



The **Constitution** Unit



Nations and Regions: The Dynamics of Devolution

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- **First minister calls for border poll, engages in bizarre attack on republic**
- **Evidence emerges of continuing ‘dual strategy’ by IRA**
- **Further arms decommissioning and royal visit fail to stem Protestant mistrust**
- **Devolution retains popularity despite unease and poor performance**
- **Executive moves up gear in meetings, legislative activity**

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1. Summary

Robin Wilson

A second act of IRA decommissioning ought to have stabilised devolution in Northern Ireland after the re-establishment of the institutions in November 2001 in the wake of the first. And a royal visit to Stormont ought to have epitomised political ‘normality’.

Yet not only were Catholic youths rioting against the ‘new’ police service down the road from Parliament Buildings on the day of the queen’s address to MLAs. More seriously, the call by the first minister, David Trimble, for a border poll and his unreflective remarks about the ‘sectarian’ republic, to unify anxious Ulster Unionist troops, politically destabilised cross-community relationships—which continued to deteriorate on the street.

Most seriously, evidence emerged during the quarter that the republican movement was still pursuing a ‘dual strategy’, with indications of attempted arms procurement, revelations about the extent of IRA-FARC relationships and even the suggestion—hotly contested—of involvement in the break-in at the Castlereagh intelligence centre. As political and media reaction against SF hardened in the republic—where the main parties anticipated gains by the ‘respectabilised’ yet to most unreconstructed party at the Dáil election—and in the US—where the SF president, Gerry Adams, declined a congressional committee invitation to discuss the Colombian connection and George Bush’s special envoy said it was time for SF to become ‘normal’—the power-sharing administration came under renewed strain.

Only unionist division prevented the Northern Ireland secretary, John Reid, being handed the hot potato of adjudicating on the IRA ‘ceasefire’. But the tensions were evident in ill-tempered assembly debates.

Meantime, it was slow-business-as-usual on ‘normal’ issues. Major decisions on schools (selection) and hospitals (rationalisation) remained pending and the assembly cut back on plenary sessions due to limited business, though a renewed flow of legislation is expected. The executive met infrequently until a flurry at the end of the quarter.

Yet if fewer Protestants support the Belfast agreement—due to sectarianism, cynicism and paramilitarism—devolution retains widespread Protestant (and Catholic) support. And the oppositionist politics still practised by the parties was brought up short by the chancellor’s initiative to allow the devolved administration to borrow at low interest, for urgent infrastructural investment, if it got its revenue-raising act (higher rates and water charges) together.

And, amidst the provincial alarms and excursions, an assembly committee produced an eminently sensible report on Northern Ireland in Europe, while the north-south institutions and the British-Irish Council continued their steady progress.

2. Devolved government

Robin Wilson

2.1 Introduction

The Executive Committee remained vulnerable this quarter to the charge of modesty of performance, including its dilatoriness in responding to the review of community relations, though activity quickened as the quarter neared its close. This was related to the major financial initiative announced by the prime minister and the chancellor of the exchequer during a much-flagged visit to Northern Ireland in May. Financial concerns, including the issue of the private financing of public expenditure, were to the fore. Meanwhile, also on matters economic, the new single development agency for the region came into being—on April Fool's Day.

2.2 The executive

Last quarter (see February report) revealed growing disquiet about the limited flow of business from the executive, which met only three times during that period. This sluggish trend continued in the first two months of this quarter, with one further meeting on February 28th and an abortive gathering on March 19th. But, whether in part spurred by the criticism, from April 18th through to May 16th inclusive, the executive met every Thursday, five times in succession.

What happened on March 19th is, as so often in Northern Ireland, a matter of contention. The executive was meeting for the first time since the speech by the first minister, David Trimble, in the guise of Ulster Unionist leader at his party's annual general meeting in Belfast (see political parties section). During his address, he had disparaged the Republic of Ireland in extraordinarily outdated terms. An incensed Sinn Féin education minister, Martin McGuinness, who described his first-minister colleague as a 'twit', sought unsuccessfully to put the matter on the executive agenda and 'a heated and bitter exchange' ensued. Mr Trimble was understood to have walked out of the meeting but a 'UUP source' said he had left for another engagement.¹ Those who know the first minister's economy of words and graces would appreciate these might not be readily distinguishable.

No statement was issued afterwards but the other six, concluded meetings generated *in toto* only 27 paragraphs worth of official *communiqué*—four and a half each. Journalists used to be briefed before executive meetings as to issues that might come up. This is no longer done, on the official premiss that if a particular issue was then not discussed because of lack of time questions might be asked. 'That's the way they want it,' a senior civil servant was reported as saying. The Alliance assembly member for Strangford, Kieran McCarthy, complained that when he had asked for further information about an executive meeting, he was told to go to

¹ *News Letter*, March 20th 2002

the library for the press release, which he described as ‘unbelievable’: ‘The ordinary man and woman in the street wants to know what is going on.’²

During the quarter the first minister and his deputy, Mark Durkan of the SDLP, told Mr McCarthy’s leader, David Ford, that they had no plans to extend the Freedom of Information Act when it takes effect in 2005.³ This would leave Northern Ireland wedged between two much more liberal *régimes*—in the republic and Scotland.

A major positive development emerged from the last executive meeting of the quarter. The failure of the executive—due to the absence of inter-party trust—hitherto to form sub-committees has been commented on in successive reports. Rather like buses, after such a long wait, two have now come along at once: the executive decided to establish sub-committees to progress the Reinvestment and Reform Initiative (see below and assembly, media and finance sections) and the review of public administration (see February 2002 report and assembly section). All four parties are to be represented on each of the sub-committees, however, which may make them unwieldy.

In another sign of executive action—and the appearance of executive action—the May 16th meeting discussed fully five different bills in the pipeline. These include a draft bill, which was endorsed, to establish the children’s commissioner.⁴

Continued anxiety about the executive’s under-performance and the wider problem of mistrust emerged, however, that evening in remarks by David Ervine, leader of the Progressive Unionist Party—like Alliance, not included in the government. In trenchant criticism, which may relate to the possibility of a PUP withdrawal from the assembly (see assembly section), Mr Ervine said:⁵

The reality is that the executive is not leading and, to be honest, as an assembly we have achieved very little. The administration is constantly in a state of fear. People are forever looking over their shoulders. People are carrying on the war by other means. That is not what the process and the assembly was (*sic*) supposed to be about. The agreement has singularly failed to deal with the issue of sectarianism ...

The only reason the assembly hasn’t collapsed before now is that no side wants to get the blame for collapsing it. All the parties are too busy playing single constituency politics. You couldn’t buy or sell a used car in the assembly, simply because no one trusts each other.

2.3 Finance

The principal thread running through the post-executive releases this quarter was money. Indeed, the May 2nd meeting was occasioned by the visit to Belfast that day by the chancellor,

² *Belfast Telegraph*, May 16th 2002

³ *Belfast Telegraph*, May 9th 2002

⁴ Executive Information Service, May 16th 2002

⁵ *Irish News*, May 17th 2002

Gordon Brown, accompanied by the prime minister, Tony Blair, to announce a major financial package. As we first highlighted last summer (see August 2001 report), concern had been growing in the executive for some time about the prospective tightening of the fiscal envelope within which it worked—with the sharpening ‘Barnett squeeze’ and the expiry in mid-decade of special EU assistance, against the backdrop of the ‘infrastructure deficit’ bequeathed by decades of under-investment under direct rule.

This had led ministers to be steered by officials down the apparent path of salvation offered by the Private Finance Initiative. One expert economist in this area claims that 20 out of 22 members of the cabinet do not understand PFI and comments by Northern Ireland ministers show no greater economic literacy. The first minister happily confesses his lack of understanding of the matter. And, remarkably—given the democratic-centralist structure of SF—the two big spending ministers, Mr McGuinness and his party counterpart at health, Bairbre de Brún, have taken opposite stances: the education minister embraced PFI after only cursory consideration, whereas Ms de Brún has sustained her ideological resistance to private enterprise.

A working group of officials and representatives of the social partners—business, trade unions and the voluntary sector—beavered away for several months to produce a report to the executive on public-private partnerships. The resultant voluminous document was presented to ministers at the April 18th meeting. As yet unpublished, the report betrays confusion over the rationale for PPPs, perhaps arising from its diverse composition. Indeed, initially the trade unions had thought to boycott the meetings.

