



The Constitution Unit



Nations and Regions: The Dynamics of Devolution

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- **Party politics generally exhausted amid widespread apathy**
- **Ulster Unionist Party convulsed by internal strife**
- **Surprising upturn in public confidence on ‘community relations’**
- **Direct rule beds down with evidence of ministerial activism**
- **Intergovernmental relations sustained in absence of devolution**

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1. Summary Robin Wilson

The prime minister, Tony Blair, may worry that Northern Ireland is ‘too fragile’ but its citizens seem to have come to a more relaxed conclusion. Talks have failed, devolution has been suspended, the assembly election has been postponed, paramilitary violence grinds on ... and yet the roof has not fallen in. A determination to get on with life amid widespread political apathy appears to have taken hold.

Indeed, analysis of data available this quarter from the 2002 Northern Ireland Life and Times Survey, carried out in the wake of the collapse of the devolved institutions, indicates—after years of decline since the Belfast agreement—a modest *upturn* in confidence about ‘community relations’. Other opinion data appearing this quarter found a median ‘no change’ view of public services over the past five years.

The postponement of the election due in May had been expected to lead to a ‘political vacuum’, heralded to be ‘filled’ with violence. In fact, a merely meteorologically hot summer followed. The region’s ‘marching season’ of (almost entirely Protestant) parades passed off remarkably peacefully, with just 2,800 Orangemen turning out for the main ‘Twelfth’ demonstration. And the efforts of Sinn Féin to mobilise Catholic public opinion behind ‘Democracy Denied’ rallies met not only incomprehension from seasoned observers but a wider yawn.

By far the greatest political activity took place in the normally somnolent Ulster Unionist Party. This was of a wholly destructive character, as what looked like the final throes of the internal battle for control of this fast-devaluing organisation were played out, once more in public—a ‘never-ending soap opera’ as one newspaper called it. More professionally, or more dishonestly, the republican movement addressed behind closed doors the shock posed by the charge that a man who for decades had been crucial to its ‘internal security’ had been a British agent.

With suspension stretching to nearly a year, civil servants were diverted from the assembly and ministers floated the idea of reviving the Civic Forum. Indeed ministerial activism suggested a commitment to firm government under direct rule. On a wider intergovernmental front, despite the tension between London and Dublin over when the assembly election should go ahead, the other axes of the Belfast agreement remained unaffected by suspension.

While further inter-party talks were envisaged in the autumn, eyes were increasingly turning to the review of the working of the agreement, due before the end of the year.

2. The ‘peace process’

Rick Wilford & Robin Wilson

2.1 The aftermath

In the wake of the postponement of the assembly election due in May, amid the impasse over ‘acts of completion’ by the republican movement (see May 2003 report), the London and Dublin governments were left to pick up the political pieces. They undertook to implement those aspects of the joint declaration they had published that month which were not contingent on republican reciprocity. This meant, however—in a now not unfamiliar scenario—that the demand by the prime minister, Tony Blair, in his post-suspension speech in Belfast in October (see November 2002 report), that the republican leadership finally renounce violence, had been turned around into the measures the UK government would undertake in the absence of just such a step.

In early July the two governments met in London under the aegis of the British-Irish Intergovernmental Conference. Besides reviewing recent political developments, reiterating their shared commitment to the restoration of the devolved institutions, and commending the work of the North/South Ministerial Council and the British-Irish Council, the participants¹ set out a timetable of ‘deliverables’ for the near term.²

The issues covered included: criminal justice, policing, the prospective bill of rights (see below),³ the single equality bill,⁴ an Irish-language production fund, community relations (see devolved-government section), the regeneration of disadvantaged areas, unemployment and the victims of violence. In addition, both governments have been taking forward their discussions on the creation of the Independent Monitoring Body planned to oversee compliance with the ending of paramilitary activities and the normalisation of security (see May 2003 report)—the four members to be drawn from Northern Ireland, Britain, the Republic of Ireland and the US.

The IMB idea emerged from an Alliance Party proposal of last summer for an independent ceasefire monitor. The reluctance of UK government ministers to press the Belfast agreement’s nuclear button by supporting the exclusion of SF from devolved government was transparently leading to a Nelsonian eye being turned to IRA activities—assisting FARC guerrillas in Colombia, gun-running from the US, the break-in at Castlereagh intelligence centre and an extraordinary IRA spying operation at the heart of government. These were eroding still further Protestant willingness to engage in power-sharing with republican leaders, and in the end made suspension inevitable.

But the monitor idea was meantime taken up by the Ulster Unionist Party, as part of the auction politics of Northern Ireland, in which the party leader, David Trimble, strives to act as effectively as his republican counterpart, Gerry Adams, in playing the role of *demandeur*. For Mr Trimble, the body would represent his guarantee, where he to endorse a restoration of devolution, that he would not face further political embarrassment at the hands of Mr Adams’ IRA *confrères*—given the refusal of the

SDLP to countenance exclusion of SF from government, short of an open and explicit breach of the republicans' ceasefire.

Yet while the UUP is in principle wholly committed to the monitoring body, the planned inclusion of a representative from the republic as one of its four members was opposed by many party members, and not just the rebellious MPs—the 'Westminster Three' (see political parties and elections section). At first, and indeed at second, sight this seems like another case of unionism shooting itself in the foot.

Lord Kilclooney (John Taylor), the UUP's deputy leader and unsuccessful contender for the party crown when he was pipped by Mr Trimble in 1995, indicated that he would oppose any such proposal⁵—as, of course, does the Democratic Unionist Party. If the two governments were to insist on the inclusion of a Dublin appointee in the 'strand one' (internal to Northern Ireland) arena of the Belfast agreement, it would spell the end of the accord, Lord Kilclooney insisted. He believes that the vast majority of the UUP, already bitterly divided over the joint declaration, would oppose such a move.

There was considerable speculation that the UK government would publish draft legislation to set up the body before Parliament rose on July 17th but this proved unwarranted. There seemed little doubt that London and Dublin would publish the names of the four members over the summer, so that there would, in effect, be a shadow monitoring commission in place awaiting the passage of the relevant legislation. But a delay on the part of the US administration (with some other things on its collective mind) in appointing its nominee meant the process was postponed until September.⁶ When the announcement comes, more vitriol involving all shades of unionism can be expected.

2.2 Rights and wrongs

There was relief all round that this summer saw the quietest 'marching season' for many years. In particular, the annual 'Drumcree stand-off' in early July—over a bid by the Orange Order to march through a Catholic area of Portadown, Co Armagh, on their return from a Somme commemoration service—was stood down. Historically, a powerful cross-class Protestant institution, the order is a shadow of its former self, as more professional and moderate supporters have walked away. The organisation once claimed 100,000 members but a recent opening up of the order's records to researchers has indicated a much lower figure. Just 2,800 Orangemen took part in this year's main July 12th parade in Belfast, commemorating William III's victory in the Protestant cause at the Battle of the Boyne.⁷

At the failed Weston Park talks in the summer of 2001, Mr Trimble had secured the concession of a review of the Parades Commission, which regulates marches in Northern Ireland—overwhelmingly stemming from the Protestant marching orders. The review was carried out by the former senior civil servant Sir George Quigley—in

a typically diligent and erudite fashion—and the report⁸ was issued for consultation in November 2002, with a view to possible changes in time for the 2004 ‘season’.

There is no sign, however, of any subsequent urgency on the part of the NIO to act upon the Quigley recommendations, which would require the legislation on parades to be more closely aligned with the European Convention on Human Rights and ‘determinations’ on individual parades to be more transparent. The consultation period was extended to the end of April and it was made clear at the time that this would postpone any change until 2005. Sir George’s principled approach may well not gel with the NIO’s preferred *Realpolitik* and the associated keenness to allow any sleeping dogs to lie.

Meanwhile, during the quarter, there was a more negative eruption of the region’s identity politics, focusing on the Northern Ireland Human Rights Commission and, in particular, its chief commissioner, Brice Dickson. In July, the director of the Northern Ireland Council on Ethnic Minorities, Patrick Yu, resigned from the commission with a critical statement,⁹ and he was joined in the fray by two former colleagues, the trade union official Inez McCormack and the law academic Christine Bell, who had resigned last September.¹⁰ In between, the Joint Committee on Human Rights at Westminster published a report expressing concern about aspects of the commission’s work but also urging that it be given more power and resources.¹¹

The issue was quickly appropriated in the party-political arena, with the SDLP and SF weighing in in support of the critics¹²—remarkably brazenly on the part of the latter party, given its continuing association with a paramilitary organisation responsible for more violations of the right to life than any other (state or sub-state) organisation in Northern Ireland over the last few troubled decades.¹³ Meanwhile, the DUP took the bizarre position of rejecting the nationalist criticism of the commission while insisting that nothing it said should be taken as a defence of the commission itself.¹⁴

As often in Northern Ireland, the substantive principles at stake did not seem proportionate to the sound and fury. In as far as a clear argument could be discerned, it was over a proposal in an NIHRC document¹⁵ published in September 2001 on a bill of rights, on which the agreement established the commission in part to advise. In the key section on ‘rights concerning identity and communities’,¹⁶ the commission followed the Council of Europe Framework Convention on the Rights of National Minorities in recognising the right of individuals not to be disadvantaged, not only if they chose to be considered but also if they chose *not* to be considered as a person belonging to such a minority. ‘Some’ commissioners expressed concern that this could delegitimise the communal registration system in the assembly, by which a mutual ‘nationalist’ and ‘unionist’ veto operated, and insisted that the bill of rights should enshrine and build upon a right to ‘parity of esteem’ between the two main religious ‘communities’.

The irony is that the idea behind a bill of rights for Northern Ireland in the past had always been that by creating a level playing field it would be possible to transcend the

old identity conflicts. Now, when the sectarian playing field has come close to being levelled by decades of reforms, the human-rights commission finds itself the victim of these enduring communal claims.

2.3 A 'fragile' situation

Before leaving for Cliff Richard's summer-holiday mansion in Barbados, the prime minister delivered another of his presidential-style monthly press conferences. While inevitably overshadowed by Iraq and the death of the weapons expert David Kelly, Mr Blair did comment on Northern Ireland. He described the situation as 'too fragile' and stressed the need for devolution to be restored.¹⁷

One of the barriers to that aim, of course, is the non-violent but no less bitter civil war within the UUP (see political parties section), to which Mr Trimble's leadership could yet finally fall victim. But another is the corrosive effect of continuing paramilitary thuggery, set against the parallel protestations of the 'peace-making' intentions of their besuited political spokespersons. Under the headline 'Terror toll soars in wake of agreement',¹⁸ the *Belfast Telegraph* reported that there had been more shootings, beatings and injuries (though not deaths) associated with paramilitary violence in the period from the Belfast agreement to Easter 2003 than in the same five-year period from 1993 to 1998 (even though it was not until the autumn of 1994 that the paramilitary 'ceasefires' began).

Despite the pressure for an assembly election from nationalist parties and Dublin and, for equal and opposite reasons, the DUP, the basic electoral calculus remains that in such a context there is no conceivable election outcome that would allow a first and deputy first minister to be elected under the 'parallel consent' procedure—requiring as that would that the poll throw up a pro-agreement majority among 'unionist'-designated MLAs.

Indeed, because of the post-agreement erosion of the 'yes' camp among Protestants, not since the resignation of the then deputy first minister, Seamus Mallon, in July 1999, has there been a reliable majority on the 'unionist' side to back a renewed UUP-SDLP dyarchy. For Mr Mallon (and so Mr Trimble) to be subsequently reinstated later that year, it had to be accepted that he hadn't effectively resigned at all, and for Mr Trimble (and so Mark Durkan) to be (re)installed in 2001 after *his* resignation that year, members of the Alliance Party had to 'redesignate' as 'unionist' to make up the numbers.

