£20,246	1	•	£19,035	5	•	£19,972	2	•	£17,435	9	•
Educational attainment (%)*	62	8	•	59.6	10	•	66.7	4	•	71.8	1	•
Pupils entitled to free school meals (%)	16.3	3=	•	12.9	1	•	13.2	2	•	18.3	8	•
Life expectancy men (years)	78.52	1=	•	78.52	1=	•	77.58	8	•	77.67	6	•
Life expectancy women (years)	82.06	7	•	82.68	3	•	82.42	5	•	82.73	2	•
Housing stress (% of pop)	1.54	9	•	1.26	8	•	1.14	6	•	0.38	1	•
Homes empty in district (%)	2.33	5	•	2.24	3	•	2.02	2	•	6	11	•



Overall Position		5th		6th		7th		8th				
Estimated council debt per capita	£624.18	8	•	£241.11	1	•	£501.65	3	•	£769.38	11	•
Estimated council assets per capita	£1,159.88	7	•	£805.86	11	•	£924.15	9	•	£1,312.65	4	•
Rates on £150k home	£1,130	6	•	£1,058	3	•	£1,206	10	•	£1,142	8	•
Claimant count (% of pop)	3.3	2	•	3.5	3	•	4	6	•	4.6	8=	•
Median earnings	£19,355	4	•	£16,682	10	•	£18,322	6	•	£18,305	7	•
Educational attainment (%)*	54	11	•	65.8	6	•	63.5	7	•	66.5	5	•
Pupils entitled to free school meals (%)	16.7	6	•	16.6	5	•	16.3	3=	•	17.9	7	•
Life expectancy men (years)	78.4	3	•	77.99	5	•	77.39	9	•	77.62	7	•
Life expectancy women (years)	81.94	9	•	82.37	6	•	82.49	4	•	83.01	1	•
Housing stress (% of pop)	1.09	5	•	0.71	3	•	0.6	2	•	0.86	4	•
Homes empty in district (%)	1.55	1	•	4.49	10	•	2.96	7	•	3.32	8	•



Overall Position				9th		=9th		11th				
Estimated council debt per capita				£537.33	6	•	£524.27	4	•	£584.78	7	•
Estimated council assets per capita				£1,743.41	1	•	£847.60	10	•	£1,309.31	5	•
Rates on £150k home				£1,070	4	•	£1,136	7	•	£1,256	11	•
Claimant count (% of pop)				6.3	10	•	4.6	8=	•	8	11	•
Median earnings				£19,388	3	•	£18,233	8	•	£16,580	11	•
Educational attainment (%)*				68.1	3	•	68.2	2	•	61.7	9	•
Pupils entitled to free school meals (%)				20.7	10	•	18.7	9	•	28.7	11	•
Life expectancy men (years)				74.71	11	•	78.11	4	•	76.73	10	•
Life expectancy women (years)				79.97	11	•	82.05	8	•	80.76	10	•
Housing stress (% of pop)				1.78	11	•	1.16	7	•	1.71	10	•
Homes empty in district (%)				2.73	6	•	3.93	9	•	2.32	4	•

\*% of children in this area's schools achieving 5 or more GCSE's A\*-C including English and Maths

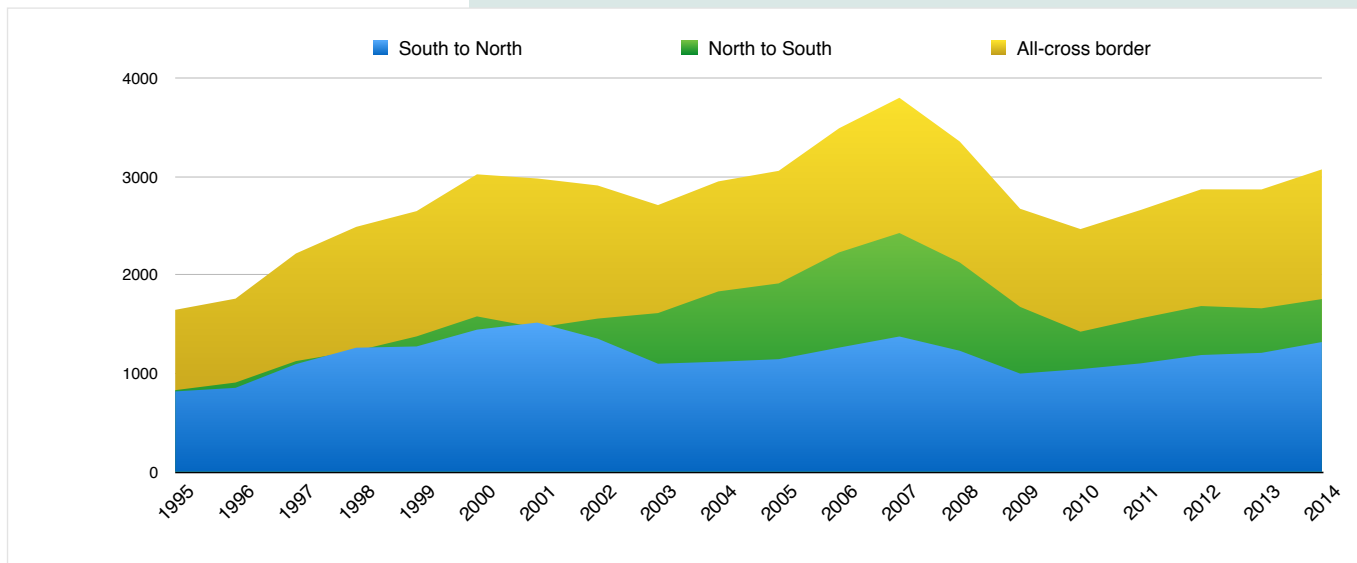
Ranking: 1st-3rd • 4th-8th • 9th-11th •

Source: *The Detail*

the agreement—a much more modest affair than the Council of Ireland—go virtually unreported.

Even those not wedded to the case for reconciliation between the two parts of the island can be persuaded by the instrumental arguments in favour of economic co-operation. Since the Good Friday agreement, InterTradeIreland has acted as the cross-border body responsible. And its own data show that, as trade has expanded, the north has benefited more than the south. The [numbers](#) for cross-border manufacturing trade, now running at about £2.5 billion per year, are in Figure 133.

Figure 133: cross-border trade in manufacturing (south-north in sky-blue, north-south behind in green, total behind in yellow), by year (€)



Source: InterTradeIreland

And so when Lynch's contemporary successor, Enda Kenny, came to talk at Ulster University in Belfast in June 2016, the event itself was a non-event in terms of controversy. But Kenny did launch into a very real controversy all the same. As the UK referendum on continued membership of the EU loomed, the putative implications for the island of Ireland hove more and more into view—in particular, the suggestion that a new EU/non-EU border going through Ireland would mean restoration of elements of the 'hard' border characteristic of the 'troubles', with potential customs controls and checks on human movement. This argument was pooh-poohed from the 'leave' side, of which the Northern Ireland secretary, Villiers, was a prominent member. Villiers claimed that the common travel area across these islands, predating common access to membership of the then European Economic Community in 1973, would survive a UK departure from the EU (*Irish News*, 23 February 2016).

Kenny, however, was unequivocal (*Belfast Telegraph*, 13 June 2016). The vote, he said, was 'a truly momentous decision', whose outcome would be 'as important for Ireland as the Good Friday Agreement'. He said his government would very much wish the referendum to have been avoided. And he warned that if the UK left the EU then his would be the only voice from these islands at the 'top table' in Europe. The taoiseach had earlier visited London to urge members of the Irish community to support Britain remaining. He was backed up by his foreign minister, Charlie Flanagan, who told BBC Northern Ireland (BBC NI news, 15 June 2016) that he foresaw 'a huge degree of uncertainty' arising from a UK decision to leave the EU.

Comments such as these did elicit something of the old antipathy from the DUP. After a meeting with Cameron at Downing Street in January, Kenny said Northern Ireland would face 'serious difficulty' if the UK left the EU (*Guardian*, 25 January 2016). The DUP leader and first minister, Foster, said in reaction (BBC NI news, 26 January 2016): 'It is for the people of the UK to decide what's the best way forward and, as you know, we don't take too kindly to people telling us what to do.' A contrasting argument came from the new SDLP leader, Colum Eastwood, as he addressed his first party conference in Derry in March. Reminding delegates about how immigration had changed Ireland north and south since 2004, he said (*Irish News*, 13 March 2016): 'And to those who have come here and made their homes here, from Poland, Slovakia, Lithuania, Latvia and across the European Union I say to you tonight—we won't let your families be divided, we won't allow new borders on this island or in Europe ...'

In December 2015, the north-south task force to tackle organised crime arising from the 'Fresh Start' agreement was launched at a meeting in Dublin, attended by the first and deputy first ministers, Robinson and McGuinness, the secretary of state, Villiers, and the republic's justice minister, Frances Fitzgerald (BBC NI news, 21 December 2015). As remarked upon in previous monitoring reports, Dublin's 'gangland' violence is rarely connected to the pathological legacy of the paramilitarism the north's 'troubles' have fuelled. The UNODC homicide figures show that 38 per cent of homicides in the republic are gun killings, compared with only 7 per cent in the UK. A remarkably brazen 'gangland' murder took place in February 2016 during a crowded public boxing event in a city hotel. CCTV footage showed the killers, dressed in police uniforms, shooting their victim in execution style, using Kalashnikov assault rifles. A former Irish army captain and security analyst, Tom Clonan, wrote (*Guardian*, 10 February 2016) that while senior police officers believed the spate of violence was purely gang-related, 'in the twilight world of illegal drugs and firearms trafficking, organised crime and terrorism exist in the same continuum'. And he went on: 'Many former paramilitaries have failed to reintegrate into Irish society, post peace process, immersing themselves instead in organised crime. Irish intelligence have observed former subversives subcontract their bomb-making and firearms expertise to criminal gangs. Others have taken control of racketeering and smuggling operations.'

## 4.2 East-west

The decision to hold a referendum on UK membership of the EU had been driven, as with the referendum on Scotland's continued membership of the UK, by domestic political considerations. The prime minister, Cameron, took the view in both cases that this would settle the issue, and in both cases in favour of the constitutional status quo. But the referendum in Scotland in September 2014 proved a much closer-run thing than he had expected. Critics had argued that opinion data clearly showed that the strongest opinion in Scotland was in favour of greater autonomy, yet this was squeezed out by the either/or, in-out choice on which Cameron insisted. As the campaign progressed, the independence camp, led by the SNP, gained momentum and the result was only a 55-45 vote to keep Scotland in the UK, on a huge turnout of almost 85 per cent. Far from this appearing as a defeat for the 'yes' camp, the SNP saw a surge of new members subsequently and Scottish Labour suffered a major defeat in the Holyrood election in May 2016, as the SNP renewed its mandate.

Yet, despite these alarm bells, neither Scotland nor Northern Ireland—nor their interconnection—seemed to figure in the decision to pursue the subsequent EU referendum. Mindful of the visceral divisions over Europe which had debilitated the administration of his Conservative predecessor, John Major, in the 1990s, Cameron had told his party in his first speech as leader in 2006 that it alienated voters by 'banging on' about Europe (BBC news, 1 October 2006) and he evidently hoped that an in-out referendum would lay the issue to rest. This was however blocked during the 2010-15 coalition government by the Conservatives' Liberal Democrat partners but the outright victory for the Tories in the 2015 Westminster election allowed Cameron to proceed. Meantime, in the European Parliament election of 2014, the United Kingdom Independence Party had secured a plurality of support, strengthening the Eurosceptic wing of the Conservative party.

