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**FROM CONFLICT TO CONSENSUS: THE  
LEGACY OF THE GOOD FRIDAY AGREEMENT  
THE BRITISH-IRISH AND EUROPEAN  
CONTEXTS**

**Elizabeth Meehan**

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## ABSTRACT

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### **FROM CONFLICT TO CONSENSUS: THE LEGACY OF THE GOOD FRIDAY AGREEMENT THE BRITISH-IRISH AND EUROPEAN CONTEXTS**

Since the EU is relevant to the Good Friday Agreement as a whole, the paper starts by touching upon how it both facilitated the Agreement and, yet, also hindered Strand 2 (North-South relations). Strand 3 (the British-Irish context) was itself a means of overcoming obstacles in the other strands. It involved few major obstacles but the paper outlines those that there were. It discusses the British Irish Inter-Governmental Conference and the British Irish Council. It also discusses two networks that are not part of the Agreement but are part of east-west relations: the Joint Ministerial Committee system and the British Irish Inter-Parliamentary Body. In conclusion, the paper sets the Agreement in the context of the overall programme of devolution in the UK. It is argued that this, combined with the displacement of the UUP by the DUP, could either problematize Strand 3 or enhance its significance for Northern Ireland and in overall east-west relations.

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## BIOGRAPHICAL INFORMATION

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# **FROM CONFLICT TO CONSENSUS: THE LEGACY OF THE GOOD FRIDAY AGREEMENT THE BRITISH-IRISH AND EUROPEAN CONTEXTS**

**Elizabeth Meehan**

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## **INTRODUCTION**

I have been asked to talk about the *Broader British-Irish relationship and the European context with particular reference to obstacles in reaching agreement in Strand 3 and how they were overcome*. However, the EU is relevant to all three strands, particularly in connection with the shift from what was called “Anglo-Irish” relations to “British-Irish” relations. Moreover, Strand 3 was, itself, a means of overcoming obstacles to Strand 2. Insofar as there were obstacles to negotiating Strand 3, they were either implicit or muted. Consequently, I begin with some brief references to the EU and the Agreement as a whole before turning to the Strand 3 institutions, the British Irish Inter-Governmental Conference (BIIGC) and the British Irish Council (BIC). Then, I discuss two other networks that are not Strand 3 institutions but are part of east-west relations; the Joint Ministerial Committee (JMC) system and the British Irish Inter-Parliamentary Body (BIIPB).

If not a serious obstacle during the talks, the BIC may, however, contain a potential for future difficulties because of another new meaning of “British”, or at least “Britain”, brought about by the UK’s overall devolution programme. That is, it is possible that the BIC could be used as a platform for governments in Edinburgh and Cardiff keen to emphasize their distinctiveness. Thus, the paper then discusses the devolution context of the Northern Ireland settlement and potential consequences that could be embarrassing for Ireland. In conclusion, I suggest that, subject to the dynamics of devolution in Great Britain, the displacement of the Ulster Unionist Party (UUP) by the Democratic Unionist Party (DUP) means that that we may have to question a previous judgement that Strand 3 is politically insignificant and possibly irrelevant to the settlement in Northern Ireland.

In case of confusion over post-April 2008 references in this text, readers should note that some updating has been carried out in editing the paper since the conference.

## **THE OVERALL EUROPEAN CONTEXT AND BRITISH-IRISH RELATIONSHIP**

The relevance of the EU to the overall Agreement is threefold, involving British-Irish relations, the design of institutions and the place of Northern Ireland in the wider context of territorial politics. While this relevance is, on the whole, benign, the EU context was also a temporary hindrance in negotiating Strand 2.

### ***The EU and British-Irish relations***

Both Paul Gillespie (2006: 331-2) and Ronan Fanning (2006: 146) remind us that we should not take too much for granted the normalization of relations between Ireland and the UK;<sup>1</sup> but it is the case that the substitution of “British-Irish” for “Anglo-Irish” relations and institutions does mark a considerable transformation of the relationship between the two states.<sup>2</sup> That is, it denotes the end of the legacy of English hegemony over Ireland dating from the days before there was a Great Britain and its continuation during the British Empire, experienced in Ireland as the “Anglo-Irish ascendancy” (Gillespie, 2006: 319). This transformation was facilitated by the two states’ common membership of the EU, among other international factors (Gillespie, 2006, and, quoting Garvin: 319).

The asymmetry in their motivations for seeking membership of the EU (then EEC) was an initial equalizing factor. The UK was “seeking a role” after it had “lost an empire”,<sup>3</sup> while Ireland was seeking an escape from the shadow of its larger neighbour through entering a system of “pooled sovereignty”. Working in the EU, reinforced by experience of implementing the Anglo-Irish Agreement, allowed Irish and British civil servants to familiarize themselves with one another. And EU meetings gave politicians from both states opportunities to talk to one another about Northern Ireland away from the glare of publicity and hostility (Gillespie, 2006: 322, 328-9; Meehan, 2006: 340). This, as well as the work programmes emerging from the Anglo-Irish Agreement (Tannam, 1999: 75-77, 83, 85; Gillespie, 2006: 329; Meehan, 2006: 341), enabled the two governments to develop cooperation on the north-south and east-west axes for a decade before the Good Friday Agreement.<sup>4</sup> Moreover, these experiences facilitated—albeit uncertainly—some modification of the British government’s traditional concept of sovereignty with respect to the governance of Northern Ireland. Common EU membership contributed ultimately to a situation in which both governments could agree that their relationship was no longer defined by Northern Ireland (Fanning, 2006: 145; Gillespie, 2006: 320, 322, 329, quoting Tony Blair and Douglas Hurd). Of course, devolution within the UK means the very nature of the state with which Ireland has this new relationship has changed at the same time. I shall return to this in later sections.

### ***The EU and the design of institutions***

Without going into this in detail (for more, see Meehan, 2006: 346-7), let me remind you of Rory O’Donnell’s (1999: 7) observation that:

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<sup>1</sup> And, indeed, Paul Bew’s (2007) collection of essays, written for newspapers during the peace process, notes several periods of tension during the peace process.

<sup>2</sup> Even the contentious issue of Sellafield is not being allowed to impact on other dimensions of the relationship.

<sup>3</sup> The much quoted observation made in late 1962 by former US Secretary of State, Dean Acheson.

<sup>4</sup> Work on these areas of cooperation continues under the Strands 2 and 3 institutions.



One of the striking things about the Belfast Agreement is that, to anyone who knows the European Union, one immediately recognises that it was written by people who also know the EU and have worked its systems quite extensively.

This can be seen in the design, remit and procedures of the NSMC and, to a lesser extent, of the BIC. Both, like the Council of Ministers, meet in plenary and sectoral forms. The NSMC, together with governments and parliaments in the north and south, have decision processes comparable with those of the Council of Ministers and the domestic institutions of member states.