In current circumstances, an election would see a further haemorrhage of pro-agreement unionism, mirroring the strength of SF among 'nationalists', and no new power-sharing administration could conceivably be formed. The republic's government, apparently out of a wishful belief that the DUP and the UUP rebels would prove pragmatic once they dominated the 'unionist' assembly bloc,¹⁹ insisted

the election should go ahead as soon as possible. But there were indications during the quarter that the UK government took a different view.

The BBC Northern Ireland political correspondent Martina Purdy concluded in an analysis of the ‘fragile’ process that few were betting on renewed elections. The focus, she predicted, would shift to the review of the agreement due before the end of the year.²⁰

¹ Paul Murphy, Jane Kennedy and John Spellar represented the UK government; their Dublin counterparts were Brian Cowen (Department of Foreign Affairs), Michael McDowell (Justice, Equality and Law Reform) and Tom Kitt (minister of state, Foreign Affairs).

² Northern Ireland Information Service, *Joint Communiqué*, July 2nd 2003

³ This would offer provisions over and above the European Convention of Human Rights, addressing the ‘particular circumstances’ of Northern Ireland.

⁴ This is to harmonise the raft of anti-discrimination legislation applying to Northern Ireland but has proved a long time in the drafting.

⁵ *Times*, July 18th 2003

⁶ *Irish Times*, August 8th 2003

⁷ We are grateful to Dominic Bryan, who attended the parade, for this intelligence.

⁸ *Review of the Parades Commission and Public Processions (Northern Ireland) Act 1998*, Belfast: NIO

⁹ *Irish News*, July 8th 2003

¹⁰ *Irish News*, July 17th 2003

¹¹ *Irish News*, July 16th 2003

¹² *Irish Times*, July 31st 2003

¹³ Fay, Marie-Therese, Mike Morrissey and Marie Smyth (1999), *Northern Ireland’s Troubles: The Human Costs*, London: Pluto Press, pp 168-9

¹⁴ *Irish News*, August 1st 2003

¹⁵ Northern Ireland Human Rights Commission (2001), *Making a Bill of Rights for Northern Ireland*, Belfast: NIHRC

¹⁶ One of the authors, Wilson, was the *rappporteur* of a working group to the commission addressing this congeries of issues during 2000.

¹⁷ *News Letter*, July 31st 2003

¹⁸ *Belfast Telegraph*, August 11th 2003

¹⁹ *Irish Times*, June 14th 2003

²⁰ BBC News online, August 7th 2003

3. Devolved government Rick Wilford & Robin Wilson

3.1 Direct rule settles in

The ‘botched’ cabinet reshuffle saw Des Browne leave Northern Ireland to take up a post as minister of state in the Department of Work and Pensions. Mr Browne was replaced as minister of state in the Northern Ireland Office by John Spellar who, among other things, took on the political-development brief.¹ Given they have taken over the matters transferred to the former devolved administration, the NIO ministers certainly have their hands full—though perhaps not as cluttered as those of Alistair Darling and Peter Hain following the seemingly hasty creation of the new Constitutional Affairs Department.

The full list of current ministerial responsibilities is as follows:

- Paul Murphy (secretary of state);
- Jane Kennedy (minister of state): security and policing, prisons, the departments of education and of employment and learning, the Assets Recovery Agency and the organised crime task force;
- John Spellar (minister of state): political development, criminal justice, human rights and equality, and the social-development department;
- Ian Pearson (parliamentary under-secretary): Europe (euro preparations committee), the departments of agriculture and rural development, of finance and personnel, and of enterprise, trade and investment, and the review of public administration; and
- Angela Smith (parliamentary under-secretary): victims and reconciliation, and the departments of the environment, of health, social services and public safety and of culture, arts and leisure.

The undertakings² by the former Northern Ireland secretary, John Reid, and his successor, Mr Murphy, that the UK government would press ahead with the legislative programme scheduled by the devolved executive before suspension have been fulfilled. A total of 22 orders have been made since October 2002, including that creating the Strategic Investment Board to fulfil the Reinvestment and Reform Initiative (see May 2002 report), and the establishment of the children’s commissioner.³

The legislative and policy scene having shifted to Westminster, the Northern Ireland Grand Committee debated the RRI during the survey period, having earlier debated the draft budget order.⁴ As with the assembly’s first budget, debated and set at Westminster, so too with the last—in each case because of the arrested development of devolution.

3.2 Programme for Government

The devolution / direct rule relationship inevitably arose in connection with the second annual report by the—by now, non-devolved—executive on the Programme for Government.⁵ A section headed ‘Context’ began:

Inevitably progress on delivering the Programme can be affected by events outside the Government’s control, events unforeseen when the Executive agreed the work which they planned to do ... The suspension of devolution in October is certainly one such factor and suspension has affected achievement on a small number of targets.

The document said 71 per cent of actions identified in the programme—which, though annually iterated has had a three-year rolling timescale—had been achieved, or ‘substantially’ achieved or, at least, were ‘on track’. Otherwise, the report is marked by continuity rather than change (see August 2002 report). In both cases, a brief policy / political narrative is followed by a welter of tables on actions and public-service-agreement targets.

The interesting question arises as to why this continuity should be apparent, given the mantra of devolved ministers that they were out to ‘make a difference’ as compared with direct rule—the phrase appeared in the title of the first two PfGs.⁶ The explanation is the weak policy capacity⁷ at Stormont (concentrated in a tiny Economic Policy Unit in the OFMDFM), the crowding out of policy innovation by Northern Ireland’s mistrustful audit culture and the virtual absence of any significant policy input from parties with no reliable positioning on any left-right governance spectrum.

Thus the PfGs took over from the UK government the system of public-service agreements, without appreciating their origin in the Brown-Blair political rivalry and the desire of the chancellor to control large areas of domestic policy across departments. This distinguished Northern Ireland under devolution from the other two devolved administrations.⁸ And in the absence of significant policy innovation the tenor became increasingly technocratic over time, echoing the Blairite rhetoric on the how of ‘delivery’ rather than the outcomes policy sought to achieve.⁹

During the quarter the Economic Policy Unit¹⁰ published a guide to policy development,¹¹ with a view to addressing some of these weaknesses. The guide seeks to diffuse a culture of policy innovation, evidence-based policy-making, ‘joined-up government’ and iterative evaluation among officials across departments. In a foreword the head of the Northern Ireland Civil Service, Nigel Hamilton, insists: ‘One of the key messages which I hope this guide will help to send out is that policy development should not be seen as the preserve of a few specialists’.

According to Mr Hamilton,¹² the guide represents ‘one strand of a programme of work commissioned by the Permanent Secretaries’ Group to strengthen the policy development capacity of the NICS in the years ahead’. Other strands will be a website called Policy Link and a policy-making bulletin, and there is to be a major conference in the autumn to launch a series of seminars for officials. But the impact of a guide originating from the new demands of devolution will undoubtedly be diminished for as long as it is suspended.

3.3 Community relations

Before his departure, Mr Browne pushed back to the end of September the deadline for consultation on community relations policy, following the publication in January of *A Shared Future*.¹³ This itself followed the Harbison report of 12 months earlier,¹⁴ which had languished on the shelves of the Office of the First Minister and Deputy First Minister, in the absence of a political steer from the communal executive parties, until suspension.

Meanwhile, on the closely related issue of victims of ‘the troubles’, Mr Browne published at the end of May an evaluation of relevant health and social services which he had commissioned in November 2002.¹⁵ Also during the quarter, the victims unit in the OFMDFM generated an evaluation¹⁶ of the first year of the ‘victims strategy’,¹⁷ which had been promulgated by the devolved government.

An unfortunate side-effect of the reshuffle was that Mr Spellar, a former armed forces minister, assumed responsibility for the community-relations review. The Catholic morning newspaper, the *Irish News*, discovered that the new minister had, when he was armed forces minister, supported the return to the army of two soldiers convicted of the 1992 murder of a Catholic teenager in Belfast—a decision challenged in June by the Northern Ireland Court of Appeal.¹⁸

It is believed that the minister will not, as a consequence, engage in public activities in Catholic areas, to avoid protests. This would clearly be highly unfortunate, given the need for the NIO to be seen to be playing a neutral-broker role *vis-à-vis* the sensitive issue of community relations. As the quarter closed, Mr Spellar had yet to meet either of the main nationalist parties (or, indeed, the UUP) about the review.¹⁹

The most important response to the consultation came this quarter, from the Community Relations Council, set up in 1990 principally to allocate funds to non-governmental organisations working on the ground but increasingly developing a policy capacity in recent years. The council’s response, drafted by its chief executive, Duncan Morrow (one of the contributors to these reports—see political parties section), is an extended essay on the unavoidable and long-term nature of the challenge and the need for an holistic response across government and civil society if that challenge is to be met.²⁰

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- ¹ Northern Ireland Information Service, June 17th 2003
- ² Northern Ireland Information Service, October 15th and November 19th 2002
- ³ For the full list of orders see www.northernireland-legislation.hmso.gov.uk/legislation/northernireland/ni-oic03.htm. On June 26th 2003, the first children's commissioner was named as Nigel Williams. A native of Limavady, Co Derry, he was chief executive of Childnet International.
- ⁴ The RRI was debated on June 9th 2003 and the draft budget order on February 6th.
- ⁵ available at www.pfgni.gov.uk
- ⁶ Northern Ireland Executive (2001), *Programme for Government: Making a Difference 2001-2004* and *Programme for Government: Making a Difference 2002-2005*, Belfast: OFMDFM
- ⁷ Heald, David (2003), *Funding the Northern Ireland Assembly: Addressing the Options*, Belfast: Northern Ireland Economic Council
- ⁸ a point highlighted in the *United Kingdom National Action Plan on Social Inclusion 2003-05*, submitted to the European Commission and available at <http://www.dwp.gov.uk/publications/dwp/2003/nap/nap.pdf>
- ⁹ Northern Ireland Executive (2002), *The Executive's Position Report to the Assembly: Developing the Programme for Government and the Budget for 2003-04*: Belfast: OFMDFM
- ¹⁰ It is itself an odd indication of the attenuated understanding of policy development in Northern Ireland that the policy unit in the OFMDFM, established to progress the first Programme for Government, should be called the *Economic Policy Unit*—particularly since macroeconomic policy is of course a 'reserved' matter.
- ¹¹ Economic Policy Unit (2003), *A Practical Guide to Policy Making in Northern Ireland*, Belfast: OFMDFM
- ¹² in a letter inserted in the guide on dissemination
- ¹³ See www.asharedfutureni.gov.uk This was published in February 2003.
- ¹⁴ *Review of Community Relations Policy*, OFMDFM, January 2002.
- ¹⁵ *Evaluation of Health and Social Services for Victims of the Conflict* is available at www.dhsspsni.gov.uk/publications/2003/victims/victims.html It followed a report by the Social Services Inspectorate Report, *Living With the Trauma of the Troubles*, in March 1998, also available on the DHSSPS website.
- ¹⁶ Victims Unit (2003), *Victims Unit Progress Report*, Belfast: OFMDFM
- ¹⁷ Victims Unit (2002), *Reshape, Rebuild, Achieve: Delivering Practical Help and Services to Victims of the Conflict in Northern Ireland*, Belfast: OFMDFM
- ¹⁸ *Irish News*, June 14th 2003
- ¹⁹ OFMDFM press release, August 15th 2003
- ²⁰ Community Relations Council (2003), 'A Shared Future: a consultation paper on improving relations in Northern Ireland: response by the Community Relations Council', available from info@community-relations.org.uk

4. The assembly Robin Wilson

While the NIO has been anxious to keep up pro-devolution appearances, it emerged in June that up to 100 civil servants seconded to the assembly had been told they were to return to their original departments. An ex-MLA from the SDLP accused the government of ‘pulling the plug’ on the assembly.¹

And in July it was revealed that the Northern Ireland secretary, Mr Murphy, had written to former assembly members seeking their views on the reinstatement of the Civic Forum. Nationalist politicians again interpreted this search by government for civil interlocutors—a feature of the long years of prior direct rule—as a possible signal of waning confidence in an early return of regional elected representatives to power.²

But the Alliance leader and former MLA, David Ford, said it was hardly surprising that ‘the people of Northern Ireland are switching off from what passes for local politics’. Inter-party bickering over the implementation of the agreement had led to disillusionment, he said. And he added: ‘Devolution has not yet begun to make a real difference to most people’s lives.’³

¹ *Irish News*, June 13th 2003

² *Irish News*, July 21st 2003

³ *Irish News*, June 3rd 2003

5. The media Greg McLaughlin

5.1 Introduction

This quarter the focus is on the struggle within the UUP to decide its future leadership and policy direction. Also reviewed are two stories involving the problem of media and disinformation, and the reporting of recent developments in the campaign to win justice for the victims of the Omagh bomb in 1998.