On the one hand, on its first page it rehearses the comments in the first Programme for Government (2001-02) that ‘the resources available from the taxpayer are finite’ and, in the context of the infrastructure deficit, that exploration of ‘new ways of financing’ services is required. This is followed through with ideologically conservative references to undefined private-sector ‘skills’ and a generic commitment to driving PFI forward, as ostensibly the only way to address what the report estimates as a £4.1 billion capital-investment requirement over 10 years. This would be led by a PPP unit in the heart of government (as already exists in the republic), and one in each department.

On the other hand, the report echoes the social-democratic argument of the IPPR commission on PPPs⁶—resisting what the latter called the ‘only show in town’ defence of PFI—that irrespective of how public services are *financed* they are still publicly *funded* (in the absence of user charges). In this view, PPPs should only be embraced where there are clear project-by-project, value-for-money gains, as against a public-sector comparator and with recognition of the diversity of partnership models, including not-for-profits and arrangements with the voluntary sector.

This confusion is sustained throughout the report. Indeed, some of the tension is reflected in the person of the SDLP finance minister, Seán Farren, himself. While Mr Farren recognises

⁶ Institute for Public Policy Research (2001), *Building Better Partnerships: The Final Report of the Commission on Public Private Partnerships*, London: IPPR

in conversation the force of the IPPR argument in principle, he is reluctant to be swayed by it in practice, given the pressures on politicians to deliver progress soon by getting major investments under way.

The ‘only show in town’ rationale for PFI is given credibility by Treasury accounting rules, with the possibility of projects going ‘off balance sheet’. The playing pitch would be levelled, though, by freedom to borrow and the report recommends that the executive ‘explore with the Treasury the options for it to gain greater financial freedom’. Another option, on which the report pours some cold water, is an arm’s-length agency which could borrow in its own right, like the water agency Glas Cymru in Wales. The former permanent secretary of the Department for Regional Development is a strong advocate of the Welsh not-for-profit model as a means to modernise Northern Ireland’s creaking sewers and members of the assembly’s regional development committee have visited Glas Cymru’s chief executive (who happens to be from Northern Ireland).

This, however, would be allied to the introduction of water charges. Northern Ireland ratepayers currently pay much lower bills than their council-tax counterparts in Britain and water is still in the public sector and free. Mr Farren placed his head over the parapet in the aftermath of the UK budget, suggesting this was unsustainable. But any thought of a ‘tap tax’ was roundly denounced by all other parties—and even an assembly member from his own—in populist fashion.⁷

Enter, however, Mr Brown as knight in shining armour. He has given Northern Ireland—alone among the devolved administrations—a borrowing capacity, linked to greater revenue-raising but sweetened with the ‘swords into ploughshares’ sales of security assets. At its May 2nd meeting, the executive agreed to establish a ‘project board’ to take the Brown package forward.

At its meeting a week earlier, it had agreed that the PPPs report should be issued in May for consultation. But by removing the ‘only show in town’ PFI case, Mr Brown’s intervention may have undermined its more gung-ho advocates. In the wake of the chancellor’s visit, Messrs Trimble and Durkan said that ‘a new strategic investment body’ would ‘deliver infrastructure programmes’. It would ‘also promote the use of public private partnerships’ but with the rider ‘where models can be developed which are acceptable and represent value for money, and are fully consistent with our policies on equality and the full interests of public services’.⁸

At the May 9th meeting, the executive duly decided to publish a consultation paper, to be called *Financing our Future*. This would take account of the chancellor’s initiative, as well as the recommendations of the PPPs working group.

The episode betrayed an interesting challenge for Northern Ireland’s unique, ‘inclusive’ coalition arrangements. How do four parties whose identity is defined in ethno-national,

⁷ *Irish News*, April 20th 2002; *News Letter*, April 22nd 2002; *Irish Times*, April 23rd 2002

⁸ *Irish News*, May 3rd 2002

rather than left-right, terms—though nationalists tend to be less right than unionists—arrive at adequate solutions to such complex political problems, more ‘normally’ explored via the discourses of social democracy, liberalism and conservatism, on the basis of which parties define coherent positions on the relative roles of the state, market and civil society? The answer is likely to be the technocratic language of officialdom, but with underpinning conservative assumptions.

2.3 Single development agency

Implicit conservatism was in evidence during the quarter in the emergence of the only major restructuring of governance in Northern Ireland since power was transferred to the 11 new departments in late 1999. On April 1st the new ‘super’ economic-development agency Invest Northern Ireland was launched, bringing together the previously fragmented array of agencies and pushing them out of the civil service.

The pre-devolution *Strategy 2010* report⁹ advocated a single development agency for Northern Ireland and the UUP enterprise, trade and investment minister, Sir Reg Empey, pursued this assiduously from the outset. Sir Reg sees the economic-development role of the administration as being ‘pro-business’.¹⁰ Yet if economic development was as simple as letting business have its head, why would we need a regional agency at all?

Moreover, in steering the enabling Industrial Development Bill through the assembly last summer, the minister said he did not seek significantly to change the policies and functions of the existing agencies.¹¹ This despite the poor record of the largest component, the Industrial Development Board—the subject of a pre-devolution ‘damning report’¹² by the Northern Ireland Audit Office.

The trouble with the IDB was that it could not shake off the mindset that economic development is about handing large dollops of cash to individual clients, some dubious, in return for optimistic claims as to job creation. Needless to say, this did not provide value for money.

Modern thinking about regional economic development¹³ has shifted from the individual firm to a wider canvas. What is important is to establish ‘agglomeration economies’—where networks link firms to one another, to research institutes and higher-education institutions in a manner that makes the whole greater than the sum of its enterprise parts. The role of the agency becomes less grant-giver, more problem-solver, brokering the networks that

⁹ Economic Development Strategy Review Steering Group (1999), *Strategy 2010*, Belfast: Department of Enterprise, Trade and Investment [Department of Economic Development]

¹⁰ *Irish Times*, November 24th 2000

¹¹ *Irish Times*, July 4th 2001

¹² *Financial Times*, October 29th 1998

¹³ See, for example, Philip Cooke and Kevin Morgan, *The Associational Economy: Firms, Regions, and Innovation*, Oxford University Press, 1998

individual firms, given their competitive disposition, cannot themselves create.¹⁴ For example, research published during the quarter revealed that multinationals in Northern Ireland are less likely to source locally than their counterparts in the republic and local suppliers have poorer developmental contacts with transnational customers—so the region’s essentially weak SME economy does not benefit from the knowledge transfers it needs.¹⁵

The international norm arising from this is that regional development agency boards should comprise all the key economic and social players, as a 1997 report by the United Nations International Development Organisation made clear. They should, of course, include business representatives but also the trade unions and the voluntary sector.

Instead, however, when Sir Reg announced the shadow board for INI,¹⁶ the seven members turned out to be six private-sector representatives and one token (if bright and able) trade unionist. Predictably, the preponderance of suits also meant a scarcity of skirts: only one woman figured among the seven. Shamefacedly, Sir Reg advertised for a further seven members in January this year, insisting—if flying in the face of reality—that ‘Northern Ireland business is not a man’s world’.¹⁷ And the first chief executive is a banker.¹⁸

The new agency, given its economic ‘clout’, represents perhaps the biggest single opportunity for devolution to ‘make a difference’ as ministers constantly intone. The risk that INI will fail to secure a ‘step change’ from the poor performance of the IDB—a fear expressed by the Northern Ireland Economic Council¹⁹ when the single agency was first mooted—remains a real one.

