



The **Constitution** Unit



# Nations and Regions: The Dynamics of Devolution

Quarterly Monitoring Programme

**Northern Ireland**

Quarterly Report  
August 2002



---

**The Leverhulme Trust**

---

The monitoring programme is jointly funded by the ESRC and the Leverhulme Trust

# Contents

<b>1. Summary</b> .....	<b>Robin Wilson</b> .....	<b>3</b>
<b>2. Devolved government</b> .....	<b>Robin Wilson</b> .....	<b>4</b>
2.1 Size matters .....		4
2.2 The executive.....		4
2.3 Legal challenge.....		6
2.4 Community relations .....		6
2.5 Programme for Government.....		8
2.6 Finance .....		10
<b>3. The assembly</b> .....	<b>Rick Wilford</b> .....	<b>12</b>
3.1 Introduction .....		12
3.2 Legislation .....		13
3.3 Debates .....		13
3.4 Committees.....		19
3.5 Conclusion.....		19
<b>4. The media</b> .....	<b>Greg McLaughlin</b> .....	<b>22</b>
4.1 Introduction .....		22
4.2 The IRA apologises .....		22
4.3 Another crisis.....		22
4.4 Sectarian murder.....		23
<b>5. Public attitudes and identity</b> .....	<b>Lizanne Dowds</b> .....	<b>24</b>
<b>6. Intergovernmental relations</b> .....	<b>Robin Wilson / Elizabeth Meehan</b> .....	<b>26</b>
6.1 North-south.....		26
6.2 'East-west' .....		28
<b>7. Relations with the EU</b> .....	<b>Elizabeth Meehan</b> .....	<b>31</b>
7.1 Introduction .....		31
7.2 The beginning of the end.....		31
7.3 An all-Ireland approach? .....		31
7.4 The future of Europe .....		32
<b>8. Relations with local government</b> .....	<b>Robin Wilson</b> .....	<b>33</b>
<b>9. Finance</b> .....	<b>Robin Wilson</b> .....	<b>34</b>
9.1 Rates review .....		34
9.2 Comprehensive spending review.....		35
<b>10. Devolution disputes: nil return</b>		
<b>11. Political parties and elections</b> .....	<b>Duncan Morrow</b> .....	<b>38</b>
11.1 Parties and elections .....		38
11.2 A ballot-box in one hand? .....		38
11.3 Unionist disquiet.....		39
11.4 Other issues .....		40
11.5 Concluding remarks .....		40
<b>12. Public policies</b> .....	<b>Robin Wilson</b> .....	<b>42</b>
12.1 Introduction .....		42
12.2 Transport.....		42
12.3 Hospitals.....		43
12.4 Education.....		44

## 1. Summary

**Robin Wilson**

Devolution may be a reaction against ‘big government’ but not in Northern Ireland. The Office of the First Minister and Deputy First Minister is now more than twice as big as Downing Street.

It was another difficult quarter as the sectarian tectonic plates drifted further asunder, the associated friction expressed in intercommunal violence. Conflict spread from north to east Belfast and from interface clashes to workplace intimidation. Time-series opinion data showed a long-run deterioration in perceptions of community relations and optimism about their future.

As for the parties, the search for external allies took precedence over improving relations with internal adversaries, though the Democratic Unionist Party failed to have the law lords overturn the re-election of the first and deputy first minister last November. As violence stemmed mainly from ‘loyalist’ sources, Sinn Féin sported new-found ‘anti-sectarian’ credentials, while the IRA issued a qualified ‘apology’ for all the ‘non-combatants’ it had unintentionally slaughtered. There was no progress by the executive on the review of community relations.

Politicians appeared increasingly focused on the assembly elections due in May 2003—though the failure of the Ulster Unionist first minister, David Trimble, to secure from the prime minister, Tony Blair, sanctions against SF over the IRA’s care-and-maintenance operations could lead to a renewed crisis in September, with the elections brought forward. In implicit comment on their productivity to date, MLAs agreed to forgo the pay rise accorded their Scottish and Welsh counterparts.

Finance continued to dominate the ‘real’ political agenda. An executive paper on public-private partnerships failed to distinguish the financing and funding of projects, in proposing that a mix of borrowing, PPPs and traditional public expenditure would assuage the ‘infrastructure deficit’. As a rating review was launched, MLAs appeared reluctant to will the revenue means to fund their aspirations.

The actors on the devolution stage are working from ideological scripts ill tuned to the hard choices pursuit of the public interest and evidence-based policy making require. A consultation document on the third Programme for Government was still asking what the vision of the executive should be and what key issues it should address.

There was progress on transport, education and health. A revised transport strategy was issued, though again aspirational. There were finally proposals on acute-hospital rationalisation—though only for consultation. And there were signs of a political compromise—albeit originating outwith the polarised parties—on selection at 11.

## 2. Devolved government

Robin Wilson

### 2.1 Size matters

In our contribution to the review of the first year of UK devolution, we pointed to how the Office of the First Minister and Deputy First Minister at Stormont was growing ‘like Topsy’.<sup>1</sup> It emerged accidentally during this quarter that, two years on, the OFMDFM employs more people than Downing Street and the Taoiseach’s Department in Dublin—put together.

In July, in his first appearance before the Commons liaison committee, the prime minister, Tony Blair, was challenged about his presidential style. Mr Blair parried by pointing to the larger number of staff in the office of the taoiseach, Bertie Ahern. A report in a Dublin newspaper drew employment figures from government spokespeople in both capitals: Downing Street has 190 and Merrion Street 205.<sup>2</sup> These figures have been confirmed in direct approaches by the author to the two governments.

In May 2000, when the Northern Ireland devolved administration was coming back from suspension after its first 10 weeks of power, a senior OFMDFM official said that when fully staffed the office would have a compliment of around 300. That, itself, seemed huge. The head of the Northern Ireland civil service was considerably discommoded when he had to move out of Parliament Buildings at Stormont to make way for the burgeoning department.

But at the end of July 2002 the OFMDFM indicated that its current employment was 424. For comparison, even the White House Office only employs 500+.<sup>3</sup>

Nor will any of this be touched by the review of public administration (see assembly and local government sections). For the latter will be confined to the sub-regional level.

### 2.2 The executive

In the May 2002 report we noted how the Executive Committee, which hitherto had been meeting episodically, had come under criticism from assembly members for the slow flow of business through the chamber, which could no longer always fill the two days per week of plenary session (albeit MLAs were not blaming themselves for their own lack of political creativity). We also noted how, partly in response, there had been a flurry of executive activity towards the end of the quarter, with five weekly meetings in succession.

The shadow already cast by the assembly elections, due on May 1<sup>st</sup> 2003 (unless precipitated by an earlier political crisis) added to the pressure for more legislative activity. This schedule would imply a March dissolution and, working back, a rush to process bills in the autumn so that they can secure royal assent in time. More than 100 senior civil servants attended a seminar in June, organised by the speaker, Lord Alderdice, to streamline legislative progress.<sup>4</sup>

Nevertheless, and despite the continued deterioration on the streets, the executive met just five times during this quarter: on May 29<sup>th</sup>, June 13<sup>th</sup>, June 27<sup>th</sup>, July 18<sup>th</sup> and July 23<sup>rd</sup>. And there were still doubts about the cumulative performance of the administration to date.

On July 1<sup>st</sup> the executive launched its long-awaited first ‘annual report’.<sup>5</sup> The first and deputy first ministers, David Trimble (Ulster Unionist) and Mark Durkan (SDLP) respectively, rather coyly described it as covering ‘[o]ur first full year in office’. In fact, of course, the administration had been in operation for 31 months, although suspended for a total of 7½ months between February and May 2000 and July and November 2001. Indeed, in a wonderful mandarin understatement, the report says: ‘Last year we experienced some political difficulties ...’

The report is thankfully shorn of the triumphalist spin that surrounded the first such New Labour report, (in)famously delivered by the prime minister in the Downing Street rose garden. And it fairly alludes to the ‘key achievements’ of the administration, of which the most tangible have been the reform of student finance to widen access (effective from the coming academic year), the introduction of free fares for senior citizens (effective from last October) and the establishment of a children’s commissioner (still in train).

But there was none of the humility, either, that Mr Blair has subsequently affected, with his ‘A Lot Done; A Lot More to Do’ slogan of last June (weirdly copied by Mr Ahern for this year’s Dáil election posters, albeit with the second ‘a lot’ removed). ‘Good progress has been made across all the Executive’s priorities,’ the report claims, with a somewhat complacent air. Benchmarked against the evidence from the comparable monitoring reports for this project from Scotland and Wales, and the indications from the Northern Ireland Life and Times Survey of lukewarm public reaction to the assembly’s performance (see May 2002 report), a more sober conclusion might be drawn—as indeed, by their own actions, assembly members themselves implicitly recognised during the quarter.

The Alliance leader, David Ford, mined a populist seam in calling for MLAs to reject pay increases recommended by the Senior Salaries Review Board, as for their counterparts in Edinburgh and Cardiff, and hand over the decision instead to a ‘citizens’ jury’. Mr Ford said: ‘While the Scottish Parliament and the Welsh Assembly have made significant impacts on the lives of their citizens, there is no doubt that, so far, the people of Northern Ireland have seen very little change brought about by the assembly.’<sup>6</sup> A month later, on the recommendation of the Assembly Commission, MLAs duly denied themselves the opportunity of a £5,000 per year increase—their salaries remain at £40,000.<sup>7</sup>

In the annual report, Messrs Trimble and Durkan profess the executive’s commitment to ‘governing in an open and accountable way’. Yet further evidence emerged during the quarter of a restrictive attitude to freedom of information in the OFMDFM. Unlike the Scottish Executive, Northern Ireland ministers appear happy to go along with the act taken through Parliament by Jack Straw as home secretary. Nor, unlike the Welsh cabinet, are they prepared to release full minutes of executive meetings, publishing only brief *communiqués* (see May 2002 report).

In late May, the first and deputy first ministers were asked by a UUP assembly member if the executive had discussed the alleged activities of the IRA in Colombia (the education minister, Martin McGuinness of Sinn Féin, is a member of the seven-man IRA army council). Messrs Trimble and Durkan brusquely replied: ‘Business transacted at Executive meetings is confidential and is only made public as and when agreed by the Executive.’<sup>8</sup>

### 2.3 Legal challenge

During the quarter, the Democratic Unionist Party finally lost its legal challenge to the re-election of the first and deputy first minister last November. Had the challenge succeeded, it would have invalidated not only the re-election but also, arguably, all subsequent assembly legislation. It would have required new assembly elections or, more plausibly, Westminster legislation retrospectively validating the episode—which the DUP would have represented as ‘moving the goalposts’ at the expense of Protestant communal political representation.

Following the resignation of the first minister, Mr Trimble, on July 1<sup>st</sup> 2001, his deputy, Mr Durkan, was consequently decommissioned. The six-week period allowed under the Northern Ireland Act 1998 for the re-election of a first and deputy first minister ticked away without securing the necessary critical mass—a majority of both ‘nationalist’ and ‘unionist’ assembly blocs—to effect this ‘parallel consent’ procedure.

Twenty-four hour suspensions in mid-August and late September by the Northern Ireland secretary, John Reid, to reset the clock, achieved no traction and only an 11th-hour decision by the Alliance Party to ‘redesignate’ members as ‘unionist’ allowed the vote finally to be secured. The vote nevertheless took place just outside a further six-week period of grace and the DUP cried ‘foul’ (and some assembly members engaged in fisticuffs during the notorious ‘brawl in the hall’) (see November 2001 report).

The party’s legal challenge went all the way to the Lords, who, by a 3-2 majority, ruled in late July in favour of the Northern Ireland Office.<sup>9</sup> The DUP called it a ‘hair-breadth escape’ for the first minister and the British government, though the DUP regional-development minister, Peter Robinson, himself came under attack over the use of public funds to assist the case. The Northern Ireland secretary, Dr Reid, said: ‘It is regrettable that considerable sums of public money, which should have been devoted to improving public services for the people of Northern Ireland, were used to fight narrow party political battles in the court room.’<sup>10</sup>

This was not the first time ministers had entered into legal disputes with each other. The first minister, Mr Trimble, had been successfully challenged by his SF colleagues, Mr McGuinness and Bairbre de Brún, over their exclusion from the North/South Ministerial Council in late 2000 (see November 2000 and February 2001 reports). The DUP itself had failed to secure a judicial review of the decision by the first and deputy first ministers to deny Executive Committee papers to its two ministers, failing as they were (and are) to attend executive meetings.<sup>11</sup> It is the absence of trust in this shotgun-marriage partnership that has led to such ready recourse to the lawyers.

### 2.4 Community relations

Outside Stormont, meanwhile, bitter interface violence continued during the quarter. Tensions in north Belfast remained as intractable as ever. Shootings by the Ulster Defence Association, chastened by the huge peace demonstrations in January, were renewed to deadly effect, striking terror into the Catholic community. Violence became chronic in the east of the city, with homes destroyed on either side of an interface barrier in nightly attacks which continued for weeks. And tension spread to the workplace, with paramilitary threats to health and postal workers. The annual confrontation over the ‘church parade’ at Drumcree, Co Armagh, continued, however, to diminish in ritual intensity.

Belfast City Council, under its new SF mayor, Alec Maskey (see political parties and elections section), called people once more on to the streets. But, though the demonstration was supported by the main civic actors, turnout was much lower than for the trade-union mobilisation in January:<sup>12</sup> the idea of sectarian parties calling a manifestation against sectarianism no doubt struck some as ironic. And the biggest cheer at Belfast City Hall came when the representative of the Irish Congress of Trade Unions called for *all* paramilitary groups to disband. Mr Maskey, presiding, did not volunteer to carry that message from the platform to his republican *confrères*; meantime, he received a bullet in the post from loyalists for his pains.

It was only after the last meeting before their summer break that ministers made any collective reference to the increasingly poisonous atmosphere on the streets. In the wake of the loyalist assassination of Gerard Lawlor in north Belfast, they devoted one sentence of the *communiqué* at their July 23<sup>rd</sup> meeting to the statement: ‘The Executive expressed its total opposition to sectarianism in all its forms and from whatever source and called for an immediate end to all violence.’<sup>13</sup> That call was ignored by the Real IRA, which killed a civilian worker, David Caldwell, in an attack on a Territorial Army base in Derry.

Ministers again failed to make substantive progress, throughout the quarter, on the review of community relations. The report of the review by the former senior civil servant Jeremy Harbison (see February 2002 report) had been with the executive since January and a consultation paper had been expected for some time. Yet there was no reference to the review in any of the executive press statements this quarter.

The underlying difficulty is that, beyond exhortation, the parties to the executive hold divergent attitudes to community relations. Nationalists tend to see sectarianism as a product of historic Protestant supremacy in Northern Ireland, by analogy with racism; they accuse unionist politicians of failing to give due weight to loyalist paramilitarism and are minded to cast Irish republicanism (including ‘New Sinn Féin’) in a relatively benign, civic light. Unionists tend to downplay the history of discrimination and represent Protestants, by contrast, as victims of a military, now politico-military campaign by the IRA; middle-class unionists tend to displace the problem on to working-class ghettos from which they feel more socially distanced than their Catholic counterparts. These subtle, though sharp, distinctions make agreement difficult on the nature of the problem—never mind solutions to it.

During the quarter, the Northern Ireland secretary, Dr Reid, appeared increasingly frustrated by the inability or unwillingness of Stormont ministers to address the problem. After the crisis meeting with the parties at Hillsborough in June, also involving the republic’s foreign minister, Brian Cowen, Dr Reid said: ‘The solution[s] to the problems in Northern Ireland will be found in Northern Ireland. They will not be found ultimately by Bertie Ahern, Tony Blair, John Reid or Brian Cowen ...’<sup>14</sup> But a senior OFMDFM official confessed equally to exasperation, having met community representatives on both sides of the argument in Ardoyne in north Belfast. The first minister, Mr Trimble, became increasingly angry at Dr Reid’s apparent ability not to spot evidence that the IRA was continuing to keep itself in a state of military readiness, while the SDLP deputy leader and agriculture minister, Brid Rodgers, expressed nationalist frustration at the focus on the IRA when loyalists were lethally active.