5.2 A 'never ending soap opera'

The cancellation of the assembly election was viewed by almost every political party and media pundit as a ploy by the British government to save Mr Trimble, the embattled UUP leader, from his own party. Sure enough, on June 16th, the party's ruling council met for the 10th time since 1998 to debate a motion of confidence in his leadership. With no prospect of 'normal politics' in Northern Ireland for quite some time to come, this was as good as it was going to get for the media—and, as always, they framed the meeting as another mortal duel between Mr Trimble and his nemesis, Jeffery Donaldson.

Television reporters gathered that evening outside the Ramada Hotel in Belfast, feeding on paltry scraps of information and speculating wildly on the possible outcome. It must have been clear before they even arrived that no one of seniority in the party was going to make any comment to camera. Yet the pressure remained to be present, to construct some kind of spectacle out of nothing but processions and *entourages*. As it turned out, Mr Trimble triumphed once again, if by a rather more slender majority than before. But the result was revealed rather too late for extensive television coverage.

This is often where newspapers come into their own. So how did all this appear in the next morning's papers, in the cold light of day? The (mainly Protestant) *News Letter* employed the boxing metaphor. Its front-page headline, 'The Great Survivor', was qualified with the strapline 'Trimble wins UUC battle on points—but fails to land a knockout blow'. It sustained the metaphor in the opening paragraphs of its report, referring to this now rather tawdry routine as a 'dramatic showdown'. Although Mr Trimble declared the result to reflect 'the settled will of the party', the paper said that he 'knows the war is not over'. The (mainly Catholic) *Irish News* led with 'Trimble wins latest "crisis" council vote', casting immediate doubt on the true significance of the meeting. Indeed the next day it chose the epithet 'The never-ending soap opera of Ulster Unionism' to describe the affair.

But what was the editorial verdict on the meeting, particularly its implications for a final political settlement and the 'full implementation' of the agreement? The *News Letter* editorial, 'UUP war not over', judged it entirely as an internal affair and

underscored its view that Mr Trimble knew that matters were by no means settled. ‘In the battle for hearts and minds’ in the party, it said, ‘Trimble has still to win the hearts’. The *Irish News*, on the other hand, looked to the wider implications for the ‘peace process’. The struggle had to be settled once and for all, it said, but whatever the final outcome, the party could not turn the clock back to 1974 when it brought down not only its then leader, Brian Faulkner, but also the power-sharing executive. The UUP had to commit itself to the full implementation of the agreement and hold the British government to its promise to hold assembly elections in the autumn (‘Parties must look forward’, June 18th 2003).

The columnist Brian Feeney noted that the date of the UUP meeting coincided with Bloomsday in Dublin, when Joyce enthusiasts retrace the steps of Leopold Bloom in his fictional *Odyssey* around the city. Mr Feeney reminded readers that Bloom had ended up back where he started—much like the Ulster Unionist Council (‘Bloom, UUC heading nowhere new’, *Irish News*, June 18th 2003).

The aftershocks of the vote rumbled on through the following weeks. On June 23rd, Mr Donaldson resigned the party whip, along with his fellow MPs David Burnside and Rev Martin Smyth (party president), and the former UUP leader, Lord Molyneux. The *News Letter* thought it could have been an opportunity for reconciliation, bringing Mr Donaldson ‘back into the fold’. Instead, ‘the tone was defiant, sometimes downright aggressive’. If it was calculated to wound Mr Trimble and diminish his reputation at Westminster then it worked. The leader could not survive for much longer unless he chose to ‘confront his opponents terminally and take the battle to the grassroots’ (‘Now Trimble needs to do some defining’, June 24th 2003).

The *Irish News* took a rather more nuanced stance on the latest crisis than one would expect. Far from gloating, it recognised Mr Donaldson’s sincerity in sticking to his principled objections to the agreement, but noted that ‘sincerity and sound political judgement do not always go hand in hand’. Rather than realising his ‘potential to make a telling contribution to the wider search for political progress’, Mr Donaldson had chosen to ‘concentrate his energies on the vicious internal struggle’ that threatened to tear the party asunder. Nationalist politicians could only ‘wait and wonder who they will be able to engage with’ on the unionist side (‘What are UUP rebels saying?’, June 24th 2003).

5.3 Other stories

The inquiry by Lord Hutton into the death of the weapons expert David Kelly has highlighted, among other issues—including the bizarre confluence of the Northern Ireland origins of the law lord and the Downing Street press officer Tom Kelly—the susceptibility of journalists to unattributable and uncorroborated sources from within the ‘intelligence community’. It is a problem familiar to anyone who has followed the ‘propaganda war’ in Northern Ireland at the height of the conflict, and it sometimes

still emerges. Two recent media stories are typical of the genre: the ‘Stakeknife’ story in June, revealing the ‘true’ identity of a British-paid agent in the IRA, and the news in July that Israeli Defence Forces had arrested a supposed Real IRA activist as he attempted to cross into the west bank, apparently on a mission to train Palestinian ‘terrorists’ in bomb-making.

The British agent, ‘Stakeknife’, was identified as Freddie Scappaticci, allegedly head of the IRA’s ‘internal security’ unit. It made for sensational media headlines but, as the story unfolded, it became ever more difficult to believe anything we were being told about the affair. Mr Scappaticci initially refused to flee his home in Belfast (though he did subsequently take an extended break in Italy) and the IRA has not as yet moved against him. This raised the possibility that the prime objective of the intelligence services was to plant a story in the media that would send the republican movement into convulsions at a time when it was already under pressure to complete decommissioning of its armoury.

The alleged Real IRA man arrested by the Israelis was described in the media as a ‘master bomber’ and one of the most wanted ‘terrorists’ in Britain and Ireland. It soon emerged, however, that the man had nothing to do with the Real IRA: he was an Irish-language activist and a journalist with the Gaelic newspaper, *La*, on a genuine assignment to the west bank. It was, however, British military intelligence that first identified him as a ‘terrorist suspect’ and the media duly reported it without any cross-checking with other sources in the first instance. Was it a coincidence that this happened on the eve of the visit by the Israeli prime minister, Ariel Sharon, to London to meet his counterpart, Mr Blair? An attempt perhaps to reassure Mr Sharon that Britain was fully behind his ‘war on terrorism’, while at the same time urging him to follow the ‘road map’ to peace? No one can be sure, and that is the point.

Both these stories show how easily intelligence sources can plant wildly inaccurate and misleading information in news reports with telling effect. Subsequent corrections are irrelevant if the principal outcome has been realised.

On August 6th, the Special Criminal Court in Dublin convicted the real Real IRA leader (though he had fallen out with his comrades in prison), Michael McKevitt, on charges of ‘directing terrorism’—an offence introduced in the wake of the bomb planted in Omagh by that organisation in August 1998, at the cost of 29 lives, including that of a pregnant woman. Mr McKevitt was sentenced to 25 years in prison, which was greeted as a small but welcome victory by those seeking justice for the Omagh victims—no one has been brought to account for this crime. As the *Irish News* pointed out, ‘securing convictions for Omagh must still be the priority ... no matter how long that may take’ (‘Justice makes slow progress’, 7 August).

The victims’ families have been campaigning for some time to raise enough money (some £1.6 million) to bring a civil action against a number of prime suspects. So the news on August 8th that the British government would contribute the outstanding £800,000 required was seen as a much more significant development than the

McKevitt conviction ('Boost for Omagh', *News Letter*; "Enormous burden" is lifted from families', *Irish News*).

The *News Letter* warned that there was no guarantee that the campaign would succeed but the government's timely intervention showed that 'society ... has weighed in with full support and the law must now take its course' ('Omagh an exceptional case for aid'). The *Irish News* welcomed the announcement, but wondered why it had taken so long for the government to act and why it could not have funded the civil action in full from the start, saving the families some stress. While it also welcomed the prospect of a civil action against Mr McKevitt and others, on charges of direct responsibility for the bomb, the paper regretted that this could not have been pursued in a criminal court ('NIO money was slow in coming').

A bizarre footnote to this affair was the coverage in the Dublin-based *Sunday Tribune* newspaper on August 10th. On its front page, the *Tribune* ran a story reporting that the SF president, Mr Adams, would not say whether he would appear if called in any such civic action but was taking legal advice. 'Adams said he did not know why anyone would want him to give evidence,' the newspaper reported. Inside, however, the *Tribune* ran a huge feature giving chapter and verse on the split in the IRA in 1997, out of which the Real IRA emerged, presenting Messrs Adams and McKevitt as the key protagonists on each side.

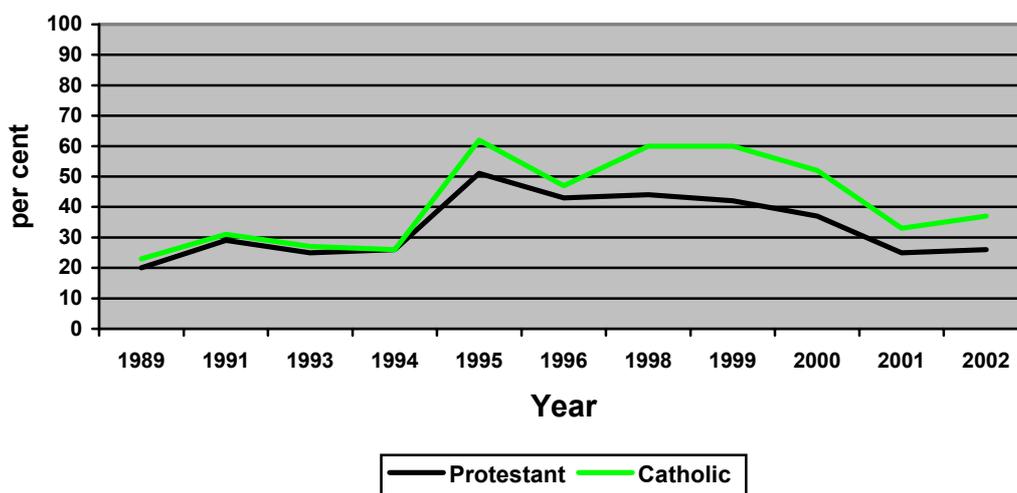
6.1 Introduction

The monitoring report for August 2002—exactly a year ago—focused on public attitudes to community relations in Northern Ireland and revealed an increasingly pessimistic picture. Given that the ultimate success of devolution in Northern Ireland is inextricably linked to how relations between the ‘two communities’ develop, this report revisits this area and suggests that, for the first time in a long period, there are some grounds for optimism. The figures reported here are taken from the 2002 Northern Ireland Life and Times Survey¹.

