



# **YOUR FUTURE, OUR PRIORITY – Making Devolution Work**

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## ***The Hard Political Facts***

We are two years into this restored period of devolution. During this period, DUP/Sinn Féin may have delivered themselves into government but they have failed to deliver for the people on the ground. A large number of extremely significant issues affecting the North have not been addressed. Others remain stalled or sidelined.

There is no appetite from DUP/Sinn Féin to act collectively and decisively to ease the huge pressure on local firms and families that have resulted from the global economic crisis.

In fact, on many issues of paramount to the community, DUP/Sinn Féin have failed to produce.

However on issues of mutual political benefit Sinn Féin and the DUP have managed to work together to the detriment of the political process.

For the past twenty-four months the SDLP has been hearing the real concerns and fears of people across the North. They are worried about the economy, their jobs and their livelihoods. But they also have apprehensions about education, the environment and the sustainability of our rural communities. They expect our devolved institutions to have made a positive impact on their lives, their families and this entire community. In this document the SDLP set out an ambitious and innovative political agenda designed to help improve the lives of everyone in our community.

It has become evident to all that the parties on top politically are not on top of the issues. Rather they have been more concerned with undermining the power of the Assembly as a scrutiny body and preventing any meaningful debate or opposition, as was illustrated by the forcing through of the Financial Assistance Act and the lack of any action to readjust the budget.

In the run-up to a Westminster election, the other parties may try to promote a devolution record which simply does not add up.

Comfortable sharing the trappings of power, while people are uncomfortable on the ground, Sinn Féin and the DUP may not have created the global economic downturn but they did waste much better economic circumstances in the nine years they spent opposing, delaying and destabilizing our shared institutions.

In the meantime, uncertainty has gripped the North, efficiency savings are threatening front-line services and at a time when every other government was taking unprecedented action, this government gave us unprecedented inaction.

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In this document the SDLP outlines some of the major failings of government here in the North. And once again we re-iterate the ideas and solutions put forward by the SDLP.

The SDLP are in politics to serve not to rule, for us government is about people, their future, their needs and their priorities.

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### **DUP/Sinn Féin Failures**

- This Executive led by the DUP and Sinn Fein meets less regularly than any of its predecessors.
- Under the first Executive, the North-South Ministerial Council met in plenary, institutional or sectoral form 71 times. This time round there have been 43 meetings with a work programme which was agreed in 1999.
- To date 42 pieces of legislation have been introduced in this Assembly in 28 months. The last Assembly managed 64 in 30 months. In simple terms you could expect a new piece of legislation approximately every fortnight from the first Assembly and about every three weeks from this one.
- Much of the legislation passed by the Assembly has simply been political karaoke – laws passed to retain parity with Westminster.
- Devolution of justice powers is still no closer, it will happen when the DUP decides and on DUP terms and Sinn Fein has signed away the rights of any Nationalist to ever hold the ministry.
- Eight years after the 11 Plus was ‘abolished’ we are a matter of weeks away from an unregulated system of confusion and chaos.
- Despite the crisis in the construction industry and lack of any foreign investment, the plans for a shared-future stadium at the Maze have been scrapped.
- Apart from a private members bill from the SDLP, there is no movement on an Irish Language Bill.
- Departments have refused to support valuable Neighbourhood Renewal Schemes and the Minister for Social Development’s housing budget has been raided.

## **1. *Logjam at the Heart of Government***

The Office of First Minister and deputy First Minister is the largest department within the Northern Ireland Executive. Within the department there are four ministers and eight special advisors. It is their job to co-ordinate government in the North.

However, the forward work programme of the committee charged with scrutinizing its performance serves to highlight the logjam at the heart of government in Northern Ireland.

Substantive issues such as the review of the North-South Implementation Bodies, the shared future agenda, victims, equality and child poverty have all been delayed or simply treated with a minimalist approach as otherwise they would only betray the divisions between Sinn Fein and the DUP.