### ***The EU and the place of Northern Ireland in a wider context of territorial politics***

Again, without going into detail, let me mention Robin Wilson's (*Irish Times*, 5 March 2003) observation that:

After three decades of membership of the European Union, Northern Ireland is inextricably entwined in a 'variable geometry' of relationships with the rest of Ireland, the rest of the UK and the rest of Europe. Either/or 'sovereignty' choices are now remote from reality. However, changing ideas and practices of sovereignty were quite difficult for some negotiators to come to terms with.

This is where experience of EU membership was, for a time, a difficulty rather than an opportunity.

### ***The EU as an obstacle to Strand 2***

Without rehearsing the well trodden ground about Northern Irish party attitudes to the EU, it should be noted that awareness of competing theories of European integration complicated the ability of nationalists and unionists to come to agreement during the negotiations on the north-south arrangements. These two theories are functionalism and neo-functionalism which can be associated with unionist and nationalist outlooks respectively.<sup>5</sup> In the first, cooperation starts from—indeed hinges upon—the recognition of borders and involves the setting up of specific bodies for narrowly-defined and particular functional purposes. In the second, as cooperation gets going in one area, it becomes irrational not to extend it to related or contiguous activities. Moreover, as people become accustomed to co-operation in one area, the habit will spill over into others.

It was clear that unionists would have preferred a functionalist approach to the north-south bodies and, at the same time, feared that neo-functionalism would prevail. Just as there might be an "ever closer union" in the EU, so there might be what another speaker here today, Paul Bew (and colleagues), has called a "rolling integration" programme into a re-united Ireland (Bew, Patterson and Teague, 1997: 192-5, 199). Nationalists, though quasi neo-functionalists, seemed to think that unionists could say "no" to some future proposal for cooperation and professed not

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<sup>5</sup> The author heard many discussions of these standpoints during discreet seminars that took place in parallel to the talks.

to understand what one of them called “a lack of unionist confidence”<sup>6</sup> in their ability to do so. Conversely, unionists, understanding the neo-functional logic, predicted that saying “no” would, indeed, be treated as irrational. Paul Bew and his colleagues suggest, however, that there was a recognition that agreement to north-south economic cooperation could “square the circle between nationalism and unionism” within a “still British Northern Ireland”.

The UUP was able to adhere to the hope for this “squared circle”, despite the rather neo-functionalist remark to the press by the then Irish Foreign Minister, David Andrews, that the NSMC would be “a kind of government”. The DUP continued during the first stages of devolution to see it as an EU-inspired Trojan horse for that re-united Ireland.<sup>7</sup> However, having displaced the UUP as the major unionist party in government, the DUP, in cooperation with colleagues in other parties, now engages actively with the EU. Of particular note is President Barroso’s EU Taskforce on the Northern Ireland economy designed to promote growth, innovation and employment (and to expand the exchange of officials between Northern Ireland and EU institutions); other Northern Ireland EU interests that occasioned visits are the environment, agriculture and fisheries.<sup>8</sup>

As noted in the introduction, Strand 3 was a means of overcoming obstacles to Strand 2 and it is to Strand 3 that I now turn.

### **STRAND 3: THE BRITISH IRISH COUNCIL AND THE BRITISH IRISH INTERGOVERNMENTAL CONFERENCE**

That there were fewer major obstacles to securing agreement to Strand 3 than to Strands 1 and 2 perhaps reflects the fact that it was negotiated directly by the two governments, albeit in consultation with the political parties (Lynch and Hopkins, 2006: 188-9). Secondly, there may have been fewer obstacles because it was less important, notwithstanding its contribution to the reaching of agreement on the other two strands. Ronan Fanning (2006: 141-3), for example, suggests that the numbering of the strands “reflects their political order of magnitude”, 3 being “politi-

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<sup>6</sup> See footnote 5.

<sup>7</sup> As is evident in contributions to Assembly debates in 2002 (e.g., OR, 19 March 2002 and 2 July 2002) and in Dr Paisley’s reaction to a visit to Belfast in connection with the European Convention by the then UK Foreign Secretary, Jack Straw, when the former combined notions of a “centralised super state”, possible accession to the euro zone and a re-united Ireland (*News Letter*, 29 September 2002).

<sup>8</sup> There were at least six high-level visits in connection with the Taskforce, three to Belfast, two of which were led by President Barroso and Regional Commissioner, Danuta Hübner, and three to Brussels (OFMDFM New Release, 8 June 2007, DFP News Release, 8 June 2002, DEL News Release, 13 June 2007; DSD News Release, 9 October 2007; OFMDFM News Release, 22 November 2007; OFMDFM News Release, 11 December 2007; and OFMDFM News Release, 22 January 2008). Other visits to Brussels are recorded in: DARD News Release, 15 October 2007 (exemption from provisions on nitrates; DARD News Release, 6 August 2007 (exemption from the ban on British beef exports); and DARD News Releases, 5, 10 and 13 December 2007 14 March 2008 and OFMDFM News Release, 14 March 2008 (fisheries).

cally subordinate” to what happens in the other two.<sup>9</sup> That is, the successful implementation of Strands 1 and 2 could make Strand 3 redundant. In arguing that the two sections in Strand 3 “are disparate and arguably irreconcilable”, Fanning (2006: 146) suggests that what they have in common is that “their essential elements were dictated by the unionist agenda in the negotiations”. To this might be added, however, that they are both intended to deal with the concept articulated by the former leader of the Social and Democratic Labour Party (SDLP), John Hume;<sup>10</sup> that is, “the totality of relationships”. Although the BIC precedes the BIIGC in the Agreement, for the sake of the cohesiveness of this paper, I take them the other way round.

### ***British Irish Intergovernmental Conference (BIIGC)***

According to the Good Friday Agreement and the intergovernmental agreement on implementation, the BIIGC “subsume[s] both the Anglo-Irish Intergovernmental Council and the Intergovernmental Conference established under the 1985 [Anglo-Irish] Agreement”. In one sense, this could be seen as an advance in British-Irish relations, reflecting the relative normalization mentioned earlier, facilitated by EU membership and the intermingling of it with the work programmes emanating from the Anglo-Irish Agreement. But the change could also be interpreted as an obstacle, from an Irish perspective, to the acceptable governance of Northern Ireland.

Ronan Fanning (2006: 141) records that British and Irish officials “privately admit” that there would have been no 1998 Agreement without the one in 1985. At the same time, the superseding of the one by the other “to expunge what [unionists] saw as the humiliation of 1985”, must have been an implicit difficulty. That is, from the Irish point of view—also according to Ronan Fanning (2006: 141)—the BIIGC is a retreat from the Anglo-Irish Agreement, in that the latter gave Ireland a regular and structured consultative role in the governance of Northern Ireland. This exclusive and close relationship was diluted in the 1998 Agreement which brings northern nationalists and unionists into the consultation. And, indeed, despite the 1998 Agreement’s reference to “regular and frequent” BIIGC meetings, it was not reconvened after the inaugural meeting of December 1999 until the suspension of devolution that began in October 2002 (Coakley, August 2003).