6.2 Perceptions of relations

Figure 1 shows the proportion of respondents who believe that relations between Protestants and Catholics are better now than they were five years ago. Given that the 2002 survey was carried out immediately after the spectacular collapse of devolution last October (see November 2002 report) it is, on the face of it, surprising that the results indicate a slight increase in optimism among Catholics and at least a levelling off of Protestant pessimism from 2001.

Figure 1: % believing that relations between Protestants and Catholics are better now than 5 years ago (by religion)



Looking at the time-trend more broadly over five years it seems likely that the 2001 results represent a ‘blip’ in this pattern. That survey was carried out against the background of the Holy Cross dispute and the fact that this had a widespread effect on public opinion was clear at the time. If the 2001 results were excluded from the chart

it is clear the overall trend would remain downwards. But the 2002 data could be indicative of a halt in the decline of the previous five years.

Figure 2: % believing that relations between Protestants and Catholics will be better in 5 years time (by religion)

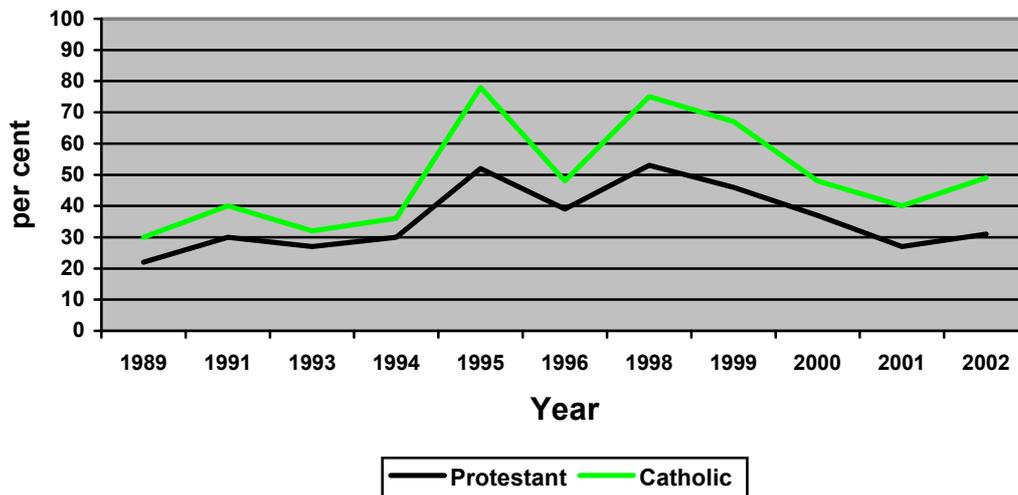
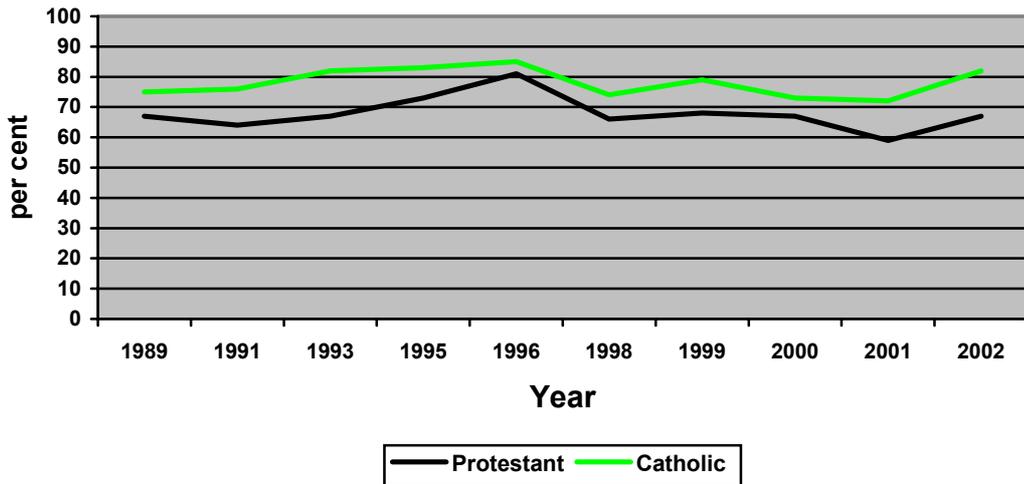


Figure 2 reflects a similar indicator and shows the proportion of people who believe that relations between Protestants and Catholics will be better in five years time. Here Catholic optimism about the future definitely appears to have taken a turn for the better as the proportion expressing optimism is higher in 2002 than in 2001 and, more importantly, the 2002 figures are similar to those for 2000. Protestants show a slight increase in optimism since 2001 but the overall time-trend is still downwards.

6.3 Preference for contact

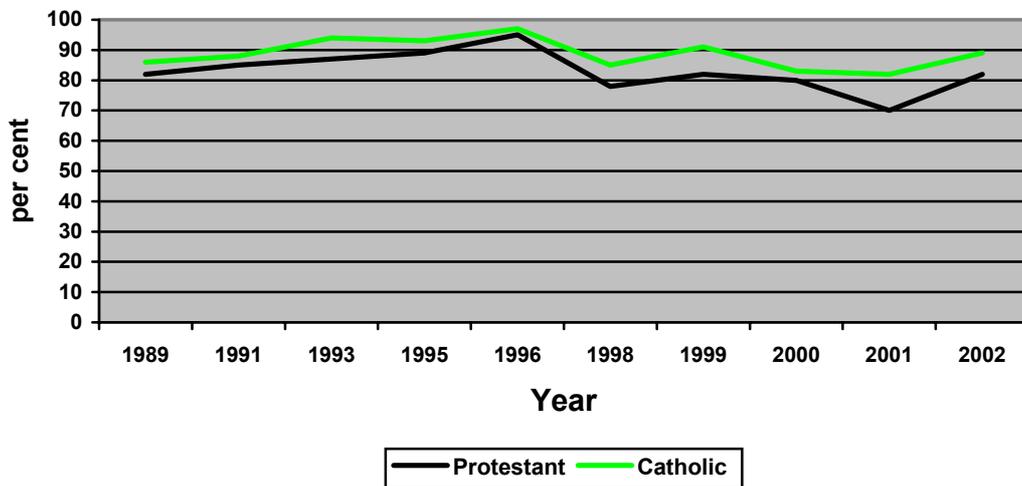
The survey includes a series of questions asking whether respondents would prefer to live in mixed-religion neighbourhoods and work in mixed-religion workplaces. Substantial majorities of respondents have always indicated their desire to do so but, again, there has been a downward trend in levels between 1996 and 2001. But results for 2002 indicate an upswing in support of eight percentage points for Protestants and ten percentage points for Catholics. Although this doesn't reach the highest level of support (in 1996), it nonetheless marks a recovery among Catholics in the desire for contact—and, to a lesser extent, among Protestants as well. For Protestants, the overall trend between 1996 and 2002 is still downwards, but for Catholics the trend is much flatter.

Figure 3: % who would prefer to live in a mixed religion neighbourhood (by religion)



The picture is similar for the desire to work in mixed-religion workplaces (Figure 4). Catholic support has risen seven points and Protestant 12 points between 2001 and 2002. The overall trend between 1996 and 2002 is still downwards for both communities, but again 2002 may mark the beginning of a recovery to some extent.

Figure 4: % who would prefer a mixed religion workplace (by religion)

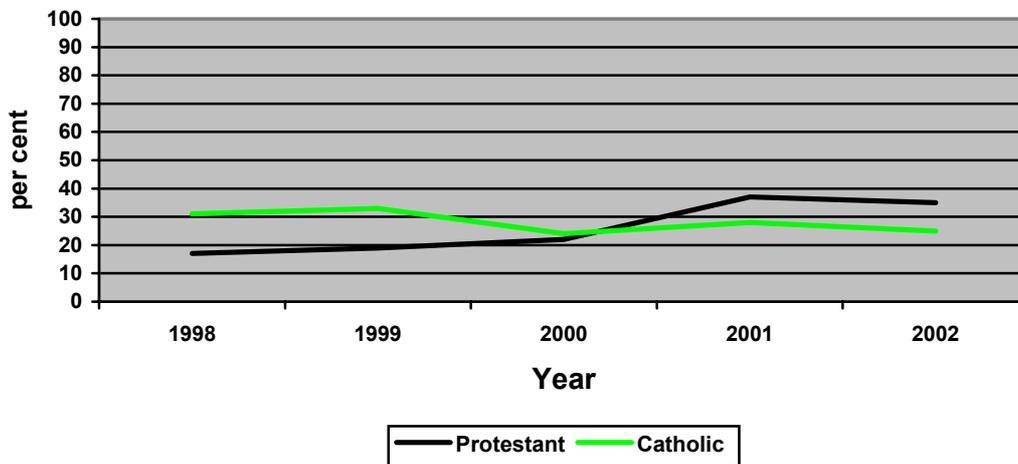


6.4 Confidence in the protection of cultural traditions

Another set of results worth examining concerns a more fundamental sense of confidence in the status of 'cultural traditions'. These indicators are of a much shorter time-series but one of them has displayed an interesting pattern over the five years in which it has been asked in the survey. Respondents are asked whether

they agree or disagree with the statement ‘My cultural tradition is always the underdog’.

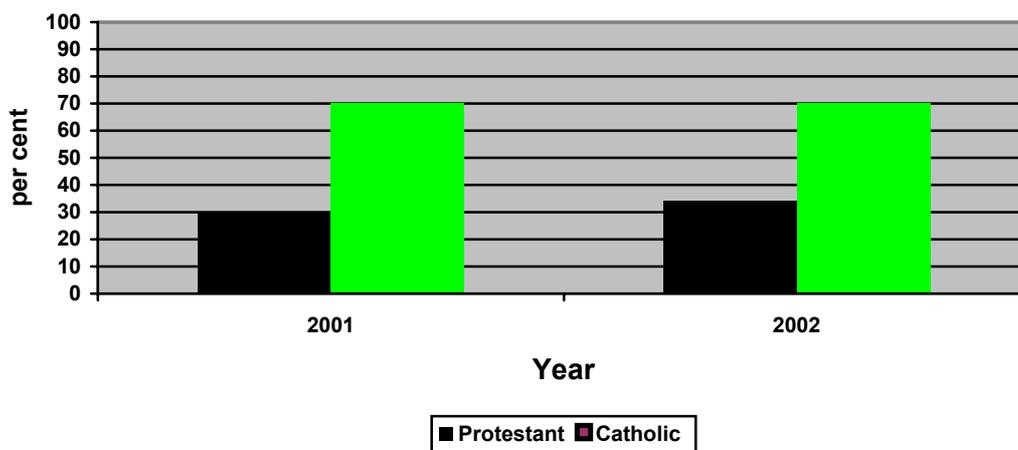
Figure 5: % who agree that ‘My cultural tradition is always the underdog’



Over time, the proportion of Catholics who agree with this statement has *decreased* exactly in line with the *increase* in the proportion of Protestants who agree with the statement. Although both Catholics and Protestants feel more optimistic about community relations in 2002 than they did a year ago, and although this may mark a return to a greater desire for contact in many areas of life, it is nonetheless still the case that underlying Protestant distrust and unease is more resistant to change.