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### **OFMDFM Delivery Deficit: Work Promised and Not Delivered to Deadline**

- Programme for Cohesion, Sharing and Integration for a Shared and Better Future
- Business Plan / Corporate Plan
- Programme for Government – Performance Management Framework
- Final Efficiency Plans
- EQIA on Programme for Government
- Sustainable Development Strategy, Memorandum of Understanding and Communications Strategy – Implementation Plan
- Appointment of Sustainable Development Commissioner for Northern Ireland
- Maze Long Kesh Regeneration Site
- Review of the Strategic Investment Board (April)
- Outcome of the review of the Civic Forum
- Mandatory Civil Contingencies
- International Relations Strategy
- Child Poverty Strategy

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Occasional statements in the Assembly are followed by long periods of silence while oral questions are met with inadequate answers.

As a result the Assembly is reduced to a sixth form debating society as DUP/Sinn Fein backbenchers indulge in sham fights in meaningless debates which serve to mask the fact there is a stark absence of legislation or vision from the two other parties.

In February 2009, then SDLP OFMDFM committee member Dolores Kelly publicly voiced her concerns at the lack of substantive work emanating from the department. At the time she was told by DUP members there 'would be more in the pipe line.' Seven months on and little has changed.

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### **Where is the Programme for Cohesion, Sharing and Integration for a Shared and Better Future?**

The publication of the Programme for Cohesion, Sharing and Integration for a Shared and Better Future has been caught up in the perpetual rowing behind closed doors at OFMDFM.

A shared future was the foundation of the Good Friday Agreement, devolution and power sharing should be addressing the deep divisions that exist in our society, and helping to heal the wounds from the past. We do not want another generation growing up surrounded by and steeped in hatred and intolerance.

Sectarianism is ongoing and racism is growing, evidenced in recent months by the murder of Kevin McDaid in Coleraine and the attacks on ethnic minorities in South Belfast.

The SDLP believes the development and implementation of this strategy is essential in order to tackle racism and sectarianism head on.

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## **2. Tackling the Recession**

### **SDLP – New Priorities in Difficult Times**

In our document *New Priorities in Difficult Times* we laid out our plans to recast the budget to provide a short term boost to the local economy, businesses and jobs.

To use public spending and imaginative ideas to take immediate advantage of the recovery phase as and when the global economy moves out of this recession.

And to bring relief to those who suffer the most from the current financial crisis – both households and businesses.

This included outlining where we could find additional resources of over £400million to secure and create jobs.

We were pleased to hear the First Minister recognise the significance of our paper *New Priorities for Difficult Times* and the “valuable elements in the SDLP’s overall proposal.” We now challenge him and his Executive colleagues to take a further step away from their fiction by putting our proposals into practice and implementing a full budget process for this year.

### **Why the DUP and Sinn Féin Must Alter Their Thinking on the Economy**

The World has changed dramatically since the Northern Ireland Executive finalized its three-year Programme for Government and first budget. Not only has there been a severe economic downturn and credit squeeze, but the capital receipts upon which much of the Northern Ireland budget was based, have not materialised and in April Alistair Darling announced a Treasury budget which will have severe implications for Northern Ireland in the future.

The SDLP believes that it is essential the Executive revisits its spending priorities. However the DUP and Sinn Fein have refused to change anything.

This is perhaps unsurprising given the DUP’s need to defend a budget produced while their leader Peter Robinson was Finance Minister and Gerry Adam’s pronouncement this week, that Sinn Féin are “not interested in managing the economy”.

However there is a pressing need. It has been thought for some time that there is a £1 billion shortfall in the Executive’s capital budget.

In fact it is much worse than that.

## Additional Pressures on the Northern Ireland Executive Budget

PRESSURE	£ million 2009/10	£ million 2010/11	£ million 2 year total
<b>Public Expenditure Developments</b>			
Deferral of water charges*	-400	-400	-800
Treasury fine for deferral of water charges*	0	-200	-200
Freeze on regional rates	-40	-40	-80
Housing Executive house and land sales	-100	-100	-200
Non-sale of Crossnacreevy	-200	0	-200
Civil Service equal pay claims	-200	-80	-280
Capital Asset Realisation Taskforce income	-£200	-	-200
<b>2009 Treasury budget implications</b>			
Efficiency savings required by Chancellor	0	-123	-123
<b>TOTAL SHORTFALL</b>	<b>-1140</b>	<b>-943</b>	<b>-2083</b>

*\* The SDLP is still absolutely opposed to Water charges while DUP/SF are preparing the ground for their introduction.*

The SDLP welcomes the rate relief passed onto householders and understands the importance of finding the means to prevent the introduction of water charges, however we believe the best and only sustainable way to manage the additional spending pressures listed above, and others that may come, is to incorporate them into a new budget.