A more complex allocation of responsibility emerged during the quarter in research published by the OFMDFM, reviewing interface violence in north Belfast since the mid-90s.<sup>15</sup> The research, by Neil Jarman, who found himself ‘aghast’ in the face of the data—2169 interface reported incidents during 1996-99—inevitably found that contentious parades and the policing controversy were factors in violence in the area.

But Dr Jarman also pointed to troubling determinants for the political class, whether in Belfast, London or Dublin. He wrote: ‘In the not too recent past sectarian division may have been seen as something to be worked against, confronted and challenged, but it is increasingly seen as the inevitable basis for the political future of Northern Ireland, with the “two tribes” thesis copper fastened within the terms of the Agreement and within systems and structures of the Assembly. Among many sections of both communities, the history of violence is widely commemorated, and all too readily is it held up as something to be emulated.’<sup>16</sup>

Increasing segregation had left 98 per cent of public-sector housing estates in Belfast more than 90 per cent Protestant or Catholic, while there were now 27 ‘peace walls’ across the city. Adducing similar evidence for Derry and rural areas, Dr Jarman argued: ‘In many senses the interface has therefore become the defining characteristic of post conflict life in Northern Ireland.’<sup>17</sup>

His conclusions about north Belfast are thus of wider relevance. Pointing to how sectarianism and segregation had reduced intercommunal dialogue, he commented: ‘There is no agreement on the causes of the trouble and disorder, either long or short term[;] each side blames the other or excuses the actions of its members as justifiable or understandable retaliation. No one is prepared or has the political or moral authority to initiate a process of dialogue that will lead to a solution ... Too often, people and communities have preferred to blame the other and play the victim rather than seek a solution.’<sup>18</sup>

The pro-agreement parties—the DUP refused to take part—attended a meeting at Stormont at the end of July to address the growing tension on the streets. The meeting, chaired by the Northern Ireland Office minister Des Browne, could not agree a statement.<sup>19</sup>

## **2.5 Programme for Government**

In June the executive published its annual ‘position report’ on the next Programme for Government (2003-04).<sup>20</sup> This will be the third PfG and the report manifests a drift towards incoherence in the process. Far from being driven by coherent, comprehensive and intertwined policy goals, geared to tackling Northern Ireland’s debilitating communal and social divisions, the report presents four distinct sets of six ‘issues’ (§12), four ‘areas’ (§15), three ‘priorities for spending’ (§28) and three ‘themes’—which neither hang together nor chime with the programme ‘priorities’ (not to mention the 42 ‘sub-priorities’).

While much of this is clearer in hindsight than planned with foresight, the Celtic Tiger—even if it is no longer roaring<sup>21</sup>—was the product of a small number of big-picture policy choices over recent decades, which found solutions to the problems blocking economic progress in the republic. Key were the abandonment of protectionism in industrial policy in the late 50s and early 60s, the expansion of education (particularly feeding through into technical tertiary education) in subsequent decades to generate a more capable workforce, and the correction of

fiscal imbalances through social partnership in the late 80s and early 90s. In combination, these provided the policy environment removing the constraints upon sustained, non-inflationary growth.

The PfG process is ideally tuned to identify and implement such synergistic policy initiatives in a devolved Northern Ireland context (and *via* north-south co-operation). This is because of its inherently cross-departmental character and openness—at least in theory—to input from civic society as well as elected representatives. But it can only realise this potential if its focus is on the major barriers to improved economic and social performance in Northern Ireland and the principal policy solutions; it can not succeed if it degenerates into a plethora of unrelated bullet points accumulated from departmental wish lists.

At the outset, the report rightly urges (§10): ‘It is important that our strategy is not driven by existing budgets, but rather that we look ahead at what we want to achieve in terms of new policies and priorities, and then set new budgets to enable us to achieve the new targets we agree.’ But this is honoured more in the breach than in the observance: the priorities remain unquestioned and, remarkably, the report does not discuss a single policy—new or old—as such. In the absence of a clear policy steer, governance questions—the ‘how’ as against the ‘what’ government intends to do—are thus also largely neglected in favour of a discussion of finance.

The biggest single weakness of the report arises from what it does *not* contain. A number of suggestions are made for modifications in the PfG but what is striking is that there are no references to:

- any particular comments by any particular organisations about PfG I or PfG II or the previous position report; or
- any evidence, independently or otherwise obtained, of the success or failure of any particular policy in previous programmes, of the programmes as a whole or of the process surrounding them.

There is, thus, no evidence of evidence-based policy-making.

Because of this absence of reflection, the paper reads as if the preparation of PfG III was starting from a *tabula rasa*, driven entirely by internal considerations. By this stage the accumulated learning about the process should surely be more substantial. In particular, it is disconcerting that the report is still inviting comment (§22) at a high level of generality as to what the vision might be of what the devolved administration wishes to achieve.

Making every allowance for the abnormal nature of the Northern Ireland Executive Committee’s composition as a four-party involuntary coalition, it is quite bizarre that less than a year before its constituent parties submit themselves to the electorate at the end of their first term, *via* their officials they are collectively asking the citizens of Northern Ireland to suggest what vision they (the parties) might like to present the people with.

Similar considerations apply to the succeeding question (§24) as to the ‘key economic, social and environmental issues that should be addressed’ in the PfG. There is a substantial literature—the accumulated body of work of the Northern Ireland Economic Council and the Northern Ireland Economic Research Centre, for instance—on the economic challenges alone that the region faces. There is a further volume of academic material on the wider context of globalisation and regional development, with its implications for employment and social

inclusion. Yet not even the most basic reference is made to any of this or any of the themes arising.

The major positive suggestion in the position report is the proposal that there should be a ‘new focus’ in the third PfG on infrastructure investment, service delivery, poverty and partnership. It is suggested that these all come under the banner of ‘the quality of public services’ (§15). It is further argued that, ‘clearly’, these issues should influence the approach to the PfG.

In fact, it is not at all clear why this should be the ‘new focus’. In part, the idea of sweating public assets harder in a context of public-expenditure constraint is simply a mimicry of New Labour’s post-election emphasis on ‘delivery’, premised on the linking of expenditure allocations to efficiency-driven ‘reform’. There is no doubting the importance of efficiency in the public (as well as the private) sector, and there is nothing inherently wrong with a devolved administration choosing to utilise its policy autonomy to do the same as would have happened were ‘direct rule’ to have continued. But it does betray a lack of independence of mind or of any vision of what kind of society politics is meant to engender.

## 2.6 Finance

As anticipated last quarter (see May 2002 report), the executive published its consultation paper on public-private partnerships, responding to an OFMDFM working group report on the subject which included representation from the ‘social partners’. The paper<sup>22</sup> does not resolve the confusion in the report as to whether private *finance* offers additional *funding*, outwith a constrained public-expenditure envelope, to assuage the ‘infrastructure deficit’—at points, but inconsistently, the report recognises it does not—or whether, instead, PPPs are to be justified on value-for-money criteria alone, including against a public-sector comparator.<sup>23</sup>

Indeed, the paper does not even recognise the argument—a symptom of the detachment of Northern Ireland from wider policy debates. It repeats the additionality contention, although in reality (in the absence of charges) private contractors finance projects through borrowing on the money markets, repaying the interest and the principal from a fee paid from the public purse—which may represent a greater or lesser public-expenditure claim than conventional procurement. And so it makes no reference to value-for-money criteria at all. It thus appears to represent a victory for those conservative officials who have been pressing the Private Finance Initiative all along—an enthusiasm not shared by the voluntary sector or the trade unions.

The paper does, however, recognise the impact of the chancellor’s Reinvestment and Reform Initiative (see May 2002 report) ascribing to the Northern Ireland administration, uniquely among the devolved institutions, a power to borrow in its own right. And there is pressure in the region, spearheaded by two former liberal permanent secretaries, for public-interest corporations to run water and electricity; these should at least be able to borrow at lower rates than private counterparts, in the manner of the Welsh water company, Glas Cymru.

That mixture of confusion and pressure finds expression in the following formula which encapsulates the paper and has made it into ministerial speeches: ‘We are convinced that no single solution—be it borrowing, PPPs or more traditional public expenditure—is likely to meet our [investment] need.’ It is replicated, for instance, in the proposals for modernising

acute hospitals in the region (see public policies section). The statement sounds pragmatic and sensible. Unfortunately, since the first two options are funded by the third, it makes no economic sense.

The consultation continues till September, like the not unrelated rating review (see finance section). Because of the constraints of equality legislation, embodied in section 75 of the Northern Ireland Act 1998, the 300-page OFMDFM report was sent to 700 organisations and individuals, ranging from the Samaritans to Baroness Farrington of Ribblesdale. The deputy chair of the finance committee, Seamus Close, said the executive was ‘rapidly killing itself in a sea of paperwork’.<sup>24</sup>

The Northern Ireland Audit Office is conducting two inquiries into PFI schemes in the region, to be published later this year.<sup>25</sup> It is not clear whether the executive will await the evidence of these reports before coming to its own conclusions.

---

<sup>1</sup> Rick Wilford and Robin Wilson, ‘A “Bare Knuckle Ride”: Northern Ireland’, in Robert Hazell (ed), *The State and the Nations*, Thorverton: Imprint Academic Press, p106

<sup>2</sup> *Sunday Independent*, July 21<sup>st</sup> 2002

<sup>3</sup> M J C Vile (1999), *Politics in the USA*, London: Routledge, p141

<sup>4</sup> *Belfast Telegraph*, June 13<sup>th</sup> 2002

<sup>5</sup> Northern Ireland Executive (2002), *Annual Report 2001/02*

<sup>6</sup> *Irish News*, May 25<sup>th</sup> 2002

<sup>7</sup> *Irish News*, June 26<sup>th</sup> 2002

<sup>8</sup> *Belfast Telegraph*, May 23<sup>rd</sup> 2002

<sup>9</sup> *Irish Times*, July 26<sup>th</sup> 2002

<sup>10</sup> Northern Ireland Information Service, July 25<sup>th</sup> 2002

<sup>11</sup> *Irish Times*, March 27<sup>th</sup> 2001

<sup>12</sup> *Irish Times*, August 3<sup>rd</sup> 2002

<sup>13</sup> Executive Information Service, July 23<sup>rd</sup> 2002

<sup>14</sup> *News Letter*, June 27<sup>th</sup> 2002

<sup>15</sup> Neil Jarman (2002), *Managing Disorder: Responding to Interface Violence in North Belfast*, Belfast: OFMDFM

<sup>16</sup> *ibid*, p17

<sup>17</sup> *ibid*, p22

<sup>18</sup> *ibid*, pp18-19

<sup>19</sup> *News Letter*, August 1<sup>st</sup> 2002

<sup>20</sup> Northern Ireland Executive (2002), *The Executive’s Position Report to the Assembly: Developing the Programme for Government and the Budget for 2003-04*

<sup>21</sup> *Irish Times*, August 1<sup>st</sup> 2002

<sup>22</sup> Northern Ireland Executive (2002), *Financing our Future*

<sup>23</sup> Robin Wilson (2002), *Private Partners and the Public Good*, Institute of Governance briefing paper no 1, Belfast: Queen’s University

<sup>24</sup> *Irish News*, June 6<sup>th</sup> 2002

<sup>25</sup> *Belfast Telegraph*, June 14<sup>th</sup> 2002

### 3. The assembly

Rick Wilford

#### 3.1 Introduction

The assembly went into recess on July 6<sup>th</sup> and is due to resume on September 1<sup>st</sup>. But recent events outwith Parliament Buildings have once more threatened its survival, including the surge in sectarian violence, apparent breaches of paramilitary ceasefires and the DUP legal challenge. The latter threat was at least removed by the law lords' ruling (see executive section), in theory leaving the way ahead clear until next May when the assembly election is scheduled. If only it were so straightforward.

On July 24<sup>th</sup>, the UK Government—at the behest of the UUP leader, Mr Trimble—announced measures to tackle the growing evidence of paramilitary activities by loyalists and especially, from the first minister's perspective, republicans. Mr Trimble wanted the government to instigate a series of sanctions against the republican movement, up to and including the exclusion of SF from the executive (see political parties section).

The prime minister and the Northern Ireland secretary did not oblige—although had Mr Blair's 'yellow-card' warning been issued a year earlier it is probable, in the wake of the 'Colombia Three' episode and sundry other breaches by republicans (see May 2002 report), that SF would no longer have two ministers in place. The measures that were unveiled fell short of those the UUP leader would have preferred and did nothing to placate anti-agreement unionists or sceptics within Mr Trimble's party.

The first minister was measured in his reaction, seeking 'clarification'—a word much employed in Northern Ireland's polity—of Dr Reid's 'nearly statement'. Others were less circumspect. The DUP leader, Rev Ian Paisley, dismissed it as 'weasel words' and for the Tories Quentin Davies, again straining the bonds of bipartisanship, disdained its 'extraordinary vacuousness'—no succour there for Mr Trimble.

The SF president, Gerry Adams, who a few days earlier had strained credulity by denying he had ever been a member of the IRA—funny how the then Northern Ireland secretary, William Whitelaw, should have spirited him out of imprisonment in 1972 for secret talks in London—insisted that the cause of the crisis was the loyalist assault on Catholic communities, itself presented as a symptom of the deeper crisis within unionism. Those attacks included the murder in north Belfast by the Ulster Defence Association of a 19-year-old Catholic, Gerard Lawlor, walking home from the pub—he was wearing a Celtic football shirt. Such is the ugliness of the sectarian mood, and has been over the past year or so.

It is a sombre backdrop to the planned resumption of the assembly. It is not impossible—should any further clarification of the measures by Messrs Blair and Reid fail to assuage Mr Trimble or, more predictably, his critics in the party—that a new challenge will be mounted against the UUP leader.

To stretch the horizon further, even if there is no such challenge or Mr Trimble fends it off, candidate selection within the UUP—due to be completed by October—is likely to produce a less supportive assembly party after the election. Those close to Mr Trimble envisage that the rebellious David Burnside and Jeffrey Donaldson will be selected—and elected. This would help create a very different and probably less manageable dynamic within the UUP assembly group, and subject Mr Trimble to more immediate pressure.

The DUP, meanwhile, having lost its appeal in the Lords, could now do what some regard as the honourable thing—resign its two executive seats and assume the role of formal Opposition. This tactic would leave its hands free (and clean?) to focus on the May election. But it is extremely unlikely. The contrived method of constructing the executive<sup>1</sup> enables the party simultaneously to be in government and opposition: why should it change the habit of an assembly lifetime?

Dr Reid's failure to establish an independent 'commission' to audit breaches of the ceasefire does let SF 'off the hook',<sup>2</sup> at least in the short-run. While the Northern Ireland secretary has 'specified' the UDA as having broken its ceasefire, the IRA has not been deemed to have done so—as yet. If it were to be, SF's tenure in the executive would be ended. This notwithstanding the IRA's apology<sup>3</sup> for the events of 'Bloody Friday' in 1972, when it detonated 20 bombs, mostly in the heart of Belfast (and when, a forthcoming book on the IRA by a knowledgeable journalist is expected to say, Mr Adams was adjutant of the Belfast brigade).

Short of a specification, the exclusion of SF from office would require a cross-community vote in the assembly, and so the support of the SDLP. On previous occasions such motions have been tabled the SDLP has failed to support them. While a unionist-sponsored exclusion motion can be expected when MLAs reconvene, there is no reason to believe the SDLP will shift its position—unless, perhaps, there is a clear and evident breach of the ceasefire by the IRA. In the interim the SDLP is, in effect, also 'off the hook'.