Perhaps this obstacle—if such it was—was offset by the achievement of what Ronan Fanning (2006: 141-2) calls “the strategic objective of northern nationalists and republicans occupying a larger role in the governance of Northern Ireland under the 1998 agreement than the Irish government could play under the 1985 agreement”. And, in any case, as John Coakley (2003) points out, formal meetings,

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<sup>9</sup> Perhaps corroborating this point, a recent essay on devolution and the 1998 Agreement which includes “transnational dimensions” in its title barely mentions the east-west dimensions of Strand 3 (Hazleton, 2008).

<sup>10</sup> Indeed, at the annual conference of the SDLP on 18 November 2000, John Hume urged that the BIC should not be neglected, with its potential “to ensure common approaches to the European Union with our counterparts in other regions of these islands” (*Irish Times*, 20.1.00). The SDLP continued to emphasise multi-level links with and routes to the EU, while the UUP continued to underline the importance of the vertical relationship through London (Executive Information Service, 27 August 2002 and 20 September 2002).

while not to be underestimated,<sup>11</sup> should be seen in a context of “intense, continuing, ministerial- and official-led contact between Dublin and London” (see also Fanning, 2006: 142 and Gillespie, 2006: 329-30 on the dense network of formal and informal relationships that can now be relied upon).

### **British-Irish Council (BIC)**

According to many writers (e.g., Bew, 2007; Campbell, 2008: 270; Fanning 2006; and Powell, 2008), the BIC was a late addition to the Good Friday Agreement, brought about by the unionist desire for an east-west axis to counter-balance the north-south arrangements—“essentially a cosmetic element ... to placate the unionists ...” (Fanning, 2006: 135, 141). Another factor is the post-1997 the British Labour government’s devolution programme for other parts of the UK. According to Paul Bew (2007: 23-4), the shift from the absence of a proposal for an east-west body in the 1995 Framework documents to the inclusion of one in the two governments’ 1998 Propositions on Heads of Agreement was possible only because of devolution. This meant that, for unionists, what had once “denoted second class citizenship”—i.e., not being governed exactly like citizens of England - was now “a UK norm”. And Jonathan Powell (2008: 165-6)—who also describes the BIC as a “bizarre body” - suggests that the creation of the BIC was a reassurance to unionists because it “reduce[d] the apparent uniqueness of Northern Ireland by making it clear it was in a similar position to Wales and Scotland and together all would be discussing common issues with the Irish” (see also Aughey, 2006: 90; Bogdanor, 1999: 288).

Others, however, trace the BIC’s unionist origins to an earlier, pre-devolution date.<sup>12</sup> Lynch and Hopkins (2006: 188), remind us that David Trimble first outlined the idea in 1975,<sup>13</sup> returned to it in 1988<sup>14</sup> and pursued it again during the Brooke-Mayhew talks of 1991-93. The first obstacle came from within his own party,<sup>15</sup> on the ground that it “would give Dublin greater influence in London”. But Mr Trimble prevailed and his party introduced the idea of a Council of the British Isles into the talks in 1997, by which time the Ulster Democratic Party (UDP)<sup>16</sup> had also launched a similar idea. In an effort to retain “a Britannic framework” that would include Ireland, the UUP proposed that the east-west Council should have a higher profile than the NSMC, north-south meetings to take place within the framework of the former—

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<sup>11</sup> Because the list of “deliverables” required of the BIIGC is extensive. John Coakley, “Inter- governmental Relations” in *Devolution Monitoring Report*, pp. 25-6.

<sup>12</sup> Even though Paul Bew (2007: 20) also treats the BIC as a latecomer in the negotiations, he, too, notes that “the Council of the Isles is a traditional Ulster unionist concept pioneered in the Molyneaux era”. He suggests that, since some of James Molyneaux’s followers had, by 1998, become David Trimble’s “sharpest critics”, a new advocacy of the idea was, not only a reassurance to those who feared the north-south dimension, but also a possible means of winning over his critics.

<sup>13</sup> “Ulster Unfettered”. (1975) Belfast: Ulster Loyalist Co-ordinating Committee.

<sup>14</sup> “What Choice for Ulster?” (1988) Belfast: UUP pamphlet.

<sup>15</sup> In particular, from Ken Maginnis.

<sup>16</sup> “A Council for the British Isles”. (1996) Belfast: UDP.

though, according to Lynch and Hopkins (2006: 189), the UUP knew that “some retreat would be necessary”.

Perhaps because of the UUP’s ambitions, the Irish government at first objected during the direct inter-governmental negotiation over Strand 3 to a UK proposal for a “Council of the Isles” (note: “of the Isles”, not of the “British Isles”). More authoritatively, Paul Bew (2007: 20) records that the Taoiseach’s initial reservations lay in uncertainty at the time about what was David Trimble’s conception of “enhanced north-south cooperation”. Initial reservations soon disappeared as the Taoiseach recognized that its main purpose was “to temper unionist fears on Strand 2” (Lynch and Hopkins, 2006: 189). According to the same source (p. 197), the Taoiseach also saw benefits in the BIC’s potential to offer a “more fruitful forum than the strictures of an Anglo-Irish relationship with its associated historical sensitivities and fears of London dominance”. Thus, with Ireland’s preferred name - the more inter-governmental-sounding, British Irish Council—the two governments included it in their Propositions on Heads of Agreement in January 1998 (Lynch and Hopkins, 2006: 188). Soon after the 1998 Agreement, a member of the Taoiseach’s department, Walter Kirwan, confirmed that the BIC quickly found favour in the Irish government (Encounter, n/d). Irish ministers attending the BIIPB<sup>17</sup> regularly speak with considerable warmth about the BIC and we have heard today (3rd April 2008) from the Taoiseach himself about the many reasons for which he values it.<sup>18</sup>

Esmond Birnie (Encounter, n/d), who was to become the UUP spokesperson on the BIC, gave it a different gloss from that of the “Britannic governance” framework. To him, the BIC is an expression of the “human truth” of the history of links of kinship and migration and the mosaic of relationships amongst the peoples of the two islands.<sup>19</sup> This is perhaps more reminiscent of an SDLP view of it than that of the UUP leadership which continued in the beginning to emphasise the “Britannic governance” character of the institution and its reconnection of Ireland with Britain (Frank Millar, *Irish Times*, 18.12.99). At its inaugural meeting in London in 1999, David Trimble described the BIC as “a revolutionary political development” (*Irish Times*, 17.12.99). But Frank Millar later recalled—on the occasion of a visit by the Taoiseach to Wales - that it was the Taoiseach, not David Trimble, who had looked as though he “felt touched by Mr Blair’s famous hand of history” (*Irish Times* 01.03.01). By the time of that visit to Wales, the BIC was more lacklustre than revolutionary. But even while the BIC was being seen as rather inactive, Martin Mansergh, then the Taoiseach’s Special Adviser, had to counsel against “unrealistic

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<sup>17</sup> e.g., Foreign Minister Dermot Ahern at its April 2006 meeting and Minister for Social and Family Affairs, Martin Cullen, at its April 2008 meeting (Official Report of 32<sup>nd</sup> Conference, 24-25 April 2006, p. 38 and OR of 34<sup>th</sup> Conference, 27-29 April 2008, both published by the BIIPB Reporting Association and available at [www.biipb.org](http://www.biipb.org)).