There is a £2 billion plus shortfall in the Executive's capital budget and there will be a further minimum of £75million in cuts in each of the following four years.

As we will not continue to receive special treatment from the Treasury for an indefinite period, we will be subject to ever increasing efficiency savings that will severely affect our economy and the Executive cannot continue to depend on in-year monitoring of the budget to cope with serious budget shortfalls as was done following the collapse of workplace 2010.

The SDLP has pointed out, repeatedly, that with the huge shortfall in the Executive's capital budget, and the assumptions underpinning the spending plans undermined by

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the economic downturn, the budget no longer addresses the Executive's stated priorities.

At a time when Northern Ireland is £100million a year short in the housing budget and where there are plans to make 750 nurses redundant, Alistair Darling's budget will force the Executive to find a minimum of £123million in cuts. Taken together with all the other pressures, these savings cannot be delivered without damaging vital services, unless there is a full review of the Executive's budget.

It is time for the DUP and Sinn Féin to come clean and admit that a new budget is required to enable Northern Ireland to recover from the global economic downturn.

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### **Water Charges here Already?!**

All parties were elected to the Assembly on a mandate to oppose the introduction of water charges, yet it has become obvious that they have been agreed by DUP/Sinn Féin.

It is now apparent that water charges were a hidden component of the 2008 budget as approved by the Assembly but without the SDLP's votes.

The announcement of the deferral of water charges was an admission of their agreed introduction and we are still unclear as to their terms.

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### **3. *The 11 Plus Test***

Eight years after the announcement that the 11 Plus would be “abolished”, parents, pupils and teachers are now weeks away from chaos and deepening confusion.

This is down to the failure of Sinn Féin and the DUP to agree a way forward.

In an effort to avert the chaos which will stem from the Minister’s latest proposals the SDLP has put forward a short-term solution to the 11 Plus crisis.

Sinn Féin and the DUP combined to vote down these fair and sensible transition proposals.

Leadership and political compromise are required to solve this crisis and prevent worse to come.

#### **SDLP Transition Proposals**

The SDLP proposed a short-term solution to the 11 Plus crisis in the Assembly. This would provide for a transfer test to be available for two years with a guaranteed end to academic selection afterwards.

Our interim solution would mean schools that choose to use a test for now would all use the same curriculum based test, not their own tests. Tests would take place in primary schools and no primary school or child would have to undertake extra tuition for the test. No secondary school would be able to admit all children by testing and every school must admit a fair proportion of children from socially deprived backgrounds.

Educators – those with greatest experience of the issue – should be enabled to lead the way in producing a solution to put in place in two years time. These fair and sensible transition proposals were rejected by Sinn Féin and the DUP.

Moreover, a proposal by the SDLP Minister for Social Development that the Executive hold a special meeting with education as the single issue on the agenda has been ignored.

Sinn Féin and the DUP have illustrated that they are not capable of showing such leadership.

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## **The Consequences of Sinn Féin/Dup 11 Plus Failure:**

- Academic selection at 11 remains
- Children, parents and teachers are being forced to endure months of uncertainty
- The 11 plus has been privatised
  - parents now have to pay to have their child sit the AQE exam
- This cost makes puts an additional barrier in front of children from socially deprived backgrounds
- The 11 plus has become segregated, there is now a Catholic test and a Protestant test
- Many children will now have to sit two or more tests not one
- Parents are moving children to primary schools known to be tutoring for tests
- Children are no longer able to sit the tests in the relative comfort and familiarity of their primary school
- Teachers have been placed under unfair pressure
  - by the department and unions who don't want them teaching to a test
  - by parents who want their children to be prepared for and to pass tests
- Many children face the prospect of receiving letters of failure from more than one source
- The number of legal disputes around the tests, the results and admission criteria will rise enormously
- Come 2011 a new Education Minister may propose radically different guidelines for post-primary transfer involving a complete policy reversal, further upheaval and more distress for our children

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## 11 Plus – Nordic Myth and Legend

Caitríona Ruane is right to highlight Finland, where selection was abolished over 30 years ago as an example of how the removal of academic selection can improve an education system; Finland is currently the top performing country in the PISA tables.

