

Challenges ahead

KEY:

CG: Cathy Gormley-Heenan

RW: Rick Wilford

(MUSIC)

CG: I suppose the main challenges are all the things which they chose to ignore during the election campaign. So, the challenges of dealing with the past, the legacy issues which, as soon as the election was over came back onto the table with great gusto, with the Kingsmill inquest, the Loughinisland Report from the Ombudsman and the Stakeknife debacle again. So those legacy issues are back. They had just been parked for the period of the election campaign. So, we have to deal with that. We have to deal with tackling paramilitarism, so the first report has been produced by the panel which was established but it's about now the implementation of what the panel have recommended the Assembly and Executive needs to do. We need to deal with the usual issues of parading and the Irish Language Act, those cultural issues that both sides sort of struggle with and have had no easy resolutions in the past mandate.

And I guess, just coming to terms with the fact that we have a smaller number of Departments means that there is a period of upheaval for everyone anyway, even in terms of the responsibilities for different pieces of... For different policies that need to be taken forward. So, you know, campaigners will say that in the last mandate we failed to tackle poverty, we failed to deal with a Sexual Orientation Strategy and only very late in the day did we come up with a Racial Equality Strategy. We have the perennial problems of same sex marriage and abortion, all of those social issues that will not go away and will have to be dealt with and, if the experience of the last mandate is anything to go by, these are going to be very challenging times for the DUP and Sinn Féin, who do take a different position on many of these social issues.

RW: One way or another, I absolutely concur with what Cathy said, is of course victims and survivors, and you know the old issue about whether there can be a moral equivalence between different types of victim from The Troubles. The idea, for example, that victims or survivors should each be equally entitled to some kind of pension as a consequence. There are many in the DUP, if not everyone in the DUP, who are going to chafe at that prospect of a former IRA man or woman who was injured or maimed over the course of his or her activities receiving, in effect, a state pension because of that. So the victims and survivors issue, I think, is another one of those 'wicked issues'. On the parading and flags and so on, of course the panel has just been announced and, actually, the composition of that is rather interesting because the Orange Order is taking part and has a nominee among its membership, and I think

that's probably quite a positive sign so, you know, there is light at the end of the tunnel. Not necessarily a train coming in the other direction, as it were.

But I think the one issue that could, and it would I think eclipse many others if it was to happen, and that would be a vote to leave the European Union because that would create problems between North and South, but it would also create problems for the wider United Kingdom on the constitutional stability of the UK. I mean, Major and Blair were here in Derry a week or so ago talking about, you know, that Scotland was on the ballot paper as well as everything else, so there is a fear, I think, in some quarters that it could, an exit vote could destabilize the union of the United Kingdom. It certainly seems to be the case that if we were to leave, there would have to be at least some, if it's only tokenistic, presence on the border with the Irish Republic. Customs posts or something, which is going to impede the free-flow of people and trade and all the rest of it, and if that was to happen I think that will knock everything out of kilter for a considerable period whilst negotiations between the UK and the European Union proceed at least over the next two years to get some sort of agreement as a consequence of those talks. That may have such a profound impact on our economy, on partners of trade, and it could have a profound impact on the Constitution which could again be thrown into flux as a consequence of that vote because, particularly, of the way the Scots feel about the EU.

CG: Brexit is one of the macro-issues that presents a challenge to the Assembly and the Executive but one of the micro-issues that presents a continuing challenge is, of course, the use of the petition of concern and we are in a different environment now in relation to how that is going to be used as well, because the Fresh Start Agreement said that a protocol would be put in place for the way in which a petition of concern could be triggered in this incoming mandate but it remains the case that only the DUP have enough members in their cohort to be able to trigger a petition of concern by themselves. Every other party needs the support of other parties to get a petition of concern through. Now that presents a particular challenge in this period for Sinn Féin because with 28 seats, it will always need two more people to sign with them in order to trigger a petition of concern, and the landscape has changed dramatically.

So they will not necessarily be asking their partners in government from either the SDLP or the UUP to sign with them. They are effectively going to have to go now to one of the three oppositions, the official opposition of the UUP, the official opposition of the SDLP or the unofficial opposition of everybody else and that, actually, is going to be a very interesting dynamic to watch... The outworking of that. But certainly, I think that it may present some challenges for Sinn Féin the first time that they need to use that.

RW: Yes. The protocol is, in effect, a kind of gentlemen's agreement, or gentleperson's agreement, if you will. What was proposed in Fresh Start is not a new piece of legislation, as it were, to embed the new procedure. It's meant to be something that parties can agree to and then operate, and it's meant to be limited to issues that actually have a communal effect and that

has to be demonstrated, the potential effect it might, adverse effect or impact, that it might have on one community or another.

CG: That was always the case.

RW: That was always the case, yeah. But, as we know they became, as Mark Durkan called them, drive-by petitions, you know, you could use them; more or less, or the DUP could use them, more or less at will. Now we'll have to see whether the gentleman's agreement, as it were, survives or whether, again, we will be in a situation where that particular procedure is abused. I think it's a bit like western civilization, you know, too early to tell.

(MUSIC)