



The Constitution Unit



Nations and Regions: The Dynamics of Devolution

Quarterly Monitoring Programme

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- **Assembly election ends in triumph for DUP, SF**
- **Result means continued suspension of devolution**
- **Review of Belfast agreement opens amid low expectations**
- **Ministers continue business-as-usual decision-making**

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1. Summary Robin Wilson

If politics in Northern Ireland had been in slow motion since the suspension of devolution in October 2002, after the election on November 26th 2003 it seemed to hit a dead stop.

The election confirmed the at-first-sight paradoxical trend, evident since the Belfast agreement of 1998, of growing sectarian polarisation. The Democratic Unionist Party of Ian Paisley, fundamentalist preacher, and Sinn Féin, political wing of the IRA, achieved clear hegemony within the respective Protestant and Catholic ‘communities’ (if, in the case of the former, only because of post-election defections from the rival Ulster Unionists).

There was no prospect in this context of the assembly being able to form a government *via* the election of a first and deputy first minister, requiring as this procedure does the support for both of a majority in each of the *soi-disant* ‘unionist’ and ‘nationalist’ blocs in the chamber, after elected members have so ‘designated’. The Northern Ireland secretary, Paul Murphy, therefore did not convene the assembly—to do so would have set a six-week clock running on another election, if the FM/DFM election failed—and instead, with his Dublin counterpart, Brian Cowen, opened the overdue four-year review of the operation of the agreement.

The review got off to a leisurely start in February, with an informal deadline of Easter posted by the two governments. But immediately the clashing agendas were evident. SF and its defeated nationalist competitor, the SDLP, argued for no change in the agreement, despite its manifest dysfunction; the DUP demanded a new agreement, in a reasonable-*sounding* document which would in fact have allowed it to exercise a political stranglehold; and the UUP insisted the real issue was IRA weapons anyway. The small Alliance, the only other significant party to survive the bruising November contest, produced a comprehensive set of proposals, only to be attacked by nationalists for questioning the agreement’s consociationalist Holy Grail. The two governments appeared bereft of any ideas of their own.

The Northern Ireland Office team continued to act in hope, rather than expectation, of restored devolution, with sustained ministerial activism. There was a firm hand on the need for greater regional revenue-raising. There was progress on developing a community-relations strategy—to address the polarisation on the ground, as against at Stormont. And a nettle was finally grasped with the announcement that selection at 11 would be abolished—albeit not until 2008.

2. The ‘peace process’ Rick Wilford and Robin Wilson

2.1 The post-election scene

It is, of course, the consequences of the assembly election, held on November 26th 2003, which dominated the quarter. The electoral outcome, if not completely a foregone conclusion, was nevertheless widely expected. The emergence of the Democratic Unionist Party and Sinn Féin as the two largest parties in terms of vote share, and of the DUP as the largest in vote and seat share, suggests that direct rule will remain in place for the foreseeable future.

Indeed, the threatened and well-flagged defection of Jeffrey Donaldson (Lagan Valley) from the Ulster Unionist Party to the DUP, together with two other newly elected UUP MLAs—Arlene Foster (Fermanagh & South Tyrone) and Norah Beare (Lagan Valley)—has magnified the DUP’s position as the largest unionist party. It now can command 33 MLAs in the virtual assembly and also rely upon the UKUP’s sole MLA, Robert McCartney (North Down), as a fellow, muscular anti-agreement unionist. A further consequence of the defections¹ is that SF is now the joint second largest party in the assembly with 24 seats, the same number as the UUP and six ahead of the SDLP.

If the assembly were to meet and its 108 members designate as ‘unionist’, ‘nationalist’ or ‘other’ as required, there would be 59 ‘unionists’ (including the sole Progressive Unionist member), 42 ‘nationalists’ and seven ‘others’ (six Alliance plus one independent). But within the two communal blocs, there is respectively clear orange and green water between the DUP and the UUP (33-24), and between SF and the SDLP (24-18).

The 1998 model of devolution cannot survive intact now that ‘unionist’ electors have voted by a ratio of almost 2:1 for anti-agreement candidates. Nor, indeed, can it survive the parallel hegemony of SF in the Catholic community, for as long as the latter refuses to bring about the complete disarmament of the IRA the agreement requires.

The restoration of self-government hinges on the outcome of the review of the operation of the agreement, which began on February 3rd 2004. But the review was originally envisaged as a four-year road check for the Belfast agreement—not a device to remove it from the *cul-de-sac* in which it has been stuck since October 2002.

2.2 The review

Of the four nascent executive-forming parties, only the UUP at time of writing had still to disclose its agenda for the review. The party leader and former first minister,

David Trimble, was insisting that the review was not the answer to the problem of the suspension of the devolved institutions, stretching back to October 2002.

The Alliance Party was first into the lists with a position paper, in early January, having had a working group addressing the subject since September 2003. Its 26-page document was by far the most substantive, containing 37 proposals for reform—perhaps too many, given the challenge of forging consensus.² At an eve-of-review seminar at Stormont, the party leader, David Ford, was advised to prioritise the party's key concerns, which were arguably twofold: the way the system of communal designation in the assembly supposedly entrenched sectarianism, and the absence of collective responsibility in an executive formed automatically by the d'Hondt rule rather than by voluntary coalescence.

The SDLP immediately claimed that by presenting the alternative of a voluntary coalition, backed by a secular weighted majority, Alliance was proposing to dismantle the agreement. But neither of the nationalist parties offered any suggestion as to how a first and deputy first minister could once more be elected, under the 'parallel consent' system—thereby allowing the d'Hondt rule to be run and a new executive formed—when there would be nothing like a majority in the assembly 'unionist' bloc in favour. Later that month, the SDLP and SF published much shorter documents, which said little about the agreement and were in effect preambles to lists of their favoured agenda items for the review.³

What surprised many commentators was the paper that emerged in early February from the DUP.⁴ Again a substantive set of proposals, the party proposed three options for a new agreement to restore devolution:

1. an executive formed as per the Belfast agreement, dependent on the republican movement complying with the stated requirements of the prime minister, Tony Blair, on 'acts of completion';
2. if that did not eventuate, a voluntary coalition excluding SF; or
3. if the SDLP did not agree to the latter, the assembly to function without an executive, with individual ministers running individual departments.

At first sight, this was remarkable. The party was apparently proposing to work the Belfast agreement it had excoriated since Good Friday 1998—if the IRA complied, belatedly, with its disarmament clause. And, if not, it was for the first time explicitly endorsing power-sharing with constitutional nationalism, albeit in a unionist-dominated executive. But the paper, written with an eye to prevailing in Northern Ireland's perpetual 'blame game', appeared more reasonable than the small print indicated.

The UUP, or at least its leader, adopted a different approach again. This can be summed up as 'It's decommissioning, stupid!' Mr Trimble appeared loftily uninterested in what he describes as 'the mechanics' of the agreement, preferring to concentrate on what for him is the operative cause of the impasse—the refusal of

republicans to honour their obligation to engage in ‘acts of completion’, first insisted upon by Mr Blair in his post-suspension speech in Belfast.⁵

Indeed, thrown off balance by the DUP’s reasonable-*sounding* proposals—when Mr Trimble had insisted after his election defeat that his party only needed to wait for its unionist rival to reveal the bankruptcy of its policy locker—the UUP adopted the fruitless tack of trying to attack the DUP from the right. The third DUP option, the party claimed, would allow SF ministers access to power with no requirement whatever to bring about IRA decommissioning.

Mr Trimble has undeniably been weakened. The loss of three MLAs-in-waiting, one an MP, and talk—albeit with the numbers contested—of an exodus from his party by grassroots members, leaves him in an even more beleaguered position than hitherto. Yet this is a position he appears to relish. It seems likely that there will be a leadership challenge at his party’s agm in March, possibly—and not for the first time—from the South Belfast MP, Rev Martin Smyth, and Mr Trimble’s survival is by no means guaranteed. He is emphatic that the republican movement must deal ‘conclusively with the issues of decommissioning, continued paramilitary activity and the effective winding-up of their private army’.⁶

Given the *diktat* of the DUP leader, Rev Ian Paisley, that none in his party will engage directly with SF, it may not be mere hubris on Mr Trimble’s part to claim that he alone among unionists can ‘finish the job of firmly establishing peace and democracy’. The problem is that the UUP leader cannot now claim to be speaking for unionism—or, indeed, all within his party.

For their parts, Mr Blair and his Dublin counterpart, the taoiseach, Bertie Ahern (distracted by the Irish EU presidency), appear to be clinging to the post-election wreckage. Surveying the results from the vantage point of the British-Irish Council meeting in Cardiff on November 28th, they issued a joint statement, claiming that the 1998 agreement ‘remains the only viable political framework capable of securing the support of both communities’ and that ‘its fundamentals are not open to renegotiation’.⁷ They thus echoed, it seemed, the stance of the SDLP and SF.

The nationalist parties regard the agreement as equivalent to the Holy Grail, at least in its essentials. Before, during and (even more so) in the wake of the election, their respective leaderships have restated their attachment to its principles in zealous terms and vowed, martyr-like, to defend it against the heretical forces of ‘rejectionist unionism’.

Speaking to the newly elected and expanded team of SF MLAs at Stormont, the party leader, Gerry Adams, was emphatic: ‘There can be no renegotiation of the Agreement. That is our position and we make no bones about it. The principal structures and obligations of that Agreement cannot and will not be subverted’.⁸ A rather more abashed Mark Durkan, the SDLP leader, was however no less assertive. Following the election he sought to create a ‘pro-Agreement axis’ to ‘protect [it] from those who

would tear it apart'.⁹ He continued: 'The SDLP will not give in to the DUP's wish either to destroy the Agreement or gouge key aspects out of it.' And, like Mr Adams, he urged both governments to 'stand firm by the Agreement ... they cannot let the anti-Agreement tail wag the pro-Agreement dog'.¹⁰

To paraphrase Churchill, 'some tail, some dog!' While 74 MLAs are pro-agreement—some much more wholeheartedly than others—the remaining 34, all unionists, are unutterably opposed. The division between these two camps is seemingly unbridgeable, and is not assisted by the disarray within the ostensibly pro-agreement UUP and the attendant uncertainty over Mr Trimble's future. What does unite the unionists, though, is their unshakeable opposition to the inclusion of SF in any executive in the current circumstances. In sum, a total of 59 nascent MLAs—55 per cent of all members—cleave to this position.¹¹ Result: impasse.

Tweaking the operational details of the 1998 template by itself will not resolve the outstanding issue, *viz*, SF's place in the government of Northern Ireland. What *all* other parties require of republicanism is an exercise of what Mr Blair regards as a testament to good government. Unless and until the 'acts of completion' set out in the London-Dublin joint declaration (see May 2003 report) are concluded—and transparently so—then renewed devolution will likely remain more hope than expectation.

Dissident republicans aside, all parties will the 'end' of devolution, but they part company over the means and the agents deemed eligible to implement it. As previous reports have demonstrated, public opinion in Northern Ireland also supports the restoration of devolution, *ceteris paribus*. And there may be a mood of wistful agnosticism among some Protestants: those who failed to vote in November (and turnout was down) or who lent their votes to the DUP could be persuaded back into the fold of a Trimble-led UUP if the IRA acted convincingly over decommissioning.