The UK is virtually unique worldwide in lacking a written constitution—the nearest parallel is Saudi Arabia, which does have a Basic Law but its theocracy otherwise believes the Quran will suffice—emphasising instead the 'sovereignty' of the 'mother of parliaments'. Devolution to Scotland, Wales and Northern Ireland has thus added legislative patches to a canvas based on unwritten convention which has come under growing political stresses in recent times. And so a UK exit from the EU would have consequences less foreseeable than in a more formal constitutional order, with clearly set out intergovernmental relationships, such as Germany's federal system (where such an initiative could not in any case fly, because of the power of the *Länder* in the Bundestag and aversion to referenda associated historically with Nazi populism). But one difficulty already identified would stem from the internal constitutional consequences of the UK's EU membership. The responsibilities arising have been transcribed into the legislation establishing the devolved institutions. So, for instance, the Northern Ireland Act 1998 specifies that the assembly cannot legislate, nor any minister act, in a manner incompatible with EU law. These provisions could be repealed by amendments to the legislation at Westminster but this would breach the convention—known in a Scottish context as the Sewel convention—that Westminster would only pass legislation on devolved matters with the devolved jurisdictions' consent. Indeed the Scotland Act 2016 made this an express provision.

Cameron aired another possible effect of a 'leave' victory when he told Parliament that if border controls were not instituted within Ireland as a result (see above), then there would have to be controls introduced between Northern Ireland and Great Britain. He said this was something he would 'regret hugely' (BBC NI news, 15 June 2016). Among the Northern Ireland parties, only the DUP supported the 'leave' position, yet its leader, Foster, did not appear to have foreseen this potential effect either. Yet if the Irish government's insistence that the Irish border remain 'invisible' (*Belfast Telegraph*, 31 July 2016) were to be accommodated, that could well be the implication, unless 'virtual' controls can suffice instead (*Belfast Telegraph*, 27 July 2016).

## 4.3 The 'Brexit' referendum

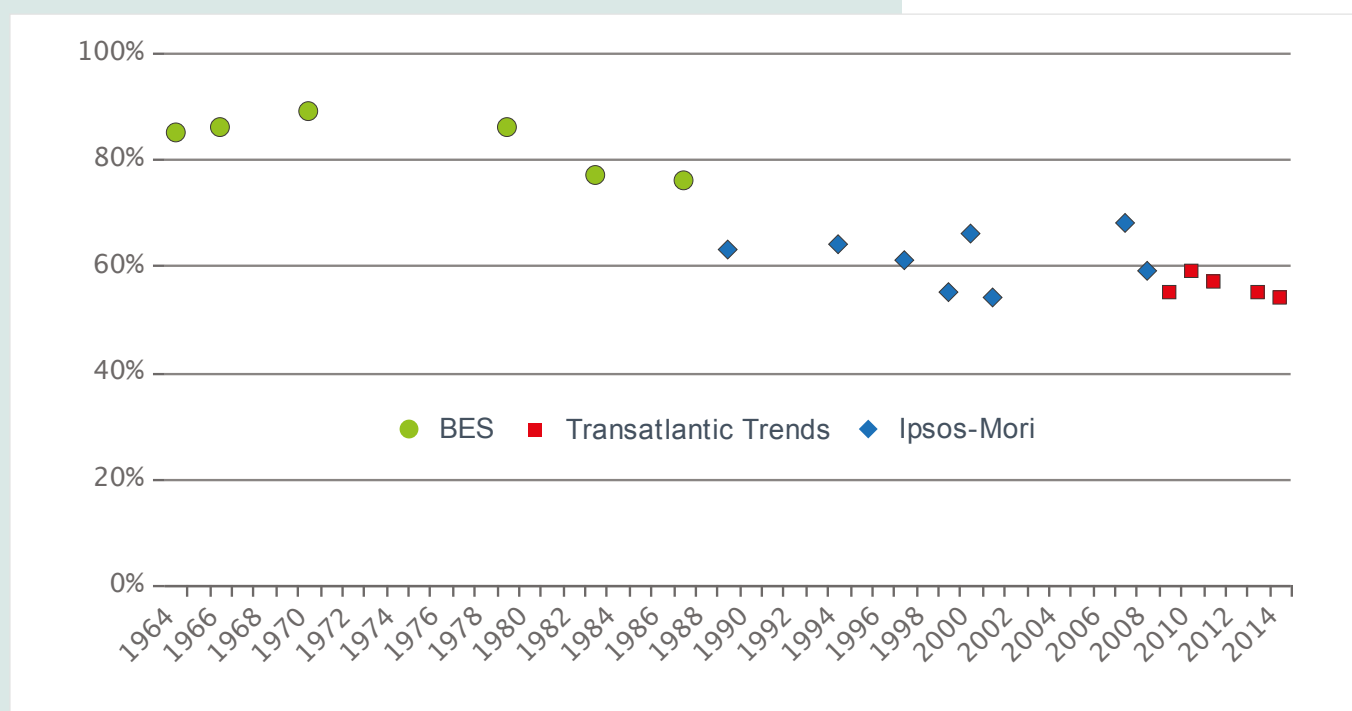
Initially, it appeared that a so-called 'Brexit' was implausible, with polls indicating a majority to remain in the EU of a similar magnitude to the result in Scotland. But as the referendum neared, there was tangible wind in the sails of Vote Leave. The economic implications of leaving the EU were played up by the 'remain' camp, with a remarkable consensus among academic economists

that it would 'entail significant long term costs', as a [letter](#) by nearly 200 of them to the *Times* in May 2016 affirmed. The Treasury predicted the likeliest impact of Brexit within two years as a loss of 3.6 per cent in growth and a rise in unemployment of over half a million. Organisations normally reluctant to intervene in UK domestic politics, ranging from the Bank of England to the International Monetary Fund and the OECD, offered similarly stark warnings. Reviewing the evidence, the respected *Financial Times* columnist Martin Wolf warned of 'a big economic shock and not just for the UK' (*Financial Times*, 14 June 2016).

But the 'Brexiters' batted away these economic risks as what they labelled the 'remain' camp's 'Project fear'. They persistently claimed that the EU cost the UK £350 million per week, which they equated with the cost of a new hospital, despite knowing this to be a gross rather than net figure—leaving out revenues received in the UK from the EU and the specific UK rebate, as well as indirect benefits. In a leaflet headed 'OFFICIAL INFORMATION ABOUT THE REFERENDUM ON 23 JUNE 2016', with only a small 'Vote Leave' logo on the reverse, this was re-presented as a 'fact'. Another 'fact' prominently highlighted was that Albania, Macedonia, Montenegro, Serbia and Turkey were 'in the queue' to join the EU—and, by implication, bring many more immigrants to the UK with them. It is recognised that the accession of the largest of those states, Turkey, will take decades, if it ever eventuates.

This played to the 'leave' campaign's focus on a different set of ... [fears](#)—about 'immigration'. Hostility to immigrants has been evident in Britain since the Notting Hill riots of 1958 and it has actually somewhat reduced as the immigrant population has risen over the decades, as Figure 134, [compiled](#) by the Migration Observatory at Oxford University, demonstrates. And xenophobia is weaker in the metropolises, such as London, with high proportions of the population from visible minorities, than in areas with relatively few immigrants, such as the east Midlands.

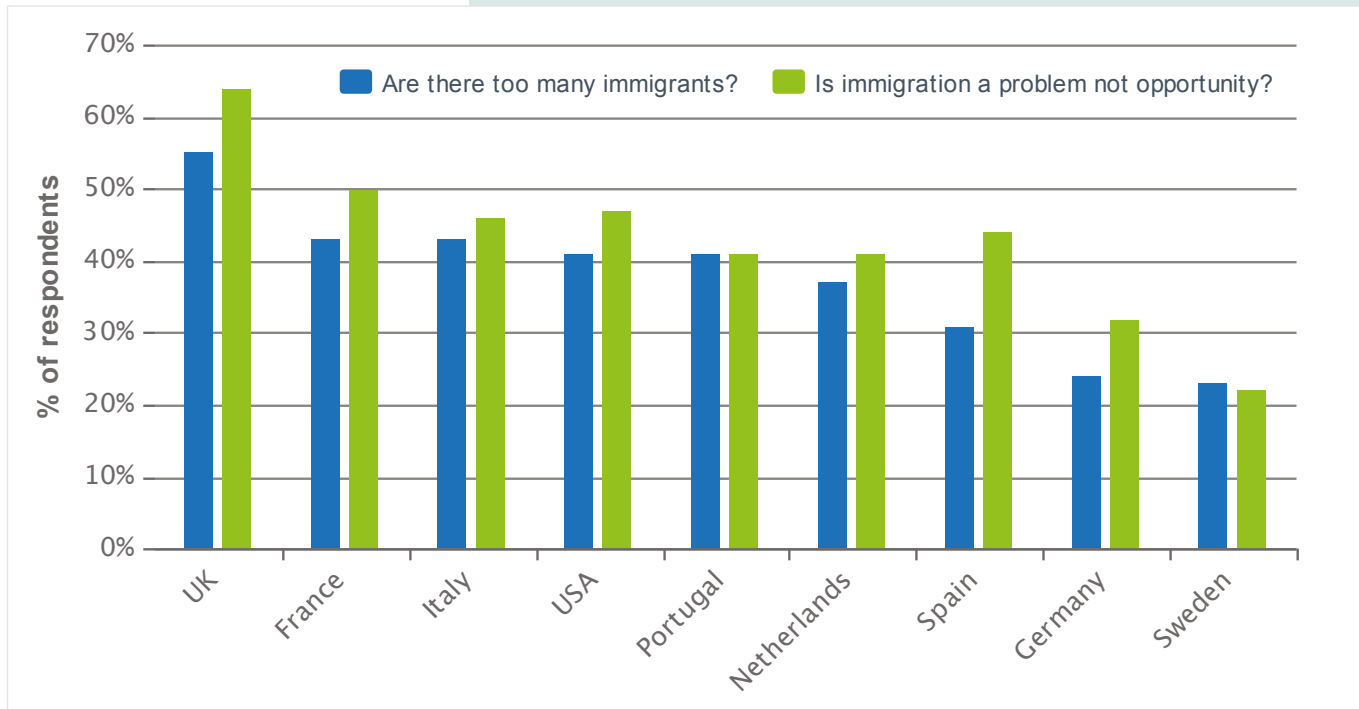
**Figure 134: proportion of UK opinion-survey respondents saying there are too many immigrants over time (%)**



Source: Migration Observatory

Opposition to immigration does remain high by western European standards, however, as Figure 135 shows, using 2013 data. It is notable that Germany and, particularly, Sweden emerge as more xenophilic, reflected in the significantly more hospitable stance taken by the two governments towards refugees from the middle east and north Africa in response to the recent surge.