2.4 Community relations

Community relations continued, glacier-like but inexorably, to deteriorate during the quarter. By now chronic intercommunal violence in north Belfast—where the term ‘recreational rioting’ has entered the Northern Ireland political lexicon—continued episodically throughout. But a new ‘front’ (re-)opened in inner east Belfast at the end of the quarter, at the sectarian interface between the small Catholic ghetto of Short Strand and neighbouring Protestant areas.²⁰ Clashes there with the police and army took place just a few miles down the road from Stormont when the queen addressed assembly members (minus SF) in May.²¹

¹⁴ Danson, Mike, Henrik Halkier and Greta Hamilton eds (2000), *Governance, Institutional Change and Regional Development*, Aldershot: Ashgate

¹⁵ Hewitt-Dundas, Nola, Bernadette Andréosso-O’Callaghan, Mike Crone, John Murray and Stephen Roper (2002), *Learning from the Best: Knowledge Transfers from Multinational Plants in Ireland: A North-South Comparison*, Belfast: Northern Ireland Economic Research Centre

¹⁶ Executive Information Service, July 30th 2001

¹⁷ Executive Information Service, January 10th 2002

¹⁸ Executive Information Service, November 9th 2001

¹⁹ NIEC (1999), *The Implementation of Northern Ireland’s Economic Development Strategy in the 1990s: Lessons for the Future*, report 131, Belfast: NIEC

²⁰ *Irish Times*, May 13th 2002

²¹ ‘Welcome to Ulster Ma’am’, *Daily Mirror*, May 15th 2002

Moreover, the workplace—where sectarian tensions have mostly been contained over the years, due largely to the unions’ efforts—became a new focus of tension in the north of the city as the residential hostilities overflowed. The Irish Congress of Trade Unions’ anti-intimidation unit, Counteract, was brought into the Mater Hospital to try to ease the situation there.²²

In related developments, the charity Shelter warned that a 20 per cent rise in homelessness last year was partly attributable to the fact that hundreds of empty properties were in flashpoint areas.²³ The chair of the Northern Ireland Tourist Board warned during the quarter that violence and heightened sectarianism was costing the region £250 million a year in lost revenue.²⁴ And the incoming chair of the Institute of Directors in the region said: ‘If flags, slogans and painted kerb stones deter local businesses from operating in certain areas, think what message we are sending out to potential overseas investors.’²⁵

Yet the first minister, Mr Trimble, made haste slowly in responding to the review of community-relations policy provided to the Office of the First Minister and Deputy First Minister in mid-January by the retiring civil servant Jeremy Harbison (see February 2002 report). Only at the end of the quarter did Dr Harbison finally secure a meeting with Mr Trimble and the deputy first minister, Mr Durkan, about his report—and that was inconclusive.

More positively, the quarter saw change at the top of the Community Relations Council, the government-sponsored, but otherwise independent, body which addresses—mainly through financial support for NGOs—the region’s intercommunal tensions. The council has been subject to much criticism over the years—some of it mendacious—but a new chair and chief executive may reinvigorate the organisation.

2.5 Reshuffle

A further executive ‘reshuffle’, following that occasioned by the stepping down of the former SDLP deputy first minister, Séamus Mallon, in November, arose during this quarter with the retirement due to ill health of the environment minister, Sam Foster (UUP).²⁶ Mr Foster had made few waves at the department, being appointed by his party leader and first minister, Mr Trimble, as a clientelistic reward for loyal political service in Co Fermanagh.

He was replaced by Dermot Nesbitt, formerly a junior minister in the OFMDFM. Mr Nesbitt, in turn, was succeeded by a North Antrim MLA, James Leslie. One official, wide-eyed, subsequently remarked that Mr Leslie listened to arguments, considered them reasonably and took decisions ...

²² *Irish Times*, March 8th 2002

²³ *Belfast Telegraph*, February 15th 2002

²⁴ *Irish News*, March 7th 2002

²⁵ *Irish News*, May 15th 2002

²⁶ *Irish Times*, February 20th 2002

3. The assembly

Rick Wilford

3.1 Introduction

It was another eventful quarter outside Stormont, again revealing the fragile environment of Northern Ireland's devolved institutions. While on the one hand the IRA engaged in a second act of decommissioning, on the other it was alleged to have been involved in a break-in at Castlereagh police barracks and to have removed Special Branch files—an allegation republicans adamantly rebutted. In Washington, the State Department furnished the House Committee on International Relations with a dossier alleging a link between the IRA and FARC *guerrillas* in Colombia, including low-intensity-warfare training by the former of the latter. This was followed by the discovery of alleged IRA documents in which Conservative politicians and army bases in England were 'targeted', and the murder of a taxi-driver, Barney McDonald, in Co Tyrone—a killing many believe was the work of republicans, with whom the deceased had clashed.

Such developments prompted the UUP to move a motion in the assembly calling on the Northern Ireland secretary, John Reid, to review the IRA ceasefire.¹ In effect, it was an invitation to Mr Reid to state that the government no longer recognised it, just as he had done in relation to the largest 'loyalist' paramilitary group, the Ulster Defence Association, and the splinter Loyalist Volunteer Force in October 2001.

Such a determination would, of course, have gravely unsettled the shaky political firmament. In the event, Mr Reid was not required to respond, as the motion was defeated by 38 votes to 29, with SDLP members opposing. Yet, the following day, the SDLP leader, Mr Durkan, told the BBC he believed the IRA to be 'still active'—although he also spoke of a 'credibility problem' with British intelligence services. The evening before, the taoiseach, Bertie Ahern, had however declared the IRA ceasefire to be 'very much in place'.

Such contradictory remarks served only to deepen the uncertainties in which the political process is embroiled. According to the increasingly exasperated David Ervine, leader of the PUP (political wing of the Ulster Volunteer Force, the other main loyalist paramilitary group), 'the process is heading towards a crisis' and his party is considering its options—including withdrawal from the assembly—in the light of the allegations made against the IRA.

One potential source of uncertainty, at least, was removed in March when Mr Trimble was returned unopposed as the UUP's leader for another year—and he is unlikely to face a leadership challenge before the second assembly election, scheduled for May 2003. That election however could, according to the Democratic Unionist Party, occur rather sooner. The party's deputy leader and minister for regional development, Peter Robinson, announced at the end of April that it had lodged an appeal with the Lords to challenge Mr Reid's decision not to call an election after last October's *débâcle* over the election of first and deputy first ministers (see November 2001 report). The DUP, whose ranks increased by one with the announcement that the one-time UUP MLA Peter Weir had formally joined them on April 29th, is optimistically predicting an autumn assembly contest.

Elsewhere, Sir Ronnie Flanagan stood down as chief constable; sectarian violence flared up again in north Belfast; dissident republicans continued to crank up the pressure with attempted car bombings; SF readied

¹ *Official Report*, 29 April 2002.

itself to contest the republic's general election on May 17th; and the rough 'justice' meted out by paramilitaries continued to disfigure Catholic and, especially, Protestant working-class neighbourhoods. On a brighter note, the quarter also saw Belfast launch its bid to become European City of Culture in 2008—though its energetic director promptly parted company with her board.

In the assembly, the period witnessed the by now almost ritual attempt to exclude SF from ministerial office²—a motion destined to fail because of the SDLP's refusal to endorse the DUP-led move. Members enacted Northern Ireland's latest Budget Bill, and debated the review of public administration and the procedures committee's report on reforming the legislative process. The quarter saw the retirement of Sir John Gorman (UUP) as one of three deputy speakers and his replacement by his party colleague Jim Wilson, who beat off a challenge from Mervyn Carrick (DUP).³ As elsewhere in the UK, the assembly—again minus its SF members—convened, specially, to mark the death of the queen mother.⁴

In the last quarter (see February 2002 report) we noted the first use of the public petition in the assembly. But between February and late April there were eight more petitions,⁵ suggesting that the assembly was increasingly popular as a *locus* of appeal by sections of civic society (see public attitudes section).

There were ten sitting weeks available during the quarter—a total, potentially, of 20 plenary days—but for four of the weeks the assembly convened for only one day for lack of business. As indicated previously (see February 2002 report), members are largely reliant on the executive to set the legislature's agenda. If it had continued to sit on two days regardless, the chamber would have likely been unoccupied in the month before the summer recess, which begins on July 6th.

At the end of April, however, the executive signalled its intention to bring forward some two dozen bills in the immediate future, so MLAs seem poised to move from lean to legislative plenty (see executive section).⁶ Six bills received royal assent during the quarter⁷ and three more were at various stages of the legislative process.⁸

3.2 Legislation

The unanimous report⁹ of the committee on procedures on the legislative process—its first—was debated on February 26th, and each of its recommendations was accepted. During its inquiry, the committee had visited the Scottish Parliament and the Dáil, and taken evidence in the region by means of a sub-committee, also

² *Official Report*, March 6th 2002 (a specially convened Wednesday session—the assembly normally sits on Mondays and Tuesdays)

³ *Official Report*, February 25th 2002 (Sir John had resigned on February 19th)

⁴ *Official Report*, April 4th 2002

⁵ The subjects of the Public Petitions were: a proposed school closure (18 February); the siting of a mobile 'phone mast (4 March); the proposed transfer of an agricultural permit office (11 March); a proposed bypass (19 March); the closure of women's advice centres (19 March); badger baiting (8 April); the erection of a telecommunications mast (15 April); and out of hours GP surgeries (22 April).