But there is no sign that republicans are in any mood to put any more arms 'beyond use'—whatever that means precisely—following the collapse of the 'choreography' on October 21st (see November report). The IRA's new year statement, while including nothing to suggest that its ceasefire was in jeopardy, expressed 'deep concern' over the 'failure' of the two governments, primarily London, 'to deliver' on their parts of the supposed bargain—notably on security reforms—semi-orchestrated in October. Lamenting the 'lack of progress', and allocating 'premier responsibility' to the UK government, the statement contained the clear implication that any further movement on arms would depend on troop withdrawals, more policing reforms and an effective amnesty for IRA 'on the runs'.¹²

The latter agenda comprised part of the joint declaration, designed to hasten the 'implementation in full' of the agreement. It represented, in effect, a series of incentives to republicans to commit to exclusively peaceful and democratic means of political participation and it held out some prospect of bilateral actions by London and Dublin outwith (as with the 'OTRs' proposal) the terms of the agreement. While some

items remain on this agenda—to the chagrin of unionists—the October collapse and the outcome of the election have stymied what many, and not just anti-agreement unionists, would regard as ‘concessions’ to republicans.

One item of the declaration has, however, been legislated for in Parliament and the Dáil—and much to the annoyance of SF. This is the establishment of the Independent Monitoring Commission (see May 2003 report), again outwith the terms of the agreement.¹³ Given the absence of devolution, the primary tasks of the four-member commission will be to report on the state of the IRA and loyalist ceasefires every six months and to scrutinise the UK government’s programme of security normalisation. If devolution were to be restored, the IMC would investigate accusations that political parties, by their (in)actions, were undermining the stability of political institutions.

While any recommendations of the IMC are yet to be tested, its creation has irritated republicans and helps to explain Mr Adams’ echoing of the IRA’s tone of injured propriety during a speech in mid-January. Referring to the *débâcle* of October 21st—when ‘republicans honoured [their] commitments’—he complained that ‘neither government has moved one inch on the commitments they made ... it is intolerable that [they] have not done so’.¹⁴ Though in favour of a speedy conclusion of the review, SF’s leadership can be under no illusion that this is likely. The strategic question of its inclusion within any future executive is contingent upon both the DUP and the UUP being satisfied that the IRA has gone out of business—which it shows no immediate sign of doing.

An executive minus SF is thinkable, but no more than that. Any leverage that the SDLP may have been able to exert over SF in the past has been significantly diminished, given its junior-partner status within the nationalist electorate. To now be perceived to ally with unionists in excluding SF from government *via* the review could further hasten the narrowing of its electoral base. Though there were opportunities when an SDLP/UUP/DUP axis might have ushered SF out of the executive, they have long since passed.

Antipathy to SF’s inclusion in government extends across the border, however, where local and European elections loom in June and significant gains for SF are expected on the back of its northern elevation. Shortly after the assembly election the republic’s justice minister, Michael McDowell (from the junior coalition partner, the Progressive Democrats), said SF was ‘morally unclean’ and funded by the IRA: ‘I have no doubt that senior figures in the IRA are engaging in crime to fund the republican movement.’¹⁵ A little over a month later—shortly before he was, for the first time, to meet the DUP leader, Mr Paisley, and the review got under way—the taoiseach, Mr Ahern, appeared to endorse Mr McDowell’s comments. During a debate in the Dáil, he reiterated that SF and the IRA were ‘two sides of the same coin’. And, rebutting the efforts by republicans to gain domestic electoral advantage by attaching the sleaze label to his Fianna Fáil party, he continued: ‘If some members of Sinn Féin want to lay charges about corruption against other parties, they should consider carefully where they are coming from on the whole issue.’¹⁶

The remarks by Messrs Ahern and McDowell enraged the SF leadership¹⁷—and were seized on with alacrity by the DUP. The former minister Maurice Morrow pointed to the inconsistency of the republic’s government in insisting that SF be included in the government of Northern Ireland while rejecting that possibility in Dublin: ‘Sinn Féin are the same north of the border as they are south of the border ... The Irish government must end its shocking inconsistency and treat SF/IRA in the way a party allied to an armed and active terrorist group should be.’¹⁸

The prime minister, too, joined the chorus. During his January press conference, while acknowledging that the SF leadership was, in his view, ‘committed to making the process work’, Mr Blair insisted that ‘we cannot have a situation where people are expected to sit in government with political parties attached to active paramilitary organisations ... You cannot expect, after five and a half years of the Agreement, for people to sit down in government unless they are all playing by the same rules: there is no way around that.’¹⁹

During Northern Ireland questions a day earlier, the lacklustre security minister, Jane Kennedy, was pressed on the matter by David Burnside, the rebel South Antrim UUP MP (now back in the fold). Conceding that both loyalist and republican paramilitaries were involved in organised crime—by no means a novel admission—Ms Kennedy reiterated that ‘the links between Sinn Féin and the Provisional IRA are very strong’ and she rehearsed the familiar formula: ‘they are two sides of the same coin. Inextricably linked.’²⁰

The review could thus turn out to be a case of irresistible forces and immovable objects. For London and Dublin the agreement remains, in Mr Murphy’s words, ‘the political framework that is capable of securing the support of both communities in Northern Ireland and we are committed to its implementation’.²¹ SF and the SDLP seek to hold fast to the agreement, as does, *ceteris paribus*, the current UUP leadership, while the DUP is resolved to forge a new agreement and a different model of devolution.

With respect to the ‘strand one’ (devolved) institutions, both SF and the SDLP are silent. Indeed, the SDLP seeks to defer consideration of substantive issues relating to the working of the institutions until they are up and running again (which assumes rather a lot), partly to speed the review, which it recommends should be limited to three months (SF claims it can be done and dusted in just one). Even then, the SDLP is not persuaded of the need for significant change, arguing that ‘by and large, the public were broadly satisfied with how the institutions were working ... in no way was [*sic*] any of the crises caused by their design’. Rather, ‘all crises were caused by the lack of political will to work the institutions fully and the failure to end paramilitarism’.²² SF, by contrast, talks only of securing ‘the stability of the institutions’ and the ‘re-endorsement of the Agreement by all participants’, which implies the *status quo ante*.²³ The one clear exception, shared by the SDLP, is the call

for an early transfer of policing and criminal justice powers, as essayed in the joint declaration.²⁴

On the other hand, Alliance provides a comprehensive list of proposed changes, including:

- a reduction in the number of MLAs to around 80 with a reduction to 12 (from 18) assembly constituencies;
- adoption of a 60-65 per cent weighted-majority voting system, free from designation, for cross-community matters;
- tax-varying powers for the assembly, also to be empowered to veto ministerial decisions by means of a weighted majority;
- government formation to be by (post-election) voluntary coalition, endorsed by weighted majority;
- a review of the number of departments, replacing the burgeoning Office of the First Minister and Deputy First Minister with a streamlined department made fully accountable to a statutory committee; and
- two new departments, responsible for equality and community relations, and policing and criminal justice.²⁵

By removing the system of communal designation and setting the weighted-majority threshold where it does, Alliance would effectively allow of a devolved administration being formed without one of the DUP or SF. This is notably different from the superficially similar DUP proposal (see below).

All three of these pro-agreement parties address ‘strand two’ or north-south matters. Both the SDLP and SF favour increasing the areas of cross-border co-operation and the associated implementation bodies, as does Alliance—albeit on the basis of ‘practical benefits’ rather than as part of a wider nationalist project. Each also recommends the establishment of the all-Ireland parliamentary forum and civic forum mooted in the agreement.

Both the SDLP and SF favour an early border poll, both north and south, to test opinion on Irish unification, whereas Alliance proposes, rather elliptically, that the consent principle ‘be used to test the level of support for other constitutional futures’ rather than ‘restricting the people to the stark choice between maintenance of the Union or the creation of a united Ireland’.²⁶ None of these is consistent with the agreement as it stands: the border-poll clause is a yes-no option, but the agreement specifies this can only take place if the Northern Ireland secretary believes it likely a majority would vote in favour. The latest Northern Ireland Life and Times Survey answer to the united-Ireland question was 22 per cent in favour and 55 per cent against. Interestingly, however, *vis-à-vis* Alliance’s point, the NILTS data show a section of mainly-Catholic opinion which appears agnostic about the conventional zero-sum choice.²⁷

SF and Alliance are silent on ‘strand three’ (the British-Irish dimension). The SDLP talks somewhat obtusely about ‘building on’ the British-Irish Interparliamentary Body

and ‘increasing the effectiveness’ of the British-Irish Council, whilst the British-Irish Intergovernmental Conference should extend its remit and intensify its work.

Equality and human rights bulk large in all three papers. Each wants the enactment of a single equality bill, consolidating existing equality legislation, and offers a variety of means of entrenching an equality *régime* north and south. Alliance strikes a somewhat discordant note in recommending abandonment of the 50:50 (Protestant:Catholic) police recruitment quotas, preferring targets and affirmative action measures. SF is silent on the current arrangements, as is the SDLP, but both would resist any tampering with them. On human rights, all want to see a rights culture embedded across the island and the Northern Ireland Bill of Rights, as promised in the Agreement, pursued, as well as more being done to address the needs of victims of violence.²⁸

The joint declaration is referred to in both the SDLP’s and Alliance’s submissions, by way of their shared view that the paramilitary activities specified in paragraph 13 should cease forthwith—and, in Alliance’s case, that the paragraph itself should be incorporated into the ministerial pledge of office. SF makes no mention of the paragraph but does address the creation of the IMC:²⁹ quite simply, it wants it abolished, while at the same time arguing that any breaches of ministerial office should be dealt with under the terms of the agreement, a position it has held throughout.

SF does seize upon the ‘demilitarisation’ undertaking of the declaration, but whereas the UK government envisages a garrison strength of around 5,000 personnel once security normalisation is complete, SF wants withdrawal of all British troops, removal of all military installations, repeal of all emergency legislation, ‘full disclosure’ of the extent of ‘collusion’ and ‘state-sponsored violence’ and an effective amnesty for ‘on the runs’. As a *quid pro quo*, it restates its position on decommissioning, *viz*, ‘all parties must use their influence to resolve the issue of arms, in the context of the implementation of the Agreement’.³⁰ And, like the SDLP, it is seeking the repeal of the Suspension Act (2000) under which direct rule has been re-established—again, without indicating what would be done to deal with the assembly arithmetic barring the reformation of devolved government as things stand.

The DUP paper focuses on ‘strand one’, setting out the three options itemised above: d’Hondt-type coalition with IRA disarmament, a voluntary coalition of parties not tainted with ‘terrorism’, or devolution to a reduced assembly without an executive. The devil, as so often, is in the detail. The party proposes that under the first or second option any action by the executive (and, again, the departments would be rationalised) could be challenged and at any time a vote of confidence required. In either case, an affirmative ‘key vote’ would be necessary for the action to stand or the executive to remain in being. Such a vote could only pass with the support of a majority of ‘unionists’ as well as ‘nationalists’ (the existing parallel-consent method) or 70 per cent of assembly members (an increase from the 60 per cent threshold, including 40 per cent of each bloc, for weighted-majority determinations under the agreement).³¹

The DUP now has a clear majority in the ‘unionist’ bloc, and it comprises 30.6 per cent of the 108 MLAs. So, leaving aside its proposals for streamlining the assembly, its current mandate would give it a stranglehold over any power-sharing arrangement (options one or two). The third option in effect would sustain political *apartheid* and was rejected out of hand by nationalists when Mr Trimble offered it in the 1997-98 Stormont talks, and again when he returned to the idea when implementation of the agreement stalled. Yet this is really the default DUP proposal, given republicans will not facilitate the first nor the SDLP the second.