### 3.2 Legislation

There were 15 plenary sessions in the quarter, during which members got to grips with the increased volume of primary legislation signalled by the executive earlier this year (see May 2002 report). Around two dozen bills were before the house at this writing, scheduled *ceteris paribus* to have completed their passage by the end of March 2003—before the parties move formally into election mode. In legislative terms, the next session promises to be particularly busy and the committees will have less scope for exerting their autonomy, given their obligation to take the committee stage of all bills. None received royal assent during the period under review.

Past reports have noted the absence of legislative proposals from the statutory committees, despite their power of initiative. But this is likely to change: the agriculture committee, chaired by the DUP leader, Mr Paisley, signalled its intent to introduce a bill on early retirement for farmers and/or encouragement of young entrants.<sup>4</sup> Confirmation also came that the resources were now available to support MLAs to table private members' bills.<sup>5</sup> At least four MLAs are seeking advice and support on bringing forward PMBs.<sup>6</sup>

Evidence of the public's growing awareness of the lobbying opportunities created by the assembly was provided by the tabling of a further five public petitions,<sup>7</sup> bringing the total thus far to 14. Two private notice questions<sup>8</sup> were tabled during the quarter, one by Monica McWilliams (Women's Coalition) and the other by Joe Byrne (SDLP), directed to the SF ministers. The first addressed sectarian attacks on schools, while the second concerned progress on partnership with the republic on acute-hospital services in border areas.

### 3.3 Debates

Among the more significant matters for debate were public-private partnerships (May 21<sup>st</sup> 2002); public procurement policy and the review of rating policy (May 27<sup>th</sup> 2002); the executive's 'position report' on the PfG (June 5<sup>th</sup> 2002); the supply resolution for the 2002-03 main estimates (June 10<sup>th</sup> 2002); the review of public administration (June 24<sup>th</sup> 2002); the executive's first annual report, public spending reallocations and the children's executive programme fund (all on July 1<sup>st</sup> 2002); the Reinvestment and Reform Initiative (RRI) (July 2<sup>nd</sup> 2002); and the regional transportation and water resource strategies (July 3<sup>rd</sup> 2002).

The house had risen before the chancellor announced the latest comprehensive spending review (see finance section), but there were ample opportunities for members to focus on budgetary matters. The first arose in relation to the executive's launch of the consultation on PPPs (see executive section).

Northern Ireland does face an ‘infrastructure deficit’. While matters have been in part alleviated by the RRI announced on May 2<sup>nd</sup>, the finance minister, Dr Farren, repeated that the region was ‘faced with a probable investment deficit in public services infrastructure of around £6bn over the next 10 years ... the level of resources available to us would not be sufficient to achieve the necessary outcome’. Hence, he claimed, the need to ‘explore all the options for bridging the gap’.<sup>9</sup>

Noting that the executive was committed to a social-partnership approach to PPPs, Dr Farren welcomed the definition developed by the OFMDFM working group on the subject:

A PPP is generally a medium to long term relationship between the private and public sectors (including the voluntary and community sector) involving the sharing of risks and rewards and the utilisation of multi-sectoral skills, expertise and finance to deliver desired policy outcomes that are in the public interest.<sup>10</sup>

The definition excludes privatisation and offers a wider vision than that provided by the private-finance initiative. It is designed to incorporate not-for-profit bodies, which abound in Northern Ireland’s civic space.

Acknowledging that some forms of PPP transfer the risks and rewards of ownership to the supplier, with the public sector paying for a facility through a unitary charge, Dr Farren however insisted that public funding would have to ‘increase significantly to provide the required level of public services’. He concentrated the minds of members by enumerating the ‘stark choices’ involved in seeking to fund, on a recurring basis, essential infrastructure. These included improved efficiency and effectiveness in the use of departmental expenditure limits, increases in the rates (see finance section), user charges and asset disposal.<sup>11</sup> In the new context created by the RRI, the minister returned to painting the triptych (see executive section) of borrowing, PPPs and public spending.

His statement received a tepid response from most quarters, hostility from others. Some members, including David Ervine (PUP), were concerned that workers’ rights might be jeopardised, while others, such as Seamus Close (Alliance), scented rate increases. Robert McCartney (United Kingdom Unionist Party) reiterated his oft-repeated demand for a reduction in departments to save on administration, thereby offsetting the threat of increased rates and water charges. It was an inauspicious start to the consultation.

Dr Farren had an equally uncomfortable day on May 27<sup>th</sup>, when he made statements on public procurement and the rates review (see finance section). The first PfG had included a commitment to adopt a more strategic approach to procurement and the minister announced that more than 70 measures would be introduced by 2005. Greater central guidance, collaboration and aggregation of procurement would deliver increasing and sustainable value-for-money savings.

In rehearsing 12 principles that would provide the basis of future procurement policy—including transparency, integrity, fairness, consistency and compliance with EU requirements—Dr Farren invited assaults from the usual suspects. Messrs McCartney, Close and Paisley Sr each drew the inference that current policy did not conform to those principles. Nor did it escape the notice of members that the clout of the finance minister would be enhanced as a result of the proposed reforms—notably through the creation of a procurement board, which he will chair and which will comprise, among others, the 11 permanent secretaries. Among its tasks will be liaison with the new strategic investment body, established to implement the RRI.<sup>12</sup>

On the heels of the procurement debate, Dr Farren launched the consultation exercise on the review of rating policy. While none in the chamber disputed the regressive nature of the current system, ably set out

by the minister, many members chafed at the prospect of water charges and a rate hike to make revenue-raising more progressive.

The minister also took centre-stage on June 10<sup>th</sup>, when the assembly debated the supply resolution for the 2002-03 main estimates.<sup>13</sup> Dr Farren moved the motion in ringing terms: ‘The message from the Assembly to the people ... should be that by working together we are achieving positive results, and we will achieve even more than we did in the past by working together.’<sup>14</sup> The concept of ‘working together’ was ridiculed by, among others, Sammy Wilson (DUP).

Mr Wilson, one of the more colourful DUP members—albeit he doesn’t have much competition—reminded the house that in the current year some 250 houses would be bought up under the special purchase of evacuated dwellings (SPED) scheme. Seventy-five of these, at a cost of almost £7 million, would ‘be the result of the activity of the armed wing of a partner in the Administration’.<sup>15</sup> Mr Close (Alliance) echoed Mr Wilson’s comment, though he did cast the net wider to capture all ‘thugs and gangsters’.

But Mr Close was concerned more with the issue of whether the assembly was ‘making any real difference’ in terms of value for money for the public and its choice of priorities.<sup>16</sup> On the latter he claimed that it was, by ensuring health remained top of the agenda, but he criticised the costs of administering devolution, which he estimated at £1 billion—asking, rhetorically, ‘Is that real value for money?’<sup>17</sup> This theme was taken up by Mr McCartney (UKUP), a constant critic of the costs of administration, who asserted that they were equivalent to 15 per cent of the block grant. Cassandra-like, he predicted that the executive would mortgage the future by a relying on a raft of PPPs—‘simply a form of hire purchase’—borrowing from the Exchequer and introducing higher taxes (*ie* increasing the rates).

Winding up, and responding to the last of Mr McCartney’s prognostications, Dr Farren chose his words carefully: ‘There will be no *major* increases in local revenue until after full consultation and until a fairer system for revenue-raising has been developed.’<sup>18</sup>

Bid chasing by departments was a theme of the debates on the June monitoring round, executive programme funds and the RRI. During the former, Dr Farren disclosed that the amount available for reallocation was £118.9 million,<sup>19</sup> including £52.5 million end-of-year flexibility money, while the bids for additional resources totalled £220 million. The occasion was lent added spice because a week earlier the regional press had led with stories alleging that the executive had underspent its 2001-02 budget by the oddly convenient figure of £365 million, equivalent to £1 million a day (see finance section).

The finance minister said the total available for reallocation was less than 1 per cent of the total budget—‘the clearest answer to the charge that money is not being well used’.<sup>20</sup> Conceding that some underspending was ‘inevitable’, he insisted that it was ‘a much lesser evil than overspending’.<sup>21</sup> He announced that a ‘three-point plan’ was being developed to reduce underspending, including the overriding principle ‘that there can be no return to the crude “use it or lose it” policy’.<sup>22</sup>

Despite his assurances and the denial that there was a ‘crisis in underspending’, the finance minister did not escape unscathed. Francie Molloy (SF), chair of the finance committee, was underwhelmed, accusing Dr Farren of harbouring plans to double the rates whilst ‘the Executive are not spending the money they already have’—a charge the minister strongly refuted. The latter said total spending was ‘around 90-98% of the allocations made’, which he described as a ‘respectable achievement’<sup>23</sup>—no member pressed the point that this meant some departments were underspending by up to 10 per cent.

The minister was accorded a warmer reception in unveiling the allocation to the children’s executive programme fund, after the debate on the June monitoring round. Last year the executive allocated £10.5 million to 12 projects run by statutory bodies and in the current year he announced that a further 14 cross-cutting schemes had been added to the programme at a cost of £10.1 million.<sup>24</sup> The criteria for the fund

include the requirement that projects are targeted at under-18s who are essentially in the care system. The announcement was welcomed in all quarters.

The final budgetary matter to be discussed was the statement by the first and deputy first ministers on the initial implementation of the RRI (see finance section). In the first phase of the two-year programme, Mr Trimble said £200 million would be targeted on key aspects of the infrastructure, to which the executive was adding a further £70 million from its own infrastructure EPF. He reminded members that the initiative was to be co-ordinated by an executive sub-committee, the first explicit expression of an executive committee ‘system’ since powers were transferred to Northern Ireland (see May 2002 report).

Its task is to oversee the initiative, which itself is to be driven by the new strategic investment body, comprising experts from the public and private sectors. In turn, this body will be advised by a new project board, the membership of which has been nominated by the four executive parties. In this area at least, ‘joined-up government’ seems, finally, to have been realised. The major projects thus far agreed include a new cancer centre in Belfast (work on which has commenced), improvements to some major roads, capital investment in the water<sup>25</sup> and sewage network, a programme of special-school building and extensions to the natural-gas supply pipelines. The largest single sector to benefit is health which, in total, is earmarked to receive £110 million, including £58 million for the new cancer centre.

In commending the decisions, the deputy first minister, Mr Durkan, adopted a Brownite tone in insisting that the executive would ‘adhere to the principle that we should borrow to invest’ and that the allocations were ‘not about spending for the sake of it’.<sup>26</sup> He waxed lyrical in commending the allocations— ‘we have built an extension to the devolution house with this initiative’—which he referred to as ‘the devolution dividend’.

But he could not let the opportunity pass of taking a swipe at the DUP and SF. Gerry McHugh (SF) had congratulated his ministerial party colleagues, Ms de Brún and Mr McGuinness, and, rather mischievously, Mr Robinson (DUP) ‘for ensuring that their areas of responsibility were prioritised’.<sup>27</sup> Responding, Mr Durkan was blunt: ‘To credit a Minister who did not attend the Executive with being part of that prioritisation process shows what sort of warped point-scoring goes on with some members of Sinn Féin’.<sup>28</sup>

Mr Durkan also took the opportunity to chide ministers for ‘bid-chasing exercises’ and the assembly for ‘bid-frisking’, pointing out that ‘we had a daft situation in which some Departments submitted total bids that amounted to more than the total amount of money available’. It was, he said, up to the assembly to ‘break the bid-chasing cycle’ and ensure departments planned and managed their resources.<sup>29</sup> In some respects the debate turned into a seminar on public revenue and expenditure, with Messrs Durkan and Trimble seeking to tutor members in the realities of Treasury negotiations.<sup>30</sup>

Pressed by Mr McCartney (UKUP) to explain how the executive proposed to repay the interest on the loans available under the initiative, the first minister responded vigorously:

When we raise the issue of funding with the Treasury we are asked if we are making the best use of existing resources and revenue. We can, and do, argue our case with the Treasury. However, compared to England, Wales and Scotland, there is undertaxation in Northern Ireland in respect of locally raised revenue, which runs at several hundred million pounds per year. We must consider what we will do about that. Will we say to local people that we will try to get the Treasury to pay for their services when they are not contributing as much as people in England, Scotland and Wales? Is that a fair approach to taxation and expenditure across the Kingdom? I think not. The rating review will enable us to consider the issue, and it will probably mean that there will be some increase in local taxation ... The rates might be increased or something else might be increased.<sup>31</sup>

The outcome of the rating review is eagerly awaited.

On July 1<sup>st</sup>, the first and deputy first ministers made a joint statement on the executive's first annual report (see executive section). It supplied information on the 256 actions and the 236 public-service-agreement targets that were undertaken in the first PfG, constituting an audit of the executive's overall performance in delivering on its commitments. According to Mr Durkan, 75 per cent had either been achieved or were on track for achievement, while just 5 per cent would not be achieved.<sup>32</sup>

The sub-title of the programme was—and is—'making a difference' and Mr Durkan reminded members just how far Northern Ireland had travelled in the post-devolution period: 'A few years earlier, few would have imagined that four parties could work together, not only to identify the main priorities for Government, but also the actions that should be taken to make a positive difference to the lives of people here.'<sup>33</sup>

Mr Trimble joined in the encomium, insisting that 'despite the difficulties that we all faced during the first full year of devolution, the Administration has shown its determination to deliver improvements that benefit everyone'.<sup>34</sup> Given that the statement was not available to members at the start of the debate,<sup>35</sup> some doubted that the executive could deliver anything—especially, of course, the anti-agreement unionists who took the opportunity to rattle Mr Trimble. He was under intense pressure following his intemperate performance on a BBC Northern Ireland current affairs programme broadcast a few days earlier, responding to the issue of the putative exclusion of SF from government.

Ian Paisley Jr (DUP), as ever, was quick to attack: 'The First Minister rightly says the report enables the Assembly to identify where mistakes have been made. Does he agree that the fundamental mistake made by the Government was their inclusion of Sinn Fein/IRA? When will he identify that as a mistake and what will he do to rectify it?'<sup>36</sup> Mr Trimble declined to answer directly, but assured Paisley *fiils* that, come the assembly election, the UUP would retain its position as the leading unionist party. Perhaps.

The prospective election surfaced earlier in the quarter<sup>37</sup> when Jane Morrice (Women's Coalition) moved a motion designed to ensure that MLAs dedicated themselves to serve only in the assembly and relinquish other elected offices: 'one member, one mandate' was her slogan for the day. Of the 108 MLAs, 60 are district councillors, 12 are MPs—one, Mr Paisley Sr, is also an MEP—and two are peers. In total, five members hold three elected positions. Northern Ireland is unusual, compared with Wales and Scotland, in having such a high proportion of members holding more than one mandate. In such circumstances, the ability of representatives to discharge their responsibilities effectively is clearly of concern.

Ms Morrice observed that there had been 'serious problems' with attendance at debates and in ensuring committees were quorate. 'Where are they?' she asked.<sup>38</sup> She drew a correlation between the fact that a number of ministers were also MPs and councillors and the slow progress of legislation in the assembly. Moreover, she pointed to the hurdle in the path of aspiring politicians presented by the inertia of incumbency. As she put it, 'elected positions are being hoarded and we kid ourselves, our parties and the electorate that no one else could do the job better'.<sup>39</sup> Ms Morrice also drew attention to the implications of the public-administration review for councillors and their ability to perform both roles, given it could ascribe to local government 'more power, more work and increased remuneration'.

Esmond Birnie (UUP), who chairs the employment and learning committee, voiced his support for the motion, confirming that it was common for members to leave committee meetings at 4pm to attend a council meeting. He also reminded the house of the potential conflicts of interest that would arise for councillors during the public-administration review and the passage of the Local Government (Best Value) Bill. Eamonn O'Neill (SDLP), a councillor, supported the motion in relation to Westminster and the European Parliament but not local government, on the ground that the latter was public service and that the roles were complementary.