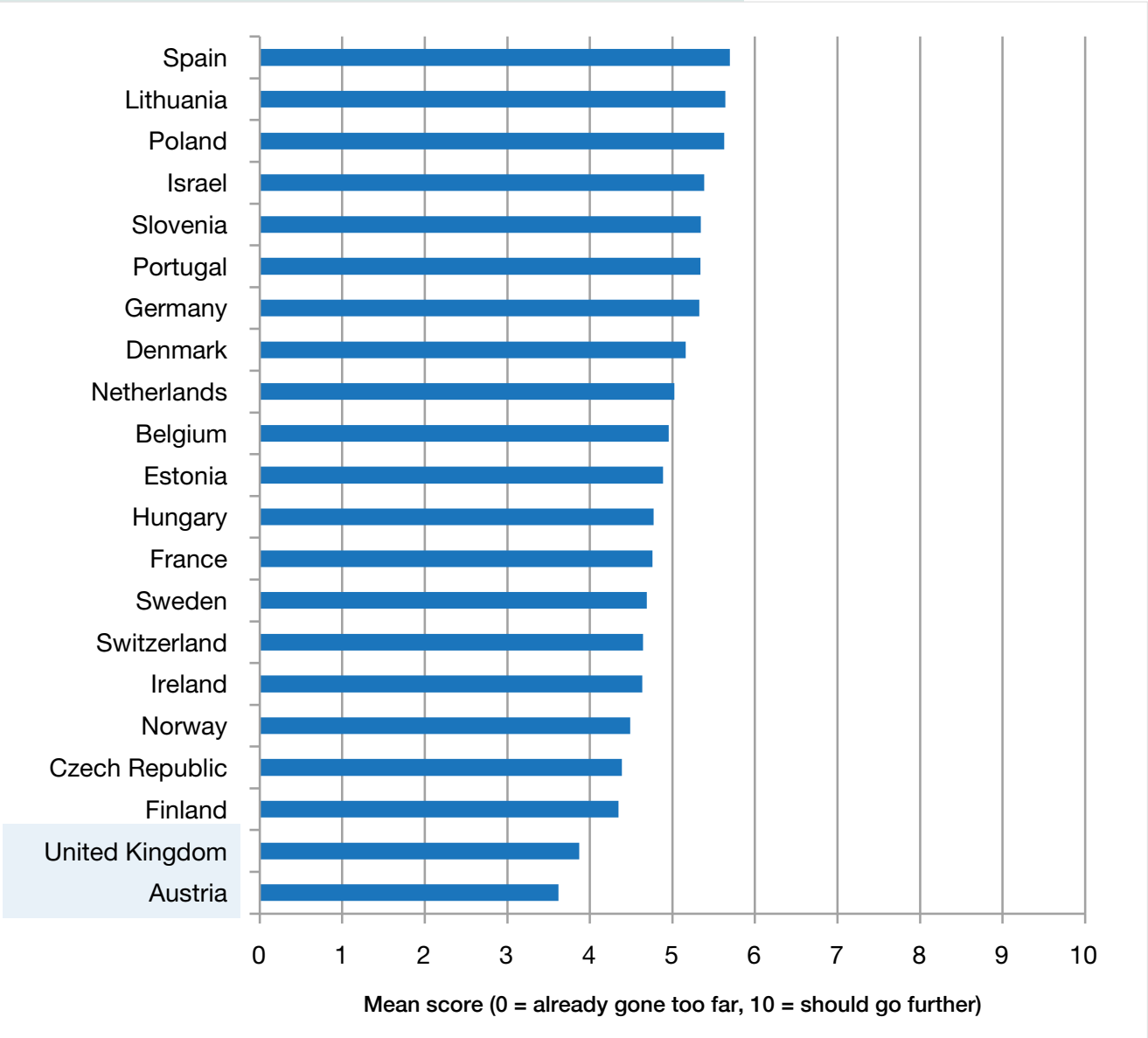
Figure 135: proportion of respondents answering affirmatively to 2013 survey prompts suggesting immigration is excessive or threatening, by country (%)



Source: Migration Observatory

The *Economist* / Ipsos MORI 'issues index', which tracks popular priorities, has seen 'immigration' rise up the UK political agenda since the late 1990s. Its May 2016 report showed that this was the 'most important [issue] facing Britain' for 38 per cent of respondents. The NHS came next on 33 per cent and the EU next on 28. The economy, which has fallen from top position in the index since the recovery began, was only prioritised by 23 per cent. So the 'leave' campaign was hitting a number of popular buttons, in a way that has not achieved traction for a similar 'Euro-secession' in any of the other 27 member states. Data from the 2014-15 European Social Survey (ESS) wave show UK respondents along with Austrians the most hostile to further European integration (Figure 136). And there is little countervailing pull by way of a strong sense of European identity—indeed Eurobarometer data from 2014 show UK respondents the least likely among the 28 member states to say that they identify themselves as European in addition to their national identity (Figure 137).

Figure 136: 'Should European integration go further or has it already gone too far?' (mean score, with 0 = already gone too far and 10 = should go further)



UK and Austria responses are not statistically significantly differentiated. Source: ESS

Figure 137: 'Do you see yourself as ...?' (%)

	(Nationality) only %	(Nationality) and European %	European and (Nationality) %	European only %	Total 'European' %
EU28	39	51	6	2	59
EURO area	34	54	7	2	63
NON EURO area	49	43	4	2	49
Belgium	33	54	8	3	65
Bulgaria	49	41	6	0	47
Czech Republic	48	45	4	3	52
Denmark	37	58	3	1	62
Germany	27	59	10	2	71
Estonia	38	56	4	1	61
Ireland	49	46	3	2	51
Greece	49	47	3	1	51
Spain	27	56	5	5	66
France	34	57	6	1	64
Croatia	37	54	6	2	62
Italy	45	46	5	1	52
Cyprus	52	42	4	1	47
Latvia	45	44	8	2	54
Lithuania	45	49	4	1	54
Luxembourg	21	60	11	6	77
Hungary	46	44	8	2	54
Malta	26	69	3	1	73
Holland	32	61	6	1	68
Austria	33	55	8	2	65
Poland	36	55	4	1	60
Portugal	42	53	3	1	57
Romania	47	46	4	3	53
Slovenia	37	56	3	2	61
Slovakia	44	48	6	1	55
Finland	36	56	6	1	63
Sweden	31	63	5	0	68
UK	64	30	2	1	33

Source: Eurobarometer

In the devolved jurisdictions, however, immigration has not acquired such political salience. The penetration of the London newspapers which have persistently campaigned negatively on the issue—such as the *Sun* and the *Daily Mail*—is not so high as in England: indeed the *Sun* confined to its England and Wales edition a 'BeLEAVE in Britain' front page advocating Brexit (*Guardian*, 14 June 2016). Nor does the Conservative party have the same presence (although it did revive in the Holyrood elections in 2016). And UKIP is very much an English party (although it has made inroads in Wales)—its only presence in the Northern Ireland Assembly came briefly in the last term, in the shape of a UUP defector.



Moreover, not only has Northern Ireland (like the six border counties) benefited from the special EU Peace fund, as discussed above, but also it is the second largest beneficiary of support per capita from the 'structural funds' (the regional-development, social and cohesion funds) in the UK after Wales, as Figure 138 shows. The chart is taken from a May 2016 [briefing paper](#) by the Sheffield Political Economy Research Institute, warning of the negative impact of Brexit. A parallel paper on manufacturing also showed how regions like Northern Ireland with a significant manufacturing sector would suffer from loss of unmediated access to the single market (Figure 139).

Figure 138: support per capita from the structural funds by region / small nation, 2014-20 (UK average = 100)

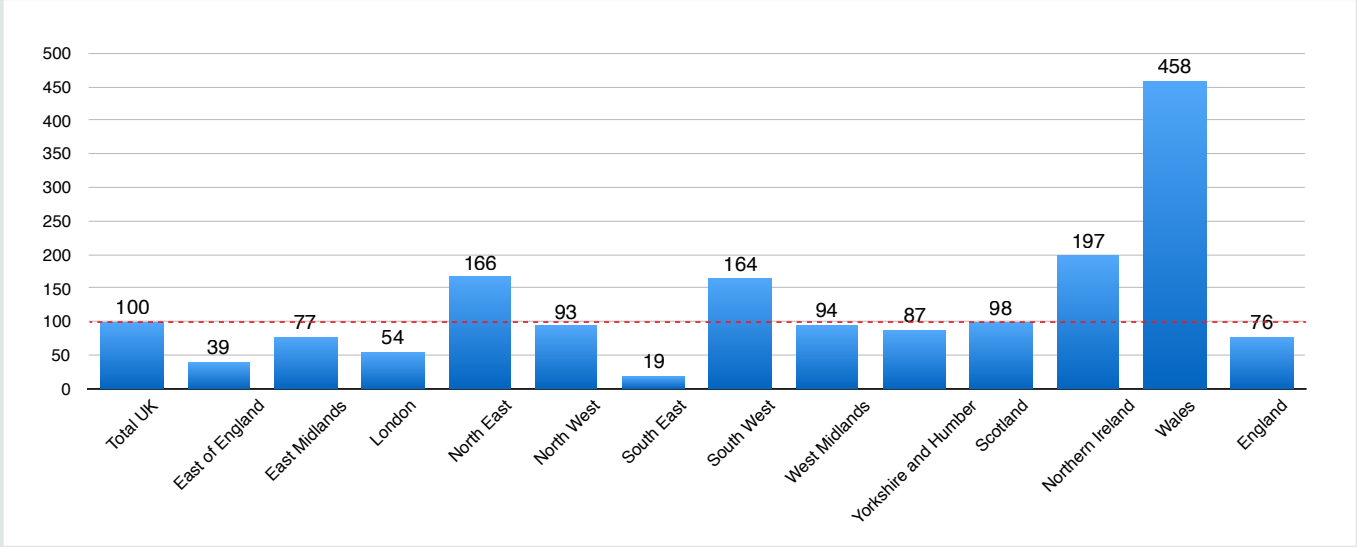
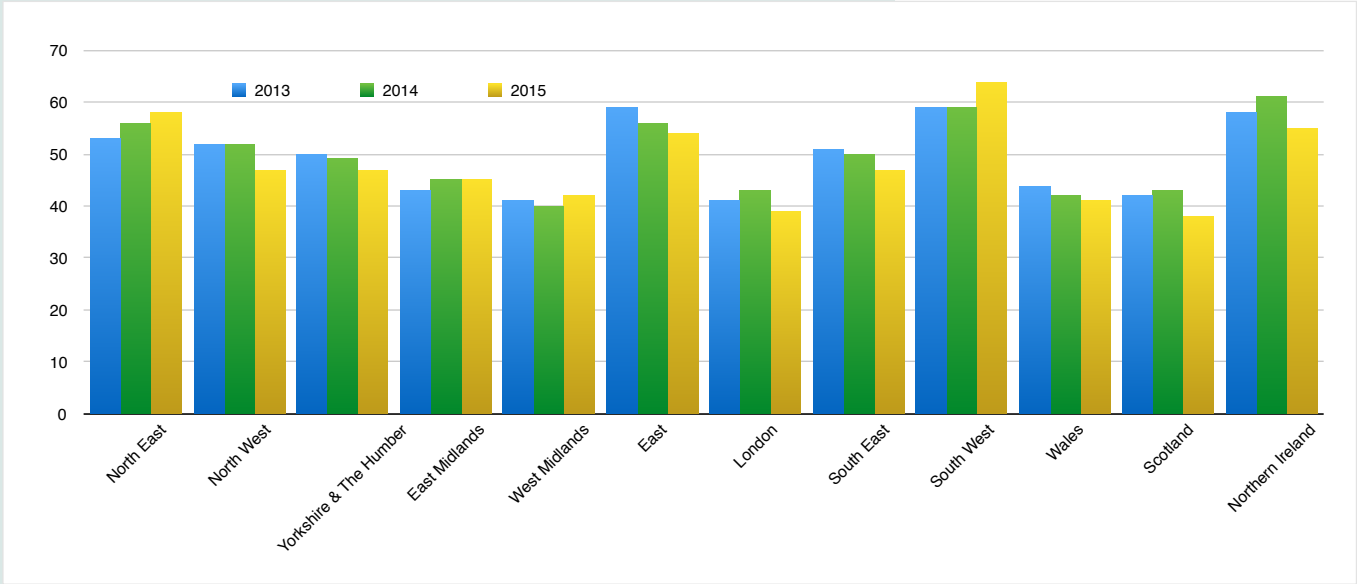