<sup>18</sup> Speech to the Institute for British-Irish Studies Conference, “From Conflict to Consensus: The Legacy of the Good Friday Agreement”, University College Dublin, 3 April 2008.

<sup>19</sup> These are illustrated by Paul Gillespie’s (2006: 328) references to the Irish, from the north and south, in Britain, the Irish ancestry of people born in Britain, etc.

ambitions" for it (*Irish Times*, 30.08.00)—possible ambitions that relate to later sections of this paper.

A number of factors contributed to its lack of profile (Lynch and Hopkins: 195). These include the "fractious state of unionist politics", a lack of resources, the suspension of institutions, and the UUP's turn to the UK Joint Ministerial Committee (JMC) system as more important. A final factor is the BIC's relative autonomy from the Northern Ireland context.

In connection with the "fractious state of unionist politics", the DUP did not attend the inaugural BIC summit, the party claiming it had not been invited because of its refusal to attend the first meeting, earlier in the week, of the NSMC (*Belfast Telegraph*, 17.12.99). Thereafter, the BIC continued to be stymied by the fall-out from the controversies over attendance by Sinn Féin at north-south meetings and the DUP's responses. However, there has been a turn around with the DUP in government and the BIC seems to have a new lease of life. An "historic" summit was held in Belfast on 16 July 2007, historic because it was the first attended by the DUP (now in charge, with Sinn Féin, of the administration) and the first summit to be held in Belfast. It was also historic because it was the first involving the new parties in government in Scotland and Wales and the first with Gordon Brown in attendance as the new Prime Minister.<sup>20</sup> Subsequently, Northern Ireland hosted a meeting of one of its sectoral meetings in February 2008.<sup>21</sup> Two weeks later, the tenth plenary session was held at the Royal Hospital Kilmainham in Dublin.<sup>22</sup> It is striking that the Taoiseach referred today, 3rd April 2008, to the fact that the "venue carried echoes of so much of our shared history, while the substance of the meeting showed a clear path to new and developing relationships for the future".

The disparity of resources as between the NSMC and BIC has always been a concern, particularly to unionists but also to others. The secretariat is not a standing one or independent but functions jointly between the Department of Foreign Affairs in Dublin and the Office of the Deputy Prime Minister (in the beginning, the Cabinet Office) in London. Proposals were put in 2001 and 2002 for a standing secretariat but it was not until the St Andrews Agreement that this began to look like a real possibility. As a result of that Agreement, the BIC summit held in Belfast in July

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<sup>20</sup> BIC Communiqué, 16 July 2007, [www.British-IrishCouncil.org](http://www.British-IrishCouncil.org). Thus the Taoiseach, whose party had just been returned to power, was the only leader present with previous experience of BIC meetings. It had been rumoured that "diary problems" relating to Gordon Brown's move into No 10 (combined with the consequences of the terrorist attacks in London and Glasgow) might be used as a reason to postpone the meeting until the autumn. Dr Paisley let it be known that, if this were to happen, he would be content to see a similar delay to the next meeting of the NSMC. Had he not applied pressure, it is said, the Taoiseach would have done so. He had stressed in his speech to both Houses of the British Parliament on 15 May 2007 ([www.taoiseach.gov.ie](http://www.taoiseach.gov.ie)) the importance of close attention and commitment to the newly restored institutions and, according to Frank Millar, is "patently and genuinely enthusiastic" about the BIC (Frank Millar, "I'm here to show I mean business", Brown tells Council: British Irish Council, *Irish Times*, 17 July 2007).

<sup>21</sup> The eighth meeting of the Environment Sectoral Group, held near Bangor on 1 February 2008, BIC Communiqué, 1 February 2008, [www.British-IrishCouncil.org](http://www.British-IrishCouncil.org).

<sup>22</sup> BIC Communiqué, 14 February 2008, [www.British-IrishCouncil.org](http://www.British-IrishCouncil.org).

2007 initiated an enquiry into the creation of a standing secretariat (First Minister's Statement to the Assembly on the BIC summit, NI Assembly, Official Record, 18.09.07) and progress towards this was noted at the Kilmainham summit (BIC Communiqué, 14 February 2008). Further discussions resulted in agreement in February 2009 on the core functions, staffing profiles and secondment arrangements for a standing secretariat (BIC Communiqué, 20 February 2009). The relative costs of the locations that have been volunteered<sup>23</sup>—Northern Ireland, Scotland, Wales and the Isle of Man—are under consideration (First Minister's Statement to the Assembly (on the meeting), NI Assembly Official Record, 23 March 2009).

In the first suspension in early 2000 of Strands 1 and 2 institutions, the mantra that all three stood or fell together seemed to hold. However, during the last suspension (between 2002 and 2007), the BIC was able to keep going. Professor Robert Hazell (personal communication with author) was informed by British officials that the fact that it had not operated in the previous suspension was nothing to do with "rules" about the interdependence of the strands. One explanation referred to its underdeveloped work programme. He was also told that it was constitutionally possible for the BIC subsequently to continue to operate because it was a "purely consultative" body, while the north-south one was an executive one.<sup>24</sup> Neither part of this claim is quite true in respect of the BIC. This is because of two remits of the BIC that remain dormant; provisions permitting discussion of common EU interests<sup>25</sup> and permitting bi- or multi-lateral discussion and agreement<sup>26</sup> among particular members.<sup>27</sup> This could change as a result of the new character of territorial politics in Great Britain and the presence of the DUP as the dominant unionist party in gov-

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<sup>23</sup> Both Alex Salmond, Scotland's First Minister, and Ieuan Wyn Jones, Wales' Plaid Cymru Deputy First Minister, enthusiastically offered to host a permanent home for it (BIC Communiqué, 16 July 2007, [www.British-IrishCouncil.org](http://www.British-IrishCouncil.org)).

<sup>24</sup> Subsequent information on the BIC's website does little to clarify the matter. In answer to one FAQ, "All of the institutional and constitutional arrangements of the Good Friday Agreement—including an Assembly in Northern Ireland, a North/South Ministerial Council, a British-Irish Intergovernmental Conference and a British-Irish Council—are interlocking and interdependent". But the answer to another is that the BIC was able to continue to operate because this reflected "the Irish and British Governments' commitment to work together in a way which reflects the principles of the Agreement and protects and develops its achievements" ([www.British-IrishCouncil.org](http://www.British-IrishCouncil.org)).

<sup>25</sup> Paragraph 5 of Strand 3 provides a list of what the BIC could do, including developing cooperation on EU approaches.