What Caitríona Ruane fails to illustrate is that the changes in Finland did not happen overnight – as the Minister is demanding here – in fact the changes stretched over nearly 30 years.

- 1963 – Finnish Parliament decided to reform the education system
- 1968 – Act based on Education reform was passed
- 1970 – a new curriculum had been developed
- 1972 – structural reforms begin
- 1980 – The new comprehensive school system is permanent for all pupils
- 1990s – structural reforms continue throughout the 80s and 90s
- Today – Finland leads education league tables

The SDLP believes that reform in Northern Ireland can be achieved within a much shorter timeframe than that of Finnish reform, but only if there is the political will to agree on compromise proposals.

#### **4. North-South, No going Back – Full Speed Ahead**

The SDLP document – “No Going Back – Full Speed Ahead” – outlines how North-South has been frustrated in a number of regards since the restoration of the political institutions.

The SDLP proposals can liberate North-South. They are a roadmap for a better future – and can contribute positively given the economic downturn across the island.

The SDLP re-iterates that on health, the economy, poverty, justice, assets recovery and much more besides, great potential exists, waiting to be exploited. This needs to be grasped. Now is the time.

The judgment of the SDLP is that the scale of North-South opportunities is far from fully tapped. Our wide-ranging 2006 publication “North-South Makes Sense”, the SDLP scoped-out the future of North-South. The document remains a touchstone against which to judge progress on North-South, not just for the SDLP, but for all parties and all governments.

The SDLP has come to the conclusion that, since the restoration of the political institutions in 2007, North-South has not progressed close to what is desirable, necessary and in the interests of the people of the island.

The current ‘review’ of North-South was agreed by the two governments, Sinn Fein and the DUP at St. Andrews. Part One of this review – addressing efficiency and value for money – has been completed but not a single days work has been undertaken on the expansion and development of North-South opportunities and the report has yet to be published.

Part Two – the case for additional bodies and areas of co-operation - had not been addressed until the NSMC meeting in Derry in late January 2009, despite Part One completing its work in February 2008.

There are good and material grounds for the enlargement of areas of implementation, co-operation and harmonization in respect of policy, practice and law on an all-island basis. There is wide-ranging evidence to support this assertion, including:

- The dedicated chapter of the 2007 National Development Plan of the Republic of Ireland (2008-2013) which has and shall bring particular benefit to and within Northern Ireland.
- The contents of the ‘Varney’ review which expressed particular views on the development of an all-Island economy.

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- The conclusions of the 2006 British-Irish Comprehensive All-Island Economic Review.
  - The comments of senior business people on the need for an all-Island approach to economic issues.
  - The imperative to protect the welfare of the citizens and communities, North and South, from, inter alia, environmental threat, dangerous persons, animal disease, etc.
  - The record of success of the North-South arrangements, despite the political turbulence of recent years.

The SDLP would refer to the various proposals in “North-South Makes Sense” in relation to enterprise and trade, research, training, finance and public services, health and social inclusion as to the economic benefits of North-South co-operation. There is a need for accelerated consideration of these proposals to determine how cross- border initiatives might help respond to current economic conditions.

The SDLP will be working at various levels – including Phase Two of the North-South Review – to assist this process. In the current context this is a political and national imperative.

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### **DUP/Sinn Féin North-South Downgrade**

OFMDFM refuses to publish the review of the North-South Implementation Bodies. According to the deputy First Minister the time is not right! And Martin McGuinness is meant to be an advocate and guardian of North-South!

The SDLP believe the review has been positive about North South Implementation bodies, that they are efficient and provide value for money. But this is not what people in the DUP want to hear.

It gets in the way of their attempt to downgrade North-South. The message that North-South works and works well is the last thing the DUP want to face up to. Sinn Fein should not be doing the DUP business of suppressing North-South, they should be championing it.

That is why the North South review should be published and used as good evidence of why North South should be developed and deepened.

## **5. *Devolution of Justice and Policing***

The devolution of justice and policing powers to the Assembly is the one of the final pieces in the jigsaw of the new political dispensation and the new beginning to policing.

Without it we will not have the completion of the Agreement or Patten and we should make it happen as soon as possible.

MLAs will not be members of a true legislative assembly until they have responsibility for criminal law.

At present the real and active threat to police personnel, to peace and democracy is coming from so called dissident republicans.