The DUP paper makes no attempt at this stage to address the north-south aspects of the agreement or its ‘east-west’ dimension. The latter absence might be thought odd for a unionist party, but the DUP is in effect a voice of provincial Protestantism. As to the former, the party’s goal is to ensure any all-Ireland links would be subject to the control of the assembly, already—as indicated—to be subject to the veto power of its anti-agreement rump. This is also inimical to all shades of Catholic opinion, which, to varying degrees, feels an affective commitment to a wider sense of Irishness, as well as to a swathe of civic opinion, which favours pursuit of co-operation across the island for mutual advantage.

The extent to which these varying agendas can be fulfilled is clearly unknown at the time of writing. The review will not operate on the basis of the prior talks principle (insisted upon by the former SDLP leader, John Hume) that ‘nothing is agreed until everything is agreed’. This does leave notional scope for manoeuvre, but at this stage there is too much that is mutually exclusive to offer much hope of success.

The UUP leadership, in the person of the former minister Michael McGimpsey, made this clear in his response to the SF proposals. They were, in his view, an attempt to ‘rewrite the Agreement’ in terms of ‘an all-Ireland wish-list’ and were about ‘trying to get acts of completion from everyone except themselves’.³²

Mr Paisley’s announcement in January that he would stand down as his party’s candidate for the European Parliament election, to lead the DUP’s negotiating team, virtually extinguished any even modest belief that the allegedly pragmatic wing of the party could cut a political deal with SF—or any other party, for that matter. On the eve of the talks, the party’s deputy leader, Peter Robinson, set out the DUP’s stall in unequivocal terms: ‘Let there be no mistake, change must occur ... Unionists will not accept more of the same ... Nationalists need to acknowledge that change is inevitable. Otherwise the choice is stark. It is a new agreement or no agreement.’³³

2.3 Prospects

Undaunted, the Northern Ireland secretary remains upbeat. In an eve-of-review interview with the *Independent*,³⁴ Mr Murphy described himself as in ‘reasonably good spirits’, as he readied himself for a somewhat leisurely process.

Pressed by his interviewer, Mr Murphy at times resembled the White Queen in his ability to believe six impossible things before breakfast. While conceding that ‘it’s going to be more difficult than before’, he was not pessimistic: ‘For one thing, the major parties are in favour of devolution and that’s not a bad starting point.’ He also asserted that, while the electoral landscape had changed, unionist voting patterns had not been hugely altered ‘to such an extent that we can’t talk together about where we might go’.

But the minister’s sunny demeanour may partly have been for public consumption. A report by the *Irish Times*’ political correspondent recorded:³⁵

Despite the optimistic declarations in public, there is deep pessimism in both Dublin and London ... ‘Things have never been gloomier,’ said one Irish source.

No matter how sanguine Mr Murphy appeared, however, there was no doubt in his mind where the sticking point lay. As he put it, ‘the IRA needs to persuade people that the war is really over’.

It emerged in the interview that the governments had agreed a three-month timetable, with the talks scheduled to take place on just two days, Monday and Tuesday, per week. And there would be a short break for the St Patrick’s Day festivities, when a caravan of Irish politicians—southern and northern, nationalist and unionist—now goes to Washington for a week to attend numerous receptions and bend the ear of powerful Americans to their disparate agendas. It subsequently emerged that there would also be a week off in mid-February, when neither Mr Murphy nor Mr Cowen would be available to chair meetings.³⁶

The mainly-Catholic *Irish News* probably best caught the public mood in an editorial³⁷ the day after the review began—an event which it described as probably surrounded by ‘lower expectations than any other serious political initiative over the last decade’:

Many ordinary people have become increasingly bored or frustrated with the political process, and are prepared to accept an indefinite period of direct rule as the least worst [*sic*] option available.

Only the most optimistic of observers believe that a formula capable of restoring devolution is likely to emerge in the short term.

¹ In addition to the high profile defections from the UUP, as of late January more than 160 rank-and-file members of the party had resigned their memberships, although it is as yet unclear how many joined the DUP. Robin Ramsay, aide to the dissident MP Rev Martin Smyth (South Belfast), also deserted the party and has joined Mr Donaldson’s team of advisors.

² See www.allianceparty.org/showpeacedoc.asp?id=4.

³ See www.sdlp.ie/policy/documents/policydocs.shtm and www.sinnfein.ie/news/detail/3059.

⁴ See www.dup2win.com/pdf/DUPDevolution.pdf.

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- ⁵ See, for instance, Mr Trimble's contribution to Northern Ireland Questions, HC Debs, col 488, 3 December 2003.
- ⁶ See the foreword to the UUP manifesto, available at www.uup.org.
- ⁷ Northern Ireland Office press release, November 28th 2003
- ⁸ *Irish Times*, December 2nd 2003
- ⁹ SF's assembly group leader and lead on the review, Conor Murphy (Newry & Armagh), welcomed Mr Durkan's initiative. Indeed, he claimed credit for SF in proposing the construction of a 'pro-Agreement alliance' to 'confront those who want to see the Good Friday Agreement wrecked' (www.sinnfein.ie/news/detail/2655).
- ¹⁰ See www.sdlp.ie/prdurkandowningstreettalks.shtm.
- ¹¹ This figure includes 33 DUP members, 24 UUP MLAs, Robert McCartney (UKUP) and David Ervine (PUP).
- ¹² See BBC News Online, January 1st 2004.
- ¹³ The IMC came into operation on January 7th 2004, following an exchange of letters between the London and Dublin governments. For the terms of the new Anglo-Irish Agreement, see Command Paper 6068, published December 3rd 2003.
- ¹⁴ www.sinnfein.ie/news/detail/2914
- ¹⁵ *Irish Examiner*, 11th December 2003
- ¹⁶ *Belfast Telegraph*, January 29th 2004
- ¹⁷ See, for instance, 'Adams rejects funding claims', BBC News Online, January 28th 2004.
- ¹⁸ DUP press release, December 12th 2003
- ¹⁹ See www.number10.gov.uk/output/Page5181.asp 15 January 2004.
- ²⁰ HC Debs, col 800, January 14th 2004
- ²¹ *ibid*, col 802
- ²² *The Four Year Review of the Good Friday Agreement: SDLP Submission*, January 2004 (www.sdlp.ie.org)
- ²³ *Agenda for the full implementation of the Agreement*, January 2004 (www.sinnfein.ie.org)
- ²⁴ However, neither nationalist party, unlike Alliance, commits itself to a preferred model for the transfer of these powers. The declaration does outline a number of alternative models, but does not express a preference (see May 2003 report).
- ²⁵ *Agenda for Democracy*, January 2004 (www.alianceparty.org)
- ²⁶ *ibid*
- ²⁷ See www.ark.ac.uk/nilt/2002/Political_Attitudes/NIRELAND.html.
- ²⁸ The largest single category of these, of course, were victims of the IRA.
- ²⁹ A report in *Sunday Life* (February 1st 2004) by its well-connected security correspondent, Alan Murray, noted that the IMC was due to issue its first report by early summer. Lord Alderdice, its chair, disclosed that the commission had already met senior police officers in its two meetings to date and had pencilled in further meetings between February and April that may include leading figures from republican and loyalist circles as it sets about compiling the report on paramilitary activity. In a separate but related development, Mr Ahern met members of the UDA-linked Ulster Political Research Group to discuss the state of the UDA's ceasefire, which the NIO's security minister Jane Kennedy had earlier described as 'not serious'. See BBC News Online, January 23rd 2004, and the *Irish News*, January 27th 2004.
- ³⁰ What the decommissioning section of the agreement specifies is that those parties that are able to use their 'good offices' with paramilitaries—implicitly SF and the small loyalist parties—should bring about the complete disarmament of the latter within two years.
- ³¹ www.dup2win.com/pdf/DUPDevolution.pdf
- ³² UUP press release, January 28th 2004
- ³³ DUP Press release, February 2nd 2004
- ³⁴ February 2nd 2004
- ³⁵ *Irish Times*, January 23rd 2004
- ³⁶ 'Parties take a rest after three sessions', *Belfast Telegraph*, February 11th 2004
- ³⁷ *Irish News*, February 4th 2004

3. Devolved government Robin Wilson

3.1 Does it matter?

Further evidence emerged this quarter (see November 2003 report) that civic-minded non-governmental organisations very much regret the passing of devolution—probably somewhat more than the ordinary punter, troubled by media stories of the cost of the enterprise (see assembly section).

A survey by the Northern Ireland Council for Voluntary Action,¹ the umbrella body for NGOs in the region, received 275 responses from member groups to its first (to be recurrent) ‘Viewfinder’ survey. And more than two thirds of those organisations that did respond said suspension of devolution was having a negative effect on the voluntary sector. Moreover, almost three quarters—with 31 per cent agreeing ‘strongly’—believed that since the reintroduction of direct rule there had been a lack of ministerial drive to further initiatives within the sector.

One largely unlamented victim of suspension has been the Civic Forum, which always struggled to rise above the disparate composition imposed upon it and the apathy or even antipathy it faced from Northern Ireland’s conservative political elite, among whom there is very little understanding of the importance of civic participation in a democratic society. Among respondents to the NICVA survey, however, a clear majority, 57 per cent, said the suspension of the forum had had a negative effect.

3.2 Programme for Government

The revised version of the *ersatz* Programme for Government, *Priorities and Budget 2004-06*, appeared in January 2004.² It continued to mark the steady drift (identified in previous reports) away from the policy-driven and holistic approach of the first (2001) PfG, towards a technocratic alternative replete with managerialist New Labour jargon.

The original idea of the programme was that devolution would ‘make a difference’ from direct rule by identifying a small number of high-level policy goals which would animate the Stormont administration. This implied the programme driving the consequent budget—rather than the other way around—and the focus being on cross-departmental objectives.

The first flaw was introduced into the first PfG when—unlike in Scotland and Wales—the apparatus of Public Service Agreements established by the chancellor, Gordon Brown, to extend his control over the domestic political agenda was adopted unthinkingly in Northern Ireland, thereby reintroducing departmentalism by the back door.

But the trend away from ‘joined-up government’ has now been enhanced by adding more detailed ‘Departmental Business Plans’ to the PSAs.³ This—including that telltale word ‘business’—very much fits the emphasis on ‘service delivery’, ‘value for money’ and the citizen-as-consumer New Labour social model.

While nominally the five policy goals, or priorities, identified from the first PfG and subsequently carried over are retained, they no longer structure the document, though it is true that as a result there is a stronger emphasis on tackling sectarianism and social exclusion than the devolved executive registered. But another key shift, with particular import for the latter policy area, is the decision to allow the ‘executive programme funds’, except the children’s fund but including that for social inclusion / community regeneration to wither on the vine.⁴

These funds, a favourite of the initial deputy first minister, Mr Mallon, were meant to support cross-departmental initiatives by ring-fencing small amounts of money outside mainstream departmental budgets. This trend has now been reversed. In the view of departmental officials—as one permanent secretary intimated—this is just as it should be, as from their standpoint the EPFs were top-slicing what should rightfully have been theirs.