<sup>26</sup> Paragraph 10 of Strand 3 says it is open to two or more members to develop such arrangements between them up to the level of joint decision-making and implementation.

<sup>27</sup> At least, relatively dormant. On the former, as noted above, John Hume urged at the annual conference of the SDLP on 18 November 2000 that the BIC should not be neglected, with its potential "to ensure common approaches to the European Union with our counterparts in other regions of these islands" (*Irish Times*, 20.1.00). On the latter, though not described as bi-lateral BIC meetings, there were, during previous periods of devolution, a number of ministerial or parliamentary visits from Northern Ireland to other BIC members and by the latter to Northern Ireland. These resumed in 2007 and, in making his remarks in September 2007 about the need for a standing secretariat for the BIC, Mark Durkan reminded the First Minister about the bi- and multi-lateral relations permitted under the BIC provisions (OR, 18.09.07).

ernment in Northern Ireland. This is the subject of the next section. Before that, it is necessary to say something about the BIC's relationship with two other networks.

### ***The BIC and the Joint Ministerial Committee (JMC)***

It has been suggested that, in the context of the "fractious state of unionist politics" and the fall-out from controversies over attendance at north-south meetings, the UUP turned in preference from the BIC to the JMC system, seeing it as more important than the BIC to their conception of Northern Ireland's interests. Neither did the SDLP underestimate the JMC.<sup>28</sup> And the JMC, set up in the UK to coordinate devolution, has also been described by others as more important than the BIC (e.g., Lynch and Hopkins, 2006, 196). A report by Qvortrup and Hazell (1998) argued that the JMC would be the main underpinning in the UK of the Northern Ireland settlement.

But, if the BIC has had a lower profile than some might have hoped for, the JMC, too, has disappointed observers. The House of Lords, for example, compared the JMC system unfavourably with the NSMC and BIC in terms of the haphazardness of its architecture, meetings and its (non-)reporting practices.<sup>29</sup> Alan Trench (*Scotsman*, 22.06.07), in calling for "joined-up 'intergovernment'", noted that, though its plenary session is supposed to meet at least every year, there had been—at the time of his writing—no such meeting since October 2002 and that the only "functional"<sup>30</sup> JMC to meet regularly was that dealing with the EU.

The JMC (Europe) was brought about by Robin Cooke to replace meetings confined to UK cabinet ministers alone when he summoned devolved ministers to a meeting on 1 March 2001 (*Scotsman*, 01.03.01.). Despite favourable public commentary<sup>31</sup> on the JMC (Europe), compared with the plenary JMC, there is scepticism about the former in Northern Ireland and elsewhere. Kennedy and Murphy (2001) conclude that it is "hardly sufficient to cope with extent to which EU has an impact on areas of regional competence and may be a means of curtailing rather than enhancing role of UK regions/nations".

About the time of Trench's article, Dr Paisley and Mr Salmond were beginning to cooperate to secure the revitalization of the JMC in its general plenary form. The

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<sup>28</sup> The then Minister for Finance and Personnel, Mark Durkan, recognized the importance of UK institutions as channels of influence when he referred to Concordats associated with JMC, in this case in connection with public procurement (Executive Information Service, 11.04.01).

<sup>29</sup> Though at the same time, it suggests that the devolved administrations of the UK may fare better in EU affairs than regions elsewhere, even those that have an entrenched constitutional status (House of Lords Select Committee on the Constitution, 2002, *Devolution: Inter-Institutional Relations in the United Kingdom*. Session 2002-03, second report, HL paper 28. London: The Stationery Office).

<sup>30</sup> There are supposed to be JMCs for a whole range of policies requiring coordination, such as agriculture, the environment, social policy, and so on. Few such JMCs have met, coordination taking place through informal contacts and pre-devolution networks.

<sup>31</sup> e.g., by the Rt Hon Paul Murphy, Secretary of State for Wales on BBC 2 Scotland, *Newsnight Scotland*, 16 April 2008; HC Written Answers for 18 June 2008, Cols 945-6 (W).



Secretary of State for Wales, Paul Murphy, was tasked by the Prime Minister with this responsibility. Following meetings between him and the leaders of the devolved administrations,<sup>32</sup> its second plenary was held in June 2008 where it was suggested that there be a JMC (Domestic) to parallel the JMC (Europe).<sup>33</sup> It is, perhaps, notable, however, that meetings of the leaders of the devolved administrations and senior UK ministers to discuss the current economic and financial crisis have not been called JMC meetings.<sup>34</sup>

### ***The BIC and the British Irish Inter-parliamentary Body (BIIPB)***

Though the BIIPB is not a Strand 3 body, inter-parliamentary links had been encouraged in the Good Friday Agreement and, more strongly so, in the St Andrews Agreement. The BIIPB could be seen as either a rival or partner of the BIC. David Trimble seemed to see it as the former, remarking that it “had been allowed to seize the initiative” in making parliamentary links and urging the NSMC and BIC to get it back (NI Assembly Official Record, 15.01.02) but the BIIPB, or Assembly as it now is, is attempting to become a partner in a new accountability framework.

The BIIPB, predating both agreements, was established as a partnership between two sovereign parliaments, concerned about the conflict within Northern Ireland and a sometimes tense relationship between the two legislatures. With devolution, its members came to include delegates from all parliamentary bodies in the BIC administrations. However, it was boycotted until November 2008 by Northern Ireland’s unionists because they associated it with the Anglo-Irish Agreement.<sup>35</sup> The BIIPB has proposed formal links between itself and the BIC and NSMC. This was touched upon at the April 2006 BIIPB conference (Official Report of 32nd Conference, 24-25 April, 2006, BIIPB Reporting Association, [www.biipb.org](http://www.biipb.org), pp. 14-5, 23)—the same conference where, unprecedentedly, the DUP attended, as non-members, to make an address (see fn 35). And, at the next conference, held in Belfast in October 2006, Michael Mates, MP, noted the new footing in the St Andrews Agreement that encouraged politicians of new elected bodies to approve an east-west parliamentary framework. During the same discussion, Andrew Mackinley, MP, suggested that the chairs of the BIIPB, or reconstituted east-west parliamentary framework, should be able to attend ministerial meetings of the two councils, noting that, in other international organizations, there were places for “the parliamentary arm” (Of-

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<sup>32</sup> OFMDFM News Release, 19 February 2008; Northern Ireland Office News Release, 21 April 2008.

<sup>33</sup> Cabinet Office Press Office, 19 June 2008; Wales Office News Release, 25 June 2008; Cabinet Office Joint Statement from the Joint Ministerial Committee, 26 June 2008.

<sup>34</sup> e.g. with the Prime Minister in February 2009 (noted by the FM in a statement about a BIC meeting, NI Assembly Official Record, 23 March 2009); and with Yvette Cooper, Chief Secretary to the Treasury, on 12 March 2009 (DFP New release, 12 March 2009).