⁶ *Official Report*, April 29th 2002, p30

⁷ The Industrial Development (NI) Act (February 7th 2002); Game Preservation (Amendment) (NI) Act (February 13th); Budget Act (NI) (March 20th); Local Government (Best Value) (NI) Act (March 26th); Personal Social Services (Preserved Rights) Act (NI) (do); Carers and Direct Payments (NI) Act (May 2nd).

⁸ Railway Safety Bill (Committee Stage); Health and Personal Social Services Bill (Committee Stage); and the Children (Leaving Care) Bill (Second Stage).

⁹ *Review of the Legislative Process in the NI Assembly*, 1/01r, January 16th 2002.

tasked to produce the draft report. (This is the first committee to have established a sub-committee, as provided for by a change to standing orders last autumn.)

The report noted that from devolution until the end of the 2001 session, 21 bills had progressed through the assembly. Of these, 17 had gone through the committee stage, which in eight cases had been taken by finance and personnel. As Conor Murphy (SF), committee chair, observed, ‘This means that the majority of Committees have had limited experience of taking the Committee Stages of Bills, and a couple have yet to take one. The upshot is that Statutory Committees ... were limited in what they saw as the need for improvement’.¹⁰

Common concerns had, however, been articulated by the statutory committees, including the need to improve pre-legislative consultation with associated departments. Mr Murphy noted that ‘at the end of the last session no Department had submitted a draft Bill for Committee consideration as part of its pre-legislative consultation’.¹¹ Following the lead of the modernisation committee in the Commons, procedures recommended that ministers should make greater use of draft bills in this way. In the first instance, this recommendation will be incorporated into the protocol on information and evidence to be agreed between the executive and the assembly, rather than standing orders.

Among other recommendations, procedures agreed with the executive that the minimum period of five days between the second and committee stages of the legislative process should be removed to expedite passage and, further, that 30 *working* days (rather than 30 days as currently) should be allowed for the committee stage of all bills. The committee also agreed to change the procedure, normally in relation to budgetary matters, whereby bills are granted accelerated passage. Currently, this is granted by leave of the house; the committee recommended that the weaker test of cross-community support take its place.

Procedures rejected the proposal by the Northern Ireland Human Rights Commission that the statutory obligation on the assembly to ‘human-rights proof’ legislation be undertaken by a new human rights and equality standing committee, thereby replacing the provision in standing orders for an ‘ad hoc special committee on conformity with equality requirements’. The latter has not been convened, but the committee was persuaded that current arrangements for such proofing were robust and was concerned that a designated committee on human rights might marginalise the issue.

The review did not, however, address other legislative procedures, including for private members’ bills, committee bills and private legislation, but Mr Murphy assured the house that it would examine each. Not before time: there is no agreed procedure for handling any.

One anomaly became apparent during production of the report: while committees enjoy the authority to initiate legislation—though none has exercised it—they cannot amend legislation. Procedures did not however propose to change this, in large measure ‘because there is no demand from the statutory committees for them to be given such authority’.¹²

Members were also exercised by ‘parity’ legislation, especially the different procedures adopted in the Scottish Parliament. MSPs are informed in advance if Westminster legislation is to be introduced in Scotland. As Billy Hutchinson (PUP) pointed out, ‘MSPs have the opportunity to consider the legislation ahead of time—we do not have that opportunity. We are told that, because of parity, we cannot consider

¹⁰ *Official Report*, February 26th 2002, p22

¹¹ *ibid*, p23

¹² *ibid*, p25

legislation until Westminster has agreed it'.¹³ This was, in Mr Hutchinson's view, tantamount to establishing a *fait accompli*. The matter is to be revisited by procedures, along with other *lacunae* in the legislative process—preferably with more speed than its first report.

3.3 Budgetary matters

During the course of the Budget Bill (which was granted accelerated passage), what might be described as 'irritable Barnett syndrome' again flared up in the chamber. The finance minister, Mr Farren, noted during the second stage: 'The Executive are examining, in a fundamental way, the basis of current resource allocation by the Treasury. In that respect, the Barnett formula is being subjected to detailed and rigorous analysis to determine the extent to which it should, or should not, continue to be the basis for determining those resources'.¹⁴ He advised members that the looming negotiations over the comprehensive spending review would present the executive with a major task, given the scale of investment required in infrastructure and services: 'We have to ensure that our case is as strong, robust and well-founded as we can make it.'¹⁵

The then deputy chair of the finance committee (now junior minister in the OFMDFM), James Leslie (UUP), who has a financial background, urged caution: 'On the whole we receive favourable treatment under the formula ... a divergent route carries the risk of a less favourable outcome.' In response, the finance minister said Mr Leslie 'should acknowledge that there is a need and an obligation on the Executive ... to examine in considerable detail the extent to which the formula is robust enough to deliver our needs'—implying that the exchange of views with the Treasury during the spending review could be full and frank.

The other simmering issue in relation to the budgetary process—consultation between departments and the associated committees—resurfaced during the debate. Francie Molloy (SF) reiterated that the arrangements were still wanting: 'The Minister should be alert to the concerns regularly expressed by the Committees that they are not consulted effectively by Departments and that the timely provision of budgetary information by the Departments is not always as good as it should be to allow Committees to perform their statutory role'.¹⁶ This led Mr Molloy to fire a warning shot across Mr Farren's bow. Having acceded, reluctantly, to accelerated passage, the chair of finance noted that before the committee would do so again it would need assurances about the spending-review process and consultation before the draft budget in September.

On March 4th, Mr Farren set out the timetable for the 2003-04 budget, which has to be agreed by December, and the arrangements for the spending review, noting in passing that while 'the Executive do not know what outcome to expect from SR 2002, the current signals from the Treasury are not encouraging'.¹⁷ He confirmed that the draft budget would be available shortly after the summer recess—in early September—and that it would contain expenditure proposals for the next three years. This will prove an exacting timetable, since the aim of securing an agreed budget before Christmas—within the context set by the revised Programme for Government—will be complicated by the fact that the chancellor will not announce the outcome of the spending review until the third week in July.

¹³ *ibid*, p31

¹⁴ *Official Report*, February 16th 2002, p16

¹⁵ *ibid*, p17

¹⁶ *loc cit*

¹⁷ *Official Report*, March 4th 2002, p10

To facilitate involvement of the committees in the budgetary process, Mr Farren's indicative timetable recommends that they should complete their initial consideration of the third PfG by September 5th. They will be informed by position reports supplied by each department, which will include analyses of performance in delivering the executive's priorities, fulfilling public-service agreements and meeting the requirements of equality-proofing and 'targeting social need'. Committees will also be aided by the publication in May of six needs and effectiveness evaluations.¹⁸ The finance minister also restated the intention of the executive to tackle the Barnett formula during negotiations with the Treasury over the review:¹⁹

We cannot accept a situation in which priority services provision here, such as health, education and transport, is clearly less favourable than in England, which appears to be the consequence of Barnett ... I can assure the Assembly that we are determined to seek an appropriate and fair outcome to this year's spending review ... Challenging Barnett is not something that we will undertake lightly, and it is not a 'no-risk' option.

With the Barnett storm to come, there was something of a lull at the beginning of May when the prime minister and the chancellor arrived to unveil the Reinvestment and Reform Initiative (see media and finance sections). The initiative was debated in the assembly on May 7th, giving Messrs Trimble and Durkan the opportunity to flesh out the details.

Among other things, the first minister intimated that some £6 billion will be required over the next 20 years to 'address the deficit [in infrastructure investment] inherited by the Executive and the Assembly', in part through borrowing from the Treasury 'at highly advantageous interest rates' and complemented by other sources of finance, including PPPs (see executive section).²⁰ Mr Trimble confirmed that the new borrowing power would not take effect until 2004-05 'at the earliest' and would proceed 'only on the basis of funding priorities established by the Executive and the Assembly'.²¹

Mr Durkan reassured the house that the short-term borrowing facility—£125 million plus £75 million accrued from end-of-year flexibility monies and departmental underspend—would not require increases in the rates, but would be repaid from revenue currently anticipated.²² He also gave a strong hint that much of this sum would be earmarked for a new regional cancer centre—a point on which the beleaguered health minister, Ms de Brún, seized in subsequent interviews.