A second question asked only in 2001 and 2002 underscores the depth of Protestant cultural unease. Respondents were asked whether they agreed or disagreed with the statement ‘I am confident that my own cultural tradition is protected in Northern Ireland these days’.

Figure 6: % who agree that ‘I am confident that my own cultural tradition is protected in Northern Ireland these days’



A confident 70 per cent of Catholics agreed with this statement in both 2000 and 2001, compared with only around a third of Protestants. The figure for Protestants is very slightly higher in 2002 than it was in 2001 but nonetheless the results mainly serve to reinforce the picture of declining Protestant confidence in their position in post-agreement Northern Ireland.

6.5 Public services under devolution

During the quarter the results also emerged from an opinion survey,² commissioned by the team engaging in the review of public administration (see May 2003 report), of knowledge and experience of public services. In some respects the findings offer a rather dispiriting judgement on public services since 1998—including, of course, their performance during devolution.

Two thirds of respondents said public services had either deteriorated or remained the same over the period. The same proportion said that their views about public services were wholly ignored or only partially acknowledged. In these regards, devolution appears to have made little, if any, difference in terms of popular attitudes in Northern Ireland.³

¹ available at www.ark.ac.uk/nilt

² A module of questions was included in the annual Northern Ireland Omnibus Survey undertaken in April/May 2003, by the Northern Ireland Statistics and Research Agency, which interviewed 1240 respondents. The bulletin containing summary findings can be found at www.rpani.gov.uk.

³ For longitudinal data, see the NILTS (endnote 1).

7. Intergovernmental relations John Coakley

As noted in earlier reports, the north-south bodies proceeded on a ‘care and maintenance’ basis following the suspension of the devolved institutions, and the postponement of the assembly election suggested that this is likely to continue for some time.

Formally, the gap left by the disappearance of the Northern Ireland executive has been filled by the British administration in Belfast. This means that, instead of meetings of the North/South Ministerial Council designed to provide political guidance to the north-south bodies, special provision has had to be made. Under an exchange of notes between London and Dublin on November 19th 2002, it was agreed that ‘decisions of the North/South Ministerial Council on policies and actions relating to the implementation bodies, Tourism Ireland or their respective functions shall be taken by our two governments’, with the proviso that no expansion in the remit of the implementation bodies would take place.¹

Notwithstanding the belief of many—especially on the unionist side—that the lifespan of the implementation bodies would be seriously compromised by a long suspension, the bodies have thus been able to survive and continue their work. Indeed, decisions have been made in quite significant areas (including important appointments, policy matters and budgetary approval) on the basis of agreement between the relevant minister in Dublin and his or her counterpart in the British administration in Belfast.

Although there has been some variation from body to body, the decisions made in respect of each have followed a broadly similar pattern: approval of new board appointments for most bodies (December - February), approval of the budget for 2003 and of indicative budgets for 2004 and 2005 (February 24th - March 11th), and, in the subsequent period, other business, including adoption of plans and various personnel issues. The budgets for the six implementation bodies are summarised in table 1, which also indicates the north-south breakdown in terms of responsibility for funding. Overall, Northern Ireland is responsible for 26.5 per cent of the budget for the bodies in 2003, ranging from a high of 54.8 per cent (in the case of the Special EU Programmes Body, which has a particular responsibility for Northern Ireland and the border counties of the republic) to a low of 15.0 per cent (in the case of Waterways Ireland, most of the waterways of course lying south of the border).

Table 1: north-south implementation bodies: budget, 2003, and indicative budgets, 2004 and 2005 (million euro)

Body	Budget, 2003			Indicative budgets	
	Total	%NI	%RoI	2004	2005
InterTrade Ireland	14.29	33.3	66.7	14.76	15.17
Loughs and Lights	5.08	50.0	50.0	5.20	5.31
Language	17.99	31.0	69.0	18.41	18.81
<i>Irish Language Agency</i>	<i>15.85</i>	<i>25.0</i>	<i>75.0</i>	<i>16.22</i>	<i>16.57</i>
<i>Ulster-Scots Agency</i>	<i>2.14</i>	<i>75.2</i>	<i>24.8</i>	<i>2.19</i>	<i>2.24</i>
Food Safety	8.61	29.6	70.4	8.81	9.00
Special EU Programmes	3.21	54.8	45.2	3.28	3.33
Waterways Ireland	35.89	15.0	85.0	36.89	37.80
Total	85.07	26.5	73.5	87.35	89.42

Note: The second and third columns of figures indicate the proportion of the budget of each body that is due from the Northern Ireland and Republic of Ireland exchequers respectively.

Source: calculated from *Record of NSMC decisions under interim procedures in relation to North/South Implementation Bodies and Tourism Ireland Limited*²

A number of other north-south developments have been taking place in the background. Two are particularly noteworthy. First, on November 7th 2002 the taoiseach, Bertie Ahern, had announced a plan to restore the cross-border Forum for Peace and Reconciliation, and its first meeting duly took place in Dublin Castle on November 27th. Since then, the forum has continued to meet occasionally, although attracting little public interest and none of the profile it had during 1994-96 (between the first IRA ceasefire that led to it and the Canary Wharf bomb that ended its work).

Secondly, and rather more importantly, suspension of the devolved institutions has provided a new momentum for the British-Irish Intergovernmental Conference. The Belfast agreement had specified that this body would give the republic's government a voice in non-devolved matters, and that it would hold 'regular and frequent' meetings. In principle, this gives Dublin a considerable say in 'internal' Northern Ireland matters, and the jurisdiction of the conference is expanded during periods when the devolved institutions are in suspension.

The conference has a permanent secretariat in Belfast staffed by officials from the two governments, but after its inaugural meeting in December 1999 (on foot of the establishment of devolution, and linked to the other elements appearing of the north-south and 'east-west' post-agreement architecture) it did not meet again until the current period of suspension. Since then, it has met on four occasions—on October 22nd 2002 in Belfast, on December 18th in Dublin and on May 20th and July 2nd 2003 in London.

Although these formal meetings should be seen in the context of intense, continuing, ministerial- and official-level contact between Dublin and London, their significance

for the management of politics in Northern Ireland should not be underestimated. The list of ‘deliverables’, in respect of the joint declaration, considered at the July BIIC meeting (see ‘peace process’ section) is extensive.³

Although its focus is on Northern Ireland, the conference belongs technically to the ‘strand three’ (or ‘east-west’) set of institutions. Unlike this body, another strand three institution, the British-Irish Council, might be expected to function less smoothly during periods when the devolved institutions are on hold. As previously indicated (see February 2003 report), however, suspension did not prevent the holding of a plenary meeting of the council in Scotland on November 22nd 2002, and sectoral meetings at ministerial level have taken place subsequently—on January 16th 2003 in London to discuss environmental issues and on February 7th 2003 in Dublin to discuss drug misuse.⁴

However traumatic the suspension of the devolved institutions may have been within Northern Ireland, then, its impact in other areas has been less pronounced. Although the 1998 agreement specified that ‘it is understood that the North/South Ministerial Council and the Northern Ireland Assembly are mutually inter-dependent, and that one cannot successfully function without the other’, the bodies for which the council is responsible have continued their work. So, too, have the British-Irish bodies, including not only those established under the agreement but also the symbolically important British-Irish Inter-Parliamentary Body, whose 26th plenary conference opened in Kilkenny on March 24th 2003.⁵

In an important sense, the institutions associated with strands two and three have now acquired an air of normality far removed from the crisis-laden atmosphere of which strand one has been unable to rid itself.

¹ See http://www.northsouthministerialcouncil.org/pdf/cmnd_5708.pdf.

² available at <http://www.northsouthministerialcouncil.org/ip.htm>

³ *Communiqué* is at <http://www.ir.gov.ie/iveagh/information/display.asp?ID=1232>.

⁴ See <http://www1.british-irishcouncil.org/>.

⁵ See <http://www.biipb.org/>.

8. Relations with the EU Elizabeth Meehan

8.1 Introduction

Like the curate's egg, the EU dimension during this quarter was good in parts. Pleasure and disappointment greeted EU decisions on environment and leisure. Five of Northern Ireland's most popular beaches 'achieved the coveted Blue Flag award'.¹ But two beaches lost this accolade, while most of the others met the mandatory, if less stringent, standards. There was good and bad in other spheres, too: the EU in Northern Ireland (funding) and Northern Ireland in the EU. Finally, the euro continued to rumble on as a potential source of dissent between the (former) devolved administration and the centre.

8.2 EU funding

There were some potentially troublesome developments on funding during this quarter. Previous reports noted the appointment of John McKinney as chief executive of the Special EU Programmes Body (SEUPB) and the welcome for his appointment arising from how he had conducted himself as chief executive of Omagh District Council in the aftermath of the 1998 bomb in the town. He was seen as bringing a talent for leadership that was badly needed in the SEUPB. But an investigation by the local government auditor into a loan made by the council to an equestrian enterprise (and its non-repayment) meant that, in May 2003, Mr McKinney was suspended on full pay from the SEUPB. He insisted he had been responsible for no wrongdoing.²

July saw the publication of a report³ on the prior 'Peace 1' programme by Trutz Haase and Jonathan Pratschke, commissioned by the Northern Ireland Statistics and Research Agency. Had the assembly still been sitting, the report could have added grist to the mill of DUP MLAs, as it identified a differential in the share of the programme's £340 million going to groups in predominantly Catholic and Protestant areas: 56 and 44 per cent respectively. But it also vindicated the answers given consistently by ministers to DUP critics, that there were objective reasons for such a difference—arising from residential patterns coupled with the programme's explicit commitment to 'targeting social need'. It also noted that people in predominantly Catholic areas were more likely to apply for programme funding.

Indications of a complex problem of a different sort began to emerge towards the end of the quarter. The *Belfast Telegraph* (July 24th 2003) reported that the government had disclosed to the Lords a list of some 50 EU-funded projects that had been brought to the attention of the European Commission (seven of them also to that of the police) because of alleged irregularities. There was anger in some quarters that names had been put in the public domain before any of the irregularities had been identified as well-founded. The bureaucratic demands of EU funding are arcane and it is quite

likely that a number of the ‘irregularities’ could have come about for innocent reasons.

On the other hand, the distribution of ‘Peace 2’ money has forged ahead, with £5 million (plus more from other sources) being awarded to workspace projects in Northern Ireland. Workplaces have often been sites of sectarianism while, conversely, as the junior NIO minister Ian Pearson pointed out, ‘it is widely recognised that the workplace provides an ideal environment in which to bring together people from different community backgrounds’.⁴ And if community relations are to improve as a result of the current consultation (see February 2003 report), employers and employees will need to accept that they have as much responsibility as others for ending grassroots conflict. Further Peace 2 support also became available for workspace projects in border areas, to encourage co-operation and joint actions at interfaces.⁵

8.3 On the EU stage

Previous reports considered Northern Ireland’s capacity to influence the EU policy agenda and to interact with other regions of Europe and noted that the Lords considered the devolved administrations in the UK to be better placed than counterparts elsewhere.⁶ Mr Pearson attended the UK meeting of agriculture ministers preparing for the Luxembourg Council negotiation on the future of the Common Agricultural Policy.⁷ The deal that was struck in Luxembourg was reported as being a good one for Northern Ireland.⁸

Even though the devolved institutions have been suspended, regional politicians contributed (see May 2003 report) to the Northern Ireland input to Peter Hain’s contribution to the Convention on the Future of Europe on behalf of the UK government.⁹ As a result of representations by the UK and others, the draft constitution,¹⁰ published in May 2003, refers on subsidiarity to regional and local authorities (Title III: Union Competences and Actions) and would strengthen the Committee of the Regions by, among other things, allowing it to go to the European Court of Justice when it deems EU legislation inconsistent with that principle.¹¹

In requiring the European Commission to take account of regional and local authorities, however, the draft says that it should be for national parliaments to consult with regional parliaments and to give notice when it is thought subsidiarity has been violated (Protocol on the Application of the Principles of Subsidiarity and Proportionality). Thus, according to Lodge,¹² the impact on the capacity of Scotland, Wales and Northern Ireland to act in the EU would likely be modest. The few new safeguards would, he predicts, be more use to regions in states which pay less heed than the UK to their regions on EU matters.