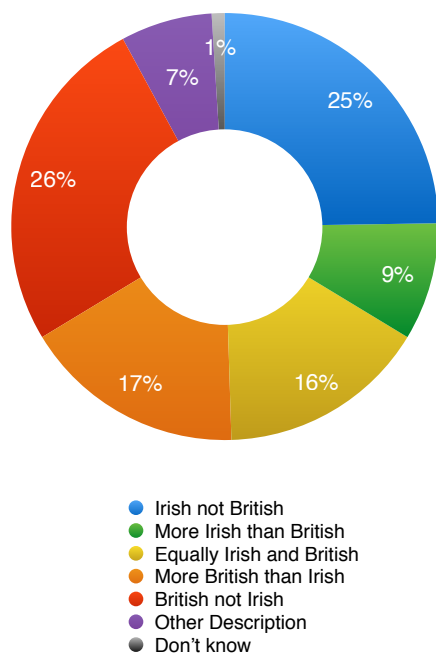
Figure 139: proportion of goods exports going to the EU, 2013-15



Source: SPERI

Unsurprisingly, therefore, it became evident during the campaign that voters in the devolved jurisdictions were much less likely to focus on immigration and more likely to support 'remain' on the economic arguments. Indeed, one poll showed that the most likely 'remain' voter across the UK was a well-educated individual in Northern Ireland—although support was much more marked among Catholics, with only a small majority to stay among those of Protestant

**Figure 140: 'Some people think of themselves first as British. Others may think of themselves first as Irish. Which, if any, of the following best describes how you see yourself?'**



Source: NILT

background (*Irish News*, 3 June 2016). The former Irish European commissioner and ex-head of the World Trade Organisation, Peter Sutherland, said it would be an 'act of wanton destruction' of the region's economic viability for the UK to leave the EU—highlighting the threats to agriculture, to cross-border trade and to inward investment as a toehold in the single European market (BBC NI news, 12 June 2016). The former Labour Northern Ireland secretary and former European commissioner, Peter Mandelson, told a Manufacturing NI audience in Belfast (*Belfast Telegraph*, 3 June 2016): 'In the past few days concerns about immigration have been exploited to make a case for exiting the European Union, but pulling out would wreck the economy. Here in Northern Ireland that economic impact would hurt more than in any other part of the UK.' He said that the 'hard border' the Brexiteers' demands on immigration would require would 'dampen' economic inactivity in a manner Northern Ireland's weak economy could not afford. The chancellor, Osborne, came to Warrenpoint, Co Down, to warn too that Northern Ireland would 'perhaps be more profoundly affected than any other part of the UK' by the referendum (*Belfast Telegraph*, 7 June 2016). He said the Treasury's analysis suggested 14,000 jobs could be lost and OECD research indicated that reintroducing customs controls at the border could increase the cost of trade by a quarter of the price of goods. Research commissioned by the Department of Enterprise, Trade and Investment from Oxford Economics indicated that Northern Ireland would be more vulnerable to a Brexit than the rest of the UK but the DUP enterprise minister, Jonathan Bell, declined to comment on it (*Irish News*, 24 March 2016). A survey of members of the Northern Ireland Chamber of Commerce found 81 per cent in favour of 'remain', a much more solid majority than among employers in Great Britain (BBC NI news, 25 February 2016).

Residents of the devolved jurisdictions are also more habituated to dealing with multiple political identifications simultaneously than those readily eliding 'Englishness' and 'Britishness' in counterposition to an affiliation with 'Europe'. Thus John Kay, a well-known economist and contributor to the *Financial Times* (8 June 2016), began his article rejecting Brexit with these two sentences: 'I am Scottish, British and European and happy to remain so. I am, mostly, proud of all these things.' This recalled the famous self-description by the Belfast poet John Hewitt:

I'm an Ulsterman, of planter stock. I was born in the island of Ireland, so secondarily I'm an Irishman. I was born in the British archipelago and English is my native tongue, so I am British. The British archipelago consists of offshore islands to the continent of Europe, so I'm European. This is my hierarchy of values and so far as I am concerned, anyone who omits one step in that sequence of values is falsifying the situation.

Nor is this just an intellectual's affectation—Eastwood recalled it in his leader's address to the SDLP conference. The 2015 NILT survey asked respondents a question derived from survey research in Spain on degrees of identification variously with the 'autonomous communities' and Madrid. It showed that more people in Northern Ireland (42 per cent) prefer to say they have a mixed, British-and-Irish, identity than opt for either an exclusively British or exclusively Irish one (Figure 140).

Brexit campaigners were thus also vulnerable in Northern Ireland to the argument—albeit rather ethereal—that the EU framework, by recasting relationships in these islands in a common context, had facilitated political accommodation through a softening of antagonistic nationalistic identities (Hayward, 2009). The two former prime ministers who had shepherded talks on Northern Ireland in the 1990s with the taoisigh of the day, Blair and Major,

came jointly to Ulster University in Derry to make just this claim (*Irish News*, 9 June 2016). Major said: 'I believe it would be an historic mistake to do anything that has any risk of destabilising the complicated and multi-layered constitutional settlement that underpins stability in Northern Ireland.' The DUP leader, Foster, dismissed this as 'scaremongering' (*Irish Times*, 9 June 2016) but the argument had wider resonance. Interviewed by *Der Spiegel* (10 June 2016), the German finance minister, Wolfgang Schäuble, said: 'Northern Ireland is also important. The conflict there was contained by the fact that Ireland and Britain are both members of the EU.'

Schäuble had been asked about the Scottish dimension. And a Brexit scenario loomed in which a series of unintended effects led via a victory for English nationalism to a resurgence of Scottish nationalism and a renewed polarisation between competing nationalisms in Northern Ireland. With the Scottish first minister, Nicola Sturgeon, claiming that a 'leave' vote would bring 'almost certain' pressure for a second independence referendum, Cameron belatedly recognised the risk of 'disintegration' of the UK (*Herald*, 9 May 2016). The SF deputy first minister, McGuinness, indicated that a Brexit vote should, in his view, trigger an 'immediate' border poll in Northern Ireland (*Irish News*, 11 March 2016)—although such a referendum, under the Belfast agreement, can only take place if the secretary of state sees a vote for the reunification of Ireland as likely to pass.

All the main Northern Ireland parties (including the Greens), except the DUP, thus appeared together when the 'Northern Ireland Stronger in Europe' campaign was launched in late May (*Belfast Telegraph*, 27 May 2016). Even within the region, however, the 'remain' majority dwindled in Millward Brown polls between May and June, with those saying they would vote to do so falling from 55 per cent to 48 per cent, with a majority of Protestants by then in the 'leave' camp (BBC NI news, 17 June 2016). Indeed, those Protestants defining themselves as 'unionists' emerged from a Lucid Talk poll in mid-May as *more* set on 'leave' than the average voter in Great Britain. By the same token, 'nationalists' were overwhelmingly for 'remain'. On the fringe, People Before Profit shared an old, hard-left Euroscepticism. Supporters of Alliance, the Greens and others were the most Europhile of all in their voting intentions (Figure 141).

Figure 141: distribution of voting intention, by party affiliation (%)

	Unionist	Nationalist	Non-aligned
Remain	18.2	80.0	82.6
Leave	68.5	11.3	8.7
Not sure	12.2	7.8	8.1
Won't vote	1.1	0.9	0.6

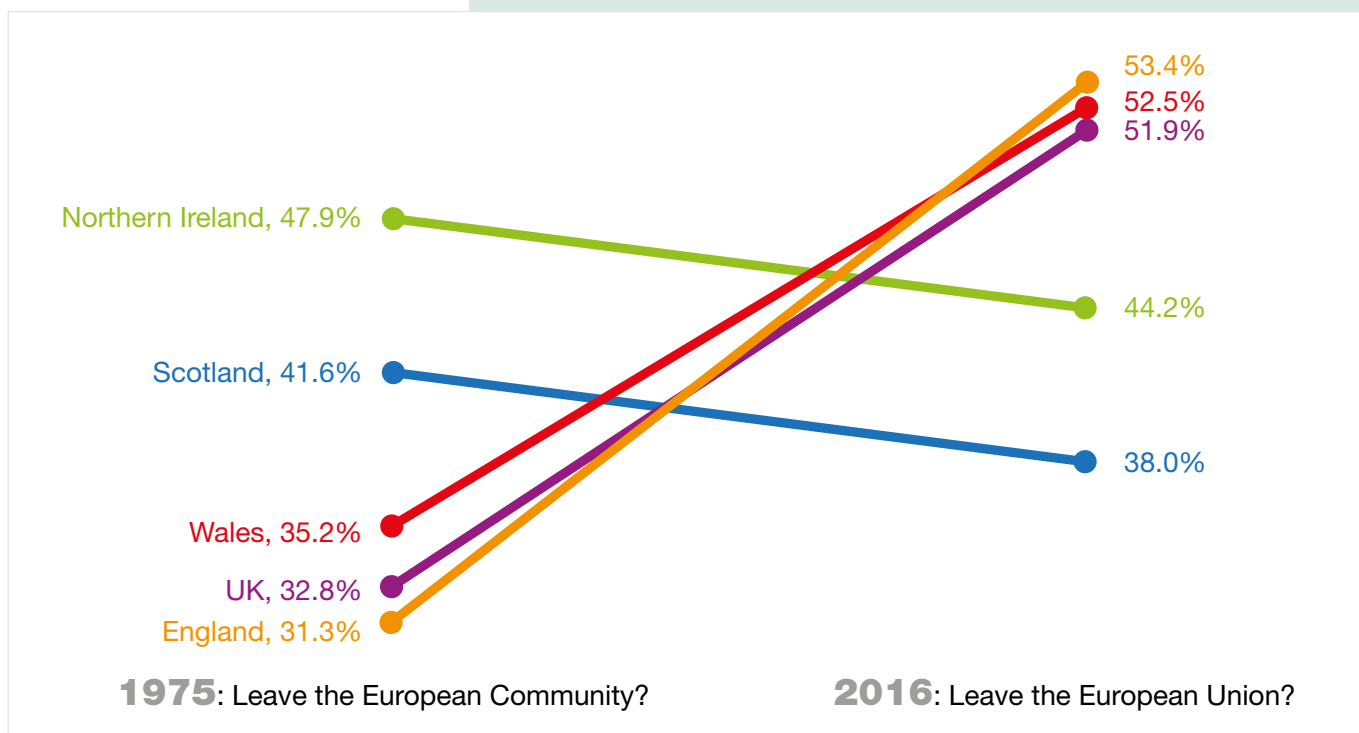
Source: Lucid Talk

The outcome was not, in any event, to be decided in Northern Ireland and, on the morrow of 23 June, it became evident that England had voted heavily for 'leave', with Wales in that camp too, while London, Scotland and Northern Ireland had voted for 'remain'. But, despite much superficial talk that 'leave' had been a 'working-class' vote, income and class explained only a tiny fraction of the outcome. Individual voting preferences were most closely correlated with opposition to EU integration, next hostility to immigration and then support for the death penalty. These were each more important as predictors of individuals' decisions than age or education. In other words, what 'leave' mobilised was what social psychologists call 'right-wing authoritarianism', among those who prioritise 'order' over openness.