While UUP and SDLP MLAs were quick to welcome the initiative, others expressed concern about the means to repay any loans undertaken from 2004-05. Seamus Close (Alliance) advocated a local income tax. Oliver Gibson (DUP) preferred bonds, while Peter Weir (DUP) favoured scaling back the institutions—the departments, the assembly, the north-south bodies and the Civic Forum—to offset the need to borrow at all. What exercised many MLAs was the likely impact on domestic and non-domestic rates.

The executive's review of the rating system, currently the subject of consultation, has been given added momentum. Predictably, rate increases have proven unpopular in the assembly,²³ but Mr Farren's speech to

¹⁸ *ibid*, p13 (the evaluations, led by the Department of Finance and Personnel, cover health and social care, education, training, housing, selective financial assistance and culture, arts and leisure, embracing about three-quarters of total expenditure)

¹⁹ *loc cit*

²⁰ *Official Report*, May 7th 2002, pp 3 & 4

²¹ *loc cit*

²² *Ibid*, p7.

²³ See, for instance, the debate on the Rates Order 2002—*Official Report*, March 4th 2002.

the regional Confederation of British Industry dinner on April 18th (see finance section) caused an extra *frisson*. His remarks were seized upon by MLAs—notably in the anti-agreement camp—as a signal that water-metering and charges were in the offing.

During a debate²⁴ on the existing metered charges for farmers, however, the allegation by Ian Paisley Jr (DUP) that the finance minister was to introduce a ‘tap-tax’ for domestic users was scotched by his party colleague, Peter Robinson, at regional development. In a rare instance of executive collegiality by a DUP minister, Mr Robinson said: ‘I think that Dr Farren has been misunderstood. I am not aware of any occasion when he has advocated metering the water supply or charging on the basis of metering. However, he has indicated that charging will be considered in the rating policy review.’²⁵ Watch this space.

3.4 Public administration review

In mid-February, the long-awaited consultation on the draft terms of reference for the review of public administration was launched by the first and deputy first ministers (see February 2001 report).

The assembly debated the draft terms on February 25th and the occasion provided the opportunity for much sport—not least because they had appeared some three years after being first bruited. Members queued up to complain about ‘over-government’, the delay in the process and its likely protracted nature. With 108 MLAs, 18 MPs, 3 MEPs, nigh on 600 district councillors and some 2,000 members of non-departmental public bodies, it is difficult to avoid the conclusion that Northern Ireland has top-heavy administration. But many members were appalled that the top tier, the devolved government, would fall outwith the review’s scope.

There is no prospect that the review will be concluded before the next (scheduled) assembly election. Having taken three years to set up, it may take at least as long to report—by which time the party balance in the chamber will no doubt have shifted, as will the balance of view on the preferred shape of the region’s administrative landscape. Appearing before the committee of the centre on May 8th, Messrs Trimble and Durkan indicated however that they hoped to publish an interim report next spring—presumably after the election—and that a final report might be produced in 2004.²⁶

3.5 Royal row

The impending golden jubilee did not pass unnoticed in the chamber. On February 12th the assembly debated a DUP motion calling on the education minister, Mr McGuinness, to ensure that every primary pupil was provided with a souvenir. This provided the opportunity for some unionist members to engage in flag-waving and nationalist/republican bashing. It was a predictably spirited affair.

Tommy Gallagher (SDLP) conjured up a vision of unwanted souvenirs bestowed on unwilling nationalist children. The DUP leader, Rev Ian Paisley, recalled the silver jubilee of George V, when commemorative mugs were apparently smashed against a wall in a Ballymena primary school at the behest of its schoolmaster. And Alban Maginness (SDLP) described the motion as ‘mischievous, cynical, party political,

²⁴ *Official Report*, April 29th 2002, p26

²⁵ *ibid*, p28

²⁶ Committee minutes, May 8th 2002

unnecessary and inappropriate'.²⁷ Jim Shannon (DUP) waxed lyrical (I imagine) in 'Ulster Scots' about the present queen. But Barry McElduff (SF) put the republican cat among the regal pigeons by describing the monarchy as 'a relic of Britain's colonial history'.²⁸

The result was predictable—uproar. Replying, Mr McGuinness said participation in any celebratory events was a matter of choice but money spent on a souvenir for the 'Queen of England' (*sic*) would be better used in the classroom. The motion passed, by 26 votes to 11.

Matters royal resurfaced on May 7th when the assembly debated draft amendments to the Flags Regulations (NI) Order 2000, laid by the Northern Ireland secretary. The amendments had two purposes: because of their deaths, to remove the requirement to fly the Union flag on the birthdays of Princess Margaret and the queen mother; and to provide for the flying of the flag on public buildings over the golden-jubilee weekend. This latter was resolutely opposed by SF, clearly resentful of Mr Reid's power to issue the draft order, while the SDLP preferred to sit on the fence. And the DUP undertook 'to find days to compensate for the loss of the two days' occasioned by the demise of the two royals.²⁹ The issue shows no sign of ... flagging.

The royal visit itself passed off smoothly and was a more positive pointer. The queen was met by the deputy first as well as first ministers and SDLP MLAs joined unionists and others in the Great Hall at Parliament Buildings on May 14th for an address. SF members diplomatically stayed away but mounted no protest. The first minister praised the manner in which nationalists had conducted themselves.

Echoing the conciliatory tenor of the famous speech by George V at the opening of the old, unionist-dominated, Stormont parliament in 1921, Elizabeth II said that the post-agreement institutions, including their north-south and intra-UK dimensions, 'can meet the aspirations both of those who are proud to be British and of those who feel a strong sense of Irish identity'. The assembly could 'build trust, and in doing so continue the building of a new Northern Ireland'.³⁰

3.6 Pathologies

The chamber was however the scene of ill-tempered and sectarian debates during the quarter. On February 18th and 19th respectively, members addressed some 200 attacks by loyalist paramilitaries on Catholic families in Coleraine over the past three years and the UK government's proposals for the return to Northern Ireland of paramilitaries 'on the run', which Eileen Bell (Alliance) interpreted as a 'general amnesty' for those who had committed scheduled offences before April 1998. The latter debate was especially rancorous, enabling members to round on the IRA as well as the government.

The SDLP was vitriolic in its condemnation of republican paramilitaries who, according to Alban Maginness, sought 'a selective, limited amnesty exclusive to themselves' and were 'impervious to the greater needs of the whole community'.³¹ Alex Attwood (SDLP) was even more forthright, accusing the republican movement of rank hypocrisy in refusing to allow those it had exiled from Northern Ireland—usually for allegedly engaging in 'anti-social behaviour'—to return home:

²⁷ *Official Report*, February 12th 2002, p17

²⁸ *ibid*, p19

²⁹ *ibid*, pp 21-25

³⁰ *Irish Times*, May 15th 2002

³¹ *Official Report*, February 19th 2002, p36

While Sinn Féin calls for the state to account for its human rights abuses ... they do not call for themselves in the IRA to account for the human rights abuses that they were guilty of. They call for an amnesty and for no accountability for what they did, but they do not apply the same standards and principles to what the state did. It is doublethink at a preposterous level.³²

The ‘exiles’ and, indeed, the victims of violence bulked large during the debate. Although no member mentioned it explicitly, there seemed to be some latent support for a body akin to South Africa’s Truth and Reconciliation Commission, albeit there is a greater interest in seeking justice for those wronged, maimed and killed during ‘the troubles’.

Ill temper also characterised the debates on the proposed exclusion of SF, moved by the DUP leader, Mr Paisley (March 6th); the status of the IRA’s ceasefire, moved by the first minister, Mr Trimble (April 29th); and a motion from Pat Doherty (SF), calling on the assembly to ‘support the principles of the “Good Friday” Agreement’ (May 7th). On the last, the UUP culture, arts and leisure minister, Michael McGimpsey, moved an amendment proposing that the assembly endorse the reliance on ‘exclusively peaceful and democratic means’ bequeathed by the agreement and calling on ‘all parties to support the police in the present difficult circumstances’.³³ This led to a spirited attack on SF in general and Mr Doherty (a member of the IRA army council) in particular.