Parties in the Assembly must not allow differences and difficulties around the devolution of justice and policing to be exploited for these groups' sinister purposes.

It has been two years since the restoration of the devolved institutions and in reality we are still no closer to the full devolution of justice and policing powers.

The SDLP argued that a devolved minister for justice should have been appointed upon restoration. He or she would immediately have had the following devolved functions:

- Office of Law Reform
- Office of the Legislative Counsel
- Legal services, pending creation of Attorney General for Northern Ireland
- Appointments to tribunals
- Freedom of Information
- Assembly Ombudsman/Commissioner for Complaints
- Negotiation of protocols for devolution, including with MI5
- Nolan standards

In addition, he or she would have been charged with making preparations for the devolution of justice, bringing forward proposals to the Executive and also working with a Justice Committee of the Assembly. He or she would also, of course, receive currently reserved justice powers when devolved. This option, which would have given more rigour to the devolved institutions, was not agreed.

The SDLP preference is for the ministerial office to be allocated out under d'Hondt.

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The SDLP is concerned at the veto acquired by the DUP over the devolution of justice as a result of the failed SF/DUP Comprehensive Agreement and as provided for in section 4(2A) of the Northern Ireland Act 1998, inserted by the Northern Ireland (Miscellaneous Provisions) Act 2006.

The SDLP believes that this veto should be removed so that all that is required to devolve justice powers is cross-community support – as was originally the case under the Northern Ireland Act, 1998.

As before, the SDLP believes that there should be one Department of Justice and Law Reform only – as opposed to separate departments of justice/law reform and policing. However, we are still no closer to having devolved policing and justice powers. Instead it became a sticking point that saw Executive meetings blocked for months last year and there is still real doubt about when it will actually take place.

On 7 July outside Downing Street, Peter Robinson said he “would be seeking meetings with the other party leaders ... to establish whether their parties view sufficient community confidence does exist to allow devolution of these additional powers to occur. Only when ...it is the case will such a transfer take place.”

This means there is now a shared DUP/UUP veto on justice. Martin McGuinness handed a veto to Peter Robinson - and Peter Robinson has shared it with Reg Empey.

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## **Devolution of Justice and Policing – Questions that Must be Answered**

The SDLP believe the following questions require answers:

Why will devolution of justice be on DUP terms?

Why have the guarantees of the Good Friday Agreement been conceded by Sinn Fein?

Will devolution see the radical change in the administration of justice, crucially around elements of the courts, the prosecution service and the prison regime, that the SDLP has been calling for?

Why are the DUP and Sinn Fein so spooked by an SDLP Justice Minister that they conspire, one to block an extra SDLP Minister, the other to deny nationalism their full rights under the Agreement?

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Devolution of justice should have happened long ago. If the DUP didn't have their vetoes, if the IRA had decommissioned and Sinn Fein signed up to policing long ago and all the rest, things would be different.

Peter Robinson should now rise above the dead-end approach of the UUP, respond to families and communities suffering from crime and the failures of the prosecution service and agree to devolution of justice now.

The guarantees of equality, partnership and inclusion are benchmarks for the conduct of government in Northern Ireland. They were hard won. The DUP, with Sinn Fein consent, have taken bites out of these guarantees in the negotiations surrounding devolved policing and justice powers. By altering the selection method for the Ministry, Sinn Féin have conceded that a Nationalist cannot now be Justice Minister. The right of the SDLP to a second Minister around the Executive table ends up with another unionist Minister at the table and the mandate of another party is ignored.

Democratic rights get turned on their head by the DUP, on Sinn Fein's watch.

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### **Devolution of Justice and Policing – Issues Outstanding**

As it stands fundamental issues remain unresolved:

- The status and powers of the justice minister are not agreed
  - The issues around the Public Prosecution Service are not agreed
  - Uncertainty endures about the Sinn Fein/DUP 'public consultation' to gauge public confidence
  - Vagueness persists around how OFMDFM will identify a candidate for minister
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## **6. *Executive Inaction***

Recently the leader of the Ulster Unionist Party referred to the Executive being run like a 'hucksters shop.' Unfortunately he is correct. Meetings between Minister's special advisors – a regular occurrence prior to meetings of the Executive – have now been cancelled since last year's five month stand-off.

