Northern Ireland’s union with the rest of the UK

1. The UK has been described as a ‘state of unions’. How does Northern Ireland’s union differ from those of Wales and Scotland?
   - How does Northern Ireland’s relationship with the Republic of Ireland affect its union with the rest of the UK?

Northern Ireland’s constitutional position within the United Kingdom is the consequence of a number of Acts of Parliament. Firstly, the Crown of Ireland Act 1542 passed by the Parliament of Ireland (33 Hen. 8 c. 1) created the title of King of Ireland for Henry VIII and his successors. This Act recreated the Kingdom of Ireland which had previously been abolished by a papal Bull in 1171. The Act of Union of 1800 in Ireland, (which followed the Act of Union between England and Scotland in 1707); created a parliamentary union between the Parliament of Great Britain and the Parliament of Ireland.

The Irish Free State Parliament self-declared a Republic, which came into effect in 1949, thus ending the parliamentary union of 1801; and the Crown relinquished its claim of sovereignty over the former Irish Free State. As a consequence the United Kingdom of Great Britain and Northern Ireland emerged within a territorial boundary which incorporated two Kingdoms (Scotland and England), a Principality (Wales) and a Province (Ulster from the Kingdom of Ireland). Through the common Monarch, joint parliament and the unwritten constitution which emerged within the United Kingdom all citizens under the Sovereign have equal rights and equal responsibilities.

Thus all four parts of the United Kingdom, having evolved from joint Crowns and merged Parliaments are of equal significance and importance. Each country may have its own peculiar characteristics and history but over two hundred years of common purpose and service have created one of the most successful and prosperous nations of the world. In the modern context, the political difference relates only to the varying levels of devolved powers enjoyed by three devolved regions under the sovereign national parliament. Each nation has its internal opponents seeking change, but to date those who wish to maintain a strong UK have attracted majority support.

Despite the Parliament of the Irish Republic having demonstrated decades of political hostility towards the United Kingdom and in particular Northern Ireland, there is currently a much improved relationship primarily because the Irish Constitution has been amended to remove the political claim of sovereignty over Northern Ireland. Whilst there remains concerns around ‘legacy’ issues from the Troubles and questioning over the need for some of the structures which manage North-South relations, generally political relations are considerably better and economic relations have improved dramatically.

However it is important to state that whilst it is in everyone’s interests to improve relations, it has no impact upon the Northern Ireland as an integral part of the UK, and indeed safeguards to prevent any threat to the constitutional status of Northern Ireland are in place. Northern Ireland’s constitutional position within the United Kingdom is now respected by the Irish Republic and the Union is secure for as long as the majority of the people of Northern Ireland wish to remain within the United Kingdom. Recent opinion polls
have strongly indicated that a majority of the Roman Catholic population and an
overwhelming majority of the Protestant population support the Union

2. **Would attempts to set out common principles of the Union be disruptive for the political settlement in Northern Ireland?**
   - If not, would a new statute or charter of the Union be an appropriate vehicle for these principles?

The United Kingdom is almost unique amongst modern democratic nations in not having a written constitution. Historic documents such as the Magna Carta and the Bill of Rights (1688) have set out some rights. However, both the common law and modern legal precedent has created a significant body of judicial material which create difficulties at times to fully understand citizen’s rights and the limitations placed on Executive powers. In addition the Human Rights Act 1998 and the ever growing encroachment of legislation from the European Union has created conflict between the United Kingdom’s historic constitutional conventions and the new European based jurisprudence.

Within this evolving context the DUP believe that the United Kingdom would be strengthened by the adoption of a set of unifying principles based on the traditional values of the British nation as formerly encapsulated in the Magna Carta, Bill of Rights 1688 and the Habeas Corpus Acts. For example we would like to see the principles enshrine the sovereignty of the United Kingdom Parliament, civil and religious liberty, freedom of speech, an independent judicial system with a fair and just legal system and social protection of vulnerable people in our nation.

The local political settlement recognises the constitutional status of Northern Ireland as part of the UK, and whilst there are those who seek to change this, our priority must be to strengthen and unite it and ensure it is ‘fit for purpose’ in the challenging years ahead. A set of common principles would strengthen the political settlement through the promotion of equality and freedom for all the people of Northern Ireland within the constitution.

The format for principles is open to further debate – however it is essential that they are Formulated in a manner that makes them relevant to the lives of people and communities within the Union, that they demonstrate the tolerance and social, political and religious values that have been reflected for so long in the UK.

The DUP would favour the common principles to be incorporated within a new Bill of Rights reflected by an Act of Parliament as occurred following the 1688 Bill of Rights.