As also noted in previous reports, Northern Ireland has taken steps to promote itself as a ‘forward- and outward-looking region’.¹³ In June, Bangor (Co Down) hosted the

European ‘Edge Cities’ Conference. Partners include Helsinki, Stockholm, Lisbon, Athens, Fingal (Dublin), Croydon (London), Madrid and Copenhagen.¹⁴ A few days later, the OFMDFM held a conference¹⁵ on Forging Regional Links in Europe.

The latter was opened by Mr Pearson, who had to leave after his speech for a meeting of the Convention on the Future of Europe. He addressed Northern Ireland’s ability to operate effectively in the EU and to exchange ideas and build relations with regions in other member states.¹⁶ Other speakers included the heads of the Northern Ireland and Scottish executive offices in Brussels, as well as the head of the Catalan office (a more civic body) there. The latter two presented a range of activities and practical partnerships with other regions that imply the need for an ambitious programme for Northern Ireland.

8.4 The euro

The EU context of territorial politics in the UK works satisfactorily, less because of formal arrangements than because of the dominance of the same party at the centre and in Scotland and Wales—though not, of course, in Northern Ireland, even in periods of non-suspension. This relative effectiveness would be put to the test, not only by the co-existence of different parties at each level of administration but also by the coincidence of EU-friendly and EU-sceptical administrations. The latter potential test usually assumes a Eurosceptic Tory central government and pro-integration Labour or coalition administrations at the devolved levels. But the spectre of sharp differences in policy preferences might arise, even while governments at both levels are of the same partisan colour (bearing in mind that this could not occur in a devolved administration in Northern Ireland).

This is over the question of the euro. Northern Ireland is, of course, distinctive because of its border with a member state that is in the euro zone. But it may not be alone, even in the context of Labour dominance throughout Great Britain, in sharing with Scotland and Wales a slightly different view on the euro from that of the centre. As previously reported, there have been calls in Northern Ireland for the region to be allowed to operate a voluntary dual-currency system.

Recent research on public attitudes shows that, though there is not a majority in favour of the euro as a single currency in Northern Ireland, there is a little less scepticism about it than in Great Britain. True, 47 per cent would like to keep the pound as the only UK currency but 35 per cent would prefer the euro.¹⁷ And 13 per cent would like a dual system, which, added to those who are pro-euro, is a point more than those in favour of the pound alone.¹⁸

In the lead-up to the chancellor’s statement in June on the ‘five economic tests’, the Northern Ireland branch of the Britain in Europe movement was active in trying to pre-empt what was widely expected: that Mr Brown would say the tests had not been met—in effect delaying entry and ruling out a referendum until the next parliament.

More concretely, members of the suspended assembly, including a UUP member,¹⁹ wrote to the Northern Ireland secretary, Mr Murphy, stressing the importance of the euro to the regional economy, noting majorities in favour among key sectors and urging him to persuade his cabinet colleagues that there should be a referendum ‘on this momentous question’ in this parliament.

The same thing, but at a higher level of politics, happened in Scotland, involving actions by the then Scottish secretary, Helen Liddell, and an SNP MSP.²⁰ It may be because of such pressures that the chancellor was more upbeat about the topic than most people had expected, allowing both those for and against the euro to claim that his view reflected theirs.

¹ Executive Information Service, June 5th 2003

² Executive Information Service, May 21st 2003; *Irish Times*, May 22nd 2003

³ *Special Support Programme for Peace and Reconciliation: An Estimate of Community Uptake*; see also Executive Information Service, July 17th 2003

⁴ Executive Information Service, June 24th 2003

⁵ Executive Information Service, May 14th 2003

⁶ House of Lords Select Committee on the Constitution (2002), *Devolution, Inter-Institutional Relations in the United Kingdom*, session 2002-03, second report, HL paper 28, London: The Stationery Office

⁷ Executive Information Service, June 5th 2003

⁸ Executive Information Service, June 20th & 26th 2003

⁹ European Convention Secretariat (2003a), ‘Europe and the regions’, contribution by Mr Peter Hain, member of the convention, Brussels: European Convention, CONV 526/03, CONTRIB 221, February 3rd

¹⁰ European Convention Secretariat (2003b), *Draft Constitution, Volume 1, Revised text of Part One*, Brussels: European Convention, CONV 724/03 VOLUME 1, May 26th

¹¹ Lodge, G (2003), ‘Devolution and the centre’, quarterly report for ESRC/Leverhulme-funded programme, Nations and Regions: the Dynamics of Devolution, London: Constitution Unit

¹² *ibid*

¹³ a phrase taken from one of the priorities of the devolved administration’s Programme for Government, interestingly devised by a senior adviser in the Office of the First Minister and Deputy First Minister seconded from the European Commission

¹⁴ Executive Information Service, June 12th 2003

¹⁵ in partnership with the Institute of European Studies at Queen’s University Belfast

¹⁶ Executive Information Service, June 17th 2003

¹⁷ Northern Ireland Life and Times Survey, 2002-03 (Europe module, www.ark.ac.uk/nilt/2002/Europeecview2.html), for research being carried out by Dr L McGowan at the Institute of European Studies, QUB

¹⁸ Six per cent did not know. Oddly, perhaps, men were much more in favour of the euro than women, at 40 and 31 per cent respectively; conversely, 50 per cent of women wanted to keep the pound as against 43 per cent of men. Attitudes were more similar towards the parallel system: 14 and 12 per cent respectively. Catholics were also much more favourable towards the euro than Protestants, and 50 per cent of the 18-24 age group supported conversion.

¹⁹ Official UUP policy tends to scepticism on the euro, in contrast to the outright opposition of the DUP, grudging acceptance by Sinn Féin and euro-enthusiasm among the SDLP, Alliance and Women’s Coalition.

²⁰ Lodge, *op cit*

9. Relations with local government

Nil return

10. Finance Rick Wilford & Robin Wilson

10.1 Revenue-raising

There were further signs during the quarter that the NIO was intent on biting on the bullet of hard financial choices, following the decisions to reform the rates in Northern Ireland and to introduce water charges from April 2006 (see February and May 2003 reports).

On the former, the finance minister, Mr Pearson, addressing the Northern Ireland Grand Committee at Westminster, said that the region's fiscal effort had to improve. He told MPs: 'We have to accept that households in Northern Ireland currently contribute much less towards their public services on average than elsewhere in the United Kingdom.'¹ The minister later launched a consultation exercise on the 'equality impacts' of the reform of the domestic rating system occasioned by the switch to capital as opposed to rental values.²

On water charges, the then regional-development minister, Ms Smith, had launched a consultation paper³ in March having decided, unlike the devolved administration, to include metering as a possible means of payment. She remained trenchant on the need for revenue-raising if the estimated £3 billion investment over two decades required to renew the region's Victorian system were to be found.

Interestingly, the direct rulers' riposte this quarter to populist anti-charges campaigning by regional politicians was to re-present the issue as a hard choice within a context of finite budgets—thereby playing up the costs of *not* introducing charges. Thus the minister declared in May: 'We cannot sustain this planned increase in water and sewerage investment over the long term without starving other services. We face a stark choice—without charges the people of Northern Ireland will be condemned to second class public services.'⁴

Ms Smith received a back-handed compliment from the former Progressive Unionist assembly member David Irvine, suggesting that the former devolved executive—in which his small party was not included—had ducked the issue. Mr Irvine said: 'The Westminster authority are [*sic*] doing the dirty work that the partners in Government were very nervous about doing.'⁵

The consultation on charges ended in mid-June and Ms Smith's post-reshuffle successor at the Department for Regional Development, Mr Spellar, undertook to publish firm proposals in the autumn, to be followed by a further round of consultation. Mr Spellar echoed the opportunity-costs argument of his predecessor in a post-consultation statement in which he insisted that 'the status quo is not an option'.

He said: ‘We need reform to ensure that the people of Northern Ireland enjoy the benefits of a water and sewerage system that meets the highest standards without having to divert resources from other public services such as health and education. I think these are objectives on which we all can unite.’⁶

10.2 Under-spending

The chronic incapacity of the system to spend the money it has, highlighted in previous reports, came to the fore again this quarter. Media headlines like “‘Scrooges’ hoard Ulster’s millions”⁷ and ‘Anger at £400m unspent funds’⁸ sought to mine a seam of popular discontent about the continuing under-spending by Northern Ireland departments. Indeed, the £400 million spending shortfall revealed for 2002-03—actually, £388 million—was up a little from £369 million in the previous financial year.

Mr Pearson blamed the transition from devolution to direct rule. The former health minister, Bairbre de Brún (SF), who under devolution had perennially demanded more money for her department from her SDLP counterpart at finance, called for savings to be redirected to health—ignoring the fact that her own department had topped the under-spenders (at £49 million) on her watch in 2001-02.⁹

Mr Pearson was obviously anxious about the public reaction, returning to the issue in a further speech to the Grand Committee a few days later.¹⁰ He expressed disappointment ‘that this information was reported unofficially’—though, of course, in countries without state-sponsored media journalism does not require official *imprimatur*—‘and without the necessary underpinning analysis’. This was not an ‘under-spend’, the minister emphasised, but rather a ‘re-phasing of spend’: The money not spent had been carried forward, he insisted.

But probably the most salient comment on the affair came from the former devolved minister for regional development, Peter Robinson (DUP). He said: ‘My real fear is that the chancellor will cock his eye towards the money that is under-spent and say: “I don’t need to give out so much in the next block grant.”’¹¹

Irrespective of that, the under-spend left a large sum for redistribution. In August the minister announced the reallocation of some £273 million—including £62 million from savings anticipated in the *current* financial year.¹² Of this, £186 million was being reallocated in 2003-04, while £87 million was to be spent over the succeeding two financial years.

The major beneficiaries in the current year were:

- £38.6 million for the Department of Health, Social Services and Public Safety, including £8.5 million to continue bringing down hospital waiting lists (which had soared under devolution but have started coming down);
- £37 million for the Department for Social Development;

- £31.8 million for the Department for Regional Development;
- £22 million for the Department of Education; and
- £20 million for an Integrated Development Fund,¹³ which will be available for cross-agency local partnerships.

¹ OFMDFM press release, June 9th 2003

² Department of Finance and Personnel press release, June 19th 2003

³ Department of Regional Development (2003), *Reform of Water and Sewerage Services in Northern Ireland*, Belfast: DRD. Almost 90 organisations and around 700 members of the public responded to the consultation paper. In addition, the DRD received a 7000-signature petition calling for it to be withdrawn.