The overall majority to exit the EU was 52-48 per cent. In Northern Ireland, by contrast, it was 56-44 for staying in, with huge majorities in mainly Catholic constituencies, such as Foyle, West Belfast and South Down, and in cosmopolitan South Belfast (*Irish Times*, 24 June 2016). If the British political map was heavily divided between England and Scotland, in Northern Ireland the sectarian polarisation saw a strong divide between results west and east of the Bann. Turnout in the region was the lowest of the four UK jurisdictions, at 62.9 per cent—the UK average was 72.2 per cent, led by England and its 'leave' majority with 73.0 per cent. One complication was that while SF was for 'remain', it had limited interest in a 'UK' political debate (and has its own residual, nationalistic Euroscepticism), so did not fully mobilise its supporters—turnout was thus only 48.9 per cent in West Belfast.

Interestingly, these trends showed a sharp reversal from the prior UK European referendum of 1975 (Figure 142). Then, Northern Ireland voted by only 52 to 48 per cent to stay within the EEC, whereas across the UK a comfortable 67 per cent voted in favour of membership. Then, as now, the debate in Northern Ireland was complicated by sectarian considerations, but the pattern of opposition and support was different. In 1975 the campaign against the EEC was led by the founding leader of the DUP, Paisley, and Enoch Powell, the far-right English Conservative who had secured a UUP seat in South Down. Paisley used biblical language to castigate the EEC as the 'whore of Rome' and the DUP ignored the economy to cast the referendum as a moral choice. For Powell, the issue was no less fundamental: he believed the Conservative Party's embrace of European values represented a serious threat to British sovereignty, embodied for him by the 'Crown in Parliament'. Powell and Paisley unwittingly helped the Yes campaign in Britain by building an association between the No camp and political extremism—the so-called 'men with staring eyes'. No supporters in Northern Ireland also included the hard right-winger Bill Craig and the Vanguard party he had helped to found—along with the Official and Provisional IRAs.

Figure 142: the 'leave' vote (%) by UK jurisdiction in 1975, 2016



Source: Institute for Government

If the regional distribution of UK voting in 2016 was predictable, so were the immediate reactions, domestically and internationally. The pound collapsed to a 31-year low within hours (*Guardian*, 25 June 2016). There was depression admixed with annoyance in Europe's political mainstream: *Der Spiegel* (24 June 2016) called Brexit 'a gut decision, an emblem of a country in retreat'. *Le Monde* (30 June 2016) said the referendum had 'turned Europe upside-down' ('*bouversé l'Europe*'). Yet, remarkably—and perhaps highlighting English exceptionalism—as EU citizens reflected on it, polling evidence across several member states revealed a consolidation of support for the union and a weakening of Euroscepticism and the far right (*Guardian*, 8 July 2016). The prime minister, Cameron, who quickly resigned and was replaced by the home secretary, Theresa May, suggested negotiations with the EU could be leisurely; but stung EU leaders were quick to stress that they expected a quick—and, by implication, ungenerous—divorce. The SNP said the party was 'very likely' to seek a second referendum on independence (only the now perhaps perpetually depressed oil price would give it pause). And SF said it would seek a border poll—which Villiers immediately rejected (BBC NI news, 24 June 2016). The UUP leader, Nesbitt, said (*Belfast Telegraph*, 28 June 2016): 'I have been struck by the number of nationalists who were previously content to hold Irish unity as a distant aspiration but for whom Brexit changes everything.'

The Scottish first minister, Sturgeon, met the European commission president, Jean-Claude Juncker, to see if somehow Scotland could retain some status in the union even in a Brexit context. The Northern Ireland deputy first minister, McGuinness, talked in similar terms. But as federalist ideas of European integration have given way in recent years to nationalistic retrenchment, the union has taken on a more intergovernmental hue and the vision of a 'Europe of the regions', offering voice to regions and small nations like Northern Ireland and Scotland, has accordingly receded. Years of grinding negotiations lay ahead—not only between the UK and the EU but also with all the other states with which the UK would have to embark on bilateral agreements, having exited all those organised by the EU on its behalf. For Northern Ireland, to what extent now-problematic future access to the single market would deter foreign investment—with or without a cut in corporation tax—was unknown, as was the impact of the potential new constraint on north-south economic exchanges and co-operation. So too was how much support for the region from EU funding, beyond the already committed (*Belfast Telegraph*, 13 August 2016), would be substituted by a UK Treasury wedded to fiscal orthodoxy and so austerity. And would the sectarian divide on voting patterns and SF's pressure for a referendum on unification foster further political polarisation, exacerbated by a visible reappearance of the island's partition, with more violence at the margin—especially if Scotland were indeed to vote to secede from the UK?

The seasoned political journalist Gareth Gordon said (BBC NI news, 26 June 2016): 'What's clear is not much is clear—and that's not going to change anytime soon.' But all the risks for Northern Ireland seemed at time of writing to be on the downside. A new faultline had been established within the executive. The northern nationalist parties called for an all-Ireland forum to address the implications of Brexit for the island as a whole. This was supported by the taoiseach, Kenny, but immediately rebuffed by the first minister, Foster. The deputy first minister, McGuinness, said that the vote in Northern Ireland could not 'be lightly dismissed' and he warned that the parties 'could be plunged back into the type of situation we were in prior to the Fresh Start Agreement' (*Belfast Telegraph*, 5 July 2016). Foster and McGuinness did, however, agree a joint [letter](#) to Downing Street in August, airing a list of practical concerns the prospect of Brexit raised for Northern Ireland, north-south relationships and EU support.

There was, though, an intriguing sub-plot. Where were the cosmopolitan voters in Northern Ireland who backed 'remain' now to go? A [rush of applications](#) for Irish passports was one response: there were 6,638 from Northern Ireland in July, an increase of 63 per cent on the same month in 2015. But a report in the *Independent* (5 July 2016) suggested some more substantial rethinking by some:

The Brexit referendum suggests a new centre ground could form of people from both faith communities who fear the economic uncertainty of leaving the EU. 'People are saying for the first time in their life they would vote for united Ireland, having never contemplated it before,' said Steven Agnew, the leader of the Green Party in Northern Ireland.

The former world number-one golfer from Co Down, Rory McIlroy, has had to do some soul-searching over the years as he has been tugged to declare an Irish or British national affiliation. And so perhaps unsurprisingly, he summed up the dilemma thoughtfully in a post-referendum interview (*Telegraph*, 8 July 2016): 'If I'm Northern Irish, what's better? To be part of the UK and not be in the EU? Or to be in a united Ireland and still belong to the EU? People are going to have to weigh that up.'

## 5. DEALING AND NOT DEALING WITH THE PAST

### 5.1 Why has 'the past' dominated the aftermath?

In March 2016 a panel discussion took place at the European offices of the UN in Geneva on the theme of 'preventing and countering violent extremism'. Outside of the Basque country in Spain, where the level of violence never reached the same intensity, the 'troubles' represented the most prolonged period of politically-motivated violence anywhere in post-war western Europe (and, as we have seen, the embers of paramilitarism remain stubbornly alive). The UN deputy high commissioner for human rights, Kate Gilmore, a panel member, [highlighted](#) the importance of universal norms in minimising such potential for conflict: 'It requires of us all a strong grounding in human rights and reliance on the buttress that is the rule of law.'

This has not, however, been the approach taken to the Northern Ireland problem by the UK and Irish governments in recent decades. Rather than a robust normative stance, it has been one of *Realpolitik*—seeking to assuage sectarian and paramilitary threats through negotiation with the political agents involved. As set out by a key figure behind the Belfast agreement—Powell, the former advisor to Blair—that approach has been simply for states to pursue dialogue, including with violent actors, for as long as it takes till agreement is reached (Powell, 2008).

The lack of endorsement of universal norms in the round has made 'dealing with the past' in Northern Ireland an impossible conundrum. In the absence of such an official framework, victims' groups, and their political advocates, have been prone to make partisan normative claims. Some, mainly Catholic, have articulated their case in the language of human rights (against the state); others, mainly Protestant, have instead insisted on the need for application

of the rule of law (against 'terrorism') (Dawson, 2007). In the counterposition of these competing claims, two rights have come to make a wrong, with advocates on behalf of victims of past violence arguing past each other in the same room—as the wrenching experience of the launch in 2009 of the [Report of the Consultative Group on the Past](#) in the Europa Hotel demonstrated.

The very first clause of the very first article of the 1949 [Basic Law](#) of the Federal Republic of Germany, consolidating the post-war democratic order, reads: 'Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.' And while Germany does still have problems of 'violent extremism' seven decades on—once more overwhelmingly from the far right—no significant political force in Germany questions that affirmation of 'never again' contained in the Basic Law. Indeed, so important has it been to post-war German political culture to address the period when it was consumed by anti-Semitism, xenophobia and other forms of intolerance that there is a specific compound noun for it: *Vergangenheitsbewältigung*. Germany's recognition of why the past must be dealt with reflects the other part of Orwell's 1984 Party slogan: 'Who controls the past controls the future.' With Northern Ireland's future constitutional status by no means as certain as that of (then West) Germany became when a decentralised, federal arrangement was imposed by the post-war Allies to stem any nationalistic resurgence, the past—and who controls the narrative about it—looms larger and larger in the region's political rear view, even as the horrific events themselves recede in time.

Meantime, a huge pool of human suffering endures, rarely coming to the political surface. But in April 2016 the victims' commissioner, Judith Thompson, presented the staggering statistics to members of the Commons Northern Ireland affairs committee. She told them 500,000 people in the region had been affected by the 'troubles'. About 200,000 of those had mental-health issues, while 40,000 had suffered physical injuries. Only 18,000 had come forward for help. Thompson took the opportunity of a Westminster audience to address what she called the 'elephant in the corner'—the way the government used the get-out of 'national security' to avoid, like others in Northern Ireland, being open about the past (BBC NI news, 20 April 2016).

## 5.2 Stormont House I and II

As indicated earlier, the parties to the Stormont House agreement were able to agree on a number of procedural steps to address the challenge: an Historical Investigations Unit, an Independent Commission for Information Retrieval, an Oral History Archive and an Implementation and Reconciliation Group. The expert on this subject in Northern Ireland is Brandon Hamber of Ulster University. Prof Hamber, a South African, worked with the Truth and Reconciliation Commission while at the Centre for the Study of Violence and Reconciliation there. He contends that a glass-half-full view of Stormont House would see these four elements as adding up to a truth commission (see below)—particularly if the Implementation and Reconciliation Group were to interpret broadly its remit to address 'patterns and themes' and to commission a report from 'independent academic experts' in this regard (personal communication). But the failure to consolidate these proposals in the subsequent 'Fresh Start' agreement meant they have not progressed.