The final move is the amalgamation of the programme and the budget. Until this annual iteration, these comprised two separate documents; now there is only one (and only one website). At face value, this might seem a sensible integration. In reality, with such emphasis on ‘delivering’ taken-for-granted services—despite the increasing evidence that government only works effectively when it engages the citizen and civic associations in addressing policy challenges—and, in particular, the focus on the Strategic Investment Programme (see finance section), public-expenditure decisions are now driving the process. Indeed, a telling sign was that the previous rolling three-year cycle of the PfG was this year reduced to two years, to dovetail with the chancellor’s next comprehensive spending review.

What now passes for the Programme for Government no longer significantly engages the wider society. The revised version revealed that there had been just 48 written responses to the draft.⁵

3.3 Community relations

The document indicated that within six months of publication government would bring forward the long-awaited strategy on community relations—originally signalled when the first draft PfG was published back in October 2000.

As chronicled in previous reports, after PfG1 had been agreed by the assembly in March 2001, this poisoned chalice was passed to the retiring civil servant Jeremy Harbison to conduct a review. He duly reported in January 2002 but nothing happened under the devolved administration until suspension in October that year. In January

2003, the direct-rule administration published a paper, *A Shared Future*,⁶ on which consultation continued until the autumn. In January 2004 a major conference organised by the Institute of Governance at Queen's University Belfast, planned to follow the consultation but postponed because of the assembly election, brought together the strands.

The event was to have been the occasion for a statement of government thinking by the Northern Ireland secretary but, like every other Labour MP capable on the day of sentient activity, Mr Murphy was required at Westminster for the knife-edge vote on university top-up fees. On his behalf, Nigel Hamilton (head of the civil service) said more than 10,000 people were estimated to have taken part in the consultation. While offering little about what might be expected to emerge, he indicated that adapting to communal division had 'no prospect of sustainability' and that 'separate but equal' was 'not an option'.

Although the conference heard from an academic analysis of consultation responses that there was a desire for a 'proactive' approach to the community-relations problem, and there were many constructive suggestions from the floor, a more dissonant trend emerged in terms of the political debate. While not directly rejecting the vision of 'a shared future', a UUP MLA shifted the subject to IRA weapons (ie it's the Catholics' fault) and the former SF minister Martin McGuinness shifted it likewise to equality (ie it's the Protestants' fault). This echoed the failure of the parties to the devolved administration to generate any ideas of their own on the subject, lacking any common analysis of the problem.

During the quarter, one element of addressing Northern Ireland's generally *méfiant* culture began to be put in place. Long demanded by the Alliance Party, proposals for legislation to tackle 'hate crime'—whether sectarian, racist or homophobic—were launched by the criminal justice minister, Mr Spellar. Based on the principle established in Britain for racially-aggravated crime, the proposed Criminal Justice (NI) Order 2004 would raise maximum sentences for criminal damage by four years to 14 and for putting someone in fear of violence or causing actual bodily harm by two years to seven.⁷

Reported racist attacks have mushroomed in 'post-ceasefire' Northern Ireland. The NIO announcement followed a spate of vicious attacks in south Belfast, linked in part to a court case involving a leading local figure in the Ulster Volunteer Force, in which evidence from a Chinese witness for the prosecution was eventually withdrawn. The attacks made the lead in the *Guardian*, in a report declaring: 'Northern Ireland, which is 99% white, is fast becoming the race-hate capital of Europe.'⁸

¹ See www.nicva.org.

² *Northern Ireland Priorities and Budget 2004-06*, available at www.pfgbudgetni.gov.uk

³ *ibid*, p6

⁴ *ibid*, p42

⁵ *ibid*, annex A

⁶ available at www.asharedfutureni.gov.uk/consultationpaper.htm

⁷ NIO press release, February 9th 2004

⁸ 'Racist war of the loyalist street gangs', *Guardian*, January 10th 2004

4. The assembly Rick Wilford & Robin Wilson

While in political terms it remains a virtual chamber, the Northern Ireland secretary announced in December that the assembly was costing £1.93 million per month—more than £800,000 for salaries and expenses and £1.1 million for general administration. Mr Murphy's answer was to a hardly disinterested question from the South Antrim MP, Mr Burnside.¹

Back in 1998, the NIO had vainly hoped that, *when fully operational*, the assembly would cost just £14 million a year. MLAs are being paid 70 per cent of their full salary, or £31,817 per year, to conduct their constituency business. There is considerable public hostility to their being paid at all, as evidenced by radio phone-in programmes.

The day after the parliamentary answer, the *Belfast Telegraph* ran an editorial 'The shock cost of political deadlock'.² The paper claimed that 'people will need a lot of persuading to be convinced that sustaining the institutions is a worthwhile investment' and urged an eventual end to payments to assembly members if the new political leaders—the DUP and SF—proved themselves in capable of working together.

¹ *Irish Times*, December 16th 2003

² December 16th 2003

5. The media Robin Wilson¹

The 2003 assembly election campaign was to prove a remarkable media event by a number of standards. The deadlocked context in which the election was called meant there was no prospect that a first and deputy first minister would be consequently elected and it was inevitable that the agreement review would move centre stage (see November 2003 report).

This context favoured an emphasis in the campaign on ‘constitutional / political process’ issues, rather than those concerned with ‘party / assembly performance’. It was therefore unlikely that the election as it was represented in the media would focus on the performance of the parties to the former devolved executive—the UUP, SF, the SDLP and the DUP—as against the claims of the ‘smaller’ parties—Alliance, the Northern Ireland Women’s Coalition and the Progressive Unionist Party—which had provided the *de facto* ‘opposition’.

The political conjuncture of failed ‘choreography’ played heavily to the pitch of the DUP, critical as this was of the performance of the UUP leader and of the trustworthiness of the prime minister. And an objective assessment of the various campaigns by the parties, *vis-à-vis* the media, demonstrates that the DUP proved the strongest competitor. Its ‘key messages’ were coherently put together and effectively presented. These two factors go some way to explaining the nature of the campaign and the election result itself—in which the DUP, and to a lesser extent SF, emerged clear winners, with setbacks for the SDLP and UUP, a near-death experience for the APNI and wipe-out for the NIWC (see political parties and elections section).

But the media have effects on the political and public domains, as well as being the objects of political actors themselves. And the political environment does not adequately explain why the framing of the election in the media—regionally, in Dublin, London and (to an extent) internationally—should have been so preponderantly as a masculinist, communalist ‘battle’ between two ‘tribes’ and confined to four parties. Close analysis of the coverage of the 2003 assembly campaign shows a number of interrelated features, for which responsibility lies with the press and the broadcasters, where the media themselves can be subjected to scrutiny.

First, there was virtually no explanation, until the last minute, of what voters were voting *for*. The spectacle of the contest quickly took over in the coverage, with hardly any attempt to inform audiences as to the mechanics that would follow the poll—the prospect of continued suspension, and of the review, should renewed power-sharing indeed prove impossible. This was despite the fact that the collective decision of the electorate could make this process more or less fraught.

Secondly, in as far as the prospective review was addressed, it was presented in the media as a further round of *negotiations*, rather than the deliberative process the word

implies. This again had real effects: it incentivised voters to support those deemed the ‘toughest negotiators’, rather than those parties that might adopt a more conciliatory line. And it was associated with a failure to present the concrete options that the review might consider to allow devolution to be re-established.

Thirdly, the election was consistently represented as a ‘gladiatorial’ contest—or, rather, two separate contests—between the leaders of the four ‘main’ parties. This was associated with a downplaying of substantive policy issues in favour of an emphasis on the appearances and the atmospherics. Indeed, it was suggested that an unseemly physical confrontation between leading UUP and DUP members outside UUP headquarters had enlivened a ‘lacklustre’ campaign.

Fourthly, there was a gross gender imbalance in the way the election was portrayed. Partly because of the focus on the (male) leaders of the four ‘main’ parties, there were vastly more references to, quotations from and interviews with male, rather than female, party representatives. While the media can not be expected to take responsibility for the parties’ failure to select more women candidates, there was little commentary during the campaign on this very problem itself—and none on the very small improvement on the number of female candidates elected in 2003 over 1998, itself a very low level indeed.

Fifthly, the stress on who would emerge as ‘top dog’ in each of the ‘unionist’ and ‘nationalist’—effectively Protestant and Catholic—camps meant the non-sectarian parties were represented as ‘a wasted vote’. It was not that these parties were unfairly treated by the media in terms of space and time devoted, but they were often presented in such a way as to delegitimise their very existence.

Sixthly, the vacuum at the heart of the coverage of the campaign was filled from the outset with endless predictions of the outcome of what were represented as the separate communalist ‘battles’. While these were genuine attempts to gauge the popular mood, they implicitly disallowed the possibility that any voter might be persuaded by the very campaign the media were contemporaneously covering. And they verged on creating self-fulfilling prophecies, by suggesting that the momentum lay behind certain parties (the DUP and SF) while others (including the non-sectarian parties) would be ‘squeezed’.

Last, but by no means least, the way the election was not only called but framed by the media left little space for serious consideration of the ‘bread-and-butter’ issues. In so far as these were mentioned, it was mostly to convey populist claims by the parties which were rarely subjected to critical or expert analysis.

Combined, these aspects of the dominant media coverage of the election added up to a failure effectively to inform and engage the public about the impasse ahead. And such anecdotal evidence as we have is that the electorate was arguably more alienated than stimulated by the campaign, as reflected in the (by Northern Ireland standards) low turnout.

¹ The material in this section is excerpted from a much larger piece of research, by Liz Fawcett and myself, for the Electoral Commission, in which the empirical evidence for the findings is presented. This awaits a decision on publication from the commission.

6. Public attitudes and identity Nil report

7. Intergovernmental relations

Elizabeth Meehan

There is little to report on ‘east-west’ links this quarter beyond the report (see EU section) on the meeting in Belfast of all the UK (and Irish) delegates to the Committee of the Regions. Given the political vacuum, most contacts between the two islands have been government-to-government.

The taoiseach and the prime minister met on January 19th 2004 but there were no specific proposals for Northern Ireland on the table. Mr Ahern, who was meeting all heads of government for the purpose, used the occasion to talk about prospects for the EU constitution. He also raised the British government’s failure to release the Cory report into alleged collusion involving the security services in the murders in Northern Ireland of Pat Finucane, Robert Hamill, Rosemary Nelson and Billy Wright. This meeting was a precursor to a meeting of the British-Irish Intergovernmental Conference, led by the Northern Ireland secretary, Mr Murphy, and the republic’s foreign minister, Brian Cowen, to consider where things stood on the review of the agreement.¹

The north-south institutions remain on a care-and-maintenance footing.

¹ *Irish Times*, January 19th 2004

8. Relations with the EU Elizabeth Meehan

8.1 Introduction

Given that the election on November 26th (see parties and elections section) was something of a plebiscite on the agreement, the suspension of the associated institutions and their future, the EU hardly featured in the parties' manifestos.¹ There was meanwhile something of a limbo in 'peace' funding. The evaluation of 'Peace 2', completed last year, had not, at time of writing, been published and whether there would be a 'Peace 3' remained uncertain.² The highest-profile event for the island this quarter was the republic's assumption on January 1st of the EU presidency.