Peter Weir (DUP) launched a vitriolic attack on Ms Morrice and her party colleague, Monica McWilliams, accusing them of being 'anti-democratic', 'hypocritical' and 'naïve'. And Sammy Wilson (DUP) descended

to plain, old-fashioned chauvinism: ‘The Women’s Coalition is not against double-jobbing. On many occasions I have heard [them] champion the cause of the working woman. They ask for crèches, nurseries and facilities to free them from the sink and get them out to work. Therefore, they are not against double-jobbing in principle—a woman can be a mother and a housewife, and she should be helped to do another job as well’.<sup>40</sup>

The motion was defeated, although Ms Morrice gained the support of six UUP members, including James Leslie, junior minister in the OFMDFM, and Pat McNamee (SF), in the division lobby.<sup>41</sup> She also found some support from Sir Reg Empey (UUP), the enterprise minister, who expressed support for the principle that MLAs should not serve as an MP or MEP. Sir Reg appears not to be alive to, or not to support, the plans of the Trimble camp to have the Westminster-based Burnside-Donaldson wing inside the assembly tent come next May.

The occasional sour note struck in the dual-mandate debate was nothing to what followed. Mr Wilson (DUP) moved a motion which expressed concern at increasing crime and falling detection rates but also condemned SF’s stance towards the Police Service of Northern Ireland. Two amendments were moved, the first by Alec Maskey—newly elected as Belfast’s first SF mayor—and the second by Alex Attwood (SDLP).

The debate supplied the opportunity for members to revisit the implementation of the Patten report and, in general, to maintain open season on SF, which has yet to take up its seats on the Policing Board or encourage young Catholics to join the service. It also enabled the DUP to castigate the UUP for agreeing to what became the Patten commission. In short, the debate became a proxy for the aggravation of old wounds. In the event, both amendments were defeated and the main motion carried, but only after a lively exchange of insults.

To some extent, normal service was resumed among unionists when MLAs then turned to a motion moved by the Alliance leader, Mr Ford. This called on the assembly to instruct the speaker to nominate members to enter into negotiations with the Oireachtas, ‘with a view to establishing a joint parliamentary forum’.<sup>42</sup> Paragraph 18 of ‘strand two’ of the agreement had suggested that both parliaments should ‘consider’ this. On that, non-mandatory, basis the UUP opposed the motion, while the DUP and all anti-agreement unionists rejected it out of hand. In the words of Gregory Campbell (DUP), the agreement was ‘an attempt to make us feel Irish when we are not and never will be’ and the motion, if passed, ‘would be used to drive forward the North/South bandwagon which we will resist for years and decades to come’.<sup>43</sup> Conversely, the SDLP and SF supported the motion, which was defeated by a simple majority voting along communal lines.

On June 24<sup>th</sup>, the assembly endorsed the revised terms of reference for the review of public administration. This followed a four month pre-consultation exercise launched in the chamber<sup>44</sup> by the first and deputy first ministers, including inputs from statutory committees and the committee of the centre, which will oversee the review. In the interim, the executive had appointed a six-strong advisory panel (see executive section).

The motion was moved by the deputy first minister, Mr Durkan, who set out the review’s timetable. It is scheduled to produce an interim report by March 2003—in advance of the assembly election—and a final report nine months later. Mr Durkan confirmed that the institutions created by the agreement would not fall within its scope. As he put it, ‘the review is not a means by which to renegotiate the Agreement by the back door’.<sup>45</sup> He also ruled off limits the distribution of functions among the devolved departments: including them within the review, he insisted, would lead to ‘turf wars rather than better services’.<sup>46</sup> No change, then, to the OFMDFM job-creation machine.

Edwin Poots (DUP), who chairs the committee of the centre, updated members on its work, which had thus far established several key points:

- there was an undoubted need for the review, given that Northern Ireland was over-governed;

- the principles informing the review needed to be ranked;
- contrary to the minister, the committee tended to favour the view that the devolved departments should fall within the terms of reference;
- the review should address the need for joined-up government, as well as the scope for ‘e-government’ and for ‘one-stop shops’, to improve service delivery; and
- the review team must learn from best practice elsewhere.

Given the DUP’s antipathy to the agreement, not least the number, size and shape of the devolved departments, Mr Poots’ welcome for the review—‘I wish the review team well and look forward to working with them’—was a positive omen. As he put it, ‘we need to focus on what is best for the public and ... ensure that its outcome is a better, more efficient system that saves money on administration and delivers better core services’.<sup>47</sup> With the exception of Mr McCartney (UKUP), who recycled his ‘single transferable speech’ on the undemocratic character of the executive, the review was given a fair wind by the assembly.

On May 27<sup>th</sup>, the assembly endorsed amendments to standing orders arising from the procedure committee’s report<sup>48</sup> on the review of the legislative process, itself endorsed by the assembly on February 26<sup>th</sup>. During the review, the committee had found several examples of subordinate legislation—statutory rules—that had not come under assembly scrutiny. This *lacuna* had been noted by the examiner of statutory rules in his report for the period December 1999 to July 2001, recommending that all subordinate legislation should be subject to, or at least liable to, scrutiny by the assembly. The amendments to SO 41 were approved, thereby bringing all legislative measures into its ambit.

### 3.4 Committees

Twelve committee reports were published during the quarter, together with the first report of the Assembly Commission. The latter, the assembly’s first ‘annual’ report, had—like that of the executive—been much delayed; hence its span from December 1999 to March 2002.<sup>49</sup> It provides a detailed administrative history of the assembly’s evolution, including reports from each of the directorates within its secretariat.<sup>50</sup> It was tabled in the assembly on June 24<sup>th</sup>.

Three other statutory committee reports were tabled for debate: that on the next phase of the rural development programme (2001-06) by the agriculture committee;<sup>51</sup> the social development committee’s second report (on homelessness), arising from its inquiry into housing;<sup>52</sup> and the culture, arts and leisure committee’s report on cultural tourism and the arts.<sup>53</sup>

The debate on ‘targeting social need’ (TSN) of June 18<sup>th</sup> was informed by the report of the (standing) public accounts committee on educational provision and performance, although the report itself has not yet been tabled. The debate, led by Roy Beggs Jr (UUP), called on the education minister urgently to replace free school meals as the sole criterion used to allocate TSN funding among schools. It was an intemperate occasion, peppered with allegations from anti-agreement unionists to the effect that the minister was attached to the criterion because it advantaged Catholic schools—he defended it as a ‘robust indicator of social deprivation’. The motion was carried.

Two *ad hoc* committees met during the quarter. The first considered the updating of schedule one of the Northern Ireland Assembly Disqualification Act 1975, which was debated on June 24<sup>th</sup>. The second addressed the proposal for a draft Access to Justice (Northern Ireland) Order and was debated on July 2<sup>nd</sup>.

### 3.5 Conclusion

The quarter was undoubtedly a busy one for members and, as signalled earlier, the next—other things being equal—will prove even busier. MLAs can, however, take some comfort from their decision to show restraint on pay (see executive section), leaving them worse off than MPs, MSPs or AMs. In the debate, members queued to engage in an act of self-denying ordinance.<sup>54</sup> The election beckons.

---

<sup>1</sup> Rick Wilford and Robin Wilson (2001), *A Democratic Design? The Political Style of the Northern Ireland Assembly*, London: Constitution Unit

<sup>2</sup> Banner headline in the unionist-orientated *Newsletter*, July 24<sup>th</sup> 2002

<sup>3</sup> *An Phoblacht*, July 16<sup>th</sup> 2002

<sup>4</sup> Committee minutes, May 17<sup>th</sup> 2002

<sup>5</sup> See *Written Answers Booklet*, April 26<sup>th</sup> 2002, p77. In answer to a written question from David Ford (Alliance), John Fee (SDLP), on behalf of the Assembly Commission, replied that drafting resources had been available to assist members since April 1<sup>st</sup>.

<sup>6</sup> Details are scant because the proposals have not come into the public domain. But I am reliably informed that one proposal seeks to designate all horses as ‘agricultural animals’! The resources (of the order of £100,000, partly to cover the costs and expenses of four part-time drafters) are freely available to any member. There is no ballot procedure as at Westminster.

<sup>7</sup> These concerned: the siting of telecommunications masts (*Official Report*, May 28<sup>th</sup> 2002 and June 5<sup>th</sup> 2002); reduction in school funding (*Official Report*, June 10<sup>th</sup> 2002 and June 24<sup>th</sup> 2002); and the siting of a sewage plant (*Official Report*, June 24<sup>th</sup> 2002)

<sup>8</sup> *Official Report*, June 17<sup>th</sup> 2002 and July 1<sup>st</sup> 2002

<sup>9</sup> *Official Report*, May 21<sup>st</sup> 2002, p2

<sup>10</sup> *ibid*, p3

<sup>11</sup> *ibid*, pp4-5

<sup>12</sup> During the debate on the supply resolution, the finance minister disclosed that almost £1.5 billion worth of bids had been lodged against the initiative’s total of £270 million. He took special pleasure in noting that the Regional Development Department, headed by Peter Robinson (DUP), had put in a total bid for £694 million for the years 2002-04 (*Official Report*, June 10<sup>th</sup> 2002, p63).

<sup>13</sup> When added to the vote on account, the total amounts in the supply resolution in cash and resource terms amounted to £8.98 billion and £10.197 billion respectively.

<sup>14</sup> *Official Report*, June 10<sup>th</sup> 2002, p17

<sup>15</sup> *ibid*, p19

<sup>16</sup> *ibid*, p22

<sup>17</sup> *loc cit*

<sup>18</sup> *ibid*, p65 (my emphasis)

<sup>19</sup> The greatest beneficiaries of the reallocation were the health and education departments, health taking almost one third of the total.

<sup>20</sup> *Official Report*, July 1<sup>st</sup> 2002, p17

<sup>21</sup> *Ibid*, p19.

<sup>22</sup> *ibid*, pp20-21

<sup>23</sup> *ibid*, p25

<sup>24</sup> The executive had received 20 bids from five departments—health, environment, education, culture and regional development—amounting to £12.1 million.

<sup>25</sup> Northern Ireland receives no allocation for water services under the Barnett formula because they are outwith the public sector in Britain.

<sup>26</sup> *Official Report*, July 2<sup>nd</sup> 2002, p8

<sup>27</sup> *ibid*, p11

<sup>28</sup> *ibid*, p12

<sup>29</sup> *ibid*, p20

<sup>30</sup> During the debate on the supply resolution, the finance minister noted that a seminar had been arranged for members to help them understand the details of the estimates ‘and to appreciate and understand the technicalities associated with their presentation’. But the response was abysmal. According to Dr Farren, ‘attendance was in single figures—and was closer to one than nine’ (*Official Report*, June 10<sup>th</sup> 2002, p63).

<sup>31</sup> *Official Report*, July 2<sup>nd</sup> 2002, p21

<sup>32</sup> *Official Report*, July 1<sup>st</sup> 2002, p4. The remaining 20 per cent are due to be achieved beyond March 2002.

<sup>33</sup> *loc cit*

<sup>34</sup> *ibid*, p7

<sup>35</sup> The issue of the unavailability of a ministerial statement had earlier arisen when Messrs Durkan and Trimble presented the executive’s ‘position report’ on June 5<sup>th</sup>. See *Official Report*, June 5<sup>th</sup> 2002, pp14-28.

<sup>36</sup> *ibid*, p16

<sup>37</sup> *Official Report*, May 28<sup>th</sup> 2002

<sup>38</sup> *ibid*, p7

<sup>39</sup> *ibid*, p8

---

<sup>40</sup> *ibid*, p20. In the subsequent debate on the second stage of the Marriage Bill, Mr Paisley Sr offered a rhapsodic yet condescending view of women in general and wives in particular. He recalled the thoughts of Matthew Henry, a biblical scholar, on the ‘making of a woman’: ‘He pointed out that she was not taken from a man’s head so as to rule him; she was not taken from a man’s hand to control him; she was taken from beside his heart and under his arm for love and protection. The lesson for us all is that the supremacy of love is the basis for the ideal marriage and for the permanence of marriage. Love can sweeten all things—even marriage.’ (*Official Report*, June 25<sup>th</sup> 2002, p28)

<sup>41</sup> SF supported the motion in principle but chose to abstain.

<sup>42</sup> *Official Report*, May 28<sup>th</sup> 2002, pp49-64

<sup>43</sup> *ibid*, p54, p55

<sup>44</sup> *Official Report*, February 25<sup>th</sup> 2002

<sup>45</sup> *Official Report*, June 24<sup>th</sup> 2002, p70

<sup>46</sup> *loc cit*

<sup>47</sup> *ibid*, p71

<sup>48</sup> *Session 2001-02 First Report, 1/01*, January 16<sup>th</sup> 2002

<sup>49</sup> During that period, there were 125 plenary sessions, 8477 questions were submitted for written answer, there were 1168 committee meetings, 71 committee reports were published and 34 bills were introduced.

<sup>50</sup> available at [http://www.ni-assembly.gov.uk/commission/annual\\_report/annual-report-main.htm](http://www.ni-assembly.gov.uk/commission/annual_report/annual-report-main.htm)

<sup>51</sup> *Report 02/01/r*, published on April 17<sup>th</sup> and debated on May 20<sup>th</sup> 2002

<sup>52</sup> *Report 3/01/r*, published on June 6<sup>th</sup> and debated on June 18<sup>th</sup> 2002

<sup>53</sup> *Report 01/01/r*, published on May 23<sup>rd</sup> and debated on June 11<sup>th</sup> 2002

<sup>54</sup> *Official Report*, June 25<sup>th</sup> 2002, pp39-45

## 4. The media

Greg McLaughlin

### 4.1 Introduction

The media report this quarter focuses on coverage of events surrounding the most recent crisis in the ‘peace process’, which yet again may have ominous implications for devolved government in the autumn. The IRA apology for the killing of ‘non-combatants’ in the 30-year conflict in Northern Ireland received widespread coverage. While welcomed by many parties, including some innocent victims, it was seen by most unionist politicians as a cynical ploy, an attempt to undermine their latest campaign to have SF suspended from the executive. Both these developments lent sharp focus to continuing sectarian violence in Belfast.

### 4.2 The IRA apologises

The IRA released its apology on July 16<sup>th</sup>, in the run-up to the 30th anniversary of ‘Bloody Friday’ (July 21<sup>st</sup> 1972), when it set off powerful bombs in the heart of Belfast, causing horrific casualties among civilians, emergency workers and the ‘security forces’. The media coverage of the statement was as mixed as its wider public reception.

The following day, the regional press was quite positive in its lead headlines. Two morning dailies featured photographs recalling the devastation. The *News Letter* led with ‘IRA’s unprecedented statement over civilian deaths: We’re Sorry’, while the *Irish News* quoted a relative of one of the dead: ‘Father hails IRA apology as “new future for Ireland”’.

This contrasted with the rather more unforgiving headlines in sections of the British press. The *Daily Express* featured the stock photo of the gun-toting terrorist: ‘After 30 years of terror and the deaths of thousands of innocent people, IRA scum say sorry’. The *Daily Mail* led with a picture of the three-year-old, Jonathan Ball, killed in the Warrington bomb in 1993: ‘The IRA says it’s sorry. But try telling that to this little boy’s parents’.

Unionists saw as especially cynical the IRA’s distinction between ‘combatant’ and ‘non-combatant’ victims. They also pointed to the timing of the statement. Far from marking the 30th anniversary, they claimed, it was an effort to countermand their de-legitimisation of SF as an executive partner.

The *News Letter* remarked that ‘government reaction ... indicates that the [apology] is the mood music which Tony Blair wants to hear and, instead of punitive action, the Prime Minister may feel inclined to give the republican movement one last chance’ (‘IRA statement must be given a guarded welcome’, July 17<sup>th</sup> 2002). The same day, the *Irish News* cartoonist, Ian Knox, depicted a perplexed Mr Blair about to finish his ‘Ceasefire Jigsaw’, filling the last gap labelled ‘breach’ with the final piece of the jigsaw: ‘Apology’.