⁴ Department for Regional Development press release, May 28th 2003

⁵ *News Letter*, June 11th 2003

⁶ Department for Regional Development press release, July 3rd 2003

⁷ *News Letter*, June 4th 2003

⁸ *Irish News*, June 5th 2003

⁹ *ibid*

¹⁰ Department of Finance and Personnel press release, June 10th 2003

¹¹ *News Letter*, June 4th 2003

¹² Department of Finance and Personnel press release, August 11th 2003

¹³ OFMDFM press release, August 12th 2003

11. Political parties and elections Duncan Morrow & Rick Wilford

11.1 Introduction

The cancellation of the assembly election due in May led to widespread predictions of a hot political summer. As it has turned out, most of the heat was meteorological. Indeed, it was difficult to identify any life in politics whatsoever.

The immediate cause of becalming in the wider process was the disappearance of the UUP from any effective presence in political life. Under the circumstances, the two governments and the other political parties seemed to lack any serious strategy for progress towards devolution. At Stormont, civil servants continued to give the strong impression of preparing for prolonged direct rule.

There were rumours of elections ‘sometime in the autumn’ and nationalist politicians and their international supporters continued to press for a definite date, although the UK government has so far resisted this pressure. In the meantime, the greatest problem facing constitutional politicians was the pervasive lack of interest among the wider population. Even SF, which can normally produce a respectable crowd, had difficulties in organising more than a token protest against the postponement.¹

11.2 Taxation but no representation?

What was called by some ‘the cancellation of democracy’ in early May passed off with remarkably few public ripples.² Whatever its merits or demerits, the decision illustrated a number of practical realities.

First, Britain remains the *de facto* sovereign power when it comes to the operation of the Northern Ireland institutions. Despite the recreation of an Irish ‘pan-nationalist front’ from Belfast to Boston—with the additional support of the DUP in the matter of elections—the prime minister emerged as the decisive figure determining events. Within this broader political reality nationalism as a whole, and the republic’s government in particular, was left ruing the decision but with little choice but to continue with the show.³

Secondly, recent events have confirmed the dependence of the agreement’s institutions on a partner on each side of the sectarian divide. Without a real decision to work together, Northern Ireland’s institutions will predictably remain in collapse, amid recrimination and counter-recrimination. Ultimately, the issue of the election was peripheral to the more important question of whether a viable coalition to continue with the institutions existed. As the alternative to devolution is renewed British sovereignty, the exercise of a ‘unionist veto’ was always less painful and therefore more likely than its nationalist counterpart. Far from protecting people from

such sovereignty, a continued republican refusal to address disarmament directly actually increases British power in Northern Ireland, at least in the short run.

Thirdly, partnership is as much the precondition of devolution as its outcome. While partnership may change and deepen over time, the Northern Ireland institutions depend on a real, and existentially decisive, recognition of the interdependence of all parties and an ending of any suspicion that the agreement represents ‘war by other means’. The continued fictions that the Catholic working class or British culture can be excluded from real participation in the politics and culture of Northern Ireland at any point in the future (as suggested by the DUP and SF respectively) contribute to making devolution impossible. Devolution and religious or political sectarianism (anti-Catholic or anti-British) are incompatible. Making peace in Ireland means coming to terms with enemies (reconciliation), not driving them out (victory).

The failure to hold the election was followed by a pervasive sense of political exhaustion. Meetings to try to resolve the crisis quickly came up against the reality that little was likely to change before September.⁴ Despite the efforts of the SF leadership, the UK government refused to reschedule the election for June.⁵ More importantly, however, the reaction among those outside political circles in Northern Ireland was extremely muted.

Whereas previous periods of political inactivity had been held to generate a dangerous vacuum, this time the response appeared to be a stoic acceptance of the impossibility of power-sharing. Protests against the postponement of the election were poorly attended⁶ and the SDLP’s billboard campaign to articulate frustration drew little attention.⁷ In spite of persistent attempts by Dublin to secure an election date in the autumn,⁸ and a letter from 15 members of Congress calling for the same,⁹ London refused to be drawn.¹⁰

11.3 The politics of the last absurdity

The publication in April of the latest report by the Metropolitan Police commissioner, Sir John Stevens (see May 2003 report), was the first official confirmation that collusion had taken place at high levels between British intelligence and ‘loyalist’ death squads during Northern Ireland’s ‘troubles’. The following month, the accusation that Freddy Scappaticci, allegedly responsible for IRA internal security (the ‘nutting squad’ in paramilitary *argot*), had been a long-term double agent (code-named ‘Stakeknife’¹¹) opened up the prospect that British intelligence had been central to many murders on all sides over the years.¹²

Although there was no confirmation of the truth of these reports—Mr Scappaticci and republican commentators like Danny Morrison declared them false¹³—the news had a distinctly unnerving effect on republicans. The thought that IRA ‘disciplinary’ action had been carried out by a British agent for many years was clearly an appalling

vista.¹⁴ SF's relative reticence in the months of May and June may in part have been attributable to the internal repercussions of the 'Stakeknife' claims.

Mr Scappaticci attempted through the courts to force the NIO security Minister, Jane Kennedy, to make an official statement clearing his name.¹⁵ And the prospect that British intelligence had been active in the very illegality it was established to counter was even more deeply troubling for democrats.¹⁶ While the call from the SDLP for an independent commissioner to scrutinise intelligence made clear political sense, the precise facts of this case may take some time to emerge.¹⁷ Among other things, the increasing absurdity of the 'dirty war' may yet precipitate a truth-and-reconciliation process of some sort.

11.4 Part of the union?

The potential for embarrassment of republicans and the UK government over the 'Stakeknife' affair was mitigated when attention switched to the UUP. On the day scheduled for the election after the initial postponement (May 29th), the Lagan Valley UUP MP, Jeffrey Donaldson, launched a further attempt to unseat Mr Trimble as party leader.¹⁸ This time, the rebels were confident of victory, believing Mr Trimble had allowed too much to be conceded to the republic's government in the joint declaration. Specifically, Mr Donaldson highlighted the proposed role for Dublin in any independent body (see 'peace process' section) established to monitor the quality of paramilitary ceasefires.¹⁹

Mr Donaldson stoked matters when he appeared to signal his intention to quit the UUP in the event of a further defeat.²⁰ And emotional fuel was thrown on the fire with the accusation that the government intended to disband the local battalions of the Royal Irish Regiment (RIR). The disbandment of an overwhelmingly Protestant standing militia has been a nationalist goal since the establishment of the 'B' Specials in the 1920s. In spite of the conditionality attached to any plan for disbandment, unionist politicians, including Mr Trimble, reacted angrily. The UK government was prevailed upon to issue a not-entirely-convincing assurance that there were no such plans.²¹ It would be very unlikely that any deal on 'demilitarisation' to match paramilitary decommissioning would not address the long-term future of the RIR in Northern Ireland.

By the time of the latest dissident-inspired meeting of the UUP's ruling Ulster Unionist Council in June, matters had become extremely personal and embittered. Donaldson supporters tabled a motion of no confidence in Mr Trimble in his Upper Bann constituency; Trimbleites did the same *vis-à-vis* the rebel leader in Lagan Valley.²² The UUC vote, when it came, confirmed Mr Trimble's narrow majority within the council. In the worst convulsion in the party since the crisis over power-sharing in the 1970s, Mr Donaldson could still only muster 46 per cent of the delegates' votes.²³

Rather than resign, however, he teamed up with Rev Martin Smyth and David Burnside—respectively UUP MPs for South Belfast and South Antrim—and resigned the party whip at Westminster.²⁴ This left the DUP as the largest Northern Ireland party in the Commons and effectively undermined Mr Trimble’s claim to speak for a majority of unionists.

Faced with open rebellion, Mr Trimble announced his intention to seek the expulsion of the three MPs from the party.²⁵ Within 24 hours, he had assembled 14 officers of the party to discuss expulsion. The hurried meeting agreed to suspend the MPs, pending a formal process designed to expel them.²⁶ But Mr Trimble’s progress was halted when a judicial review overturned a decision by the party executive to suspend the ‘Westminster Three’ in advance of a formal disciplinary hearing.

Following the High Court ruling, party officers reconvened to reassess their course of action. The scale of internal division was underlined by a split decision to continue with the attempt to discipline the MPs. One of the abstainers was Sir Reg Empey, a minister in the devolved administration and hitherto thought to be an unqualified supporter of Mr Trimble. His abstention could be construed as a move to position himself as an honest broker or a step towards a bid to succeed Mr Trimble.²⁷ Matters got even worse for the party when its chief executive, Alastair Patterson, was arrested in connection with alleged electoral fraud during his period as an officer of the Electoral Commission.²⁸

The disciplinary procedures, when they take place, will be protracted, bitterly contested and highly disruptive. On the ground, the UUP is in turmoil. While Mr Trimble saw off the no-confidence motion in his own constituency (63 per cent to 37 per cent), that tabled against Mr Donaldson was withdrawn ‘in the interests of party unity’.²⁹ In spite of attempts to cool things down, including putting on hold the disciplinary procedures, it is impossible as things stand to envisage the UUP contesting an election on a shared platform.

In July, the DUP launched a much-vaunted policy document designed to herald the ‘renegotiation’ of the agreement, in anticipation of a future poll (and in anticipation of such a poll not leading to the devolved institutions being reactivated as per the agreement). The party’s positive option is not apparent from the document, *Towards A New Agreement*, which is robustly critical of the current model of devolution. As the accompanying press release put it, ‘It does not pretend to be an alternative to the Belfast Agreement but an analysis which can lay the foundation for negotiations for a new agreement.’³⁰

Coming in the wake of the UUP resignations, the critique sought to capitalise on the party’s disarray. Welcoming the resignations as ‘a gesture in the right direction’, the DUP leader, Mr Paisley, expressed disappointment that the three had not—as yet—decided to join his party. He was, however, heartened that the dissident MPs had said they wished to discuss the future of unionism with other anti-agreement unionists.³¹

The DUP's devolution alternative, whatever it turns out to be (most likely some form of committee-based system, minus a power-sharing executive) will not be unveiled until after an election. Yet the Northern Ireland Act 1998 commits the London and Dublin governments to convene a full-scale review of the agreement within four years of devolution taking effect—which takes us to November/December 2003. Should the election be further delayed, the review itself may have to be postponed unless the parties can be persuaded to enter a review prior to an election. The DUP fears this last is the government's intent and has set its face against it.³²

11.5 Purely democratic means?

In the shadows of political activity, concern about the status of paramilitary 'ceasefires' continued to dog the 'peace process'. The disappearance of Alan McCullough—a former acolyte of the maverick Ulster Defence Association figure Johnny Adair—from the lower Shankill area of Belfast in June gave rise to a week-long murder hunt.³³ Following the discovery of his body in the hills above the city, police arrested several leading figures in the north Belfast UDA.

This put further pressure on the NIO *vis-à-vis* its attitude to loyalism and cast suspicion on the intentions of the Ulster Political Research Group (which supposedly offers 'political analysis' to the UDA). Unionist politicians such as David McNarry meanwhile came under increasing pressure to justify their engagement with paramilitaries through the so-called Loyalist Commission.³⁴

The credibility of the IRA ceasefire, as of SF's democratic credentials, was also under scrutiny. The kidnapping and disappearance of the dissident republican Gareth O'Connor in south Armagh was widely presumed, including by the chief constable, to be an act of the Provisional IRA.³⁵ When republican activists barracked members of the new District Policing Partnership in Omagh, Co Tyrone—DPPs are council-level outworkings of the post-Patten policing reforms—and forced the abandonment of its first public meeting, further questions were asked about SF's commitment to purely democratic means.³⁶

But perhaps the most bizarre episode was the overt advertising given to IRA memorabilia on the relaunched party website, which appeared to glorify the 'armed struggle' and anti-British sentiment in a manner reminiscent of the 1970s.³⁷ The trial of three republicans in Colombia meanwhile concluded this quarter—with potential diplomatic difficulties for SF in the US were the judge to deliver a guilty verdict over the coming weeks.