Important Executive papers are not tabled until shortly before meetings begin and often agendas are produced after the meetings have begun. And while Executive Ministers have managed to discuss animal health on at least 10 occasions, not one single discussion has taken place on education and the future of the post-primary education.

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### **Executive and Assembly To Do List**

- Publish the CSI Strategy
- Settle the Civil Service Equal Pay Claim
- Bring forward plans for an Irish Language Act
- Adopt compromise proposals for the settlement of post-primary transfer plans
- Tackle the problem of victims and the past
- Devolve justice and policing powers
- Develop and expand the North-South Agenda
- Adopt and move on the recommendations of the Bain report on the relocation of public sector jobs
- Make the provision of social housing a budget priority to provide a much needed boost to our construction industry and to alleviate housing need
- Conduct productive and fair Executive meetings to suit the public's agenda and not a narrow political one

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After executive meetings, Sinn Féin/DUP ministers routinely make statements on the productive nature of the business conducted. In truth, the two parties trade papers and

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sign off only on business from their own Ministers. To date a number of issues remain outstanding some from the Executive stand-off of last year.

And while meetings were promised on a weekly basis to address the economic crisis there has only been one during the summer and they will revert back to a fortnightly basis in the new term.

Just last week the First Minister all but acknowledged this petty politicking has gone on from the DUP and Sinn Féin towards SDLP and UUP Ministers by stating “I will ensure that SDLP and Ulster Unionist Ministers have a greater role in relation to Executive Business... I am prepared if they wish, to meet with UUP and SDLP Ministers in advance of each Executive meeting to make arrangements so that their Special advisors are fully consulted and involved in the process.”

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## ***Conclusion***

### **Devolution is Up, But Not Running**

On the face of it devolution appears to be working but it is clear that on practical level it is failing. Some parties have delivered nothing but themselves and the SDLP acknowledges that in the public eye, all parties appear guilty of a collective failure. It is our intention to set out our agenda which we believe maximises devolution for the benefit of all. We will continue to develop the themes outlined in this document in the coming months. We must make devolution work for the people.

Despite Peter Robinson's recent welcome desire to 'spread the devolution gospel' it is clear that the DUP/Sinn Féin axis has failed to deliver on key goals. Rather than create an inclusive Executive and strong cross-departmental decision making, the DUP and Sinn Féin have been happy to play party-political games with our shared future and create a logjam at the heart of government.

A prime example is the inaction on the economy, precisely when Northern Ireland requires tough choices to be made. With the Governor of the Bank of England, Mervyn King outlining an economic future "more uncertain than ever" and a "long, hard slog" to finance the "extraordinary deficit" we in Northern Ireland cannot expect to be protected from these tough decisions.

Unlike DUP/Sinn Féin, the SDLP has shown through our "New Priorities in Difficult Times" document the willingness to look for other avenues of revenue and make the tough decisions on public spending.

The SDLP has clearly outlined in "New Priorities in Difficult Times" the priority areas for spending in order to get the economy back on its feet. This document was widely praised by economic experts and while some politicians tried to rubbish our plans within weeks they were robbing them for their own use. The DUP and Sinn Féin have the ability to undertake a revision in the budget, but have refused to take action.

It took the SDLP to table a debate in the Assembly on Civil Service equal pay before the DUP committed to waking from their one year's slumber on the issue, an indication of Sinn Féin's inability to push an equality agenda in the Executive. And as the DUP seem to have fallen back to sleep on the issue, it will be raised in the Assembly again next week, again by the SDLP.

In the aftermath of the recent racist and sectarian attacks we have heard plenty of positive rhetoric from DUP/Sinn Fein, but no action and still no Cohesion, Sharing and Integration Strategy.

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Devolution must offer more, this is not as good as it gets. DUP/Sinn Féin have refused to use the powers provided to us for the benefit of all the people of Northern Ireland.

The SDLP have put forward a roadmap for North-South progress, a plan for economic recovery, and sensible proposals for an end to the academic selection crisis.

We will not shrink on our commitment to a shared future stadium, proper legal provisions for the Irish language and devolved justice and policing powers.

Unlike other parties, we can look people in the eye and tell them an SDLP commitment counts for something.

The SDLP will continue to push an agenda for progress on the issues that matter.

Where the SDLP lead, we hope others will follow.



# Making Devolution Work