### 4.3 Another crisis

The prime minister was to make a statement in Parliament a week later about the political crisis. Would he concede ground to the clamour for SF’s expulsion? Or would he once again let republicans ‘off the hook’? In the event, he chose to strike a balance between reassuring unionists that his response to republican violence in the future would be punitive and reassuring SF that its participation in the ‘peace process’ and in devolved government was crucial.

It is interesting to look at two very different media angles on Mr Blair’s statement. The liberal-unionist *Belfast Telegraph* led with the very strong and decisive ‘Blair lays it on the line ... to terror gangs’ (July 24<sup>th</sup>

2002). But the nationalist *Irish News* thought matters were no clearer for unionists: ‘Blair leaves UUP in state of confusion’ (July 25<sup>th</sup> 2002).

While unionists may feel themselves confused and divided, some nationalist commentators believe they have been having considerable success in setting the news agenda. In an op-ed column for the *Newsletter*, the *Derry Journal* editor, Pat McArt, complained that ‘there are many nationalists who genuinely believe there’s a sympathetic media ... allowing unionist spokespersons to peddle the spurious argument that they have lost confidence in the peace process because of the activities of republicans’ (‘Loyalists are the real culprits’, July 23<sup>rd</sup> 2002).

#### 4.4 Sectarian murder

Events on the ground suggest the biggest threat to the ‘peace process’ has been continuing sectarian violence in Belfast, orchestrated in the main by loyalist paramilitaries, particularly the UDA. The largest such group, the UDA, affects the Orwellian *nom de guerre* of the ‘Ulster Freedom Fighters’. Admitting responsibility for the murder of Gerard Lawlor in the north of the city on July 22<sup>nd</sup>, it represented the killing as a ‘measured military response’ to republican attacks.

Many of the subsequent headlines had a weary familiarity: ‘Man’s killing: plea for calm’ (*Belfast Telegraph*, July 22<sup>nd</sup> 2002), ‘Reid in plea for peace after killing’ (*News Letter*, July 23<sup>rd</sup> 2002), and ‘Murdered teen knew two other UFF victims’ (*Irish News*, July 23<sup>rd</sup> 2002). Indeed, the *Guardian* headline, ‘Drive-by killing puts Ulster on the brink’ (July 23<sup>rd</sup> 2002), could have topped the reporting of any murder and any political crisis in Northern Ireland in the last three decades. In the media world, the region is permanently ‘on the brink’.

But in the wider context of the current sectarian unrest in Belfast, the professional reliance of the news media on official statements, press releases and interviews has meant a distortion in their representation of such violence. What predominates is the view that ‘one side is as bad as the other’, and the editorial imperative that each ‘victim’ from one side must be ‘balanced’ by a victim from the other. Henry McDonald ends an article in the *Observer* (Irish edition) with the comment that Mr Lawlor’s murder ‘brings the number of people who have been killed by loyalist and republican paramilitaries to more than 100 since the Good Friday Agreement ... in 1998’ (‘No rest for the guns’, July 28<sup>th</sup> 2002).

But the implicit balance of ‘loyalist *and* republican’ violence masks the reality—backed by police evidence—that the vast bulk of violence in that period has been orchestrated by loyalist paramilitaries against Catholic communities in ‘interface areas’, particularly in Belfast but also in predominantly Protestant towns like Antrim and Larne. Some journalists in the region are beginning to reflect critically on how they report the violence and, indeed, the unionist *News Letter* gave over an op-ed column, ‘A view from the far side’, to Mr McArt, as indicated above, to make some of these points.

Finally, another common media platitude in these violent times is that ‘all right-thinking people’, unionist and nationalist alike, will condemn the paramilitaries who orchestrate violence apparently on their behalf. ‘Yet the killing goes on, and on’, said the *News Letter*, ‘and history tells us that no amount of righteous indignation or heartfelt condemnation will be sufficient in itself to bring it to an end’ (July 23<sup>rd</sup> 2002). There is a growing feeling that in those areas where the ‘peace process’ and ‘devolved government’ are but empty concepts, there are many ‘right-thinking people’ who at best acquiesce in, and at worst give explicit support to, paramilitary ‘defence of the community’.

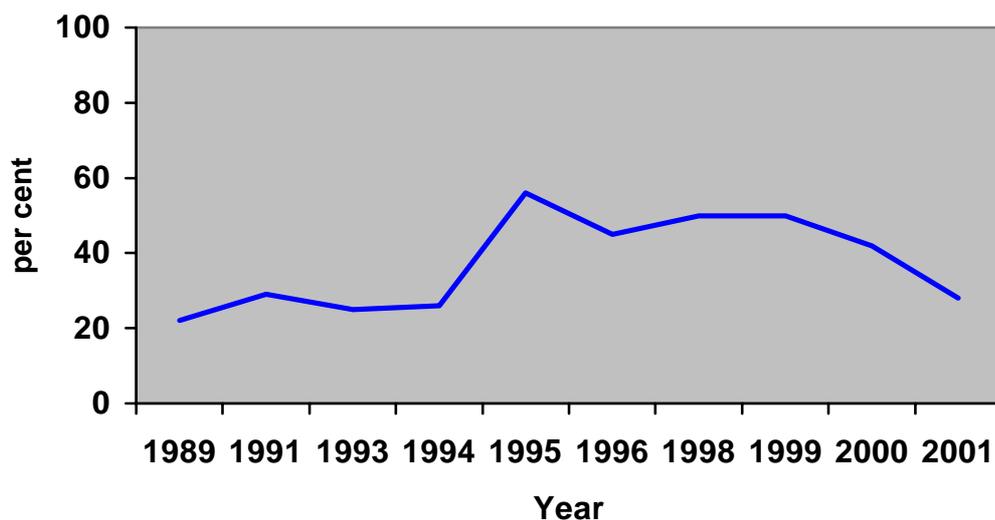
## 5. Public attitudes and identity Lizanne Dowds

Much of the public-attitudes material covered in previous reports has focused on the Belfast agreement and support for devolution. Notable from this material is that distrust of the agreement among Protestants and a desire to remain firmly British does not appear to go hand in hand with a distrust of the institutions of devolution itself.

But the ultimate success of devolution in Northern Ireland is inextricably linked to how relations between the ‘two communities’ develop in the ‘post-conflict’ period. Regardless of what people feel about the existence of the agreement and mechanisms of devolution, progress could be irretrievably damaged by both the perception and the reality of deteriorating community relations. This last quarter was a period when Life and Times figures on this issue created something of a media storm.

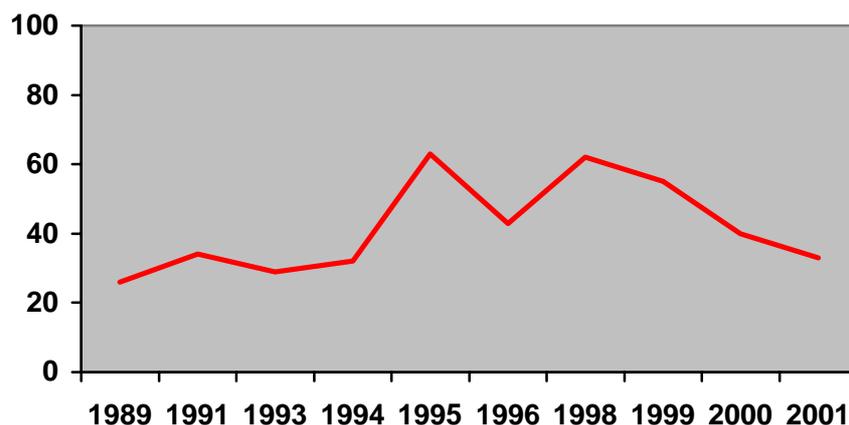
The time-series figures present a trend of increasing optimism about community relations between 1989<sup>1</sup> and 1999, with a peak in 1995 following the ceasefires of the previous year. But since 1999 public opinion has shifted downwards, with the figures for 2001 only marginally better than those for 1989. In fact the proportion of people who feel that ‘relations between Protestants and Catholics are better than five years ago’ has dropped by half from the high point of 56 per cent in 1995 to 28 per cent in 2001.

### **% who think that relations between Protestants and Catholics are better now than 5 years ago**



This pattern is echoed in the falling proportion who feel that relations between the ‘two communities’ will improve. In the case of this time-series there is an additional peak in 1998, as post-agreement optimism abounded. But since 1999 this has noticeably diminished: now only a third of respondents (40 per cent of Catholics and 27 per cent of Protestants) feel that relations between Protestants and Catholics will be better in five years time.

## % who think that relations between Protestants and Catholics will be better in 5 years time



Added to this general pessimism is evidence of increasing communal polarisation. Since 1999 there has also been a steady increase in the desire for single-identity neighbourhoods and workplaces. While the vast majority would still prefer a mixed environment, the numbers are decreasing. In 1996, 83 per cent of people said that they would prefer to live in a mixed-religion neighbourhood and an even higher 91 per cent would prefer a mixed-religion workplace. By 2001, these figures had dropped to 66 per cent and 76 per cent respectively.

Most worrying of all from the devolution perspective are attitudes towards the equality legislation arising from the agreement. Both communities agree that Catholics have benefited most from the 'equality agenda', but a very large proportion of Protestants (39 per cent) believe that they themselves are now treated worse than five years ago.

This perception should be set against actual experiences of discrimination, where at least 95 per cent of respondents reported no discrimination in relation to promotion, applying for jobs or even in treatment by their colleagues. Nonetheless, the strength of Protestant fears, the sense that community relations are deteriorating and a distinct retreat towards single-identity environments will all send alarm signals to the supporters of devolution.

---

<sup>1</sup> Figures relating to the years 1989-96 are taken from the Northern Ireland Social Attitudes Survey—the predecessor of the Northern Ireland Life and Times Survey.

### 6.1 North-south

It was relatively quiet on the north-south front this quarter. After a two-month gap, there was a flurry before the summer, with five meetings of the North/South Ministerial Council—four in sectoral format and one in plenary.

On June 14<sup>th</sup>, the NSMC met in language format in Dublin. In attendance were the Fianna Fáil minister for community, rural and Gaeltacht<sup>1</sup> affairs, Eamon O Cuív; the UUP minister for culture, arts and leisure, Michael McGimpsey; and the SF minister for health, social services and public safety, Bairbre de Brún. The language body has two agencies, Foras na Gaeilge (for the Irish language) and Tha Boord o Ulster-Scotch (for 'Ulster-Scots'). The meeting considered corporate and business plans in train and approved reports of their activities until the end of 2000.<sup>2</sup> The Irish-language agency has been much the more active; the Ulster-Scots agency arose primarily from 'parity of esteem' pressure from the UUP during the 1998 talks leading to the agreement, rather than genuine public engagement.

On June 26<sup>th</sup>, there was an inland-waterways meeting in Belfast. The same actors took part, except that the SDLP minister for employment and learning, Carmel Hanna, replaced Ms de Brún. The budget for this body is by far the largest (£23 million for 2002) of the six implementation bodies and the meeting received a progress report from the chief executive, including major capital projects. It also approved, conditional on budgeting, the body's corporate and business plan for 2002-04.<sup>3</sup>

Ms Hanna doubled up the same day in Belfast for a meeting *vis-à-vis* trade and business development. InterTradeIreland is one of the most active of the bodies, strongly supported by the business community on either side of the border. The sectoral meeting was also attended by the UUP minister for enterprise, trade and investment, Sir Reg Empey, and by the Progressive Democrat tánaiste and minister for enterprise, trade and employment, Mary Harney. The meeting discussed the furtherance of 'Digital Island'—ICT and 'e-business'—and the development of an all-Ireland research-and-development network and relevant EU programmes, as well as the body's plans. The chief executive of InterTradeIreland reported on its activities, including on equity finance for SMEs.<sup>4</sup> Supply-chain management is another area where the body has been active.<sup>5</sup>

On June 28<sup>th</sup>, there was a meeting in food-safety sectoral format, which also dealt with health (one of the six areas of co-operation, as against joint implementation), in Armagh. Present were the SF health, social services and public safety minister, Ms de Brún; her UUP 'shadow' from the OFMDFM, James Leslie; and the FF minister for health and children, Micheál Martin. The meeting received a report on the work of the Food Safety Promotion Board and approved its corporate strategy for 2002-04, but it was mainly devoted to health. It noted progress on the agreed area of work, covering accident-and-emergency services, emergency planning, high-technology equipment, cancer research and health promotion. Reflecting the political disposition of the northern minister, as well as realities on the ground (such as the cost of high-tech equipment), this report was detailed and substantial. The council also received a presentation from the longstanding Co-operation and Working Together project, involving health boards on either side of the border.<sup>6</sup>

The plenary meeting (the fourth since devolution) took place the same day at the NSMC secretariat in Armagh. Present were eight northern and 13 southern ministers—as usual, the DUP boycotted the event. The first and deputy first minister, Messrs Trimble and Durkan, chaired, with the taoiseach, Mr Ahern, leading for the republic.<sup>7</sup>

The officials in the secretariat operate under the guiding principle of ‘no surprises’ when meetings take place. But if ministers were unsurprised by a discussion on a north-south consultative forum, non-governmental organisations working in the area were taken unawares.

The forum, mooted in the Belfast agreement over four years earlier, had been held up for some time by reluctance on the part of the first minister, Mr Trimble. Meantime, an *ad hoc* group of NGOs, led by Co-operation Ireland, had drafted ideas for the composition and activities of the forum, which had been submitted in the spring of 2001 to the joint heads of the secretariat and with which the main trade-union and employer organisations had associated themselves.<sup>8</sup> The council agreed, however, to a more inchoate proposal. It will take the form of a twice-yearly conference, organised by a steering committee drawn from the Civic Forum in the north and the central review committee of the social-partnership programme in the republic.

The plenary considered the idea, also mooted in the agreement, of a joint parliamentary forum representing the assembly and the Oireachtas (see assembly section). Unionists are very sensitive that all ‘north-southerly’ should be accountable to the assembly and it was agreed officials from the two administrations would contact officials in the elected institutions before reporting to the next meeting. The NSMC also considered co-operation on European matters, again deriving from the suggestion in the agreement that it could be a vehicle for representing a joint, north-south perspective within the EU (see European Union section).

The council welcomed proposals in both jurisdictions for major infrastructure development (the National Development Plan in the republic and the RRI in the north, and associated public-private partnerships). It agreed that there was scope for co-operation to mutual benefit in this domain.

In similar vein, it commended to the relevant departments, north and south, the recommendations in the study it had commissioned on obstacles to cross-border mobility. This led some time later to a protest from the (non-attending) DUP minister for social development, Nigel Dodds. Mr Dodds, oddly, complained that his department had had no input into the suggestion that pension arrangements could be considered in this context. He stood by conventional ‘parity’ arrangements with Britain on pensions and social security.<sup>9</sup>

More generally, the council reviewed its work, principally through the sectoral meetings, though there has also been one meeting in ‘institutional’ format. And it launched a new website.<sup>10</sup>

Otherwise, during the quarter, there was news of co-operation between the health minister in the north, Ms de Brún, and her southern colleague in local development, Eoin Ryan, on surveying the population across the island on drug use.<sup>11</sup> And it was reported that the northern Health and Safety Executive and the southern Health and Safety Authority were co-operating in trying to reduce the number of children killed in farm accidents—41 across the island in the past six years.<sup>12</sup>

Lack of co-operation between two institutions, the Police Service of Northern Ireland and the Garda Síochána, was however also adverted to during the quarter. The controversy over the Omagh bomb inquiry—only one man has been convicted in connection with the 1998 atrocity—had ‘brought into sharper focus’ the lack of formal co-operation between the two forces, according to a joint report from the University of Limerick and the University of Ulster. The report noted that a joint disaster plan had still to be generated, as recommended by the Patten report in 1999.<sup>13</sup>

But by far the biggest concern during the quarter on this front concerned an area where there is too much co-operation by half—petrol smuggling. A Commons public accounts committee report on paramilitary fundraising claimed *inter alia* that more than half of all petrol stations in the north were selling illicit fuel. The report estimated that £380 million a year was being lost in fuel duty, which is much higher in the north, because of petrol and diesel being brought across the border.<sup>14</sup>

## 6.2 'East-west'

During the quarter, the third British-Irish Council summit was held in Jersey on June 14<sup>th</sup>.<sup>15</sup> The first and deputy first ministers, Messrs Trimble and Durkan, were accompanied by the minister for enterprise, trade and investment, Sir Reg Empey (UUP); the education minister, Mr McGuinness (SF); and the minister for employment and learning, Ms Hanna (SDLP). It took place against a tense Northern Ireland backdrop and, in the margins, the prime minister, Mr Blair, and the Northern Ireland secretary, Dr Reid, discussed the difficulties with ministers from the devolved administration.