His speech peppered with references to the three republicans (who include two with IRA convictions) held in Colombia, IRA gunrunners in Miami and violence allegedly orchestrated by the IRA in north Belfast, Mr McGimpsey insisted that ‘Sinn Fein, the IRA and Republicanism are the main threat to the Executive’.³⁴ Mr Attwood rounded on SF for absenting itself from the Policing Board and for shirking its responsibilities in general on policing: ‘Sinn Féin should recognise the policing challenge. Having missed the boat, his party should get in a dinghy and start rowing.’³⁵

The debate also enabled anti-agreement unionists to attack the UUP—an opportunity seized with relish by, among others, the heavyweights, Mr Paisley (DUP) and Robert McCartney (United Kingdom Unionist Party). The DUP leader argued that the majority of unionists no longer supported the agreement and called for its replacement, while Mr McCartney, QC, likened Tony Blair—‘the lying, mendacious, duplicitous Prime Minister’³⁶—to Goebbels. He also coined a new soubriquet for Mr Trimble:

The truth is that pro-Union classes, even the middle-class yuppies, are beginning to get the message that this Agreement has totally shafted them ... More accountable, more sensitive, more efficient government for Northern Ireland!—that must be the biggest joke of the century, perpetrated by the cuckoo king.³⁷

The chamber descended into discord—an unpromising *coda* to the last set piece of the quarter.

³² *ibid*, p52

³³ *Official Report*, May 7th 2002, p27

³⁴ *ibid*, p28

³⁵ *ibid*, p29

³⁶ *Ibid*, p35.

³⁷ *Ibid*, p36.

3.7 Committees

Two substantive statutory committee reports were debated between February and May: on cancer services (health) and school transport (environment).³⁸ Common cause was joined by the health committee and the minister, Ms de Brún, over the need for a regional cancer-treatment centre, the business plan for which has been endorsed by the executive at an estimated cost of £57 million.

The standing committee of the centre's reports on postal ballots and European issues were tabled on February 12th and April 8th respectively. The former sought safeguards against abuse of the electoral system, the latter better integration of the region into European matters and scrutiny of European legislation. As the committee's chair, Edwin Poots (DUP), noted in commending it to the house, '60% of our legislation comes from Europe and 80% of the policies in our Programme for Government relate to, or originate from, EU policies'.³⁹

Inter alia, the report recommended that the longstanding Northern Ireland Centre in Europe be housed under the same roof as the recently opened Office of the Northern Ireland Executive in Brussels, to facilitate a partnership-led approach to EU matters nourished by NICE's extensive networks. The report expressed disappointment that the OFMDFM 'European policy and co-ordination unit' had made little progress in co-ordinating relationships with the EU and had focused narrowly on the executive rather than the region as a whole. Indeed, Mr Poots claimed there was no 'regional strategy that takes account of all NI's needs' while the unit's 'Framework' document, 'Developing NI's Participation in the EU', had ignored the assembly.⁴⁰

No recognition is given to the involvement of the Assembly and other key players, and when we passed the framework document to other Assembly committees, their response showed that they had neither been consulted nor had been able to scrutinise the departmental policies listed as EU priorities for Northern Ireland. Many of the written submissions received by the Committee noted that they had not even heard of the existence of such a document.

The report also proposed that a designated junior minister for Europe be established; that the assembly should consider, *via* its commission, creating an information desk in the Brussels office (a view supported by some statutory committees); and that the research and library office should develop its specialist service on EU matters to assist committees in being proactive on European legislation and policy, bolstered by 'EU familiarisation' for MLAs. Returning to an issue that dominated assembly thinking in December 1999—the accountability of the OFMDFM to members—the committee took the opportunity to refloat the idea of a standing European affairs committee (see February 2000 report). It recognised, however, that this was unlikely in the short term and, as an interim measure, proposed to establish a sub-committee to consider its role, workload and membership.

In all, the committee made more than 40 recommendations. Yet, despite such evidence of longer-term thinking on the part of MLAs—including within the DUP—the path ahead looked decidedly bumpy.

³⁸ See, respectively, the *Official Reports* for 5 March and 15 April 2002.

³⁹ *Official Report*, April 8th 2002, p17

⁴⁰ *ibid*, p19. The Framework document listed 58 priority areas for the Brussels office—which has just four staff members.

4. The media

Greg McLaughlin

4.1 Introduction

The Burns report on the future of secondary education in Northern Ireland (see public policies section) has provoked a debate that simmered throughout the quarter. Other major media stories included the visit of the prime minister and the chancellor to Belfast bearing financial gifts to the executive, the bizarre break-in at the ‘high-security’ Castlereagh police station and its unexpected fall-out for a beleaguered SF, and an ominous clash between journalism and the Saville inquiry into ‘Bloody Sunday’.

4.2 Burns report

A fascinating aspect of the education debate in Northern Ireland, given the traditional sectarian divisions, is the way it has split the population along class lines. The key issue is the future of the controversial ‘11-plus’ system of selection, so when the education minister, Mr McGuinness, commissioned an inquiry into alternative proposals passionate arguments were inevitable.

The review, chaired by the former ombudsman Gerry Burns, duly reported last October. Its principal conclusions were that the ‘transfer test’ should be replaced by ‘parental choice’ informed by a ‘pupil profile’. Diverse post-primary schools (by both school type and religion) would thus remain but they would come together *via* area-based collegiates to mutual benefit. It is interesting to note how these were handled in the pages of two newspapers, the *Irish News* and the *Belfast Telegraph*.

The liberal-unionist (though cross-community) *Belfast Telegraph* gave extensive and sustained coverage to the most vocal opponents of the report, the voluntary grammar schools. Their representative body, the Governing Bodies Association, accused Burns of being ‘intellectually dishonest’,¹ while an op-ed piece by Graham Gudgin, formerly special adviser to the first minister, detected the echoes of ‘the soviet collective’ in the collegiates proposal.² In that context, the paper’s subsequent front-page headline ‘Teachers cane Burns report’ was predictable if somewhat disingenuous: it referred to only an interested section of the teaching profession.³

The social-democratic (though almost exclusively Catholic) *Irish News* clearly backed the campaign against the current system. It quoted the view of the teachers’ unions that the 11+ made Northern Ireland ‘a cold house for poorest children’ (front-page headline)—a play on Mr Trimble’s Nobel prize acceptance reference to Northern Ireland having been historically ‘a cold house for Catholics’—and that reform was a ‘social justice imperative’ (accompanying leader).⁴

In a recent issue, the *Irish News* looked with interest at the response to Burns from the Protestant churches, whose Transferors’ Representative Council⁵ welcomed many of Burns’ most radical proposals; these, they

¹ *Belfast Telegraph*, February 12th 2002

² *Belfast Telegraph*, March 8th 2002

³ *Belfast Telegraph*, March 12th 2002

⁴ *Irish News*, March 5th 2002

⁵ The name arises from the transfer of schools run by the Protestant churches pre-partition to state control after Northern Ireland was established; these ‘controlled’ schools however retain church representation on their governing bodies and are *de facto* Protestant schools, even though—like their Catholic or ‘maintained’ private counterparts—they are 100 per cent funded by the taxpayer.

said, would provide a ‘catalyst for reform that is long overdue’. But the TRC proposed a system in which ‘the major decisions about children’s education’ would be delayed until 14, with an interim 11-14 curriculum to prepare the ground.

The *Irish News* welcomed the TRC’s positive response to the essentials of Burns but claimed that the idea of a new 11-14 curriculum had been shelved some time ago and would not be revisited. It identified the collegiate system as the report’s most controversial proposal and concluded that while everyone accepted the 11+ had to go, it was vital that it is not replaced by another system that ‘leaves many pupils ill-equipped for the needs of the modern workplace’.⁶

4.2 Blair and Brown

The prime minister, Mr Blair, and the chancellor, Mr Brown, visited Belfast on May 2nd to announce a £200 million cash advance to the Northern Ireland executive (see assembly and finance sections). The media response was cautious optimism.

The *Belfast Telegraph* led with ‘Brown unveils Ulster jackpot’, but warned that the money came with strings attached—a sharp rise in district domestic rates to levels commensurate with those in England. This may seem fair and reasonable to the British observer but the paper pointed to the ‘increasing wage gap’ across the Irish Sea: the average wage in Northern Ireland was 89.2 per cent of that in England in 1995 and the gap had been increasing ever since.⁷

The *Irish News* asserted that the cash injection ‘offers “fast forward” to better future’ (3 May). It would trigger a series of loans to upgrade the region’s aging infrastructure but these would be repayable at interest rates of 5.375-5.5 per cent. The paper reflected on the ‘hard fact of life (in Northern Ireland) that everyone is crying out for better services but no one wants to pay for them’.⁸

Most peacemakers talk about changing swords into ploughshares but Messrs Blair and Brown promised to turn prisons into business parks and leisure centres. Paramilitary prisoner releases were the most unpopular aspect of the Belfast agreement—in both ‘communities’—and the subsequent activities of some ‘loyalist’ former prisoners in particular have done little to change that. The *Irish News* cartoonist, Ian Knox, depicted the first and deputy first ministers standing outside the Maze. Mr Durkan wonders: ‘What’s the most popular thing we could do with these prisons?’ Mr Trimble replies: ‘Run them as prisons.’⁹

4.3 Castlereagh break-in

Castlereagh police station was formerly the feared centre of interrogation of paramilitary suspects in Belfast (with an extremely dodgy human-rights record as a result). In an audacious St Patrick’s Day raid on the barracks, three men walked in and stole confidential intelligence files, passing numerous security checks and overpowering the single officer on charge in the office where material on informers was kept.