Though of major significance for the republic over the first half of the year, Dublin's management of EU affairs may have little impact on the north. One informed commentator predicted that the presidency would make no practical difference to Northern Ireland.³ Seemingly, however, the Scots think it may be pertinent to them. The republic's ambassador to London, Daithi O Ceallaigh, was invited to make a public address to the Scottish Parliament on February 12th.⁴

Direct-rule ministers—largely one, Ian Pearson, wearing many hats—have also overseen new regulations to implement EU law, resolved an outstanding leadership problem in the Special EU Programmes Body (SEUPB) and done their bit to promote Northern Ireland's EU role through the north-south and 'east-west' axes, as well as in the EU itself.

8.2 Irish presidency

While, once, the European constitution was to have been resolved in 2003, the republic has inherited this unfinished business, in addition to enlargement and the agreed priorities and has added its own. Among Dublin's particular ambitions are some difficult tasks: raising the problems of Africa higher up the EU agenda and attempting to achieve a more effective EU role in securing peace in the middle east. At the same time, it has to attend carefully to Northern Ireland and the review of the agreement.

Replying to a journalist's question about the spirit the republic would bring to the management of the EU, the foreign minister, Mr Cowen, said: 'We'll do it with a smile.' When asked, however, if his experience in talks on Northern Ireland would help him in finding an agreement on the EU constitution, he allegedly 'snorted' and said: 'To compare conflict resolution in Northern Ireland with finding agreement at the European Council is superfluous to say the least.'⁵ What would John Hume have said?

According to the commentator noted in the introduction, the presidency will neither divert attention from the political situation in the north nor bring special policy benefits there. But one claim has been made for a northern impact on the republic and the EU. The SF president, Mr Adams, claims he influenced one aspect of the taoiseach's approach to the draft European constitution—Dublin's decision to seek, with Austria, Finland and Sweden, changes to the proposed mutual defence clause. They have proposed that a request to member states to go to the aid of another under military attack should not lead to an automatic requirement to do so (an amendment to protect 'neutrality').⁶

8.3 Other matters

Equality is a branch of EU policy that presents a particular challenge to devolution in all parts of the UK, involving as it does responsibilities and obligations which straddle the distinction between devolved and reserved powers. In December, the OFMDFM (a department set up to serve the first and deputy first ministers but now serving Northern Ireland Office ministers) introduced new regulations to give effect to various parts of the EU Employment Framework Directive (2000/78/EC).

From December 2nd 2003, new regulations ban discrimination in employment and training on grounds of sexual orientation.⁷ On December 10th, further regulations became effective which provide a revised definition of indirect discrimination, define unlawful harassment and extend coverage of protection against discrimination in occupational pension schemes.⁸

As previously reported, the chief executive of the SEUPB, John McKinney, was suspended in May 2003 as a result of a police inquiry into an issue connected with his previous position as chief executive of Omagh District Council. The investigation continues but the London and Dublin governments decided that uncertainties in the leadership of the body, which operates on a north-south basis and distributes 'peace' money, had to be resolved.

While expressing appreciation of the significant contribution Mr McKinney had made, Mr Pearson, as direct-rule minister for finance and personnel, and Charlie McCreevy, his counterpart in the republic, said they felt it to be in the public interest for Mr McKinney and the SEUPB to 'go their separate ways'. The issue was concluded by Mr McKinney being restored to his post as chief executive on December 5th but resigning five days later.⁹

The delegates from Britain and Ireland to the Committee of the Regions met in Belfast on December 9th and 10th to learn about the priorities of the republic's presidency and to discuss shared interests and co-operation on the future of EU cohesion policy. The 81 delegates were hosted by Belfast City Council's newly established European unit. Ian Crozier, chair of the council's development committee, emphasised the importance of local government in the delivery of many EU initiatives

and noted Belfast's aim to foster and maintain international alliances to promote the development agenda.¹⁰ Mr Pearson, as Europe minister, stressed the importance of a cohesive approach among those with similar interests and concerns—not only in the context of the two islands, but also through wider inter-regional links and pan-European networks.¹¹

January saw further interactions. Mr Pearson, as agriculture minister, attended a regular meeting on January 22nd with his UK counterparts, co-chaired by Ben Bradshaw and Lord Whitty. He briefed his colleagues on consultation in Northern Ireland over the 2003 common-agricultural-policy reform agreement.¹² The consultation began in September and was scheduled to finish in December but was extended into 2004.¹³

CAP reform was also on the agenda at Mr Pearson's meeting on January 26th with the republic's minister for agriculture and food, Joe Walsh. They agreed to set up a joint working group on issues arising. They also discussed animal health, noting complementary approaches to preventing the introduction of new diseases and policy convergence over Scrapie, BSE, contingency planning, cross-border fraud and a range of related actions. They announced their ultimate goal of an all-island animal-health strategy to enable the free movement of animals, subject to EU rules.¹⁴

Mr Pearson, as fisheries minister, along with his counterpart in Scotland, Ross Finnie, was part of the UK delegation, led by Mr Bradshaw, to the December Fisheries Council. He claimed that a meeting, which 'had never been going to be easy', had turned out better for Northern Ireland than might have been expected. Northern Ireland's nephrops (prawns) fleet fared better than elsewhere and the 'total allowable catches' for Irish Sea cod and haddock were raised. But other member states were not persuaded that the ten-week Irish Sea cod closure could be discontinued or that the sea could be exempted from controls on the numbers of days per month that vessels could put out of port.¹⁵

8.4 Conclusion

Another big event in January was the Davos forum. It was reported in the *Irish Times*¹⁶ that Ireland had its highest ever profile there, with participation by the taoiseach, Mr Ahern; the tánaiste, Mary Harney; the president of the European Parliament, Pat Cox; the former president, Mary Robinson; the archbishop of Dublin, Tom Arnold; Peter Sutherland and other senior business figures; and northern assembly members Gregory Campbell (DUP), Mark Durkan (SDLP), David Ervine (PUP) and Martin McGuinness (SF), taking part in a debate on the 'peace process'. But the way the June European elections are gearing up may cast a shadow over the prospects for embedded partnerships to advance European or international interests—between north and south or within Northern Ireland.

The SF president, Mr Adams, has claimed his party could make a significant difference to both parts of the island by taking a seat in every constituency north and south.¹⁷ This marks a threat to the taoiseach's party, FF, and could mean SF and the DUP becoming uncomfortable bedfellows in the EU (as well as in the stymied domestic institutions), as two of the three MEPs for the single constituency that is Northern Ireland. The SDLP effort to retain its seat will be considerably hampered by the decision by the former leader and MEP, Mr Hume, to step down.

The DUP leader, Mr Paisley, has topped the poll in all previous European elections in the region and his rhetoric in this electoral contest—albeit he will no longer be personally carrying his party's standard—is no more promising of accommodation. A journalist covering the November assembly election, having interviewed the MEP, commented that it was 'difficult to tear your eyes from the limited edition print celebrating Dr Paisley's European election victories with its eerily realistic imprint of a blood-soaked hand', and its accompanying legend: 'With God's help we did it—five in a row'.¹⁸

¹ The SDLP called for the European Commission to investigate competition in the insurance industry. The domestic divide between the main unionist and nationalist parties was paralleled by a comparable division of policy approaches towards the euro or a referendum on it (*Irish Times*, November 21st 2003)—though this represented a *volte face* by SF, as noted in previous quarterly reports.

² Interestingly, the voluntary-sector survey referred to above (see devolved government section) found an overwhelming belief (87 per cent) among respondents that any 'Peace 3' should have less of a focus on the economy and more on reconciliation.

³ The observation was made during discussion of 'The priorities of the Irish presidency', a paper by Alan Dukes presented at Queen's University Belfast on January 23rd 2004. Mr Dukes, once a Fine Gael minister, is director-general of the Dublin-based Institute for European Affairs.

⁴ News from the European and External Relations Committee of the Scottish Parliament, www.scottishparliament.com

⁵ *Irish Times*, December 19th 2003 & January 2nd 2004

⁶ *Irish Times*, December 9th 2003

⁷ Executive press release, December 2nd 2003

⁸ Executive press release, December 10th 2003

⁹ Executive press release, December 8th 2003

¹⁰ *Belfast Telegraph*, September 10th 2003. Here, getting the office in Brussels right and improving coordination amongst all Northern Ireland's actors in Europe will be crucial; see previous reports on doubts on this front so far. A trawl of the *Belfast Telegraph* archives for this quarter revealed only one account of activism on the part of the MEPs: Jim Nicholson (UUP) was reported as warning that new EU environmental regulations could ban fake snow and cast the commission as 'a modern day Christmas Scrooge' (*Belfast Telegraph*, December 26th 2003).

¹¹ Executive press release, December 9th 2003

¹² Executive press release, January 22nd 2004

¹³ Executive press releases, November 26th 2003 & January 8th 2004

¹⁴ Executive press release, January 26th 2004

¹⁵ Executive press release, December 19th 2003

¹⁶ January 24th 2004

¹⁷ *Irish Times*, December 9th 2003

¹⁸ *Irish Times*, November 22nd 2003

9. Relations with local government Rick Wilford

In mid-January, the NIO junior minister Ian Pearson confirmed the government's intention to 'move forward strongly, specifically and with pace' on the review of public administration, which is currently at the consultation stage.¹ Because of the November election, consultation on the paper produced by the review team (see November 2003 report) was extended to February 27th 2004.

¹ NIO press release, January 13th 2004

10. Finance

Rick Wilford & Robin Wilson

During the quarter, the minister for finance and personnel, Mr Pearson, announced that the proceeds (£3.8 million) from the sale of the former army barracks on the affluent Malone Road in south Belfast would be used for the economic and social regeneration of the now-vacant Crumlin Road jail in the drear urban fastness of the north of the city, as part of the Reinvestment and Reform Initiative (see May 2002 report). But Mr Pearson's major financial task was to announce the publication of the government's budget for 2004-06.¹

He disclosed that total discretionary spending was planned to increase by 14 per cent over the next two years, bringing the total to over £8 billion. This included capital investment, which was to rise by 42 per cent to over £1 billion in 2005-06. As before, the largest departmental beneficiaries were health—whose budget will exceed £3 billion for the first time in 2004-05—and education, whose departmental expenditure limit is set to rise to £1.5 billion in the next financial year and to just under £1.7 billion in 2005-06.

As part and parcel of the proposals, Mr Pearson announced an attack on 'bureaucracy', claiming this had emerged as a theme in the public consultation. The furore over the revelation from this research about the size of the OFMDFM (see August 2002 report), the continuing unease about expenditure on the assembly (see assembly section), the calls by the DUP and Alliance in the agreement review for a streamlining of Stormont (see 'peace process' section) and public perceptions of general over-government contained in survey evidence² collected for the review of public administration would all reinforce such a conclusion.

But what Mr Pearson actually said was that it was his *intention* to see the costs of departmental administration reduce by 2 per cent in 2004-05, with 'further reductions' in 2005-06—*by comparison with what the draft budget had envisaged*. The most obvious way to cut departmental administration costs would be by cutting departments from the current 10 (+OFMDFM). But with the remit of the review of public administration deliberately restricted to exclude the assembly and the associated departments, and the review of the agreement not even working from an agreed agenda (see 'peace process' section), the modesty of Mr Pearson's goals is perhaps unsurprising.