The scheduled discussions followed the work programmes of the specific administrations. As Jersey was hosting the meeting, the first focus was on the knowledge economy. The administrations exchanged information about policies and projects, including the outcomes of a conference, 'Bridging the Digital Divide', in Jersey in April. It was agreed to set up a group of officials and sub-groups to advance activities or initiate action on this and other topics, including ICT access by disabled people, 'e-government' and 'e-democracy', the switch to digital terrestrial television and competitive broadband markets.<sup>16</sup> The first minister reminded MLAs that all key Northern Ireland government services were to be on-line by 2005 (25 per cent by 2002); a strategy was being developed to maximise citizen internet access.<sup>17</sup>

The summit was the occasion for the launch, by Senator Horsfall, of the BIC website.<sup>18</sup> This was the subject of congratulation in the assembly as one of the BIC's few practical achievements. The Alliance leader, Mr Ford, said too many activities were still described aspirationally or in the future tense.<sup>19</sup>

The republic takes the lead on drugs and reports were presented on action following the Dublin summit of November 2001 and a meeting of responsible ministers in March. In this quarter, a conference on targeting proceeds of the trade was hosted by Guernsey in May. Further meetings on diversion programmes for young people at risk, reintegration and training opportunities for recovering abusers, and community involvement in anti-drugs strategies are forthcoming. The last topic will be the theme of a meeting, in Northern Ireland in November, which will focus on good practice. Community-based speakers are to be invited to contribute and council members will exchange experiences of partnerships between statutory agencies and the voluntary sector.<sup>20</sup>

As previously reported, BIC environment ministers met, for the second time, earlier in the year in Edinburgh. Overall, the UK takes the lead in this sphere—to the scepticism of the South Down SDLP MLA, Eddie McGrady, exercised about the Sellafield nuclear reprocessing plant across the Irish Sea—but the Scottish Executive has responsibility for advancing work on sustainable ways of managing waste<sup>21</sup> and radioactive waste from Sellafield is the specific responsibility of the Isle of Man.

Responding to Mr McGrady, Mr Trimble said the paper prepared by the republic and the Isle of Man for the Edinburgh sectoral meeting in February would be redrafted to take account of developments relating to the management and disposal of nuclear waste and public attitudes.<sup>22</sup> The revised paper would be the basis for detailed discussion at the next sectoral meeting, in Belfast in the autumn, and in the Isle of Man in 2003. The SF MLA Barry McElduff asked the first minister whether the BIC had discussed the risk of terrorist attack on Sellafield and was informed that this was not a matter for the BIC but for the UK Civil Contingencies Committee, on which Northern Ireland was represented.<sup>23</sup>

Social inclusion is the responsibility of the Scottish and Welsh administrations. Together, they have put forward proposals for co-operation on information sharing and promoting inclusion in communities—though the proposed electronic community network remains undeveloped. Scotland will host a community inclusion conference in September, with special reference to finance. Social inclusion, as a whole, will be the focus of the next BIC summit, in Scotland in November.

Northern Ireland leads on transport: regional airports continue to be a matter of concern and this will be the subject of a sectoral meeting in Belfast. Northern Ireland has also instigated a group of transport officials who will exchange views on public-private infrastructure partnerships, a matter taken up in a visit to Scotland (see below), and road safety. During discussion in the assembly,<sup>24</sup> the first minister noted a higher incidence of accidents around borders—attributed to a sense among drivers that, having crossed a border, they feel free from prosecution. The BIC hopes accidents will be reduced through reciprocal enforcement of a common penalty-points system.

The Isle of Man leads on health, and telemedicine in particular. It was reported that there had been initial meetings of officials and that further meetings and visits to telemedicine projects would take place during 2002. Tourism is another area where work, led by Guernsey, is at a fairly preliminary stage. A new area of work agreed in Jersey was minority and lesser-used languages, where the lead is unsurprisingly to be taken by Wales.

Answering questions in the assembly,<sup>25</sup> the first minister noted that the scope in the Belfast agreement for bilateral meetings was beginning to be developed. A tentative agreement had been reached with the Scottish administration. And, although this had not been a bilateral BIC meeting, Messrs Trimble and Durkan had visited their counterparts in Edinburgh on June 19<sup>th</sup> and 20<sup>th</sup>.<sup>26</sup> In addition to being entertained to dinner in Edinburgh Castle and visiting the building site of the new parliament—where a Northern Ireland contractor has responsibilities—the first and deputy first ministers met other ministers in the Scottish Executive and Sir David Steel, presiding officer of the parliament.

Discussions covered central-government funding of devolved institutions and PPPs. Mr Trimble agreed with the UUP MLA Roy Beggs Jr that Scotland used PPPs more heavily than Northern Ireland; it was his hope that the region would use them increasingly in connection with the RRI.<sup>27</sup> Relations among the devolved institutions, and between them and the UK government and the European Union, had also been discussed. This last added an ‘east-west’ arm to the development *vis-à-vis* the NSMC discussed in the next section.

---

<sup>1</sup> The Gaeltacht comprises the pockets of Irish-speaking areas, mainly in the west of Ireland.

<sup>2</sup> NSMC *communiqué*, June 14<sup>th</sup> 2002

<sup>3</sup> NSMC *communiqué*, June 26<sup>th</sup> 2002

<sup>4</sup> NSMC *communiqué*, June 26<sup>th</sup> 2002

<sup>5</sup> *Irish Times*, May 28<sup>th</sup> 2002

<sup>6</sup> NSMC *communiqué* (health and food safety), June 28<sup>th</sup> 2002

<sup>7</sup> NSMC *communiqué* (plenary), June 28<sup>th</sup> 2002

<sup>8</sup> The author (Wilson) declares an interest, having drafted the paper for the *ad hoc* group.

<sup>9</sup> Executive Information Service, July 10<sup>th</sup> 2002

<sup>10</sup> <http://www.northsouthministerialcouncil.org>

<sup>11</sup> Executive Information Service, May 22<sup>nd</sup> 2002

<sup>12</sup> *Irish Times*, July 1<sup>st</sup> 2002

<sup>13</sup> *Irish Times*, July 29<sup>th</sup> 2002

<sup>14</sup> *Irish Times*, July 18<sup>th</sup> 2002

<sup>15</sup> BIC *communiqué*, June 14<sup>th</sup> 2002; Executive Information Service, July 2<sup>nd</sup> 2002

<sup>16</sup> The EU is assisting broadband initiatives in Northern Ireland (Executive Information Service, June 24<sup>th</sup> 2002).

<sup>17</sup> Targets had been set in July 2001 and were incorporated into the Programme for Government (*Official Report*, July 2<sup>nd</sup> 2002).

<sup>18</sup> <http://www.british-irishcouncil.org>

<sup>19</sup> *Official Report*, July 2<sup>nd</sup> 2002

<sup>20</sup> *ibid*

<sup>21</sup> It seems this issue is rising among public priorities in Northern Ireland: following a TV awareness campaign, the environment minister, Dermot Nesbitt, reported a 21 per cent increase between February and May in respondents saying it was ‘very important’ and increases of up to 30 per cent in use of recycling facilities. To meet EU targets, it will be necessary for Northern Ireland to achieve 25 per cent recovery of municipal waste by 2005 (Executive Information Service, May 30<sup>th</sup> 2002); in 1998-99 it recycled 5 per cent (*Guardian*, July 12<sup>th</sup> 2002).

<sup>22</sup> *Official Report*, July 2<sup>nd</sup> 2002

<sup>23</sup> *ibid*—the first minister referred pointedly to Mr McElduff’s concern about terrorist risks in the wake of September 11<sup>th</sup>

<sup>24</sup> *ibid*

---

<sup>25</sup> *ibid*

<sup>26</sup> Executive Information Service, June 20<sup>th</sup> 2002

<sup>27</sup> *Official Report*, July 2<sup>nd</sup> 2002.

### 7.1 Introduction

This quarter revealed the beginning of the winding down of current forms of European Union support for Northern Ireland,<sup>1</sup> with an associated assembly evaluation, and the possible winding up of an island-wide approach to EU affairs. And it saw marginal movement towards Northern Ireland making a contribution to the debate on the future of the EU (see May 2002 report).

### 7.2 The beginning of the end

In view of enlargement and the transfer out of objective-one status, the Standing Community Convention on the Peace II programme was invited by the finance minister, Mr Farren, to develop a robust understanding of sustainability—a term almost invariably applied in Northern Ireland to the viability of funding rather than the environment—and to do everything to ensure that, under the last round of assistance in its current format, projects were as good as they could be.<sup>2</sup>

On other occasions, he stressed the lasting and transcendent nature of the partnerships developed in the context of EU support. These, in their latest form (see previous quarterly reports), were ‘part of the Executive’s vision for the way ahead’. They had to do even more in the future to ‘become leaders and models for promoting the kind of community relations that are essential’ for economic and social sustainability within communities.<sup>3</sup>

Just as the public was beginning to be prepared for the end of objective-one funding and the peace programmes, so was the assembly assessing the effectiveness of the minister’s department in this regard. Earlier in the year, the finance and personnel committee had announced a major review of the effectiveness of the department in negotiating with the European Commission, co-ordinating policy issues, and managing and monitoring the implementation of the programmes.

More than 30 submissions were received by July. Specialist advisers were appointed<sup>4</sup> and oral hearings took place in June and July, including representations from the voluntary sector, the trade unions and local-authority chiefs.<sup>5</sup> Further hearings are scheduled for September and a visit to Brussels is likely in October.

### 7.3 An all-Ireland approach?

In a previous quarterly report, it was noted that the NSMC had begun to address the provision in the Northern Ireland Act allowing identification of common north-south interests in the EU and their communication to the Council of Ministers. On June 28<sup>th</sup>, the fourth plenary meeting of the NSMC received a report from a European working group. It decided that, at each sectoral meeting of the NSMC, ministers might consider the EU dimension of north-south co-operation in that sector and the working group should bring forward an assessment of any EU issues likely to emerge. Further consideration is still to be given to how the views of the NSMC can be reflected at EU meetings, however, given the member-state basis of the council.

In the assembly, the DUP leader (and MEP), Mr Paisley, argued that such a move would weaken the status of Northern Ireland as an entity separate from the republic. He said it would prevent the region making its own case in association with the rest of the UK, and could be seen as an agenda driven by the republic’s government to promote reunification.<sup>6</sup>

The deputy first minister, Mr Durkan, pointed out that Northern Ireland's interests varied from being distinctive, to being similar to those of the republic or similar to those of the UK. All possible channels had to be used, including MEPs, the Joint Ministerial Committee, direct influence on UK ministers and attendance with them at EU meetings, he said. The NSMC added one more layer of advocacy.

#### **7.4 The future of Europe**

During discussion of the report by the committee of the centre on the handling of EU affairs (see May 2002 report), concern had been expressed about Northern Ireland's capacity to develop a distinctive view on the future of Europe and affect the wider debate. On May 29<sup>th</sup>, the committee considered a paper from the assembly's research service and members decided to concentrate attention on possible simplification of the treaties, delimitation of competences, subsidiarity, the status of the Charter of Fundamental Rights, how to achieve greater democracy in the EU, whether the commission should have an elected president and whether the European Council should meet in public.<sup>7</sup>

The public-policy forum on Europe (see May 2002 report) was convened on June 27<sup>th</sup>. Notification went out too late for at least some of the hoped-for speakers to be able to participate. In particular, the chair noted the under-representation of the voluntary sector on the platform and in the workshops. It is not clear how the forum's deliberations will feed into Northern Ireland's position and its contribution to the wider debate. But the keynote speaker, the SDLP junior minister, Denis Haughey, emphasised the intention of the OFMDFM to initiate a series of such fora.

---

<sup>1</sup> Other forms will be sought: a debate on funding will take place during the Danish presidency and Northern Ireland has announced its intention to play a full part in it (Executive Information Service, June 24<sup>th</sup> 2002).

<sup>2</sup> Executive Information Service, May 31<sup>st</sup> 2002

<sup>3</sup> Executive Information Service, May 8<sup>th</sup> and June 26<sup>th</sup> 2002

<sup>4</sup> Amanda Sloat, Cathal McCall and Susan Hodgett of Queen's University Belfast

<sup>5</sup> Committee minutes, June 18<sup>th</sup> and 19<sup>th</sup> and July 2<sup>nd</sup> 2002

<sup>6</sup> *Official Report*, July 2<sup>nd</sup> 2002

<sup>7</sup> Committee minutes, May 29<sup>th</sup> 2002

## 8. Relations with local government Robin Wilson

There was modest progress during the quarter on the review of (sub-regional) public administration (see February 2002 report). A six-member ‘panel of experts’ was appointed in June, to ‘support’ the review. Drawn from both parts of Ireland, Britain and the US, the panel is to be chaired by the Northern Ireland ombudsman, Tom Frawley. Mr Frawley was previously general manager of one of the region’s four health and social services boards.

The reason for this arrangement is that the review will not be independent—the first minister, Mr Trimble, sees it as a means to cull the ‘quangoes’ and so has insisted that it remain under political control. Presenting the terms of reference in February, he said: ‘This is too important and too complex to leave to an unappointed body with elected members merely coming in at the end of the process.’<sup>1</sup>

In May, the first and deputy first ministers told the assembly committee of the centre that the review would cost £3 million.<sup>2</sup>

---

<sup>1</sup> *Irish News*, February 26<sup>th</sup> 2002

<sup>2</sup> *Belfast Telegraph*, May 9<sup>th</sup> 2002

### 9.1 Rates review

On May 27<sup>th</sup> the finance minister, Dr Farren, announced a review of the rating system in Northern Ireland.<sup>1</sup> The context for the review is the constraint on the growth of expenditure in the region, relative to the rest of the UK, arising from the ‘Barnett squeeze’ (see below), on the one hand, and, on the other, the perceived need to address an historic ‘infrastructure deficit’ bequeathed by decades of direct rule (see executive and assembly sections). In that context, in the absence of Scottish-style tax-varying powers, Dr Farren finds himself with a ‘one-club’ policy on the revenue side—the regional rate.

His predecessor, Mr Durkan, had his fingers severely burned when he was left with little alternative in his first draft budget, in autumn 2000, to propose a large increase in the rate. Mr Durkan was not amused when other parties in the executive, having nominally assented to his draft budget (it requires unanimity before presentation to the assembly), subjected the proposed increase to populist attack, forcing him partially to row back. The review arose from this unedifying experience.

Dr Farren not only needs to improve his revenue-raising capacity to ease his room for financial manoeuvre. The Treasury is very aware, as the consultation paper issued by the minister<sup>2</sup> spells out, that the average English council-taxpayer pays £804 per year, whereas the average domestic ratepayer in Northern Ireland pays only £445—and no water/sewerage charges. So the politics of this is that pleas for continued favourable expenditure treatment for Northern Ireland will be assisted by evidence that the region is taking more of the revenue strain itself.