<sup>35</sup> The DUP, attending as non-members, addressed the BIIPB in April 2006. They said they agreed with the principle of the kind of interaction provided by the BIIPB. However, the Body, as it stood, was not “perched on right tree”. When it was, the DUP would end its boycott (Official Report, 32<sup>nd</sup> Conference, 24 and 25 April 2006, BIIPB Reporting Association, [www.biipb.org](http://www.biipb.org)).

ficial Report of 33rd Conference, 22-24 October 2006, BIIPB Reporting Association, [www.biipb.org](http://www.biipb.org). pp. 19-22).

There was a more substantial debate on the Body's future and its relationship with the BIC at its 35th meeting in November 2007 (Official Report of 35th Conference, BIIPB Reporting Association, [www.biipb.org](http://www.biipb.org), pp. 3-39). It was agreed that the existing body was the obvious basis on which to build what was envisaged in the two agreements. A proposal was made to put forward the name, British Irish Parliamentary Assembly (on a par with the NATO Parliamentary Assembly) to the plenary meeting at Wexford in the spring of 2008. At that meeting, members agreed to a long motion which concluded with a call for the early establishment (in consultation with the Northern Ireland Assembly) of a British Irish Parliamentary Assembly as the east-west forum envisaged in the St Andrews Agreement (Official Report of the 36th Conference, BIIPB Reporting Association, [www.biipb.org](http://www.biipb.org), pp. 1-24). The change of name (irrespective of any standing under the Agreement) was formally agreed in October 2008, following debate on a report on the Rules and Future of the Body (Official Report of 37th Conference, BIIPB Reporting Association, [www.biipb.org](http://www.biipb.org), pp.5, 21).

A number of anomalies had been noted at the November 2007 meeting which, it was said then, would need to be addressed if the Body were to become the forum envisaged in the agreements. Similar issues were also raised at the meetings in April and October 2008. One of the questions raised related to the shift from original context of the BIIPB as a partnership between two sovereign parliaments. Ministers from the two states were periodically invited to address it and to submit themselves to questions.<sup>36</sup> However, ministers from the devolved administrations did not yet do likewise. Another issue was the need to resolve the relationship between the BIIPB and the BIC. Hitherto, the BIIPB had been denied observer status at meetings of the BIC. Nor had the BIC responded to invitations to attend meetings of the BIIPB. The links between inter- or trans-national assemblies and corresponding executives elsewhere<sup>37</sup> were used to inform suggestions about how comparable forms of accountability<sup>38</sup> could be achieved in the mosaic of relationships in the case of Ireland and the UK. Two members expressed some reservations about initiating too close or complex a relationship with the BIC.<sup>39</sup> All the same, it was agreed at the October 2008 meeting to write formally to the BIC with a copy of the debate on the Rules and Future of the Body and to ask for a response (Official Report of the 36th Conference, BIIPB Reporting Association, [www.biipb.org](http://www.biipb.org), pp. 12-3).

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<sup>36</sup> It was noted that, while even the Taoiseach had done this, no British prime minister had ever appeared and it was agreed that Mr Brown should be encouraged to do so.

<sup>37</sup> The Nordic Council and the Assembly of the Western European Union, now known as the Interparliamentary European Security and Defence Assembly.

<sup>38</sup> Though the focus was on the wider British Irish arena of accountability, the November 2007 meeting also referred to the need for more parliamentary scrutiny of the North South Ministerial Council.

<sup>39</sup> The reservations, relating to over-bureaucratization or unnecessary duplication, were expressed by Baroness O'Cathain and Lord Maginnis (Official Record of the 38<sup>th</sup> Conference, BIIPB Reporting Association, [www.biipb.org](http://www.biipb.org), pp: 14, 20).

It was also observed that the BIIPB's (now Assembly's) agenda would need to develop in the light of its enlarged membership and the changed political situation in Northern Ireland. While the fragility of the peace was not to be underestimated and left unattended, the Body would need to address issues that encompassed the interests of all members and find ways of conducting business so as to handle them effectively. A number of such issues were mentioned, many of which have been discussed in the BIC—perhaps reinforcing the perceived need for greater accountability between two multi-lateral bodies. These issues include the Sellafield risks, international law on the continental shelf around Ireland and the UK, the harmonization of penalty points for motoring offences and the poor road link in Scotland from the closest crossing point between the two islands to the nearest north-south motorway in Great Britain. Overlapping interests in the field of energy (and the interdependence of Ireland's energy policy with what happens in Westminster and Brussels) was explicitly noted at the October BIIPB by the Irish Minister for Communications, Energy and Natural Resources, Mr Eamon Ryan, who participates in this field at meetings of both the BIC and the BIIPB (Official Report of 37th Meeting, 19-21 October 2008, pp 37-41).

Another matter which particularly concerns the BIIPB but not, on the whole, the BIC, is the threat of government (as opposed to airline) requirements for passports for travel from between the islands, including on routes between Belfast and the rest of the UK. On the BIIPB agenda for some two years as a result of the two governments' intentions to develop e-Borders schemes,<sup>40</sup> the introduction of passport checks on Common Travel Area routes was included in the UK Borders, Citizenship and Immigration Bill, introduced first in the House of Lords in early 2009. Seemingly, the BIC had been informed about the relevant clause but peers regretted that too little use had been made of either it or the BIIPB/Assembly (HL Hansard, cols. 1128-1213, 11 February 2009, cols. 753-774, 4 March 2009; cols. 1535-43, 22 April 2009). When the Bill moved to the House of Commons later in the year, the government tried to reintroduce something like the clause that had been rejected by the House of Lords (HC Hansard, 11 June 2009, cols. 32-92, 95-128, 131-66; 16 June 2009, cols. 169-204, 207-28, and 231-56). But, in view of comparable opposition in the Commons, the Immigration Minister, Mr Phil Woolas, told the House at the Report Stage that he would not persist with the proposal. However, he continued to maintain that the CTA was a loophole for illegal activity which the government would have to find some way of closing (HC Hansard 14 July, 2009, cols. 238-39, 244-8). And a Home Office spokesperson told the BBC that fresh proposals would be brought to the House "at the first possible opportunity" (BBC News, 14 July 2009; see also article by Shadow Secretary of State for Northern Ireland, Owen Paterson, in the *Belfast Telegraph*, 21 July 2009).

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<sup>40</sup> For further information about the complexities of this issue, see Meehan, 2007-09, "East-West" sections of the *Quarterly Northern Ireland Devolution Monitoring Reports*.

### STRAND 3 IN THE CONTEXT OF THE DEVOLUTIONARY MEANING OF “BRITISH”

This paper earlier considered the new use of “British” in connection with the relationship between Ireland and the UK and referred to the new meaning of the “UK” (or “Britain”) as a result of devolution. Here, these issues recur but in terms of what they mean in the UK and what consequences for Ireland could emerge. There are three main dimensions: initial hopes or fears—depending on one’s point of view—about the break up of Britain; the particular case of Scotland and Scotland’s ambitions vis a vis Ireland (and other small states); and the emergence into power of the DUP and its consequent new approaches towards its BIC partners.