The minister described the budget as 'for investment and reform', declaring that there were now £2.7 billion worth of projects in the Strategic Investment Programme. He repeated the official *canard* that has dogged discussion of this programme of investment in the region's crumbling infrastructure—that it would be 'funded' by 'a combination of conventional public expenditure; public private partnerships; and borrowing under the terms of the Reinvestment and Reform Initiative'. In reality, the first is about spending, not funding, while the latter two are about finance, not

funding. In each case, it is the taxpayer who provides the funds, sooner or (with interest) later.³

In fact, by reducing dependence on private finance, involving as this does a premium above the rates at which the public sector can borrow, the RRI scheme, unique to Northern Ireland, is less a mortgaging-the-future arrangement than PFI. But in a reasonable exercise of the ‘prudence’ for which he has been keen to become famous, the chancellor insisted when the scheme was introduced that Northern Ireland enhance its fiscal effort to ensure it could, so to speak, keep up with the payments.

Mr Pearson said that it was to help sustain the public-investment programme that he was confirming for 2004-05 a rise in the regional rate (the only adjustable ‘tax’ in Northern Ireland) of 8.8 and 3.3 per cent for domestic and non-domestic users respectively, with similar increases anticipated the following year.

Ministers know they are under populist attack from out-of-office Northern Ireland politicians over rate increases and water charges.⁴ They also know, however, that they have the facts on their side⁵—in terms of the greater revenue-raising capacity expected of citizens on the other side of the Irish Sea and the advantage Northern Ireland enjoys in public expenditure under the Barnett formula—and they are determined to get them across.

Mr Pearson drove home the first message, stressing that Northern Ireland residents paid ‘less than half the level of local taxation and charging that applies in England’, when council tax plus water charges are placed in the balance against the regional and district rates. And the second one was hammered home by the Treasury junior minister Paul Boateng, the following month, on a visit to Belfast to look at a hospital project financed under the RRI. ‘We need to remember that Northern Ireland has the highest public expenditure of any region in the UK,’ he said. It was thus ‘only fair to ask households in Northern Ireland to make a reasonable contribution to reinvestment’ over and above the main budget.⁶

The finance minister stressed the urgency of the issue while laying at Westminster draft legislation to implement the rates review (see August 2002 report), which will expand the rating base in Northern Ireland by de-rating industrial property and applying rates to vacant commercial property. ‘The Government is heavily engaged in efforts to bring about the restoration of devolution to Northern Ireland. However, we would face considerable criticism if we deferred every key decision when the need for the reform of, and investment in, public services is so pressing,’ he said.⁷

Where the government is on weaker ground, however, is that its technocratic approach leaves a *lacuna* in terms of political accountability. Those billions are being disbursed by a body known as the Strategic Investment Board, which was established in April 2003, is staffed mainly by civil servants and receives the loans from the chancellor that underpin the RRI. A social-partner advisory council which was to accompany the SIB has yet to be set up and the board is being audited internally by

the Department of Finance and Personnel, reportedly owing to concern about controls on travel expenses.⁸

Ironically, amid all this talk of major investment plans and the need to raise revenue, the fragmented Northern Ireland departments still find it congenitally difficult to spend the money they have currently at their disposal. Again this quarter, the minister announced that a substantial sum—£114 million—was available for reallocation. Of this, £10 million would offset anticipated savings allocated in the previous round, £32 million would be carried forward to the new financial year and the remainder would go to the Department for Social Development (£37.7 million), the Department of Education (£13.9 million) and the Department of Health, Social Services and Public Safety (£7.5 million) respectively.⁹

¹ Department of Finance and Personnel press release, January 13th 2004

² Review of Public Administration press release, December 1st 2003

³ Wilson, Robin (2002), 'Private partners and the public good', Institute of Governance briefing paper 1, Belfast: Queen's University

⁴ 'Rates rise sparks storm: Minister meets wrath from parties', *Belfast Telegraph*, January 17th 2004

⁵ See, for example, the objective analysis by the *Belfast Telegraph's* economic commentator, John Simpson, in the paper's business section, January 26th 2004.

⁶ Regional press notice 02/04, February 9th 2004

⁷ DFP press release, February 11th 2004

⁸ 'Cash probe into Ulster flagship body', *Belfast Telegraph*, December 17th 2003

⁹ DFP press release, November 21st 2003

11. Political parties and elections Rick Wilford & Roger MacGinty

11.1 Context

The twice postponed second assembly election took place under PR-STV on November 26th, only the third occasion a November election had been held in Northern Ireland.¹ The context for the election was meant, in Mr Blair's words, to be 'positive and constructive': that is, it was to occur against the background of a compact between the UUP and SF which would be endorsed by London and Dublin and, implicitly and indirectly, the other pro-agreement parties.² Thereafter, the agreement would be implemented in full, accelerated by the agenda set out in the May 2003 joint declaration.³

Had the intended compact been achieved, *inter alia*, it would at least have created the opportunity for a pro- and anti-agreement electoral axis to emerge, enabling the leaders of the UUP, SDLP and SF perhaps to encourage their voters to employ their transfers in favour of pro-agreement candidates—including those from their communal rivals—once in the polling booths. Such propitious circumstances would have enabled an executive to be formed, at least as durable as its predecessor (no great claim), dominated by the pro-agreement parties, and with the DUP left as a party of, but not fully in, government.⁴ If such an aspiration seemed Panglossian in the run-up to October 21st 2003, however, even the most credulous would have dismissed it as a pipe-dream as the day's events unfolded and the elaborately constructed house of cards collapsed (see November 2003 report).

The renewed impasse marked by the decision by the UUP leader, Mr Trimble, to put the process 'on hold' that afternoon—following the ill-starred report by the head of the decommissioning commission, John de Chastelain, on the latest episode of IRA weapons being put 'beyond use'—transformed the context for the election. Far from a (tacit) coalescence of pro-agreement parties, it was now a case of each party for itself. The election reverted to Northern Ireland type—a no-holds-barred occasion for intra- and inter-ethnic party competition: the UUP *versus* the DUP, the SDLP *versus* SF, more broadly unionists *versus* nationalists, and the minor parties consigned to the margins.

11.2 The candidates

A total of 256 candidates contested the election—39 fewer than in 1998—representing 17 parties and a complement of 23 independents in the region's 18 constituencies, each of which returns six members. While this reduced party competition from 2.7 to 2.4 candidates per seat, the political intensity of the contest was if anything heightened this time around.

Table 1: candidates by party

Party	Candidates
Ulster Unionist Party (UUP)	43
Democratic Unionist Party (DUP)	40
Sinn Fein (SF)	38
Social Democratic and Labour Party (SDLP)	36
Alliance Party (APNI)	21
Progressive Unionist Party (PUP)	11
Workers' Party	8
Northern Ireland Women's Coalition (NIWC)	7
Conservative Party	6
United Kingdom Unionist Party (UKUP)	6
Green Party (GP)	6
Independents (Ind)*	23
Vote for Yourself Party (VFYP)	3
Northern Ireland Unionist Party	2
Socialist Party (SP)	2
Socialist Environmental Alliance (SEA)	2
Ulster Third Way	1
United Unionist Coalition (UUC)	1

* 13 Independents, 1 Independent Labour, 2 Independent Nationalists and 7 Independent Unionists

The number of candidates per constituency ranged from 11 in Newry & Armagh to 19 in Antrim East and North Down. There were 89 incumbents (of whom 65 were re-elected), including six anti-agreement unionists⁵ from the minor parties, whose prospects looked slim in the face of the DUP's concerted campaign. Notable absentees included the SDLP heavyweights Séamus Mallon, Eddie McGrady and Bríd Rodgers⁶ who, like the former speaker, Lord Alderdice (Alliance), and Sir John Gorman (UUP), one of the three deputy speakers, had decided to retire from the assembly.

The election threw up some potentially interesting contests. Alex Maskey, Belfast's first SF mayor, switched his candidacy from the redoubt of Belfast West to Belfast South, a constituency that embraces the leafy glades of Malone. In Lagan Valley, Jeffrey Donaldson's constituency, the Conservative MP Andrew Hunter (Basingstoke) ran for the DUP, opposed by among others Ivan Davis. Mr Davis had been the UUP's chief whip in the suspended assembly but was de-selected as an official UUP candidate by the local association because of his pro-Trimble and pro-agreement views and so chose to run as an Independent. Mr Donaldson's shadow also loomed over South Down where his father, Jim (UUP), ran on an anti-agreement ticket, while in East Londonderry, the former UUP MLA, Pauline Armitage, stood for Robert McCartney's UKUP.

Ms Armitage was one of 49 female candidates—the same number that had contested the 1998 election—equivalent to 19 per cent of all runners, a dismal proportion. None of the parties took advantage of the recent legislation⁷ that enables parties to practise positive action in favour of women candidates, thereby considerably impairing the prospect that they could form a significant presence in the chamber.

Table 2: party candidates by sex, 1998 and 2003

Party	Election	Women (N)	Men (N)	Women %	% Change
UUP	2003	5	38	12	+4
	1998	4	44	8	
DUP	2003	4	36	10	-2
	1998	4	30	12	
SDLP	2003	6	30	17	+1
	1998	6	32	16	
SF	2003	12	26	32	+10
	1998	8	29	22	
Alliance	2003	8	13	38	+11
	1998	6	16	27	
Women's Coalition	2003	7	0	100	N/A
	1998	8	0	100	
Others	2003	7	64	10	-2
	1998	13	96	12	
Total	2003	49	207	19	+2
	1998	49	246	17	

11.3 The campaign

The brutal simplicity of the electoral scenario outlined above is rather misleading. Within the (dysfunctional) unionist 'family', the battle was complicated by division within the UUP. Four⁸ of its likely successful assembly candidates were, to say the least, sceptical about the outworking of the agreement, opposed to the joint declaration and increasingly disaffected with Mr Trimble's leadership. Chief among the dissidents were Mr Donaldson (Jnr) and Mr Burnside, two of the three UUP MPs⁹ who had resigned the party whip at Westminster in protest at the joint declaration—dismissed by Mr Donaldson shortly after its publication as 'entirely unacceptable as the way forward ... a Sinn Féin wish-list with no basis in political reality'.¹⁰

The strains within the party were such that the three rebel MPs and a number of other UUP dissidents issued their own 'mini-manifesto' in the form of a 'post-election strategy for unionists'.¹¹ This document included five commitments, the first of which reiterated their opposition to the 'disastrous' declaration—the *modus vivendi* for the implementation of the agreement—adding 'we will strive for a better agreement that will deliver political stability and a real and lasting peace in Northern Ireland'.¹² The UUP's official manifesto included a 'charter' (endorsed by all candidates) that

stressed the imperative need for the republican movement to engage in ‘acts of completion ... before Sinn Féin can participate in a Northern Ireland Executive’.¹³

This division clearly compromised the UUP’s campaign and was a godsend to the DUP. The latter’s cohesion stood in sharp contrast to the internecine warfare in the UUP, which was to culminate in the resignation from the party of Mr Donaldson and two other newly elected UUP MLAs¹⁴ in the wake of the election and their subsequent decision to join the DUP.¹⁵

11.4 The results

At the 1998 election, the four major parties secured 90 of the 108 seats: in 2003 they picked up a further nine, mostly at the expense of the minor anti-agreement unionist parties who were swallowed up in the maw of the DUP. Thus, ‘vote-shredding’ among unionist candidates, a particular feature of the first assembly election,¹⁶ was not repeated: the smaller anti-agreement parties and independents were blown away as so much electoral chaff.