3. **Does the existence of a separate Northern Ireland Civil Service affect its relationship with the UK Government and other devolved administrations?**

This view is based largely on perception, and it is felt that the question merits further detailed study.
The Northern Ireland Civil Service works closely with its colleagues in other parts of the UK, and where it is necessary collaborates effectively, in areas such as agriculture, economy etc.

Within the context of a devolved Assembly in Northern Ireland it is appropriate that the Civil Service should reflect the administrative structures within Northern Ireland. It is also acknowledged that within Northern Ireland a number of Civil Servants from the national Civil Service in London work in support of ‘reserved matters’; for example in the Northern Ireland Office.

It is not considered that the current structure has any significant material impact on Northern Ireland/UK/other devolved region relationships. In this case, structures which reflect local needs are beneficial rather than being UK centralised, and in this age of technology, effective partnership working ensures that different parts of the UK can come together as and when necessary to meet threats or develop opportunities.

4. Would it be more appropriate to their status and aid inter-government relations if the devolved institutions were referred to collectively as parliaments and governments, rather than legislatures and administrations?
   ● Would Northern Ireland’s history and constitutional settlement make this terminology problematic?

The current arrangements and terminology are in place and generally accepted by all political stakeholders as being acceptable. Therefore it is not necessary at this point to change titles. In the Northern Ireland context ‘parliament’ has the potential to cause issues amongst some sections of the community.

Inter-government relations within the UK have been generally good to date, and not dependant on name variations.

The ‘social union’

5. The sharing of risks and benefits in a ‘social union’ is seen by many as important to the Union. Is this UK-wide sharing and redistribution of resources seen as important in Northern Ireland?
   ● Does increasing fiscal responsibility by devolved legislatures and city-regions risk entrenching inequality across the UK?

The concept of a ‘Social Union’ is largely theoretical. The social context of the United Kingdom emanates primarily from legislation promoting social policies which are managed through the provision of funding from central government. Social policy rests with the mandate of the government in power and any ‘social union’ which derives from current policies is largely artificial and swings from left-of-centre to right-of-centre depending on the political composition of the government.

With regards to entrenching inequality across the UK, it should be a priority of all governments to implement policies which challenge this and seek to improve the conditions
of everyone within its jurisdiction. Increasing fiscal responsibility should only be delivered where there is a confidence that the devolved legislature is capable of meeting this challenge.

The emergence of a ‘social union’, if one could be genuinely create, should be a part of a strong political and economic union between the existing members of the UK. People in Northern Ireland are most keen to ensure that all parts are treated fairly and where the resources are in place to issues such as educational underachievement, health and most recently, flooding. The welfare issues is largely addressed and the challenge is not to ‘make work pay’ whilst looking after those who are incapable of work.

6. **Do you believe there should be a minimum level of welfare benefits set across the UK which devolved governments can supplement but not reduce—i.e. responsibility over welfare would be split between the UK and devolved legislatures? If so, who should be involved in setting that minimum level and how?**

Northern Ireland is already in this position, with a supplementary welfare scheme struck as part of the Stormont House Agreement, and reaffirmed following the political negotiations (‘Fresh Start Agreement’) in late 2015. Around £500m has been set aside for a series of supplementary payments to carers, people suffering ill health and families on low incomes, as part of a scheme drawn up by a group of benefits experts led by Professor Eileen Evason. It is important to note that in order to deliver this scheme it was necessary to return welfare powers to the UK Parliament, and through which the Northern Ireland (Welfare Reform) Act 2015 has progressed.

As a result of this agreement Northern Ireland is now deemed to have the most generous welfare scheme in the UK. However, this experience shows that when it comes to implementing reform schemes which may be unpopular but necessary, there is not always the levels of political maturity in some political parties required. Therefore, while some urge greater and greater devolution of powers, before doing so, consideration should be given as whether the capability is there to manage the responsibilities given the potential impacts upon the wider stability of the institutions if not.

In the current climate it is believed that the UK Government should retain the responsibility for setting the minimum level of welfare benefits. How this is achieved requires further consideration although the DUP would strongly recommend that there is a core principle which incentivises a work ethos, where is more attractive to be in paid employment and discourages a culture whereby benefits become a long term option for some.