There are competing views about the impact of devolution on the unity of the UK. On the one hand, there is the view that it would halt the pressures, especially from Scotland, for its break-up. Ronan Fanning (2006: 138) draws on Vernon Bogdanor’s (1997) argument that the government’s motivation for devolution was “to contain separatism”. It is this principle, he suggests, of “devolving for a stronger union” that “induced the Ulster Unionist Party to sign up to the Good Friday Agreement”—a willingness to sign up being reinforced, as noted earlier, by the inclusion of an east-west dimension. On the other, is the opposite scenario—also indicated by Vernon Bogdanor (1999: 297). This is that, for reasons extraneous to the settlement in Northern Ireland, instead of fostering stability, devolution could bring about centrifugal forces and, as he suggests, the BIC could provide Scottish and Welsh nationalisms with “a new dynamic”—as implied in Martin Mansergh’s counsel against “unrealistic ambitions” (see above).

Indeed, the creation of that east-west dimension, the BIC, occasioned an apocalyptic view about its potential impact on the UK—something akin to Vernon Bogdanor’s 1999 speculations. Paddy Roche of the United Kingdom Unionist party (UKU) thought the BIC was more likely than the NSMC to cause the break up of the UK (Personal communication to author). This was mainly because of the use a new Scottish government—and not necessarily one led by the Scottish National Party (SNP)—might seek to put it; that is, as a means of establishing (via the dormant paragraphs 5 and 10 of Strand 3—see above) bi- or multi-lateral relations outside the confines of the vertical route through London to the EU and other governments, or, at least, one other government—Ireland.

There are also two views of whether or not this would be a problem for either government. On the one hand, in arguing that the BIC provisions are “vulnerable to constitutional volatility in the United Kingdom”, Ronan Fanning (2006: 146) suggests that both governments may come to regard it [the BIC] as an “embarrassment rather than an opportunity”. This would be particularly so, “if they [the two governments] can cooperate on a bilateral basis<sup>41</sup> and if the presence of representatives of devolved administrations is more likely to hinder than help common objectives”. And, as Lynch and Hopkins (2008: 197) put it, the Irish government has to be

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<sup>41</sup> See earlier reference in the section on the BIIGC on the dense network of official and political contacts.

“wary of being dragged into disputes between the devolved administrations and London as its key relationship is with the British government”.

On the other hand, the Taoiseach’s visit to Wales in 2001 evoked the comment that the BIC was “another landmark in a new phase of Irish diplomacy which Mr Ahern and key advisers put in place in anticipation of New Labour’s commitment to re-draw the constitutional map of the United Kingdom” (Frank Millar, *Irish Times*, 01.03.01). This new phase of diplomacy also included innovations that were very popular in Scotland; the opening in 1998 of an Irish Consulate-General in Edinburgh (as well as Cardiff); the introduction by the first Consul-General of a well-received programme of business, academic and cultural exchanges; and the visit—amazingly well covered in the press—by President McAleese on St Andrews Day, 30 November 1999 (Meehan, 2001: 98-100, Walker, 1999; see also *Irish Times* and *Scotsman*, 30.11.99). And, among the Taoiseach’s favourable comments today on the BIC, he included the development of an INTERREG programme that links Scotland, Ireland and Northern Ireland.<sup>42</sup>

However, it is hard not to see that there could be delicate moments arising from the role of Scotland in the new constitutional configuration, moments where the Irish government would need to deploy its diplomatic skills carefully. An Irish government could hardly tell Scotland that what was good for Ireland was not good for Scotland. The document<sup>43</sup> initiating a “national conversation” on Scotland’s future opens with the famous lines by Charles Stewart Parnell that “no man has a right to fix the boundary of the march of a nation; no man has a right to say to his country, ‘This far shalt thou go and no further’”. And yet the Irish government “would not of course want to embarrass the [British] government by supporting Celtic nationalisms” (Bogdanor, 1999: 297). Vernon Bogdanor (1997: 296) illustrates the steering between Scylla and Charybdis by quoting remarks by former President of Ireland, Mary Robinson, in an address in 1996 at the University of Strathclyde: “Without aligning herself with the Scottish separatists”, he says, she “nevertheless drew an explicit comparison between Ireland and Scotland”. She spoke of “common experiences; the presence of a larger neighbour, the strains in our history of nationhood and conflict, the time of emigration, the influence of the sea on climate and economy, the complex interaction of urban and rural communities”. When Mr Ahern visited Scotland in October 1998 to deliver the Lothian lecture, he described the BIC as “a loose confederation”. To those who wished to see it so, this could be construed as conferring an element of statehood on its devolved members.<sup>44</sup> But his endorsement of the Scottish Parliament was “lukewarm” (Fanning, 2006: 140). This was seen in Scotland, according to the same source, as a snub to the SNP and designed to show he had no intention of “embarrassing Prime Minister Blair over

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<sup>42</sup> There is also one with Wales.

<sup>43</sup> Choosing Scotland’s Future: an examination of the constitutional options, <http://www.scotland.gov.uk/Publications/2007/08/13103747/0>.

<sup>44</sup> Vernon Bogdanor (1999, 298) writes of the BIC’s potential to “accentuate the tendency of ... the First Minister in Scotland and the First Secretary of Wales to be seen as the real representatives of their countries, their prime ministers, rather than as mere leaders of subordinate bodies”.

over Scotland". Perhaps illustrating the balance that needs to be struck is a remark by Minister Mr Eamon Ryan during his observations about the interdependence of energy policy (see above); he noted that Dublin had to "obey" ... "the Scotland-London diplomacy" in that field (Official Record of the 38th Conference, BIIPB Reporting Association, [www.biipb.org](http://www.biipb.org), pp. 50-1).

In the meantime, while bi-lateral official and political links did develop between Ireland and Wales and Ireland and Scotland, there was little contact between Scotland and Northern Ireland, "despite the historical links between the two" (Lynch and Hopkins, 2006: 196). What Ronan Fanning (2006: 141) calls the "defensive, London-oriented agenda of the Ulster Unionists" had, he says, no "attractions for Scottish or Welsh nationalists or for the three Crown dependencies". The same could be said for a wider swathe of people in Scotland than members of the SNP. However, during the time when the UUP was still the largest unionist party in Northern Ireland, the high profile of Ireland in Edinburgh led to calls by the then Scottish Conservative leader, David McLetchie, upon Ulster Unionists to help develop new networks and closer links between the UUP and Scottish Conservatives (*Sunday Herald*, 08.10.00).

The relative absence of contact is now changing. First, in November 2005, the Scottish Parliament's European and External Relations Committee launched an enquiry into collaboration with Ireland (north and south). ([www.scottish.parliament.uk/business/committees/europe/inquiries/scotire/e](http://www.scottish.parliament.uk/business/committees/europe/inquiries/scotire/e)). And a change to the EU rules about sea borders has enabled the development the INTERREG programme noted earlier. While Scotland's first interest was in the Republic, it was made clear during a visit by the then Labour First Minister, Jack McConnell, to Dublin, that cooperation could benefit the north (Joint Statement with Taoiseach, *Irish Times*, 14.11.06).