The widespread apprehension that there would be a low turnout¹⁷—a prognosis that revolved around a number of factors, including the date of the election, poor weather, apathy and the preparedness among many to live with the relative certainties of direct rule—was not entirely unfounded. At 63.98 per cent, it had fallen by almost 6 per cent compared with the 1998 election, and was also lower than the turnout at the Westminster and local-government elections of 2001.¹⁸

In the run-up to the election, all the parties had urged voters to exercise their ballot and they were joined in this chorus by Messrs Blair and Murphy.¹⁹ Part of the motivation of the latter was the fear that a low turnout would advantage the ‘extremes’, *viz* SF and the DUP, whose voters had a strong incentive to maximise their party’s support. In the DUP’s case, it was to provide a mandate to negotiate a new agreement, while in SF’s it was designed to hasten the full implementation (by its lights) of the agreement, including those aspects of the declaration acceptable to republicans.

But the failure to achieve an agreed sequence of events on October 21st meant there was no likelihood that all the pro-agreement party leaders would encourage voters to support pro-agreement candidates from other communal blocs.²⁰ Vote maximisation and ethnic loyalty were *de rigueur*. The one clear exception was the SDLP. Its leader, Mr Durkan, did encourage his supporters to ‘[g]ive your transfers to other pro-Agreement candidates to stop the anti-Agreement forces in their negative tracks’.²¹ When, however, the final results were declared, late on the afternoon of November 28th, it was clear his words had fallen on deaf ears.

Table 3: results, 1998 and 2003

Party	1998			2003		
	No	%	Seats	No	%	Seats
DUP	145917	18.03	20	177944	25.71	30
UUP	172225	21.28	28	156931	22.68	27
SDLP	177963	21.99	24	117547	16.99	18
SF	142858	17.65	18	162758	23.52	24
Alliance	52636	6.50	6	25372	3.67	6
UKUP	36541	4.52	5	5700	0.82	1
PUP	20634	2.55	2	8032	1.16	1
Ind*	N/A	N/A	N/A	6158	0.88	1
NIWC	13019	1.61	2	5785	0.83	0
Others	47452	5.8	3**	25801	3.7	0
Total	824391		108	692028		108
Turnout		69.95			63.98	

*Dr Kieran Deeny (West Tyrone) ran a single-issue campaign for retention of acute-hospital services in Omagh, Co Tyrone, and topped the poll in the constituency.

** three Independent anti-agreement unionist candidates

The outcome saw the realisation of Mr Trimble's 'nightmare scenario': in terms of vote share, the DUP and SF emerged as the two largest parties, with the UUP and SDLP relegated to third and fourth places respectively. While the overwhelming majority (74 out of 108)²² of those elected to the (virtual) assembly was pro-agreement, the emergence of the DUP as the largest party meant there was no prospect of an early restoration of devolution along the lines of the model so painstakingly crafted in 1998 by the pro-agreement parties.

The DUP's performance was arresting. Its vote share was, apart from the 1999 European Parliament election—when Mr Paisley (as ever in this contest)²³ topped the poll, with 28.4 per cent—its highest since the agreement and beyond. It had almost doubled since the 1997 Westminster election,²⁴ from 13.6 to 25.7 per cent, and, discounting Euro-elections, the DUP emerged as the region's largest party for only the second time in its existence.²⁵ As for seats, alone of the parties, the DUP emerged with at least one MLA in each of the constituencies and it increased its number of seats by 50 per cent.

Mr Trimble sought to downplay the DUP's gains by pointing out that the UUP's vote share had increased over that secured in 1998—he chose not to remind his audience that the latter performance had been the worst in UUP history. Moreover, while he claimed that his party had actually gained one seat over the number it could command in October 2002 when devolution was suspended,²⁶ this rang slightly hollow given the known anti-agreement stance of a number of his newly elected MLAs.

Mr Trimble's plight was compounded by the subsequent defections but the DUP's electoral gains had come not at the expense of the UUP but the minor anti-agreement parties and independents. Whereas there had been 10 parties in the 1998 assembly, there were now only five with more than one representative in the nascent chamber; together, these account for 105 of the 108 seats. The electoral 'centre' ground was severely squeezed. Alliance retained its six seats on a significantly reduced vote share, but the NIWC lost both its seats and the PUP held on to only one of its two. The two remaining seats went to Robert McCartney (UKUP, North Down) and, most surprisingly, Dr Kieran Deeny (Ind, West Tyrone).

Dr Deeny's election was reminiscent of that of Dr Richard Taylor (Ind, Wyre Forest) at the 2001 general election. Like Dr Taylor, Dr Deeny, a GP, ran a single-issue campaign, demanding the retention of accident-and-emergency services at his local hospital in Omagh. He topped the poll, in the process defeating the incumbent SF MP (and MLA), Pat Doherty, having attracted first preferences from across the communal divide. It was a lone, but nonetheless salutary, reminder that ultimately all politics is local. Moreover, his election was a belated but well-aimed snub at the former devolved health minister, Bairbre de Brún, also of SF, who had taken the decision that A&E should be run down at the Tyrone County in favour of a new hospital near Enniskillen in neighbouring Fermanagh (a decision implemented by her initial direct-rule successor, Des Browne, and confirmed by his replacement, Angela Smith).²⁷

The swing in the balance of unionist advantage from the UUP to the DUP was matched by the reversal of fortunes in nationalist politics. The SDLP, having in 1998 for the first time topped the poll in securing its highest share of the vote at any election, now languished in fourth place, with a vote share lower than achieved by SF in the last assembly outing. SF had overtaken its nationalist rival for the first time at the 2001 local and general elections and its leadership had predicted that it would extend its lead. But its public forecast of gains of up to four seats was surpassed: SF gained six and the SDLP lost an equivalent number.

Table 4: votes (no) and vote shares (%), 1982-2003

Election	SF		SDLP		UUP		DUP	
	No	%	No	%	No	%	No	%
1982 Assembly	64191	10.1	118891	18.8	188277	29.7	145528	23.0
1983 Westminster	102701	13.4	137012	17.9	259952	34.0	152749	20.0
1985 Local Government	75686	11.8	113967	17.8	188497	29.5	155297	24.3
1987 Westminster	83389	11.4	154087	21.1	276230	37.8	85642	11.7
1989 Local Government	69032	11.2	129557	21.0	193064	31.3	109342	17.7
1992 Westminster	78291	10.0	184445	23.5	271049	34.5	103039	13.1
1993 Local Government	77600	12.4	136760	22.0	184082	29.4	108680	17.3
1996 Forum	116377	15.5	160786	21.4	181829	24.2	141413	18.8
1997 Westminster	126921	16.1	190814	24.1	258349	32.7	107348	13.6
1997 Local Government	106934	16.9	130387	22.6	175036	27.9	99651	15.8
1998 Assembly	142858	17.6	177963	21.9	172225	21.3	145917	18.0
2001 Westminster	175392	21.7	169865	20.9	216839	26.8	181999	22.5
2001 Local Government	163269	20.6	153424	19.4	181336	22.9	169477	21.4
2003 Assembly	162758	23.5	117547	16.9	156931	22.7	177944	25.7

As Table 4 shows,²⁸ over 14 elections since 1982, when SF re-entered the electoral fray on a regional basis, the 2003 assembly election was its strongest performance, whereas for the SDLP it was its weakest. The upward trend in SF's vote is especially apparent since the IRA ceasefires of the mid-90s. The major casualty has been its nationalist rival—a bitter irony for the SDLP.

Under the leadership of Mr Hume, the SDLP was instrumental in ushering the republican movement into what became dubbed 'the peace process' in the early 90s and it has seemingly paid the price by becoming the author of its own electoral misfortune. In terms of their shares of the nationalist vote the trend is clear. Since the 1997 Westminster election, SF's share has risen from 40 to 58 per cent at the 2003 assembly poll. The political strategy of the SF leadership, allied to the IRA's (imperfect) ceasefires and the as yet unresolved (and opaque) process of 'putting arms beyond use', has reaped its electoral reward.

Short of a complete breakdown of the current 'cessation' of paramilitary activities by the IRA and a disavowal of the principles underlying the 1998 agreement by the SF leadership, there is little to suggest that it will lose its newly-won leadership of the nationalist electorate. As a corollary, the SDLP looks fated to be the junior partner, not just in nationalist but in regional politics.

What is particularly noteworthy about the trend in electoral support for SF is how this has been matched by the DUP. Post-agreement, the two parties have secured almost identical shares of the vote at the four elections since 1998. This 'mirroring' effect is reflected in the DUP's share of the combined UUP-DUP total: between the first and second assembly elections the DUP's share has risen progressively over four elections from 46 to 53 per cent. This increase is a palpable measure of the growing disaffection within the unionist electorate with the outworking of the agreement and has been accentuated by the support lent to smaller anti-agreement parties and candidates. Indeed, at the 1998 assembly election overtly anti-agreement unionist candidates secured a marginally larger share of first preferences than their pro-agreement unionist counterparts, a result compounded in 2003.

The DUP's electoral success this time, underlined by the defection of the three UUP dissidents in January 2004, means that it is not only the largest party in the virtual assembly—33 seats to the UUP's 24—but it has consolidated its status as the largest Northern Ireland party in the Commons. In 2001, the UUP returned six MPs to the DUP's five (three SDLP and four SF members were also elected). With Mr Donaldson having defected to the DUP and with two UUP MPs—Mr Burnside and Mr Smyth—still semi-detached, in the current context the UUP has no claim to be the leading voice of unionism.

Whether the DUP's recent advance constitutes an irreversible trend is perhaps less certain than in the case of SF. But their symbiotic electoral relationship suggests that their fortunes may, to coin a phrase, be inextricably linked. Confronted by the seemingly inexorable rise in support for SF, unionist voters may feel constrained to support the DUP in even greater numbers in the foreseeable future, not necessarily through conviction or conversion, but rather from the tactical motive of counterbalancing further perceived electoral gains by the republican movement—including at the forthcoming European elections in June 2004 where SF will be poised, in the shape of the former health minister, Ms de Brún, to take the third or even the second seat.²⁹ With that election in the offing and a UK general election likely in 2005, there is no prospect that the DUP will, under its current leadership, relax its total opposition to SF's inclusion in a devolved administration short of IRA disbandment.

11.5 The aftermath

Recognising that the DUP would be able to veto the election of a first and deputy first minister were the new assembly to meet, the Northern Ireland secretary, Mr Murphy,

opted to keep it in (its rather expensive) mothballs. To have done otherwise would have precipitated the six-week clock to another assembly election, assuming he were not to repeat the device of his predecessor, John Reid, who in 2001 introduced two successive one-day suspensions to reset the clock during the impasse occasioned that July by the resignation of the then FM, Mr Trimble. Enter the review.