**Development of devolution**

7. **Should Northern Ireland be considered alongside Wales, Scotland and England in discussions of the future of devolution, or is the situation there too distinct for a UK-wide perspective to be appropriate?**
Every part of the UK must have a voice at the table of any discussions on the future of the UK and devolution arrangements. Northern Ireland is an integral part of the UK and must be regarded as such by the UK Government/Parliament. Where devolution settlements are amended all the devolved Assemblies should be consulted to ensure that full cognizance is taken of both the positive and negative impacts constitutional changes may have on each nation. The nations of the United Kingdom are not ‘independent’ political entities but are linked by an umbilical cord to the political centre of the United Kingdom. Changes in one nation can have unintended consequences in other areas. For example the devolution of budgets have resulted in anomalies in public sector provision across the nations, for example, tuition fees, free transport for pensioners and care in nursing homes. These policies have resulted in inequality of service provision to citizens in other parts of the United Kingdom who pay the same level of tax and National Insurance contributions. There is a danger that the variation of service provision may lead to significant public disquiet and unease with the fiscal settlement upon which the nations are funded with central government. This could lead to the de-stabilisation of the Devolution model.

Decisions on future devolution arrangements must be taken in the context of ensuring that they make sense for the betterment of local service delivery for the population, and not to further a political ideology. Every part of the UK has its different political voices. Those who previously endorsed violence to support political change have moved from this position, and therefore should support the majority wish in Northern Ireland – to remain as active participants in the affairs of the UK.

8. Are we heading eventually to a point where Northern Ireland, Scotland and Wales have symmetrical devolved powers? Are there particular factors in Northern Ireland that mean its Assembly will continue to have different powers?

There is no reason why there should be symmetrical devolved powers. Instead each should be based on local requirements and desirability. For example whilst the DUP has consistently campaigned for the devolution of Corporation Tax, others have attempted to widen this to personal income tax, a complicated system which we do not believe is necessary or feasible. However other devolved parts of the UK have made income tax devolution a priority.

The issue of political stability in Northern Ireland is one which must still be taken into consideration. The Executive/Assembly must continue to demonstrate its capability to provide this stability, and generate confidence in its abilities from the wider community.

It is worth noting the fact that Northern Ireland is the only part of the UK with a land border with a foreign state (Republic of Ireland), and thus means that this is consistently raised in discussions on the need for devolved powers. For example it is frequently cited in the campaign to reduce VAT rates for the Northern Ireland tourism industry. How feasible a VAT rate change would be in the context of the UK remains unclear.

Taking into account the current challenges facing the Northern Ireland Executive it is unlikely that any additional powers should or will be sought in the short-to-medium term. Therefore the current political settlement should be regarded as Northern Ireland’s position...
This does not distract from the overarching point that all parts should remain at the table. It is one United Kingdom.

9. We have heard that there is a lack of clarity among the public over the relative responsibilities of the UK and devolved administrations. Is this a problem that is apparent in Northern Ireland?
   • If so, what practical steps might be taken to achieve this, and by whom?

This has been raised as an issue but not convincingly as being one of major concern for the majority of people. There is considerable material available, both online and through more traditional resources which highlights responsibilities but experience shows that people are generally concerned with the quality of delivery and accountability for decision making as opposed to the structures of government.

For example, post May 2015, there will be a reduction in the number of government departments in Northern Ireland, and changes in a number of cases of responsibility as a result. Whilst these changes will inevitably cause short term disruption to administrative responsibilities, those dependant on the services that each deliver should see no disruption.

Clear, concise explanations of department responsibilities and channels of communication are key to maintaining user confidence and where situations do arise they are dealt with rapidly and lessons learned.

Overcomplicating issues is the biggest danger to be avoided!

10. We have heard arguments for and against a ‘draw-down’ model of devolution being applied to other nations in the UK, whereby certain powers are reserved to the UK Government, but any others may be requested and granted to devolved nations and regions. Are there lessons from Northern Ireland’s system of ‘reserved’, ‘transferred’ and ‘excepted’ powers that would inform consideration of such a system?

As outlined in previous answers the Northern Ireland devolution process has faced considerable challenges, some politically-inspired, others as a result of wider factors such as the economic downturn.

In terms of governance, Northern Ireland is the only part of the UK to have mandatory coalition as its core, which given the diverse nature of the component parts can make agreement more protracted to reach. Strong political leadership must be at the heart of any process, which the DUP has given and I believe the record in government bears this out.

The necessity to return welfare powers to the UK Government demonstrates that powers should only be devolved if there is complete confidence in the capability of local politicians to deliver their responsibilities. Too often in Northern Ireland, some have used their political
ideology to shield them from making important governmental decisions, which undermines confidence and tends to ‘merely push decisions down the line’.

With regards to excepted and reserved matters lists it is not deemed there is any need for change.

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