A particular problem with the regional rate—council tax does not apply to Northern Ireland and the rate is a combination of a district levy and a regional impost, the latter now the prerogative of the devolved administration—is, as Dr Farren said, its regressive character. This sits uneasily with the nominal commitment of the administration, taken over from direct rule, to ‘targeting social need’.

The paper considers moving from outdated rental value to current capital value as a basis of taxation. This would increase the burden on better-off households, though reliefs would be required to address disparities between property value and household income. It also notes the deadweight effect of the blanket derating of industry in Northern Ireland, a subsidy which the paper makes clear is likely to go.

The paper also floats the introduction of water charges, though not metering, again with reliefs for low-income households. This relates to the issue of PPPs (see executive section), as it would be easier to legitimise a move to water charging were the bills to go to a discrete not-for-profit on the model of Glas Cymru.

The paper takes as given the arrangements bequeathed by the agreement—which, London and Dublin have conveniently forgotten, was itself due for review by May 2002—despite their constraints. A decision to seek new taxation powers would involve entry into ‘reserved’ territory. But the assembly can legislate in the reserved area with the assent of the Northern Ireland secretary and it seems hard to believe the chancellor would resist any move by the finance minister to seek other ways to raise the same or greater amounts of money than currently obtained by the regional rate. The deputy chair of the finance committee, Mr Close (Alliance), claimed an opportunity to introduce local income tax—‘the most fair, equitable and transparent system of taxation’—had been lost.<sup>3</sup>

Dr Farren meanwhile told the assembly how the executive planned to get more policy bang for its spending buck, by integrating procurement decisions more closely with social and economic objectives.<sup>4</sup> This follows from a review presented to the executive (in its revised form) in February.<sup>5</sup> In line with the latter, the

minister announced that a procurement board would be established, and that 20 pilot construction or service contracts would be linked to commitments by the successful contractor to recruit from the unemployed. Departments currently spend £1.2 billion a year on goods and services.

## 9.2 Comprehensive spending review

David Heald has demonstrated how the Barnett formula, in the absence of ‘formula bypass’, tends towards convergence between the UK territories in public expenditure per head, and that such convergence will tend to be more rapid at times of high expenditure growth.<sup>6</sup> According to the Treasury,<sup>7</sup> identifiable *per capita* expenditure in Northern Ireland is running at 36 per cent above the UK average, ahead of Scotland and then Wales.

Given the scale of the commitments in the comprehensive spending review<sup>8</sup> presented by the chancellor, Gordon Brown, in July, the ‘Barnett squeeze’ was thus very evident in Northern Ireland. While total UK departmental expenditure limits are due to increase by an average of 5.2 per cent per year between 2002-03 and 2005-06, the comparable figures for Wales, Scotland and the Northern Ireland executive are 5.1, 4.4 and 3.3 per cent respectively.<sup>9</sup>

The finance minister praised the chancellor for finding ‘more money than was expected’. But Dr Farren said: ‘We remain concerned that the Barnett Formula means that our rate of increase is lower than elsewhere. We have put a strong case to the Treasury that the present arrangements do not take sufficient account of the need for the development of public services here.’<sup>10</sup>

Yet during the quarter there was further evidence (see May 2002 report) of the incapacity of Northern Ireland departments to spend the money they had. At the end of June, the Department of Finance and Personnel announced that a total of £365 million had been underspent during the previous financial year.

The department deducted from this total £75 million allocated to the RRI, £40 million carried forward to 2002-03 for ‘priority services’, £54 million for EU programmes and £66 million which was ‘simply the result of changes in timing of expenditure’. That left £107 million or ‘less than 1.8% of the budget’. This was represented as ‘routine budget management: while there is room for improvement, it is not to be interpreted as an indicator that the Executive has resources to spare’.<sup>11</sup> But the chair of the finance and personnel committee, Francie Molloy (SF), warned that the executive could have its budget reduced in future.<sup>12</sup>

While the department’s point was that these monies were not being squandered (only £23 million would go back to the Treasury), none of the deductions did *not* represent underspends during the financial year in question. Moreover, the budget measure chosen to calculate the ratio was ‘total managed expenditure’, including ‘annually managed expenditure’ (mainly social security and pensions) which is demand-driven. Yet it is only the ‘departmental expenditure limit’ which is under the control of departments (DEL+AME=TME).

An arguably more appropriate calculation of the underspending rate would thus treat the total 2001-02 underspend as the numerator, with the total DEL for that year (£5.76 billion) as the denominator. The result would be a much more unflattering 6.3 per cent.

No more than the department’s defensive press release does this imply that Northern Ireland is receiving too little revenue from the Treasury. But it does bear out the claim by Prof Heald that the limiting factor is the inability of the more fragmented government structure established by the 1998 agreement, with departments proliferating from six to 11, to follow the transition under New Labour to a less parsimonious expenditure *régime* than that inherited from the Conservatives—though this interpretation is rebutted by Dr Farren. One report had ‘ministerial sources’ blaming officials’ ‘inefficiency’.<sup>13</sup>

Indeed, a few days later, Dr Farren had further undershooting to declare in the current financial year. He announced reallocations from the June monitoring round totalling £120 million—the largest such reallocation since power was transferred in late 1999. He said he was ‘developing proposals to reduce the extent of underspending’, on which he would consult the assembly when in draft.<sup>14</sup>

The major beneficiary was the Department of Health, Social Services and Public Safety, which received £40 million *in toto*, in part to address waiting lists, particularly for cardiac surgery. As successive monitoring reports for the associated devolution-and-health project demonstrated, not only has Northern Ireland under devolution *not* moved from a waiting-list to a waiting-time measure of performance, but the DHSSPS has presided over an inexorably rising total—now representing, as Dr Farren reaffirmed, the longest treatment queue in the EU.

Worryingly for the minister, the same day a report appeared in the *Guardian*, showing evidence that the review of funding for the English regions was, as anticipated, spilling over into the devolved territories. The report said that the devolved countries and regions team at the Treasury was looking for a needs-based alternative to Barnett. It had calculated that, even after taking account of security costs, Northern Ireland was receiving £364 per head per year more than greater need would justify.<sup>15</sup> (In 2000-01, according to published Treasury data,<sup>16</sup> Northern Ireland received £6,424 per head, as against £4,709 for the UK as a whole).

The first and deputy first ministers were able to announce more *largesse* the next day, with allocations to the RRI. The biggest beneficiary was again health, with £58 million for a long-awaited cancer centre at Belfast City Hospital—patients have hitherto had to rely on ageing, and occasional inoperable, equipment at Belvoir Park Hospital and survival rates in the region have been poor—and £27 million for investments at six other hospitals.<sup>17</sup>

These initiatives allowed the SF health minister, Ms de Brún, finally to trumpet how much she would be spending, having repeatedly gone back to her colleagues, Oliver-like, asking for more. She grossed up her ‘investment package’ to £153 million—a doubling over the next two years.<sup>18</sup>

But behind all the ‘spending boost’ headlines this quarter, the finance minister returned to the underlying difficulties, in his address at the launch of the IPPR’s *Devolution in Practice* volume. He said the CSRs in 2000 and 2002 had heightened concerns about the Barnett squeeze. And he appeared to prepare the ground for the Northern Ireland administration to man its needs-based defences against Treasury assault.

The administration did not accept that, relative to need, the region’s expenditure was ‘markedly higher’ than elsewhere in the UK, Dr Farren said. And a needs assessment by a territorial exchequer board (as operates in Australia) ‘certainly has merits’.<sup>19</sup>

---

<sup>1</sup> Executive Information Service, May 27<sup>th</sup> 2002

<sup>2</sup> Department of Finance and Personnel (2002), *Review of Rating Policy: A Consultation Paper*

<sup>3</sup> *Irish News*, May 28<sup>th</sup> 2002

<sup>4</sup> *Belfast Telegraph*, May 28<sup>th</sup> 2002

<sup>5</sup> Department of Finance and Personnel (2002), *A Review of Public Procurement: Findings and Recommendations*

<sup>6</sup> David Heald and Alasdair McLeod, ‘Beyond Barnett? funding devolution’, in John Adams and Peter Robinson (eds) (2002), *Devolution in Practice: Public Policy Differences Within the UK*, London: IPPR

<sup>7</sup> HM Treasury (2002), *Public Expenditure Statistical Analysis (PESA) 2002-03*, available at [http://www.hm-treasury.gov.uk/Documents/Public\\_Spending\\_and\\_Services/Public\\_Spending\\_Statistics/pss\\_pss\\_pesaindex.cfm](http://www.hm-treasury.gov.uk/Documents/Public_Spending_and_Services/Public_Spending_Statistics/pss_pss_pesaindex.cfm)

<sup>8</sup> HM Treasury (2002), *Opportunity and Security for All*, available at [http://www.hm-treasury.gov.uk/Spending\\_Review/spend\\_sr02/report/spend\\_sr02\\_repindex.cfm](http://www.hm-treasury.gov.uk/Spending_Review/spend_sr02/report/spend_sr02_repindex.cfm)

<sup>9</sup> *ibid*, p16

<sup>10</sup> Executive Information Service, July 15<sup>th</sup> 2002

<sup>11</sup> Executive Information Service, June 28<sup>th</sup> 2002

<sup>12</sup> *News Letter*, June 29<sup>th</sup> 2002

---

<sup>13</sup> *News Letter*, June 28<sup>th</sup> 2002

<sup>14</sup> Executive Information Service, July 1<sup>st</sup> 2002—details of the allocations are appended in tabular form to the press release.

<sup>15</sup> *Guardian*, July 1<sup>st</sup> 2002

<sup>16</sup> See note 7

<sup>17</sup> Executive Information Service, July 2<sup>nd</sup> 2002

<sup>18</sup> Executive Information Service, July 3<sup>rd</sup> 2002

<sup>19</sup> *Irish News*, July 23<sup>rd</sup> 2002

## 11. Political parties and elections     Duncan Morrow

### 11.1 Parties and elections

Whereas the devolved institutions of Scotland and Wales are rooted in the commitment of Welsh and Scottish people to self-government, it has long been apparent that Northern Ireland's devolved institutions would have collapsed were it not for the investment of the wider British, Irish and international communities in containment and management. For the parties in the region, good governance continues to be subordinated to constitutional fears and goals. Given the continuing gulf in understanding of fundamental purposes, they tend to conduct politics as a dialogue with key external arbiters rather than with one another.

Thus, ironically, the strategy of parties with devolved power is to build 'extra-devolved' coalitions, sufficiently powerful to coerce their regional opponent. Formal devolution of power has been counterbalanced by an increasing desire to construct an internationally secured safety net. In the previous quarter (see May 2002 report), we noted how slow but unmistakable disillusion was sapping much of the remaining energy from the 'peace process' (see public attitudes section). In this latest quarter, the pre-eminent theme has been of parties building or seeking wider support from parties at one step removed from Northern Ireland.

Again ironically, this need to maintain international support may also include a need to demonstrate greater toleration for the symbols traditionally associated with the enemy. Thus there was widespread interest and even support among Protestants for the progress of the republic's football team at the World Cup and republicans had to swallow hard while SDLP members, led by Mr Durkan, openly welcomed the queen to Northern Ireland, while the press speculated that the last shibboleth—the absence of a visit by the monarch to the republic since the foundation of the state—would be next to go.<sup>1</sup> So while the atmosphere was generally downbeat, the quarter was also notable for the number of abandoned taboos.

### 11.2 A ballot-box in one hand?

The dependency of Northern Ireland politics on events beyond its borders is exemplified by SF's strategy of maximising its influence outside. The keystone to this strategy is the attempt to establish itself as the only significant all-Ireland party by winning substantial representation in the Dáil. The key electoral event in devolved politics in this quarter was therefore SF's performance in the republic's general election.

SF won 5.6 per cent of the first-preference vote in this STV poll, and saw its representation jump from one to five.<sup>2</sup> While the outgoing government was returned to power with an increased majority, the rise of SF will cause some concern across the board of other nationalist groups. In spite of its weakness in attracting transfers, SF established a significant 'anti-establishment' presence in working-class areas around Dublin and in border areas, where it will challenge Fianna Fáil and the Labour Party, now widely regarded as part of the political class. The potential appeal of SF has echoes across the country, however, and few will have failed to notice the defeat by Martin Ferris of the long-sitting former Labour leader, Dick Spring, in Kerry North—particularly given Mr Spring's role in peacemaking as foreign minister in 1992-97 and Mr Ferris' previous conviction for IRA gunrunning.

The immediate political significance of SF's performance was limited by equally impressive support for the FF-Progressive Democrat coalition. Pre-election questions about FF relying on implicit or explicit support from SF to generate a majority—although this was ruled out before and after the election by the taoiseach, Mr Ahern<sup>3</sup>—were therefore rendered academic. Nonetheless, it does not take a political genius to recognise the capacity of SF, as the anti-system party *par excellence*, to capitalise on any government failing. As has

been seen elsewhere in Europe, being outside the acceptable circle of government tends to increase the capacity of such parties to dominate political debate. The power of the SF organisation, rooted in its considerable financial clout and its historic strength in 'community development', will pose challenges to more traditionally organised parties.

In the north, SF will aggressively exploit its 'all-Ireland' niche, to press its claim against the SDLP to be the true bearer of Irish nationalism. Immediately after the election, there was speculation that FF and the SDLP might make a formal link, to counter this potent appeal to many nationalist voters.<sup>4</sup> At the same time, SF's success gives the republican movement as a whole a continuing stake in the electoral process, and puts additional legs under the strategy of relying on political advance rather than military victory.

This strategy was enhanced in local government when a further previously impregnable citadel, the post of lord mayor of Belfast, fell into SF hands. Whereas unionists in the past tended to regard the (largely ceremonial) post as the preserve of the majority group, the practice in many local government areas of Northern Ireland, pioneered by the SDLP and Alliance, has been to share it between unionists and nationalists. In recent years, this has become semi-formalised, with the use of the d'Hondt formula to distribute all formal posts within many councils. Increasingly, the unionist practice in Belfast has appeared narrow-minded and self-defeating. This has been particularly the case since 1997, when the unionist parties lost overall control of Belfast City Council for the first time. The balance of power is now held by Alliance, which had long signalled a commitment in principle to elect an SF mayor.

This year, amid considerable external and internal controversy, the small Belfast Alliance group decided to endorse Alec Maskey, a longstanding republican activist.<sup>5</sup> Against the backdrop of worsening sectarian rioting, even pro-agreement unionists refused to co-operate and walked out of the chamber. Furthermore, the UUP refused to nominate a deputy mayor to serve alongside Mr Maskey.<sup>6</sup> Alliance, on the other hand, pointed to the hypocrisy of the unionist position, especially as unionist votes had elected politicians linked to the Ulster Volunteer Force and the UDA to prominent positions in Belfast in the recent past. The party calculated that failure to elect a mayor from the largest single party on the council (SF) was unsustainable over the long run and that this year, the second in a four-year electoral cycle, was the least dangerous time to perform its most difficult political deed. With all parties seeking to raise their profile before the assembly elections due next May, others, however, took a different view.

The very novelty of an SF mayor places the spotlight on Belfast City Council. Within days of his election, the Presbyterian Church broke ranks with Ulster Unionism and welcomed Mr Maskey as mayor to the opening ceremony of the annual General Assembly.<sup>7</sup> An even more symbolically significant challenge was presented by the annual commemoration of the victims of the Battle of the Somme on July 1<sup>st</sup>. Historically, World War I remembrance, with its integral associations with the British army, has been anathema to republicans. Mr Maskey was therefore not only breaking unionist taboos when he announced that he would, as mayor, lay a wreath to commemorate the dead, albeit in a ceremony separate from that of the Royal British Legion.<sup>8</sup>

### **11.3 Unionist disquiet**

SF advances in the political process continued to generate problems for the UUP. Against a backdrop of some of the most serious sectarian rioting in years, at the Short Strand and Albertbridge Road interface in east Belfast<sup>9</sup> (leading to the reappearance of paramilitaries on the streets), the party leader, Mr Trimble, faced serious questions from anti-agreement opponents at a meeting of the executive of the party.<sup>10</sup> With the threat of another leadership challenge looming, he headed off an immediate crisis by proposing a tougher stance on SF, should there be no serious commitment to IRA disarmament.