⁶ *Irish News*, May 8th 2002

⁷ *Belfast Telegraph*, May 2nd 2002

⁸ *Irish News*, May 3rd 2002

⁹ *ibid*

At first, the media finger pointed to an ‘inside job’ by disgruntled members of the Special Branch—which the Patten report on policing had recommended should merge with CID because of its tendency to behave as a ‘force within a force’—or British intelligence agencies.¹⁰ This caused considerable discomfort for the fledgling Police Service of Northern Ireland (‘The honour and competence of the new police force is at stake’¹¹), coming as it did against a background of controversy over the role of the Special Branch and the army’s Force Research Unit in the 1989 loyalist murder of the Belfast solicitor Pat Finucane, and mounting criticism of the failure of the Royal Ulster Constabulary to prevent the Omagh bomb in 1998 or apprehend those responsible.

But the story took a bizarre twist when the police carried out dawn raids on leading republican activists in Belfast and Derry, during which files and documents were seized. The political establishment was quick to respond with concern and outrage, concluding that the IRA had been behind the Castlereagh break-in. The revelation that the documents seized had not come from the police station did little to assuage these suspicions. What was going on? The nationalist-minded *Irish News* pundits Brian Feeney and Jude Collins smelt a propaganda rat.¹²

This is a sample of the stories they had in mind, drawn from a random survey of British and Irish newspapers over recent weeks: ‘IRA sent 15 men to train FARC rebels’, ‘Democracy and Sinn Féin do not mix’, ‘Sinn Féin and a question of trust’, ‘IRA is linked to global terror’, ‘Question about Sinn Féin’s peace strategy’, ‘IRA “is teaching Palestinians how to blow up Israeli soldiers”’, ‘IRA rearms with Russian special forces super rifle’, ‘IRA gun runner leads poll race in Kerry’ ... With SF preparing to contest a general election in the republic, it was surely no coincidence—the *Irish News* columnists claimed—that a drip-drip of negative stories about the party should infect the news agenda.

4.4 Journalism versus Saville

There was another ominous clash of interests at the Bloody Sunday tribunal in Derry, when two journalists, Alex Thomson of Channel Four News and his former colleague Lena Ferguson (now with BBC Northern Ireland), found themselves facing a possible prison sentence for contempt. Lord Saville had demanded their notes from interviews with soldiers who had been in the Bogside that day. The journalists refused, on the principle of protection of their sources.

Mr Thomson told Lord Saville that to do otherwise would be to ‘very publicly declare myself as a person who makes a promise then breaks it, a person who ultimately cannot be trusted, both as a human being and as a journalist’. He argued (‘Journalists face action over notes’¹³) that there was a ‘clear principle ... which extends ... to investigative journalism and its future ... and if that ... needs to be defended by ... serving a prison sentence ... then that is going to have to be done’.

In his column for the Irish edition of the *Observer* (‘Saville puts freedom at stake’¹⁴), Henry McDonald pointed out that Saville’s ruling would ‘set a dangerous precedent’ for journalists working on controversial stories: ‘No State whistle blower, no angst-ridden paramilitary who wants to reveal the inner workings of

¹⁰ *Irish News*, March 19th 2002

¹¹ *Belfast Telegraph*, March 19th 2002

¹² *Irish News*, May 8th and 9th 2002

¹³ *Irish News*, May 3rd 2002

¹⁴ *Observer*, May 5th 2002

terror groups and no civil servant with a conscience prepared to disclose things governments would rather were kept secret, will be willing to talk anonymously to a journalist again.’

The irony of this affair is that Mr Thomson and Ms Ferguson played a vital role in the campaign for a fresh public inquiry in the first place—presenting government and the public with convincing evidence to support the long-held argument that the original Widgery verdict on Bloody Sunday had been deeply flawed.

5. Public attitudes and identity Lizanne Dowds

This report summarises some of the key attitudes to devolution that emerged from the latest Northern Ireland Life and Times survey, carried out in the final three months of 2001.¹ Most notable is that for most Protestants a distrust of the Belfast agreement and a desire to remain firmly ‘British’ are *not* going hand in hand with a distrust of devolution.

Key findings include:

Both Protestants and Catholics are more likely to trust the assembly than they are to trust the UK government, though Protestants are generally less trusting of both.

Majorities of both Protestants (61 per cent) and Catholics (74 per cent) believe that the assembly (rather than the Westminster government or any other body) should have most influence over how Northern Ireland is run.

About half of both Protestants and Catholics feel, however, that the Westminster government actually holds the power.

A third of Protestants and half of Catholics believe that the assembly is giving people more say in how Northern Ireland is governed—most of the rest feel it is making no difference.

While Protestants overwhelmingly wish to retain the union, only 18 per cent would opt for this *without* some kind of elected assembly; 65 per cent would prefer to retain the union alongside a parliament or assembly.

Comparison with the NILT survey in 2000 shows a distinct public view that healthcare is getting worse under the assembly: the proportion taking this view rose from 28 per cent in 2000 to 39 per cent in 2001. The proportion who think that education has become better under the assembly has, however, risen from 16 per cent in 2000 to 24 per cent in 2001.

Which of the following has most influence/ought to have most influence over the way Northern Ireland is run?

| | Protestant | Protestant | Catholic | Catholic | All | All |
|------------------------------|--------------------|------------------------------|--------------------|------------------------------|--------------------|------------------------------|
| | Has most influence | Ought to have most influence | Has most influence | Ought to have most influence | Has most influence | Ought to have most influence |
| Northern Ireland Assembly | 29 | 61 | 28 | 74 | 28 | 65 |
| UK government at Westminster | 50 | 24 | 53 | 7 | 51 | 17 |

¹ See <http://www.ark.ac.uk/nilt/>

From what you have seen and heard so far, do you think that having a Northern Ireland Assembly is giving ordinary people more say in how Northern Ireland is governed, less say, or is it making no difference?

| | Protestant | Catholic | All |
|----------------------|------------|----------|-----|
| | % | % | % |
| More say | 31 | 51 | 40 |
| Less say | 12 | 3 | 8 |
| Making no difference | 50 | 39 | 44 |
| Don't know | 7 | 7 | 8 |

6.1 North-south

The business of the North/South Ministerial Council continued routinely throughout the quarter. During this period, too, the NSMC secretariat in Armagh made its useful web site publicly available (<http://www.northsouthministerialcouncil.org>). This contains general background, information on the sectors within which collaboration is taking place, *communiqués* and other documents, such as the annual report. The eight meetings of the council in sectoral format that have taken place since the last report are listed in the table below.

Three of the NSMC meetings dealt with the work of implementation bodies. In terms of the budget for which it is responsible, the Special EU Programmes Body is one of the most important of the six.

The sectoral meeting in this area took place in February in Ballymena, Co Antrim. It dealt with routine but important matters (such as approval of accounts and of the body's corporate and business plans), and noted progress in a number of areas, including implementation of the Peace II programme and INTERREG III, and it reviewed the 'common chapter' in the structural-funds plan for Northern Ireland and the republic's National Development Plan—a plan for coordinated progress, north and south, on a number of fronts (see EU section).

Another NSMC meeting, in Dublin in February, considered the Food Safety Promotion Board, whose office opened recently in Cork. The body has launched a web site (<http://www.safefoodonline.com>), and focuses mainly on research and publicity. Implementation of food-safety standards remains the responsibility of separate bodies in the two jurisdictions—the Food Safety Authority of Ireland and the recently launched Northern Ireland executive of the UK Food Standards Agency. The meeting also considered a separate matter, co-operation in health, where the priorities identified are accident and emergency services, planning for major emergencies, co-operation on high-technology equipment, cancer research and health promotion.