In May 1998, the journalist Fionola Meredith went into the polling booth to vote in the referendum on the Belfast agreement, carrying her one-month-old baby in her arms and thinking of her future. In 2016 she spoke to a range

of young adults born that year about how they saw Northern Ireland, and their place in it (*Belfast Telegraph*, 6 May 2016). 'Why should young people grow up in a new world in Northern Ireland when it's still being plagued by the past?' one asked her. 'We didn't make the past, and we can't change it. It's not fair that the lives and actions of the older generations are having such an effect on us.' Another complained: 'Always harking back: it's not relevant to young people. The Troubles were an awful thing but we need more forward momentum for the sake of the new generations coming up. It wasn't a nice time, but we need to get over it.'

### 5.3 The decade of commemoration

The centenary commemorations of the events surrounding the home-rule crisis of the 1910s were always bound to add fuel to the controversy, with the Ulster revolt and the Easter rising inevitably marked in competing nationalistic fashions. What was interesting, however, was the approach taken by the Irish government to the commemoration of the rising in 2016. Each year hitherto, the official event in Dublin had traditionally recalled only the perpetrators, or 'Ireland's martyred dead'. In inviting the president, Michael D Higgins, to lay a wreath at the General Post Office on Easter Sunday, however, the taoiseach, Kenny, called on him to do so 'on behalf of the people of Ireland in honour of all those who died' (*Guardian*, 27 March 2016). By paying equal attention to the civilian casualties of the rising, the official ceremonial thus overlaid the traditional nationalist rehearsal with a universalist, humanistic discourse.

For the first time, also, the legitimacy of the rising was explicitly questioned. Paul Gallagher, attorney general in the republic between 2007 and 2011, said its leaders had 'had no legitimacy whatsoever', And, indeed, set against the standard of post-war universal norms, all the major events of the period become highly problematic and it becomes clear why they gave licence to a century of periodic violence. The Ulster Volunteer Force reaction against Parliament's endorsement of home rule, the formation in response of the Irish Volunteers and the rising, and the extra-judicial executions by the British of the leaders of the latter were all, by these standards, equally illegitimate. Gallagher said of latter-day northern paramilitaries that 'all of these thugs and murderers claimed they were doing this in a cause that deserved to be revered'. The legacy of 1916, he said, had been an Ireland 'obsessed with the past' and 'stuck in some sort of time warp' (*Irish Times*, 17 May 2016). The highly respected journalist Olivia O'Leary also wrote that she felt 'deeply ambivalent' about the rising—and not only because '1916 created a precedent for armed republican violence in Northern Ireland during the troubles'. She focused on how 'as long as Ireland was isolated and inward-looking, women did badly'. It had taken membership of the EU from 1973 to open the republic to a wider world in which women could make advances (*Guardian*, 25 March 2016).

A week on from Easter Sunday, the unveiling of a memorial in Glasnevin cemetery to all those who died in Easter week focused these arguments (*Irish News*, 4 April 2016). On the wall are 488 names, including those of 268 civilians and 119 British soldiers. Amid minor disturbances, about 100 people protested at the event, at which Kenny laid a wreath. The SF TD Aengus Ó Snodaigh said it was 'totally inappropriate for a memorial wall to list indiscriminately together Irish freedom fighters and members of the British crown forces'. But the chair of the Glasnevin Trust, John Green, said: 'One hundred years on we believe this memorial reflects the time we live in, with the overwhelming majority of the Irish people wishing to live in peace and in reconciliation.'



Even within Northern Ireland, the centenary commemorations have hitherto passed off calmly. Valuable preparatory work had been done to apply balm to the potential tensions. The CRC produced a ['toolkit'](#) for the decade of anniversaries from 1912 to 1922, arguing that commemoration should start from the historical facts, recognise the implications and consequences of what happened, understand that different perceptions and interpretations exist and show how commemorative activities could deepen understanding of the period. A leading project in this area has been [Towards Understanding and Healing](#), based in Derry, from which the notion of 'ethical and shared remembering' emerged. The project director, Maureen Hetherington, said that in Northern Ireland we were always 'dehumanising people in groups' and the project was thus about 'acknowledging the person in all their human-ness'.

## 5.4 Lancing the boil

Following his visit to Northern Ireland in November 2015, the UN special rapporteur on transitional justice, Pablo de Greiff, [called for 'strategic work towards an integrated schooling system, including on history teaching'](#) in the region. On dealing with the past more specifically, Greiff [complained](#) that the focus to date had been solely on individual cases, as with the work of the HET—and so on perpetrators. He said:

Mechanisms designed to capture the more 'structural,' 'systemic' nature of the violations that took place have received much less attention. The 'Troubles' involved the violation of the rights of individuals, of course, and those violations need to be redressed. But the 'Troubles' were not simply the aggregate of totally isolated events. There are patterns, structures, institutions, organizations, chains of command, policies, etc that are an essential part of this history, which need to be uncovered. It is critical to devote more attention to the instruments that may capture this dimension of the story as well, for even if victims are given information about the immediate circumstances under which the violations took place, there will always be questions about whether those violations were part of a wider pattern, responding to a particular policy, carried out by structures whose continued existence may be suspected, under a particular chain of command, etc. In other words, the resolution of individual cases, narrowly conceived, as important as that is, does not exhaust the work of truth and justice initiatives. Indeed, trust in institutions, in the rule of law, depends largely on getting clarity about this dimension of the story.

Without an impartial mechanism to address these larger, structural questions, an end to Northern Ireland's partisan political blame-game is not in prospect. But this authoritative call from a senior UN official fell on deaf ears. Debate in this area has been permanently constrained by taking as its sole reference point a 'South African style Truth and Reconciliation Commission'. Aversion to the amnesty provision for representatives of the apartheid regime, breaching the rule of law as this did, or the converse claim that perpetrators (state or paramilitary) would not otherwise 'tell the truth' in Northern Ireland has meant discussion has always stopped there.

In fact, there have been more than 20 truth commissions around the world, mainly in Latin America. The power of political Afrikaners at the time of transition dictated the particular immunity provisions of the South African TRC, which were unique in such commissions—indeed, some have forwarded case files to the relevant judicial authorities. It is true that such commissions have to a degree

disappointed, because perpetrators are capable of rationalising their crimes through well-known psychological traits, of 'optimism bias' and 'confirmation bias', but that has not devalued the currency of such endeavours. The world expert on truth commissions has described them as 'an *official* investigation into a *past pattern of abuses*' (Hayner, 2002), so success does not depend on the willingness of a particular paramilitary to confess to an isolated crime or of a state official to come out from behind the curtain of 'national security'.

Research on civil wars in the period 1957-99 showed that in eight out of 12 cases where a 'reconciliation event' took place subsequently war did not recur. All eight had a truth commission. By contrast, in only 9 per cent of cases where no reconciliation event took place was this the case (Kriesberg, 2004). While the possibility of a truth commission for Northern Ireland has been insightfully explored in fiction—in David Park's *The Truth Commissioner*—for the reasons outlined above there had until recently been no such actual proposition. In 2013, however, Amnesty International produced a carefully researched proposal for an independent 'overall mechanism' for dealing with the past in Northern Ireland along these lines, founded on universal norms and with much support from victims, as evidenced by its poignant Stormont launch. In *Northern Ireland: Time to Deal with the Past*, Amnesty argued:

The mechanism should be able to investigate the range of human rights violations and abuses (including killings, life-threatening attacks resulting in injury, torture and other illtreatment) committed by all sides involved (including state agents and non-state actors) that occurred during the period under investigation. It should identify which persons, authorities, institutions were involved in human rights violations and abuses, including collusion between the authorities and armed groups. It should be able to determine whether those violations and abuses were a result of deliberate planning, policy or authorization on the part of a state or any of its organs, or of any political organization, armed group or other group or individual.

This remains the only proposal in play. In the absence of any such unifying and overarching mechanism, discrete, retraumatising and potentially polarising episodes continue to be relived without resolution. In the space of less than two weeks in mid-2016, the police indicated they would reopen inquiries into the killing of ten Protestant workmen at Kingsmills in Co Armagh in 1976, the police ombudsman published his report addressing official collusion surrounding the killing of six Catholics in a bar in Loughinisland in Co Down in 1994 and the chief constable announced the external head of the inquiry into the activities of the purported former head of the IRA 'nutting squad', Scappaticci. As the veteran journalist Brian Rowan reflected, the horrors of Northern Ireland's violent past had come flooding into the present, as if some rewind button had been pressed (*Irish Times*, 11 June 2016).

## 6. PARTY POLITICS<sup>1</sup>

### 6.1 The assembly election results

Elections to the Northern Ireland Assembly are conducted using the single transferable vote, in 18 constituencies with six seats per constituency. The

<sup>1</sup> As indicated earlier, this section is principally authored by Rick Wilford, emeritus professor of politics at Queen's University Belfast.

May 2016 election confirmed the dominance of the DUP and SF within their respective electorates, the demise of anti-agreement unionism, the continuing decline of the vote share for (pro-Irish) nationalism and, more generally, a loss of support for those parties which constituted the outgoing executive. It also showed marginal gains for some minor parties, notably the Green Party and the People Before Profit Alliance (PBPA), suggesting that something *may* be changing in the region's electoral undergrowth.

Turnout remained stable, at 54.9 per cent, up a fraction on 2011, at an election that saw the largest ever number of candidates, 276, compared with a previous high of 257 in 2007. Turnout fell below 50 per cent in two constituencies, North Down and Strangford, compared with three in 2011. The DUP ran 44 candidates, SF 39, the UUP 33, the SDLP 24, Alliance 23, the Green Party 18, the Traditional Unionist Voice (TUV) 15, UKIP 13, the Conservatives 12 and the unofficial Northern Ireland Labour Representation Committee (NILRC) eight. Others, including minor parties and independents, comprised the remaining 47 candidates. The number of female candidates was 76, the highest to date (38 ran in 2011); 30 were elected.

When the final results were declared on 7 May, of the 108 available seats the DUP had won 38 (no change on 2011), SF 28 (-1), UUP 16 (no change), SDLP 12 (-2), Alliance 8 (no change), Green Party 2 (+1), PBPA 2 (+2), TUV 1 (no change) and independents 1 (no change). The first-preference vote shares of the parties (compared again with 2011) were: DUP 29.2 per cent (-0.8); SF 24 per cent (-2.9); UUP 12.6 per cent (-0.7); SDLP 12 per cent (-2.2); Alliance 7 per cent (-0.7); Green Party 2.7 per cent (+1.8); PBPA 2 per cent (+1.2); TUV 3.4 per cent (+0.9); independents 3.3 per cent (+0.9); UKIP 1.5 per cent (+0.8); Progressive Unionist Party (PUP) 0.9 per cent (+0.6); Conservatives 0.4 per cent (+0.4); NILRC 0.2% (+0.2) and others 1 per cent (+0.8). Figure 143 encapsulates the results.