Within a week, Mr Trimble demanded British government action to force SF's exclusion.<sup>11</sup> Indicative of the crisis, he did not attend a meeting of all the pro-agreement parties called at Hillsborough, although he did

send representatives.<sup>12</sup> But he made clear that, in his view, paramilitaries alone were responsible for the continuing crisis.<sup>13</sup> As evidence, he pointed to ‘punishment’ attacks, the discovery of an IRA hit-list and allegations about the break-in at Castlereagh police station and IRA involvement in Colombia. SF responded angrily, claiming that the most serious violence was largely fomented by loyalists and that this was being ignored by the UUP and the British government.<sup>14</sup> Nonetheless, by way of an olive branch, Mitchel McLaughlin acknowledged that SF had to do more to curb street violence, to convince unionists of its commitment to the process.<sup>15</sup>

Throughout July, traditionally a difficult month, the crisis festered. The Northern Ireland secretary, Dr Reid, called on loyalists at a face-to-face meeting<sup>16</sup> to halt their violence. In spite of Mr Trimble’s threat to take action by the end of July if the IRA had not demonstrated its total commitment to peace,<sup>17</sup> London and Dublin made clear they did not intend to bring forward new legislation.<sup>18</sup> On the streets, fighting between Orangemen and police officers at Drumcree<sup>19</sup> and riots by nationalists in Ardoyne, following the annual July 12<sup>th</sup> Orange parades,<sup>20</sup> brought further evidence of unrest.

In this climate, even the IRA’s unprecedented statement of apology for the death of ‘non-combatants’ and acknowledgement of the ‘hurt and pain we have caused to others’ was greeted as a cynical ploy by unionists, wary that it could be used to buy leniency from the British government.<sup>21</sup> Instead, Mr Trimble called on the prime minister to ensure that the IRA implement a clear and unambiguous ceasefire or face expulsion from the executive.<sup>22</sup> Finally, under pressure from all sides, Messrs Blair and Reid made statements to the Commons.

While there was explicit recognition that training, targeting, the acquisition of weapons and any preparations for a return to ‘terrorist’ activity would feature in future assessments of the status of paramilitary ceasefires, the government stopped short of specific sanctions.<sup>23</sup> Mr Trimble, in turn, stopped short of denouncing the statement, focusing instead on the need for greater detail. But there is a wide consensus that this is a crisis postponed until September, rather than a problem resolved.<sup>24</sup> Speaking to the BBC, Sir Reg Empey, a leading pro-agreement unionist, acknowledged that his party faced a dilemma as to whether to pull out of the power-sharing executive in the face of British government inaction on paramilitary ceasefires.<sup>25</sup>

#### **11.4 Other issues**

Two particular issues affecting political parties are also worthy of note. First, the fundamental difference between politicians in Northern Ireland on the issue of policing continues to make life difficult. The appointment of a new chief constable, Hugh Orde, by the cross-community Policing Board drew the public ire of unionist members. Within days, different political representatives on the board were openly briefing the press on their views.<sup>26</sup> Ultimately, the independent chair of the board felt obliged to make an apology to all the candidates.<sup>27</sup> Whether there will be any future candidates for the post in the light of this behaviour is an open question.

Finally, the SDLP under the leadership of Mr Durkan launched its new logo. With the question of its association with parties in the republic unresolved, the party sought to distance itself from the label of ‘post-nationalism’ and instead framed its future policies in terms of an agreed Ireland. Predictably, unionists identified the shift as a move towards SF, while SF saw the change as largely cosmetic.<sup>28</sup> The party is still failing to establish a clear identity for itself in the midst of the continuing political crisis.

#### **11.5 Concluding remarks**

Devolution remains fundamentally fragile in Northern Ireland. Political parties continue to seek to redesign the plane while flying it. A stormy, possibly bloody, autumn seems to be at hand.

- 
- <sup>1</sup> *Irish Times*, May 16<sup>th</sup> 2002
  - <sup>2</sup> *Irish Times*, May 20<sup>th</sup> 2002
  - <sup>3</sup> *Irish News*, May 28<sup>th</sup> 2002
  - <sup>4</sup> BBC Radio Ulster, *Inside Politics*, May 26<sup>th</sup> 2002
  - <sup>5</sup> *Belfast Telegraph*, May 31<sup>st</sup> 2002
  - <sup>6</sup> *Belfast Telegraph*, June 6<sup>th</sup> 2002
  - <sup>7</sup> *Belfast Telegraph*, June 12<sup>th</sup> 2002
  - <sup>8</sup> *Irish Times*, June 27<sup>th</sup> 2002, *Belfast Telegraph*, July 1<sup>st</sup> 2002.
  - <sup>9</sup> *Belfast Telegraph*, June 3<sup>rd</sup> and 10<sup>th</sup> 2002
  - <sup>10</sup> *Irish Times*, June 15<sup>th</sup> 2002
  - <sup>11</sup> *Irish News*, June 21<sup>st</sup> 2002
  - <sup>12</sup> *Belfast Telegraph*, June 27<sup>th</sup> 2002
  - <sup>13</sup> *Irish Times*, June 29<sup>th</sup> 2002
  - <sup>14</sup> *Irish News*, June 17<sup>th</sup> 2002
  - <sup>15</sup> *Belfast Telegraph*, June 30<sup>th</sup> 2002
  - <sup>16</sup> *Irish Times*, July 3<sup>rd</sup> 2002
  - <sup>17</sup> *Belfast Telegraph*, July 4<sup>th</sup> 2002
  - <sup>18</sup> *Irish Times*, July 6<sup>th</sup> 2002
  - <sup>19</sup> *News Letter*, July 8<sup>th</sup> 2002
  - <sup>20</sup> *Irish News*, July 13<sup>th</sup> 2002
  - <sup>21</sup> *Irish Times*, July 17<sup>th</sup> 2002
  - <sup>22</sup> *Belfast Telegraph*, July 21<sup>st</sup> 2002
  - <sup>23</sup> *Irish News*, July 25<sup>th</sup> 2002
  - <sup>24</sup> *Irish Times*, July 25<sup>th</sup> 2002
  - <sup>25</sup> BBC Radio Ulster, *Inside Politics*, July 27<sup>th</sup> 2002
  - <sup>26</sup> *Belfast Telegraph*, May 30<sup>th</sup> 2002
  - <sup>27</sup> *Irish Times*, June 22<sup>nd</sup> 2002
  - <sup>28</sup> *Irish Times*, June 26<sup>th</sup> 2002

## 12. Public policies

Robin Wilson

### 12.1 Introduction

The accelerated flow of executive business was reflected in public-policy developments, with the publication of a revised transport strategy. A consultation paper on acute-hospital rationalisation also appeared. On education, meanwhile, consultation continued on the hugely divisive issue of selection at 11.

### 12.2 Transport

The revised 'regional transportation strategy' was published by the Department for Regional Development in July.<sup>1</sup> It reflected marginal accommodation of criticisms levelled at the earlier version (see February 2002 report).

Much of the strategy is aspirational. The document repeatedly stresses that its realisation is conditional on unsecured funding—£1.37 billion out of a total of £3.5 billion over its ten-year lifespan. Indeed, this moot addition was itself inflated, from £950 million, in response to the consultation on the draft.<sup>2</sup> This reflects how politics under devolution, ministerial and popular, remains largely an activity of lobbying for funding.

Within these gross figures, there has been some response to the environmental / public-transport lobby: Transport 2000 and Friends of the Earth have effective advocates in the region. Thus, the revised version envisages a slightly higher proportion (35 per cent, as against 32 per cent) of expenditure going to public transport, essentially because a rapid-transit system for Belfast is elevated from a pilot to the beginnings of a network, with £100 million notionally attached. And the degree of anticipated reliance on the private sector is reduced, mainly because of the option of the RRI, while there is a shift in the emphasis of PFI schemes towards roads from public transport.

The strategy remains, however, wedded to expenditure primarily on roads. After charting years of decline in public-transport usage, it sets ambitious targets for increases in rail and (in Belfast) bus travel, but not for cutting the growth in car journeys. Indeed, the strategy anticipates a surely unsustainable increase in the number of vehicles in the region of more than 80 per cent between 1996 and 2025. It says that 'demand management' measures, such as increased parking charges or reduced spaces for commuters, *may* be introduced but puts congestion charges—the only measure likely to be sufficiently robust to turn the numbers around—on the long finger.

The corollary of lobbying for expenditure is an unwillingness to raise the necessary revenue. Yet doing so would make more sense not only in incentivising public transport use but also in terms of fiscal probity. Raising £30 million a year from charges on motorists would eliminate the need for the proposed PFI commitments, which are estimated by the strategy to incur additional commitments of £211 million from the public purse over their duration.

### 12.3 Hospitals

If Northern Ireland's 'peace process' never seems to end, the rationalisation of acute hospitals in the region—initiated in 1998—never seems to begin. In June, the health minister, Ms de Brún, issued her response to the report of the review she had commissioned on the subject, under the former departmental permanent secretary Maurice Hayes.

The Hayes review (see August 2001 report)<sup>3</sup> had come essentially to the same (and unavoidable) conclusion as the departmental paper issued under direct rule<sup>4</sup>—namely, that access was being privileged over quality in Northern Ireland with acute functions being dispersed across too many hospitals, where surgeons lacked the specialist knowledge and up-to-the-moment practice for more complex operations. It also carried the same tone of the urgency of reform.

The department's response,<sup>5</sup> fully a year on, comes to the same substantive conclusion—but without the urgency. Indeed, with no sense of irony, the ministerial foreword describes reform as 'long overdue'. But she insists that she wants 'to consult as widely as possible' on her proposals, which she will bring together with other work, such as on public health (see May 2002 report), into a new regional strategy. This, she writes, 'will be published next year'.

The report echoes Hayes exactly in advocating that acute functions be concentrated at nine hospitals, rather than the current 15, and that one of the nine should be a new hospital at Enniskillen in Co Fermanagh. This is, however, hugely controversial in the mainly Catholic west of the Bann, where SF achieved its 'greening of the west' objective of electing two new SF MPs in June last year. The Fermanagh / South Tyrone MP supports the proposal, whereas the West Tyrone MP is defending the existing hospital in Omagh. By 'next year', the minister is unlikely to mean before May, when the assembly elections are due.

The report also makes recommendations for structural change, including, as Hayes suggested, the establishment of a regional health authority and the abolition of the health and social services boards. But it says these are entangled with the wider review of public administration (see local government section), which it says is unlikely to arrive at firm conclusions 'before the end of May 2003'. While it also says that change in the health domain can go ahead as the review's principles emerge, it nevertheless says that this will require a *further* consultation, after the responses to the one just initiated have been considered.

Meanwhile, waiting-list data released during the quarter showed that that the regional queue had lengthened yet again. The figure for March was 58,997, 12 per cent up on a year earlier.<sup>6</sup>

On the primary-care front, the quarter saw continued problems over the implementation of the local health and social care groups, which would eventually echo the primary-care commissioning arrangements set up years ago in Britain. Their establishment had already been delayed for a year until April 2002, because the

assembly had been dissatisfied with the minister's arrangements to replace GP fundholding, and in July the chair of the British Medical Association's GPs Northern Ireland committee, Brian Patterson, circularised GPs urging them not to participate in the groups until 'core issues' were sorted out.<sup>7</sup>

## 12.4 Education

The consultation on the future of the '11+'—on which, of course, Northern Ireland is decades rather than years behind developments in Britain—continued during the quarter, in the wake of the report by a review team under the former ombudsman Gerry Burns last October. The SF education minister, Mr McGuinness, worked hard to build alliances to abolish academic selection by meeting all interested educational and social groups but also took a populist tack by sending a questionnaire to every household in the region.<sup>8</sup>

The report (see November 2001 report)<sup>9</sup> advocated a unique system of 'informed parental choice' to replace the '11+', with the post-primary structure, divided not only between grammar and secondary but also along religious lines, intact. To mitigate the fragmentary effects of the latter, the report proposed grouping schools by area into 'collegiates'.

The report, as so much else in Northern Ireland, polarised opinion on sectarian lines—much to the disappointment of the review chair—as a survey of assembly members revealed.<sup>10</sup> Nationalists favoured the proposals in the name of equality; unionists opposed them in the cause of diversity of provision.

But the weakness of the 'collegiates' proposal detached the SDLP,<sup>11</sup> and the minister himself appeared concerned only to secure his fundamental goal—abolition of selection—rather than the Burns report with all bells and whistles. In July, he therefore declared himself 'interested' in a proposal from the SDLP, during his round of consensus-building meetings, for an alternative approach of comprehensivisation at 11+, but with the core curriculum ending at 14 and pupils being able to make their own choices of subsequent academic and/or vocational subjects, whatever school they attended.<sup>12</sup>

In fact, the SDLP position had itself drawn upon the work of Carmel Gallagher, a dynamic officer of the Council on the Curriculum, Examinations and Assessment. The CCEA is charged with advising on curriculum development and associated testing arrangements in the region and the power of Ms Gallagher's argument derived from the way in which her proposals on testing flowed from ideas as to the content and delivery of a modern secondary curriculum. As it happens, this position also has the capacity to square the sectarian circle, marrying as it does concerns for the equality of individuals with recognition of their diverse talents and aspirations.

Tantalisingly, the representatives of the Protestant churches involved in the (ostensibly) state part of the system, the Transferor Representatives' Council, supported the postponement of selection to 14 (which currently operates in Craigavon, Co Armagh).<sup>13</sup> This shift of emphasis from age 11 to 14 also emerged in responses to the consultation from the education and library boards, five of which deliver

schooling across the region.<sup>14</sup> Although it would favour not just comprehensivisation but cross-sectarian integration, the Alliance Party supported it too.<sup>15</sup>

If during this quarter it was evident the minister was bending, so was his main adversary, the UUP chair of the assembly education committee, Danny Kennedy. Mr Kennedy was reported as saying that a 14+ alternative was ‘gaining some currency’ and represented ‘a possible solution that gives everybody a bit of what they want’.<sup>16</sup>

---

<sup>1</sup> Department for Regional Development, *Regional Transportation Strategy for Northern Ireland 2002-2012*

<sup>2</sup> Department for Regional Development, *Proposed Regional Transportation Strategy for Northern Ireland*

<sup>3</sup> Acute Hospitals Review Group (2001), *Report June 2001*, Belfast: DHSSPS

<sup>4</sup> Department of Health and Social Services (1998), *Putting it Right*

<sup>5</sup> Department of Health, Social Services and Public Safety (2002), *Developing Better Services: Modernising Hospitals and Reforming Structures*

<sup>6</sup> Department of Health, Social Services and Public Safety release, June 6<sup>th</sup> 2002

<sup>7</sup> *Belfast Telegraph*, July 4<sup>th</sup> 2002

<sup>8</sup> *Irish Times*, May 21<sup>st</sup> 2002

<sup>9</sup> Post-primary Review Body (2001), *Education for the 21<sup>st</sup> Century*, Belfast: Department of Education

<sup>10</sup> *Belfast Telegraph*, January 15<sup>th</sup> 2002

<sup>11</sup> *Irish Times*, May 21<sup>st</sup> 2002

<sup>12</sup> Executive Information Service, July 3<sup>rd</sup> 2002

<sup>13</sup> *Irish News*, May 2<sup>nd</sup> 2002

<sup>14</sup> *Irish News*, May 31<sup>st</sup> 2002 and June 28<sup>th</sup> 2002

<sup>15</sup> *Belfast Telegraph*, June 19<sup>th</sup> 2002

<sup>16</sup> *Irish News*, June 29<sup>th</sup> 2002