Secondly, the visit by Alex Salmond, in his new role as First Minister, to the "historic" BIC in Belfast (see above) presaged a more active set of exchanges. A number of visits by Northern Ireland ministers (DUP and others) to Scotland took place, culminating in February 2008 when Dr Paisley and Martin McGuinness (accompanied by Junior Ministers, Ian Paisley, Jr, and Gerry Kelly<sup>45</sup>) visited the Scottish First Minister and Parliament, when the revitalization of the JMC was again discussed (OFMDFM News Releases 19 and 20 February 2008).

Thirdly, there seems to be a stronger sense in Northern Ireland and Scotland of common interests. Both governments have a common interest in the EU and fisheries and a common dissatisfaction with how London handles the matter.<sup>46</sup> The al-

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<sup>45</sup> Mr Kelly also met Scotland's Minister for Europe, External Affairs and Culture, Linda Fabiani.

<sup>46</sup> A report by Michael Aron Head of Scottish Office in Brussels, and previously a UK official in Brussels, to FM Jack McConnell, written in Sept 2006 and leaked in Jan 2007, claimed that UK ministers and officials "regularly kept [Scotland] out of the loop" with sometimes "disastrous" effect on Scottish policy. The SNP response was that the report vindicated everything it had said about "Scottish misrepresentation in Europe" (*Herald*, 27 January 2007). Mr Salmond, on becoming First Minister put a "marker down in Brussels about Scotland and Common Fisheries Policy" (*Scotsman* 13 July 2007), while the Northern Ireland Minister for

leged neglect of Scottish interests noted at fn 46 was matched for Northern Ireland by Andrew Mackinley, MP, at the March 2007 Conference of the BIIPB. He compared the UK unfavourably with Republic as an advocate of Northern Ireland's interests, claiming that the UK had neglected Northern Ireland's fisheries interests and suggesting that greater advocacy had come from the Irish Department of Communication, Marine and Natural Resources (Official Report of the 34th Conference, 5-6 March 2007, BIPB Reporting Association, [www.biipb.org](http://www.biipb.org), pp 10-11). And, on a wider basis, the Scottish First Minister's keenness to resurrect the JMC and to inject more vigour into the BIC was, not only shared by Dr Paisley, but also welcomed by Peter Robinson on his return from his first "quadrilateral" meeting of finance ministers in July 2007. He strongly stressed the importance of making common cause by approaching HM Treasury on a collective basis (Department of Finance and Personnel News Release, 11 July 2007). It might also be noted that the finance ministers of the devolved administrations have also met in "trilateral" form, in the context of economic and financial crisis, to consolidate their ambition to approach the Treasury on a collective basis.<sup>47</sup>

## CONCLUSION

Many unionists were, however, discomfited by Dr Paisley's friendly relationship with Mr Salmond—for the obvious reason that they have opposite views about the future of the UK. But, according to Frank Millar (*Irish Times*, 17 July 2007), "Mr Salmond provides the DUP with an opportunity to shape an 'islands-wide' approach to co-operation on a wide range of issues". While some see this, he went on, as a "Celtic" ganging up against Westminster (the "volatility of constitutional politics" noted earlier), "the friendship's real potential" might lie in "enabling unionists to counter an exclusively north-south focus which republicans hope would further constitutional change".

He also suggests that Mr Salmond offers a non-confrontational approach<sup>48</sup> to the Prime Minister in the interests of securing prosperity for Scotland—for the time being, at any rate, consistent in practical effect with Vernon Bogdanor's (1997) "devolving to contain separatism". Thus, so long as it remains non-confrontational, an SNP willing to "work devolution" would have things in common with a DUP that is

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fisheries, Michelle Gildernew, like Brid Rodgers before her, has been assiduous in working together with her counterparts in Ireland, the UK and the other devolved administrations as well as with Commission officials in trying to secure recognition in Brussels of Northern Ireland's fisheries (and agricultural) interests (Department of Agriculture and Rural Development News Releases, 10 and 13 December 2007, 24 June 2008)—but, even so, what she did achieve was not to the satisfaction of her Assembly colleagues (NI Assembly OR, 14 January 2008).

<sup>47</sup> In January 2009 before their meeting with Yvette Cooper, referred to earlier, (DFP News Release, 23 January 2009, and on 20 February 2009, on the margins of the BIC summit, in preparation for their meeting with the Prime Minister, also referred to earlier.

<sup>48</sup> This is not to say there have been no disputes and it is rumoured that there is personal antipathy between them.

more devolutionist<sup>49</sup> than the so-called “London-oriented” UUP (see above). But there is a risk for the DUP, especially in combination with Dr Paisley’s cordial relationship with his Sinn Féin Deputy First Minister.<sup>50</sup> A motion was put to the Assembly on 4 December 2007 by George Savage, UUP MLA, calling for a “review of the steps that needed to be taken to maintain the unity of England, Scotland and Wales and Northern Ireland within the United Kingdom”.<sup>51</sup> The motion was motivated by the “deeply concerning” fact that the other devolved administrations were headed by “nationalists of some type” and by disquiet about cooperation between the then DUP First Minister and his SNP counterpart.

It is rumoured that criticisms of his cordial relationships with nationalists—as well as other factors—contributed to Dr Paisley’s decision to step down. However, his successor as First Minister, Peter Robinson, speaks positively about relations with Scotland and Wales, noting that the east-west axis had developed considerably during the current Assembly’s lifetime<sup>52</sup> and, like the Deputy First Minister,<sup>53</sup> predicting that the establishment of a standing secretariat for the BIC would enhance this. He has also observed that the existence of “Scottish National Government ... and a power-sharing Administration in Wales [had] led to much more independence of thought, and a desire to build up the east-west relationship”. If Mr Robinson is allowed by colleagues to keep to the same course and if he is enabled to do so by the absence of any major upheaval in Scotland, the BIC part of Strand 3 will not be irrelevant to the settlement in Northern Ireland.

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<sup>49</sup> I am grateful to John Coakley for this idea.

<sup>50</sup> The DUP MEP, Jim Allister left the party whip to become an independent unionist for this reason

<sup>51</sup> The debate was a forum in which the UUP presented itself as a stronger defender of the union than the DUP—reminiscent of the counter-claims by the DUP’s during the negotiations and first years of devolution that it was the DUP which was defending the union while the UUP was putting it at risk

<sup>52</sup> In answering a question during debate on his statement to the Assembly about the BIC summit (NI Assembly OR, 23 March 2009

<sup>53</sup> In answer to a question ostensibly about the BIC but turning into one about the relative importance of the north-south and east-west institutional architecture (NI Assembly OR, 26 January 2009 AQO 1860/09



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