Figure 143: the breakdown of parties in the new assembly and changes since 2011

Party	Number of seats	Change on 2011	Vote share (%)	Change on 2011 (percentage points)
DUP	38	0	29.2	-0.8
SF	28	-1	24.0	-2.9
UUP	16	0	12.6	-0.7
SDLP	12	-2	12.0	-2.2
Alliance	8	0	7.0	-0.7
Green Party	2	+1	2.7	+1.8
PBPA	2	+2	2.0	+1.2
TUV	1	0	3.4	+0.9
Independents	1	0	3.3	+0.9

## 6.2 State of the parties

There was no change in the balance of DUP-UUP seat strength. Together the two parties hold exactly half the assembly seats, while the combined total of SF-SDLP seats, at 40, is the lowest since 1998. Between the assembly elections in 2011 and 2016, the combined SF-SDLP first-preference vote fell from 272,510 to 250,149, while that of the DUP-UUP increased from 285,967

to 289,869. This growth is entirely due to support for the DUP which, for only the second time, exceeded 200,000 votes: it polled 202,567, its second highest total since the 2007 assembly election when it secured 207,721 first-preference votes.

The serial decline of the UUP and the SDLP since the first assembly election in 1998 is arresting. In 1998, the SDLP gained the highest number of first-preference votes (177,963) and 24 seats, whereas it won 12 seats in 2016 and attracted 83,364 votes. It is a tale of unremitting electoral woe, mirrored by the performance of the UUP. At the first assembly election it won 28 seats and 172,225 first-preference votes, compared with 16 seats and 87,302 votes in 2016. The SDLP has lost almost 53 per cent of its popular support in the 18 post-agreement years and the UUP 49 per cent. For the leading architects of the devolved institutions these are bitter pills to swallow. Whether their respective (mis)fortunes signal terminal decline remains uncertain, but the scale of the task of recovery for their new(ish) leaders, Eastwood and Nesbitt, is monumental.

The latter's success in winning two seats at the 2015 general election, one courtesy of the electoral pact with the DUP in Fermanagh and South Tyrone, and its 1.1 per cent increase at the 2014 district-council elections compared with 2011, now appear as dying- rather than dead-cat bounces. It regained the three seats lost to defections during the last mandate, lost a seat to the DUP in South Belfast but gained one at its expense in Lagan Valley. Its leader summarised the overall result as 'not a success'—something of an understatement—albeit he had expected to win 18 or 19 seats, hardly a vaulting ambition. Of the 24 assembly seats in Belfast, the UUP now holds one, in East Belfast; in 1998 it held five.

The prospects for the SDLP are even bleaker. It lost a seat in Foyle, its apparent heartland, and another in South Belfast, to the Green Party, where its former leader, Alasdair McDonnell, currently holds the Westminster seat—just. Dwarfed by SF, the party emerged demoralised; it regained a seat from SF in Fermanagh and South Tyrone but lost one to its nationalist competitor in Upper Bann.

SF's performance in 2016 will have prompted a serious post-mortem within its leadership. While losing just one seat, it did so in its erstwhile West Belfast redoubt, to the People Before Profit Alliance, a radical anti-austerity party. SF was, in short, outflanked on the left—as was the SDLP in Foyle, where it too lost a seat to the PBPA. While the loss of a single seat was unwelcome, the dip in SF's vote share, a fall of 2.9 per cent, was more worrying for the party's grandees. Any expectation that the centenary year of the Easter rising would yield an electoral dividend in Northern Ireland was utterly misplaced.

There were mixed fortunes for the minor parties. Alliance held on to its eight seats, while the Green Party doubled its representation to two—the same number as the emergent PBPA. The TUV retained its single seat in North Antrim, while the independent Claire Sugden held on to her seat in East Londonderry, into which she had been co-opted in 2014 following the death of the Independent Unionist David McClarty, formerly a UUP MLA. Given that McClarty was deselected by the UUP before the 2011 election, it was noteworthy that Sugden outpolled the combined total of her two UUP opponents in 2016.

The five former executive parties, the DUP, SF, UUP, SDLP and Alliance, now hold all but six of the assembly's seats. But Alliance fell short of being eligible for the new, reconfigured and smaller executive (the threshold for inclusion being 11 seats), which comprises eight departments (previously 11) plus the Executive Office (formerly the OFMDFM). The DUP leader, Foster, returned as first minister and McGuinness of SF as deputy first minister. If the four parties eligible for ministerial positions had taken up their executive seats, under the d'Hondt rule by which they were allocated the DUP would have had three, SF two and the UUP and SDLP one each. But when the assembly resumed and the first and deputy first ministers were reappointed, Nesbitt said his party's MLAs had unanimously decided to go into opposition. He said (*Irish Times*, 13 May 2016): 'This is a big and bold move to bring a better and more normal democracy to the people of Northern Ireland.'

There was, though, the eighth departmental role, justice minister, held from 2010 by Alliance, whose leader, Ford, was appointed via a cross-community vote in the assembly—a confected procedure invented to fill the post, given that the mutual mistrust between the DUP and SF precluded either assuming the role. With that mistrust persisting, had Alliance been willing to reassume responsibility for the Department of Justice, it would have retained an executive post. Like the UUP and the SDLP, however, Alliance needed to decide whether its short- to medium-term future was better served by being outside rather than inside the executive tent. Ford initially accused Nesbitt of 'grandstanding' and said he had 'flounced out' of the inter-party discussions (BBC NI news, 13 May 2016). But his party followed suit.

## 6.3 Voters and non-voters

Little can be said at this short distance about those who voted in the assembly election and those who did not—and what might differentiate them from each other. But we do have relevant evidence from the previous election, that to Westminster in 2015, the [results](#) of which are in Figure 144. They saw Alliance lose its newly acquired seat in East Belfast back to the DUP and SF lose one seat, in the sectarian see-saw of Fermanagh and South Tyrone, to the UUP, which also won South Antrim from the DUP.

**Figure 144: seats and vote shares in Northern Ireland in the Westminster election of 2015, compared with that in 2010**

	DUP	UUP	Alliance	Others	SDLP	Sinn Fein
Seats won (2015)	8	2	0	1	3	4
Vote share (2015)	25.7%	16.0%	8.6%	11.3%	13.9%	24.5%
Seats won (2010)	8	0	1	1	3	5
Vote share (2010)	25.0%	15.2%	6.3%	11.5%	16.5%	25.5%

Source: ARK

The Economic and Social Research Council funded a post-electoral survey, which was extended to a specific survey in Northern Ireland (Shirlow, 2015), whose results were revealed at a conference in Queen's University in the autumn. The survey essentially discovered two electorates in Northern Ireland—one tending to be older, more socially conservative and more likely to vote; the other younger, more liberal (for example, on marriage equality) but disengaged from Northern Ireland electoral politics.

The 2016 assembly election campaign was widely described as 'dull' and 'lacklustre'. The two leaders' debates, the second hosted by the BBC two days before the 5 May election, were uneventful: there were no gaffes by the participants and no knock-out blows were delivered by the contenders. What was evident at both was the reluctance of Foster and McGuinness to attack each other, each directing their particular critiques at their unionist and nationalist opponents, respectively the UUP and SDLP. That feature of the debates confirmed, if confirmation were needed, that as ever there were in effect three concurrent electoral competitions: unionist-nationalist, intra-nationalist and intra-unionist.

And yet the campaign was noteworthy for pointers to its aftermath. First was the absence of the 'constitutional question' from the election narrative—save, that is, its implied presence, in the form of the prospect summoned up by the DUP of McGuinness becoming first minister. 'Project fear', as it was dubbed by the UUP's Nesbitt, surfaced or, rather, resurfaced at the launch of the DUP's manifesto on 4 April, held interestingly in West Belfast, where it hoped to pick up an assembly seat for the first time since 2003 (but narrowly failed to do so). In his speech at the event the party's deputy leader, Nigel Dodds, warned to this theme—which had previously featured in the 2007 and 2011 assembly elections, though less so in the latter—warning of the 'dangers of shredding the unionist vote' and conjuring up impending calamity if his prognostication went unheeded. He said that 'the only way to ensure Sinn Féin does not become the largest party and Martin McGuinness is not elected first minister is by rallying behind the only unionist party that can win: the DUP'. And he warned that 'chaos' would ensue 'without the DUP as the leading party at the heart of the Northern Ireland administration'.

Secondly, the corollary of this stress on the DUP's ultimate horror was the near-presidential status accorded its leader, Foster. Her five-point plan for Northern Ireland became the party's mantra throughout the campaign and images of her dominated the party's election literature. This was very much the Arlene show: 'as first minister and a mum', her ubiquity eclipsed the leaderships of the other parties.

Thirdly—and, given the late publication of SF's manifesto, eventually—the campaign disclosed a close correspondence between the priorities of the two big parties. The DUP led the field with its manifesto, the policy content of which focused not expressly on constitutional matters but rather on measures designed to build 'a stronger Northern Ireland'. These included creating 50,000 jobs, introducing the 12.5 per cent corporation tax rate in 2018, maintaining the lowest household taxes in the UK, increasing the health budget by £1 billion by 2021, raising education standards and tackling underachievement, and increasing infrastructure investment.

The early publication of its manifesto enabled the DUP to seize the electoral agenda in the earlier stages of the campaign, whereas SF did not release its own until 27 April, just eight days before the poll. Delaying its publication could be interpreted as a means of seeking to dominate the agenda during the latter stages, hoping perhaps for an electoral bounce in the run-up to the poll—if that was the intention, it was misplaced. What was striking about its policy pledges was the degree of convergence between them and those of the DUP. Offering up a ten-point plan, compared with the DUP's five, it too projected 50,000 new jobs, an extra £1 billion for health and increased infrastructure investment, to the tune of £6 billion.

The extent of the common ground between the DUP and SF prompted the view that preliminary work on the 2016-21 Programme for Government (PfG) had already been undertaken by officials from both parties, no doubt facilitated by civil servants, thereby paving the way, all other things being equal, to a successful round of post-election PfG negotiations. Indeed, the common policy ground extended to key priorities identified by the other three former executive parties. Increased health spending, investment in skills, increased infrastructure investment, extra spending on social and affordable housing, the reduction of corporation tax and rates relief for small and medium enterprises were objectives also shared by the UUP, SDLP and Alliance.

Fourthly, the campaign was noteworthy for the salience of moral and ethical issues. The DUP, alone of the five leading parties, opposed equal marriage (both the UUP and Alliance leaving the matter to the individual consciences of elected members), while on the vexed matter of abortion, another highly prominent issue during the campaign, SF and Alliance endorsed terminations on the ground of fatal foetal abnormality and sexual crime. The UUP defined its policy as a matter of individual conscience, while the SDLP projected itself as a 'pro-life' party and the DUP deferred its policy until the outcome of a panel review of terminations of pregnancies associated with severe life-limiting conditions, though was more than likely to reaffirm the status quo. The singular and illiberal position hitherto adopted by the DUP on both matters implies little prospect of reform in the new mandate, not least because it is the only party with the requisite number of MLAs—a minimum of 30—to trigger a petition of concern (PoC) on either issue, or indeed any other.

The cavalier use, even abuse, of the PoC procedure to date may, however, be attenuated by a protocol included in the 'Fresh Start' agreement—albeit that agreement did not secure endorsement by the UUP, Alliance or the SDLP. The protocol, in effect a gentleman's agreement, proposed *inter alia* that the PoC should only be tabled 'in exceptional circumstances' and that the ground(s) for doing so *should* (rather than *shall*) state 'the nature of the detriment which is perceived as arising from an affirmative vote on the matter'. While a welcome proposal to narrow the basis on which a PoC may be tabled, whether the protocol is sufficient to bridle its deployment is uncertain, not least because of its voluntary nature.