11.6 Conclusion

The political system in Northern Ireland appears to have imploded, however temporarily. The anticipated problems over marching failed to materialise,³⁸ as the

combination of lack of appetite for fruitless confrontation and intense local activity to prevent violence combined to produce the most peaceful July in Northern Ireland since 1968.³⁹ Economic determinists might look to the fact that Northern Ireland is enjoying its highest ever level of employment.⁴⁰ Others might see in it the slow erosion of any legitimacy attached to the politics that have dominated the region since its inception and its replacement with a culture of contentment, held in place by a British policy of providing endless bread and circuses.

Dissident republicans continue to organise, while loyalists show little real sign of emerging from their bunker. Nonetheless, there is no denying the fact that political failure has not been followed by social explosion but by a resigned acceptance and apparently infinite public indifference. Symbolic of the new dispensation is the West Belfast Festival, once the heart of republican protest against internment and now a successful mainstream arts event—dependent on subsidies from the British taxpayer.

It is difficult to avoid the conclusion that politics in Northern Ireland is largely exhausted. The ‘civil-rights’ parties—including Alliance and the SDLP—are largely the victims of their own success. Having finally achieved many of the reforms they sought in the 1960s and 70s, they have found it increasingly difficult to articulate a vision for the post-agreement era. The UUP is in crisis, split between those who long for its previous position as the ‘party of (Protestant) Ulster’ and those who recognise the need for a new historic compromise with Catholics. Whatever the specific outcome, the party can never return to unchallenged power.

The remaining large parties—the DUP and SF—appear stronger on the surface. But both are the inheritors of ideologies striking in their absence of realism. The DUP continues to suggest that Protestants can avoid integral and permanent engagement with Catholics yet live on the island of Ireland, while SF struggles to persuade its constituency that the agreement is the realisation of the dream of an Ireland united by force of arms. The military stalemate and the impossibility of a sustained campaign of terror after September 11th have closed down any remaining illusions.

As things stand, it is difficult to see which current party or combination of parties can provide the vision and leadership that alone can sustain inclusive devolution in the coming years.

¹ *Belfast Telegraph*, May 30th 2003

² *Irish Times*, May 2nd 2003

³ *ibid*

⁴ *Irish News*, May 5th 2003

⁵ *Belfast Telegraph*, May 9th 2003

⁶ *Belfast Telegraph*, May 30th 2003

⁷ *Irish News*, May 25th 2003

⁸ *Irish Times*, June 19th 2003

⁹ *Irish Times*, July 22nd 2003

¹⁰ *Irish News*, July 2nd 2003

¹¹ No convincing explanation has been given as to why this isn't, more logically, ‘Steak knife’.

¹² *Sunday Mirror*, May 6th 2003

¹³ *Irish Times*, May 12th 2003

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- ¹⁴ *Belfast Telegraph*, May 7th 2003
- ¹⁵ *Irish News*, June 7th 2003
- ¹⁶ *Irish Times*, May 12th 2003
- ¹⁷ *Irish Times*, July 9th 2003
- ¹⁸ *News Letter*, May 30th 2003
- ¹⁹ *Belfast Telegraph*, May 31st 2003
- ²⁰ BBC Radio Ulster, *Inside Politics*, May 31st 2003
- ²¹ *Irish Times*, June 4th 2003
- ²² *News Letter*, June 13th 2003
- ²³ *Newsletter*, June 17th 2003
- ²⁴ *Belfast Telegraph*, June 23rd 2003
- ²⁵ *Irish Times*, June 25th 2003
- ²⁶ *Belfast Telegraph*, June 26th 2003
- ²⁷ *Belfast Telegraph*, 9 June 2003
- ²⁸ *Irish Times*, July 22nd 2003. Mr Patterson achieved brief fame *via* the international media as the returning officer who announced, in plummy tones, the election of the IRA hunger striker Bobby Sands in the Fermanagh / South Tyrone Westminster by-election of 1981.
- ²⁹ *Irish Times*, June 9th 2003
- ³⁰ *Newsletter*, July 18th 2003
- ³¹ *Irish Times*, July 1st 2003
- ³² BBC Radio Ulster, *Inside Politics*, August 2nd 2003
- ³³ *Newsletter*, June 2nd 2003
- ³⁴ *Irish Times*, June 9th 2003
- ³⁵ *Irish News*, May 15th 2003
- ³⁶ *Irish Times*, May 23rd 2003
- ³⁷ *Irish News*, July 24th 2003
- ³⁸ *Belfast Telegraph*, July 12th 2003
- ³⁹ *Police Statistics*, August 1st 2003
- ⁴⁰ *Irish Times*, May 15th 2003

12. Public policies

Rick Wilford & Robin Wilson

12.1 Ministerial activism

While devolution in Northern Ireland has stumbled through what must still be regarded as its infancy, the UK government has, especially since October 2002, sought to interpret direct rule in proactive vein—somewhat reminiscent of the phase of ‘positive’ direct rule that characterised Roy Mason’s tenure as Northern Ireland secretary in the mid-70s. Far from sitting on its collective hands, the ministerial team has not only expedited the legislative programme (see executive section) but has also taken troublesome decisions—in some cases probably drawing sighs of relief from their devolved predecessors. Indeed, one former minister went to see his NIO successor armed with a number of controversial decisions he wished him to take, thereby avoiding the anticipated brickbats.¹

For instance, the saga of the location of maternity services in Belfast, which, almost from the first, dogged the executive and assembly in general and the former health minister, Ms de Brún, in particular, has been resolved. Her ‘replacement’, Ms Smith, announced at the end of June that the Royal Victoria Hospital—in west Belfast, Ms De Brún’s constituency and the former minister’s preferred location—was to be the site of a new centralised maternity unit. ‘After nine years of impasse, we simply cannot afford any further delay,’ she insisted.² The decision was welcomed by Dr Joe Hendron, ex-chair of the assembly’s health committee and another West Belfast MLA, but deprecated by Iris Robinson (DUP), who had also served on the committee. It will still take some seven years before the unit is built.³

Having decided on the vexed issue of acute-hospital rationalisation in February (see February 2003 report), the outgoing minister, Mr Browne, pressed on with the implementation of the associated decisions by directing the four health boards to develop, by the end of August, plans for modernisation.

Another thread picked up by the NIO was that left by the review of post-primary education and the valedictory announcement by the former education minister, Martin McGuinness, just before the October suspension that the ‘11-plus’ transfer test would end in 2004. In June his successor, Ms Kennedy, announced the membership of a working group (see May 2003 report) set up to recommend options for the future of post-primary education.⁴ The working group is to report by the end of this October, though as the quarter closed evidence emerged that the 2004 target for reform might slip.⁵

In July Ms Kennedy unveiled an initiative to tackle unemployment in the historically disadvantaged Derry and its north-west hinterland. She had earlier announced a 12.5 per cent increase in funding for further education—a Cinderella within Northern Ireland’s grammar/academic dominated system—to a total of £134 million in 2003-04. Meanwhile, the current environment minister, Ms Smith, implemented changes to

planning, following the publication of a consultation paper on modernising the process, published (under devolution) in February 2002—itself the first review of the system in three decades.

Also during the quarter, the minister for social development, Mr Spellar, launched a neighbourhood-renewal strategy.⁶ The paper echoes the New Labour approach of ‘targeting’ the poorest neighbourhoods in the absence of wider resources for redistribution, and claims that there is ‘an acceptance that taking an area-based approach to tackling social deprivation is the most effective means of targeting our most deprived communities’.

Actually, area-based approaches to social inclusion have had chequered results in their various iterations over the decades, since the Community Development Programme developed by the Home Office in the late 60s. Still, the strategy places great store on developing neighbourhood statutory-voluntary partnerships, to allow a ‘joined-up’ approach by government and to ensure citizens in low-income neighbourhoods are engaged rather than treated as passive objects. And a key official recently moved into this area of work in the Department for Social Development is a former voluntary-sector leader who is committed to the task.

One of the weaknesses of the strategy—which he arrived on the scene too late to rectify—is that no connection is made with the review of policy on ‘community relations’ (see executive section). It is, of course, a truism that the most disadvantaged urban areas in Northern Ireland are also often those abutting on to sectarian interfaces.

12.2 Direct rule’s OK?

The expansion, post-suspension, of the NIO ministerial team could be interpreted as a signal that direct rule was likely to be prolonged (see November 2002 report). The activism of ministers to date does not gainsay that interpretation: indeed, while sustaining the momentum of reform and change, the NIO is setting important aspects of the agenda, for itself or for regional ministers if and when devolution is restored.

Speaking in late June, the Northern Ireland secretary, Mr Murphy, confirmed the impression that the current phase of direct rule would not be a ‘do-little-or-nothing’ period. While readily affirming that ‘Northern Ireland is best governed by local politicians taking decisions on local needs and priorities’, he assured his audience that the NIO had a duty to provide good governance, ‘building on the progress made by the Executive’.⁷ He continued:

Our objective is to develop the Executive’s agenda so that it can resume operation as seamlessly as possible. Over the past six months we have moved that agenda forward, building on the priorities identified by local Ministers and taking decisions wherever possible to give effect to the

commitments the Executive made in its Programme for Government.

In terms of future priorities, Mr Murphy pointed to the strategic investment programme, the cornerstone of the RRI unveiled in May 2002, and the review of public administration. The former will require raising regional revenue (see finance section)—*via* the rates and prospective water charges—as well as making use of the borrowing power available under the initiative, decisions that the NIO will have to make in the foreseeable future. In relation to the reform of public administration, the secretary of state signalled a discussion paper in the autumn, setting out ‘alternative high level modes of government which could be used as a framework for the development of a new system of administration’.

In addition, Mr Murphy committed the ministerial team to public-service reform in health, education, transport and the economy, and to a fresh legislative programme, including bills on rating reform, a new entrants scheme in farming—the subject of a bill that was to have emerged from the assembly’s agriculture and rural development committee—and special needs and disability. He also indicated that a number of consultation papers would be published, including on company legislation and further reforms to planning.

While keen to insist that much of the work in hand had been bequeathed by the executive, Mr Murphy left little doubt in the minds of his listeners that the NIO was minded to continue on an active, reformist path:

While the restoration of devolution and the other institutions established by the Agreement remains the best approach to government in Northern Ireland, we cannot in the meantime delay the arrival of those opportunities by sitting on our hands. Rather, we will press ahead with the key reinvest and reform and other policy initiatives undertaken by the Executive in tandem with our continued efforts to secure the political progress which would enable the restoration of the Executive and the other institutions as speedily as possible.

The lurking paradox is that if the package of legislative and policy reforms proves to be welcome then direct rule may become less objectionable, particularly among unionists. As one adviser to Mr Trimble put it, albeit privately and somewhat rhetorically, ‘What’s the difference between direct rule and devolution? Direct rule is popular!’⁸

¹ private information

² Department of Health, Social Services and Public Safety press release, June 30th 2002

³ *Belfast Telegraph*, July 22nd 2003

⁴ Department of Education press release, June 3rd 2003

⁵ *Belfast Telegraph*, August 12th 2003

⁶ Department for Social Development (2003), *People and Place: A Strategy for Neighbourhood Renewal*, Belfast: DSD

⁷ Northern Ireland Information Service, June 24th 2003

⁸ private communication