Perhaps ironically, had it been possible to elect a new FM-DFM dyarchy, and had the d'Hondt rule then been run for government formation, there would, on the basis of the election results, have been a small but symbolically significant change in the composition of the notional 'cabinet'. Whereas there had been parity in the outgoing executive between unionists and nationalists, this time there would have been a 6-4 unionist majority in the allocation of departments.³⁰

¹ The other two occasions were in 1933 and 1965.

² During September until mid-October the negotiations designed to create the conditions for the restoration of devolution turned mainly on the axis of face-to-face talks between Messrs Trimble and Adams. While such a direct relationship was welcome, it marginalised the other parties to the agreement, including of course the SDLP which, along with the smaller parties, was limited to the role of spear carrier in the unfolding political drama. Consequently, the other pro-agreement parties had no sense of ownership over the terms of any likely deal.

³ The text of the joint declaration can be found at www.nio.gov.uk/pdf/joint2003.pdf.

⁴ Devolution, of course, did not occur formally until December 2nd 1999.

⁵ They were Robert McCartney (UKUP, North Down), Fraser Agnew (elected in 1998 as an Independent Unionist, but standing as Ulster Unionist Coalition, Belfast North), Cedric Wilson (UKUP in 1998, but standing for the NIUP, Strangford), Norman Boyd (elected in 1998 on the UKUP ticket, but like Mr Wilson standing for the NIUP, South Antrim), Denis Watson (Independent Unionist in 1998, but standing for the DUP, Upper Bann) and Roger Hutchinson (elected in 1998 as UKUP, but standing as an Independent Unionist, Antrim East).

⁶ John Hume was elected to the Assembly in 1998 but stood down in 2000. He was replaced by Annie Courtney for the Foyle constituency, but she was deselected by the SDLP in 2003 and chose to run, unsuccessfully, as an Independent Nationalist.

⁷ Sex Discrimination (Election Candidates) Act 2002

⁸ Jeffrey Donaldson and Norah Beare (Lagan Valley), David Burnside (Antrim South), and Arlene Foster (Fermanagh & South Tyrone)

⁹ The third was Rev Martin Smyth, who was not a candidate at the assembly election.

¹⁰ See www.jeffreydonaldson.org/news.php?news_id=36, May 15th 2003.

¹¹ See www.jeffreydonaldson.org/news.php The document was launched on November 18th 2003, eight days before the election.

¹² The five commitments had been sent to David Trimble for inclusion in the UUP's manifesto—an offer Mr Trimble felt able to refuse. The other four commitments included a determination to forge inter-party co-operation among unionists during the review of the agreement; insistence that the IRA dealt conclusively with decommissioning, and that it disbanded and ended its 'terrorist and criminal activity'; the withholding of consent for the devolution of policing and criminal justice until Northern Ireland became a 'fully peaceful and democratic society' with 'wholehearted support for the police'; and prioritising key public services, including education and health. In addition, the document committed its signatories to veto Gerry Kelly (SF) 'or any other IRA representative' as minister for policing and criminal justice and to co-operate with others 'to prevent 'Sinn Fein/IRA claiming key government ministries, including Education and Health' (*ibid*). The prospect of policing and criminal justice powers being devolved was included in the joint declaration.

¹³ See www.uup.org/content/manifestos/ulster_unionist_charter.asp.

¹⁴ Ms Foster and Ms Beare

¹⁵ The trio announced their membership of the DUP on January 5th 2004.

¹⁶ In 1998, the smaller anti-agreement unionist parties and independents secured 11.5 per cent of all unionist first preferences.

¹⁷ On the eve of election day, Northern Ireland's chief electoral officer, Denis Stanley, said during a radio interview that turnout could fall below 60 per cent (BBC News Online, November 26th 2003).

Turnouts varied across the 18 constituencies, from a low of 54.5 per cent in North Down to a high of 74.92 per cent in Mid Ulster. Data on turnout are available from the Electoral Office for Northern Ireland (see www.electorlofficeni.gov.uk). The differential turnouts led to variations in the required quotas: these ranged from 6769 first preference votes in Newry & Armagh to 4406 in North Down.

¹⁸ In 1998, turnout was 69.95 per cent. Turnout at the 2001 Westminster election was 68.04 per cent and at the simultaneous local-government election 66.02 per cent. Though the 2003 assembly turnout exceeded that for both the 1999 European Parliament (57 per cent) and the 1997 local-government (55 per cent) elections, it fell below that for the 1997 Westminster (67.3 per cent) and the 1996 Forum (64.7 per cent) elections.

¹⁹ Speaking two days before the election, Mr Blair urged voters to turn out and ‘choose the future not the past’. The day before the election Mr Murphy was equally forthright in favour of the agreement: ‘The main thing is that people see these elections and the restoration of government as progress ... rather than go backwards. That is why it is so important that people do actually come out and vote: there is an awful lot at stake.’ See BBC News Online, November 25th 2003.

²⁰ On October 21st there was a tantalising hint by Mr Adams that SF was contemplating just such a strategy. During his prearranged speech, an early step in the day’s ‘choreography’, he said: ‘I appeal to the electorate to use their vote and to use it wisely in support of a process of continuing change and a peaceful and just future for all our people.’ See www.sinnfein.ie/news/detail/1766.

²¹ See www.sdlp.ie/prdurkanstopthedupballoons.shtml. Mr Trimble had urged unionist voters to vote for ‘pro-union’ rather than pro-agreement candidates, while Mr Adams sought to maximise the SF vote by exhorting SDLP voters to give his party their first preferences.

²² The figure of 74 is the aggregate of 24 UUP MLAs (excluding Jeffrey Donaldson, Arlene Foster and Norah Beare, who subsequently defected to the DUP), 18 SDLP and 24 SF MLAs, 6 Alliance members, the sole PUP MLA (David Ervine) and Dr Kieran Deeny, Independent. In addition to the DUP and Mr Donaldson *et al*, the UKUP’s sole MLA, Robert McCartney, is anti-agreement. Even allowing that a number of other UUP MLAs are sceptical about the agreement, approximately two thirds of those elected can safely be regarded as pro-agreement.

²³ At the five European elections to date, Mr Paisley has always topped the poll. His vote share in 1999 was in fact the lowest he had achieved. In 1979 he secured 29.8 per cent; in 1984, 33.6 per cent; in 1989, 29.9 per cent; and in 1994, 29.2 per cent.

²⁴ The comparison is misleading in the sense that in 1997 the DUP contested only half of Northern Ireland’s 18 Westminster constituencies.

²⁵ In 1981, the DUP secured 26.6 per cent of first preference votes at the local-government elections, marginally ahead of the UUP (26.4 per cent). This was in the highly charged context of the republican hunger strikes.

²⁶ At the time of the suspension there were 26 UUP MLAs taking the party whip, two fewer than were elected in 1998. Peter Weir (North Down) had earlier defected to the DUP and Pauline Armitage (East Londonderry) had been suspended from the party from November 2001, following her failure to support the election of Messrs Trimble and Durkan as, respectively, first and deputy first minister. Mr Weir was re-elected in 2003 but Ms Armitage, who had joined the UKUP, was not.

²⁷ In fairness to Ms de Brún, the decision had been recommended by the independent Hayes review in 2001 on clinical grounds (see August 2001 report).

²⁸ The table excludes European Parliament elections and by-elections, including those in 15 of the then 17 Westminster constituencies on January 23rd 1986, when their incumbent unionist MPs resigned their seats in protest at the 1985 Anglo-Irish Agreement. The 1981 local-government election, at which the DUP topped the poll, is excluded because SF did not contest it.

²⁹ At the 1999 European election the SF candidate, Mitchel McLaughlin, was less than 2000 votes behind the UUP’s incumbent candidate, Jim Nicholson, for the third seat. The first-preference votes cast and vote share for the three successful candidates plus Mr McLaughlin were as follows: Ian Paisley (DUP), 192762 (28.4 per cent); John Hume (SDLP), 190731 (28.1 per cent); Jim Nicholson (UUP), 119507 (17.6 per cent); Mitchell McLaughlin (SF) 117643 (17.3 per cent). Should Ms de Brún replicate the aggregate vote cast for all her party’s candidates at the assembly election, she could be the runner-up if the new SDLP candidate fails to stem the republican tide.

³⁰ On the current electoral mandates, there would only be parity between unionist and nationalist ministers if the number of departments was reduced to four, alongside the jointly held OFMDFM.

12. Public policies

Rick Wilford and Robin Wilson

12.1 Ending selection

Over the last quarter, and despite the stated goal of renewing devolution *via* the review, direct-rule ministers were again actively engaged in policy development.

Despite worrying signs that the issue of the future of the ‘11+’ transfer test was becoming bogged down (see November 2003 report), the working party looking at the issue produced a unanimous report¹ for the minister, Jane Kennedy, of which she announced receipt on December 1st 2003. On January 26th, she said she was accepting its recommendations in full and confirmed that the test would be phased out after 2008.² Though this is four years later than was intended by her devolved predecessor, Martin McGuinness, it was a welcome development.

The working party, chaired by a retired businessperson, Steve Costello, revisited much of the ground trodden by the earlier Burns review (see November 2001 report), which had led to Mr McGuinness’ original decision. It reflected the growing consensus, identified in our post-Burns reports, that in today’s world school students should not make (or have made for them) major decisions about career choices until the age of 14 and that thereafter a more varied curriculum should be on offer than hitherto.

Because alternative arrangements and a process of transition are now in prospect, and because Ms Kennedy does not carry Mr McGuinness’ baggage, reaction to the announcement was relatively muted, even though there is much middle-class Protestant opposition to the change. But this and other developments since the election (including the announcement of two more army base closures) suggested that, with an eye on the agreement review, NIO ministers intended to do nothing to make unionist politicians think direct rule would be a comfort blanket.

Ms Kennedy also announced during the quarter the introduction in September 2004 of a means-tested allowance to encourage 16 year-olds to stay at school or attend further-education college, such educational maintenance allowances already having been piloted in Britain.

12.2 Miscellaneous

Another instance of parity with Britain came with the confirmation by the environment minister, Angela Smith, that as from February 1st 2004 Northern Ireland drivers would be subject to the new regulations governing the use of mobile phones. For the first month, police would operate a ‘yellow card’ but this would become ‘red’ from March 1st.

Ms Smith also returned to the thorny issue of the configuration of hospital services, announcing the construction of a new hospital in Co Down, complete with 24 hour A&E unit and general medical beds, due to be open in 2008: this represents a decision to act on a recommendation originally made in 1998.

Elsewhere, the Neighbourhood Renewal Strategy for Belfast, the overall draft of which was published in June 2003, was launched by the Department for Social Development on January 19th. It proposed 19 renewal areas in the city and is currently out for consultation, as are similar strategies for neighbourhoods in Derry and other towns across the region.³

¹ *Future Post-Primary Arrangements in Northern Ireland: Advice from the Post-Primary Review Working Group*, available at www.deni.gov.uk/pprb/pdfs/costello/Future_Post_Primary_Arrangements.pdf

² Department of Education press release, January 26th 2004

³ Armagh, Ballyclare, Ballymena, Bangor, Craigavon, Coleraine (two), Downpatrick, Dungannon, Limavady, Lurgan, Newry, Omagh, Portadown and Strabane