A fifth aspect of the campaign of note was the extent to which the provision for an opposition in the new assembly influenced the electoral narrative. Shortly before the campaign got under way, the outgoing assembly passed the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016, tabled by the Independent Unionist MLA John McCallister (who lost his seat at the election). The act provides for a long-overdue official assembly opposition and confers upon it certain rights and benefits designed to enhance the scrutiny of ministers and their departments, as well as the wider executive.

To qualify for opposition status a party or parties must be eligible for inclusion in the executive or its MLAs must constitute at least 8 per cent of the total, or nine members. The act provides for the role of leader of the opposition and, where a second party decides to take up this opportunity, of deputy leader, each to be established via standing orders. In those circumstances the leader of the larger or largest party (where a third party also opted for the opposition benches) would assume the role of opposition leader and that of the second largest that of deputy leader. To incentivise the exercising of this option the act provides for: enhanced speaking rights in the chamber for the opposition

party/parties; the opportunity to ask the first two topical questions of the first and deputy first ministers during the appropriate question time; the chair and, where applicable, deputy chair of the assembly's public accounts committee to be drawn from the opposition party/parties; the automatic inclusion of the party/parties in the assembly's business committee; and at least ten supply days *per annum* for the party/parties when it/they would table motions for debate. The timing of the decision to enter opposition is limited. The expectation was that the decision would be made when the d'Hondt process of executive formation was undertaken, normally within two days of the start of each mandate, although the act does state a final date by which the formation of an opposition must take place (which would in this case have been by 30 June 2016).

Throughout the campaign the UUP—which had resigned from the executive in August 2015—as well as the SDLP and Alliance were pressed on whether they would opt for opposition, and none provided a definitive answer. This made them vulnerable to the criticism, levelled by both the DUP and SF, that they were indecisive, and that their leaderships were directionless and incoherent—charges that they, particularly the UUP and SDLP, were unable to shake off.

The final noteworthy aspect of the campaign was that while each of the major parties' manifestos bristled with public spending plans, only two, those of SF and Alliance, included specific revenue-raising proposals. Alliance proposed the reintroduction of (modest) prescription charges which, with exemptions, it concluded would affect just 11 per cent of the population and equally, if not more controversially, it endorsed the introduction of water charges, ameliorated by mitigations for those on the lowest incomes. (The DUP's manifesto committed it to the deferral of consideration of water charges until the next mandate.) For its part, SF was even more modest, proposing the removal of the £400,000 rates cap on domestic properties, the time-limiting of rates relief on vacant properties and the introduction of a tax on derelict land to discourage 'harmful speculation'. While these proposals would generate only marginal revenue, the party's ambitions were evident, arguing for increased fiscal levers for the devolved executive, including powers over income tax, national insurance and stamp duty. Overall the 'getting' side of the 'getting and spending' equation was however the dog that barely raised a yelp, let alone a bark, among the five leading parties.

## 6.4 Beyond the election

With the results in, and negotiation of the PfG under way, the common policy ground the DUP shared with SF suggested that agreement between them would be relatively easy to achieve. The key part of the negotiations, the outcomes of which would be subject to an eight-week public consultation, thus rested on the extent to which the UUP and SDLP could be accommodated during the talks. The UUP, however, quickly broke ranks for opposition. The SDLP and Alliance swiftly followed, creating a 36-strong opposition bloc—a third of the assembly—bolstered on some issues by the six remaining MLAs who occupy the oppositional arc of the chamber (*Belfast Telegraph*, 19 May 2016). All three parties had been required to calculate whether returning to the executive table carried a greater electoral risk than relinquishing the single ministerial seat to which, in the case of the UUP and SDLP, each was entitled and, in the case of Alliance, it might be gifted. Their decisions will undoubtedly alter the dynamics of the devolved institutions in significant ways.



Alliance had hoped for bigger changes (*Irish News*, 26 May 2016): top of its list of requirements to return to the executive was reform of the PoC procedure, originating in the Belfast agreement as a mechanism for minority protection but turned into a generic party veto. The DUP balked at that but even so the change in governance arrangements was remarkable. Suzanne Breen commented in the *Belfast Telegraph* (20 May 2016): 'Northern Ireland politics just got interesting. For far too long, proceedings at Stormont were deadly dull. Only the political anoraks paid attention. The public largely turned off ... Hopefully, we can at last have something resembling normal politics here.'

This left the formation of the executive in the hands of the DUP and SF. The first and deputy first ministers respectively from those parties, Foster and McGuinness, returned to what was now called the Office of the Executive with two new juniors, Alastair Ross (DUP) and Megan Fearon (SF). They faced a conundrum in appointing a justice minister, since Alliance was unwilling to get them out of that political hole a second time. They settled on the compromise of appointing the novice Independent Unionist MLA, Sugden. The running of the d'Hondt rule for the remainder of the positions produced an executive as set out in Figure 145.

**Figure 145: the executive formed after the May 2016 assembly election**

Arlene Foster	DUP	First minister
Martin McGuinness	SF	Deputy first minister
Alastair Ross	DUP	Junior minister, the Executive Office
Megan Fearon	SF	Ditto
Simon Hamilton	DUP	Department for the Economy
Máirtín Ó Muilleoir	SF	Department of Finance
Claire Sugden	Independent Unionist	Department of Justice
Peter Weir	DUP	Department of Education
Michelle O'Neill	SF	Department of Health
Michelle McIlveen	DUP	Department of Agriculture, Environment and Rural Affairs
Chris Hazzard	SF	Department for Infrastructure
Paul Givan	DUP	Department for Communities

In the new dispensation, the PFG clearly looms larger than hitherto. And, behind the scenes, there had been much work by officials, linked to the rationalisation of departments—to achieve a more joined-up approach across departments, focused on achieving overall government outcomes rather than just delivering conventional departmental programmes (although, as this and other monitoring reports have shown, there can be gaps in relevant regional data). In an assembly debate on the [draft programme](#) in June, the first minister, Foster, said (*Belfast Telegraph*, 6 June 2016): 'We agreed that a new approach should first identify desired societal outcomes and look at what should be done to achieve them. Outcomes-focused means being citizens-focused and evidence-based. It requires a collective approach, looking to draw in all the contributions in Government and, importantly, beyond Government, to make the biggest and best difference possible. It makes a real statement of shared purpose at political, administrative and societal level.'

The UUP leader, Nesbitt, complained that outcomes such as 'We enjoy long, healthy and happy lives' amounted to 'motherhood and apple pie'. As with the SDLP, it was the perceived inadequacy of the draft PfG which ostensibly motivated the decision to choose opposition: the latter party regarded the proposals as 'threadbare' (*Irish News*, 19 May 2016). This did not entirely do justice to the preparations for months by officials, including in liaison with Scottish colleagues, where the idea of devolved government being focused on policy goals has been of longstanding (*Irish News*, 11 May 2016). The deficit in the draft was however the policies which would realise the 14 outcomes (which 42 indicators were to measure)—it was this that gave the document an aspirational tone. But the fact that Northern Ireland's political axis continues to be defined by nationalistic, rather than policy, goals means that officials do not receive the political direction they need to write policy-rich programmes.

A [review](#) of governance in Northern Ireland, commissioned in 2014 by the executive from the OECD, highlighted this problem when published in July 2016. Tellingly subtitled 'Implementing joined-up governance for a common purpose', it said that in the PfG a 'common vision' should frame just 'three to five' strategic objectives, linked to a 'limited number' of outcomes/indicators and meaningful public engagement. But it diagnosed the problem:

Solidarity among members of the Executive is evidently weak, which undermines the principle of the collective responsibility in decision making and the concomitant role the civil service, notably in its senior ranks, ought to play in supporting it. This lack of political cohesion reverberates throughout the system with managers and staff-level civil servants focusing on their minister's immediate term political interests rather than seeking to work collaboratively towards an outcomes-based whole-of-government solution to the issues facing their department.

The Executive itself could play a greater strategic role in the governance of Northern Ireland if the behavioural norms were to evolve over time into a steward of a 'single government' working towards a common purpose. This requires building a more robust commitment to the principles of Cabinet solidarity, with the Executive speaking with a single voice on the issues of the day.

Economic development had been identified as the priority of the previous PfGs following the renewal of devolution in 2007—and, in contrast with the strong emphasis on sustainability in Scotland, the departmental reorganisation saw the environment brief submerged into agriculture. The reduction of corporation tax, due in April 2018 as earlier discussed, had been identified as the talismanic policy lever to achieve it. But as he took questions from the finance committee in the assembly for the first time in June, the first SF finance minister since the Good Friday agreement, Ó Muilleoir, put a question-mark against it. Mindful of the ever-tighter squeeze of austerity on the budget envelope available to him—and of the success of the left-wing electoral challenge from the PBPA in SF heartlands in West Belfast and Derry—he denied that reduction of corporation tax was 'a done deal'. He said the executive had yet to decide whether it was affordable. Indeed, he said he was 'rebooting' negotiations with the Treasury, on the issue of whether 'secondary benefits' of the measure—such as increased VAT revenues, were the initiative to add to growth—would accrue to the UK exchequer rather than the coffers of the devolved administration. He said it would be 'unacceptable' were this to be so and he would not 'give in to an austerity agenda which means nothing but pain for our people' (BBC NI news, 9 June 2016; *News Letter*, 10 June 2016).

If that presaged a potential new faultline inside the executive—in January the first minister, Foster, had told a DUP breakfast that SF might not be willing to accept the cuts in the block grant a cut in corporation tax would entail (*Belfast Telegraph*, 23 January 2016)—all was not plain sailing in its relationship with the emergent opposition. Nesbitt said he wanted an opposition of 'co-equals' between his party and the SDLP (BBC NI news, 5 June 2016). And, days later, the two parties were complaining—jointly—that the executive parties were trying to close down the fledgling political opening. Their chief whips said (*Belfast Telegraph*, 8 June 2016): 'In key votes on Assembly business, the DUP and Sinn Fein have shown both their arrogance and their fear, with a slap in the face for our democracy.' They claimed that an agreement in the assembly business committee in March that there would be proper provision for opposition parties was being violated by their being limited to one opposition-initiated debate every fortnight. Critics of the operation of devolution had for years pointed to the paucity of assembly business coming from the executive and the opposition parties had been able to ensure on two successive days since the election that they had set the agenda. The SDLP chief whip, Alex Attwood, claimed that for the DUP and SF this had proved to be 'two too many'.

As the monitoring period closed, however, tensions could also be anticipated within the opposition. Relationships between the former UUP and SDLP first and deputy first ministers, David Trimble and Séamus Mallon respectively, had often been fractious in government (Wilson, 2010). The SDLP has its own internal differences between its more social-democratic and nationalistic wings and, in particular, the UUP still has a significant 'traditional' wing whose attitudes would not diverge so much from those of counterparts in the DUP—the first minister, after all, is a defector to that party—and Nesbitt was a prominent critic of the Maze conflict-resolution centre plan. Whether the opposition would come together around a common narrative was thus by no means assured. The Northern Ireland political kaleidoscope had certainly been reshaken. How it would settle was, however, by no means certain.

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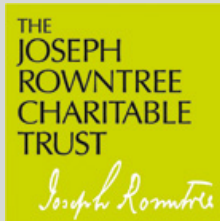
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