The third meeting on the work of an implementation body considered the Foyle, Carlingford and Irish Lights Commission. Only one of the two agencies for which the body is responsible has so far been established. This is the Loughs Agency, whose mandate covers the Foyle and Carlingford fisheries, aquaculture and marine tourism (<http://www.loughs-agency.org>). The major substantive area discussed at the meeting was 'Atlantic salmon and seal interaction', a carefully balanced description—familiar enough in the politically-correct vocabulary of the Irish conflict—that withholds judgment as to which species may be the aggressor. The second agency, with responsibility for lighthouses, has still not come into formal existence; its functions continue to be discharged by the Commissioners for Irish Lights.

If health was covered in one of the meetings that dealt with an implementation body, each of the remaining five areas of co-operation was explored in a further set of meetings.

In many ways, tourism could be seen as falling under 'implementation bodies' rather than 'areas of co-operation', as the establishment of Tourism Ireland gives rise to an important implementation body in this area. TI is responsible for marketing Ireland abroad and its programme, with ambitious growth targets, was approved at the tourism-sector NSMC meeting in February. Its web site (<http://www.tourismireland.com>) offers a very useful guide to the island of Ireland as a tourist destination; interestingly, two related agencies,

Bord Fáilte in the republic and the Northern Ireland Tourist Board, continue to operate separately, if more closely integrated than in the past.

Three further meetings in April considered co-operation. On education, the main areas addressed were educational incentives, literacy, pupil attendance and retention, child protection and special education on an all-island basis; cross-border youth and teacher exchange was also discussed. The meeting on agriculture took place in the continuing shadow of the foot-and-mouth crisis and the risk to humans from other diseases, and thus focused on animal health generally and development of an all-island animal-health strategy; plant health, the pig industry and cross-border rural development were also covered. Another meeting, on environment issues, discussed co-operation in waste recycling, water quality and the environmental impact of agriculture; it also continued discussion of databases and research registers.

In many ways, the most interesting area was transport, where the second sectoral meeting took place in April. This is under the control of a DUP minister in Northern Ireland, but non-participation by the relevant northern minister may be bypassed in accordance with the agreement: ‘if a holder of a relevant post will not participate normally in the Council, the Taoiseach in the case of the Irish Government and the First and Deputy First Minister in the case of the Northern Ireland Administration to be able to make alternative arrangements’. Thus, the meeting was attended by the UUP environment minister, Mr Nesbitt, instead of his DUP colleague. But the business was quite restricted, given the huge scope for co-operation in this area: it was confined to discussion of a joint road-safety campaign, exchange of information on road safety and implementation of a penalty-points system in the republic as well as the north.

In the north-south arena, then, steady but unspectacular work proceeds as the implementation bodies set down firmer roots and define their role in the difficult and crowded institutional terrain of the island of Ireland, and the logic of co-operation in other areas becomes increasingly inescapable.

Sectoral meetings of the NSMC

| No | Date | Place | Ministerial representation | | Business |
|-----|--------------------------------|-----------|---|--|---|
| | | | RoI | NI | |
| 47* | February 20 th 2002 | Ballymena | Charlie McCreevy (FF) | Sean Farren (SDLP) Dermot Nesbitt (UUP) | EU programmes body (6) |
| 48 | February 22 nd 2002 | Killadeas | James McDaid (FF) | Reg Empey (UUP) Bairbre de Brun (SF) | Co-operation: tourism (5) |
| 49 | February 27 th 2002 | Dublin | Micheál Martin (FF) Tom Moffatt (FF) | Bairbre de Brún (SF) James Leslie (UUP) | Food safety body/ co-operation: health (4) |
| 50 | April 11 th 2002 | Armagh | Michael Woods (FF) | Martin McGuinness (SF) Dermot Nesbitt (UUP) | Co-operation: education (4) |
| 51 | April 15 th 2002 | Dublin | Joe Walshe (FF) | Brid Rodgers (SDLP) James Leslie (UUP) | Co-operation: agriculture (6) |
| 52 | April 15 th 2002 | Dublin | Frank Fahey (FF) | Brid Rodgers (SDLP) James Leslie (UUP) | Loughs and lights body (8) |
| 53 | April 17 th 2002 | Dublin | Noel Dempsey (FF) | Dermot Nesbitt (UUP) Denis Haughey (SDLP) | Co-operation: environment (6) |

| | | | | | |
|----|-----------------------------|--------|-------------------|---|--------------------------------|
| 54 | April 17 th 2002 | Dublin | Noel Dempsey (FF) | Dermot Nesbitt (UUP) Denis Haughey (SDLP) | Co-operation: transport (2) |
|----|-----------------------------|--------|-------------------|---|--------------------------------|

Note: the figures in brackets under ‘business’ refer to the numbering of the meetings within each particular sector.

*The numbering system has been adjusted to match the NSMC secretariat’s classification; earlier reports listed 47 meetings, but two of these (12 and 13) have been reclassified as a single meeting.

6.2 ‘East-west’

Two sectoral meetings of the British-Irish Council were held in this quarter. Subsequent statements to the assembly provoked controversy as well as compliments.

On February 25th, the second BIC environment meeting took place in Edinburgh, hosted by Ross Finnie, Scottish minister of environment and rural development, and chaired by Michael Meacher, UK environment minister. Northern Ireland was represented by its new environment minister, Mr Nesbitt (UUP), and Bríd Rodgers (SDLP), minister of agriculture and rural development.¹ The first meeting of the drugs sectoral group was held in Dublin, hosted by Eoin Ryan, minister of state for local development with special responsibility for the national drugs strategy. Northern Ireland was represented by the minister of health, social services and public safety, Ms de Brún, and by Mr Nesbitt.²

The environment meeting considered waste management, Sellafield, a regional-seas pilot study and climate-change impacts. On waste management, where the Scottish Executive leads, it was agreed to set up a working group of officials to identify scope for co-operation, reporting to the next meeting in Belfast in October. The UK government proposed the regional-seas study as part of a review of marine conservation; the Irish Sea was selected as an appropriate site for the pilot and all BIC members agreed to participate. On climate change, progress was noted and it was agreed that a substantive report should be available at the next meeting.

The meeting received a draft paper on the Sellafield nuclear reprocessing complex and radioactive waste, prepared by Dublin and the Isle of Man. The Northern Ireland minister noted that joint studies by his officials, the Radiological Protection Institute of Ireland and University College Dublin had consistently demonstrated low radioactivity on the Irish coastline. Nevertheless, he drew attention to public concern in Northern Ireland and to the December motion in the assembly (see February 2002 report) calling for withdrawal of the licence issued by the UK government to British Nuclear Fuels for the mixed-oxide (MOX) plant.

Briefing journalists afterwards, Mr Nesbitt noted that all the devolved environment ministers had pressed Mr Meacher to do more on Sellafield and had received assurances to that effect. He welcomed the fact that the UK government would have a strategy in place in the spring to reduce emissions, in line with the Oslo and Paris Commission meeting of 1998, and that Dublin and the Isle of Man would bring firm proposals to the next BIC environment meeting.³ In meeting Friends of the Earth the next day, he was however cautious

¹ Executive Information Service, February 25th 2002; *Official Record*, March 19th 2002

² Executive Information Service, March 22nd 2002; *Official Record*, April 8th 2002

³ Executive Information Service, February 26th 2002

about how much could be done. The scientific evidence had to be weighed carefully and though he personally would support closure that would take many years.⁴

In the assembly debate on the minister's statement the following month, there was disappointment that neither sustainable development nor an aggregates tax had been discussed by the BIC and that it was tackling waste management rather than waste minimisation. Debate also covered emissions from non-nuclear power stations, in connection with an observation that the UK looked as though it would meet the Kyoto protocol target⁵ while non-nuclear emissions in the republic were rising. In reply, the minister linked non-nuclear emissions with the concern of the chair of the environment committee about sustainable development, exhorting all to keep the range of problems in mind at other appropriate fora.

Potentially more controversial questions covered the impact on Northern Ireland of the MOX plant, its accident record and the safety of ships transporting material to it. Mr Nesbitt spoke of the need to weigh the evidence (referring also to his consultation with FoE) and his intention to visit Sellafield before the next BIC environment meeting—he would raise accident records and safety then. He stressed his personal commitment to eliminating causes of concern, his home in Co Down having Sellafield at its back door.

More controversially, the minister was taken to task for allegedly not telling the house that he had 'moved away from the Executive's thinking and criticised the Irish Government's legal challenge to the Sellafield plant'. He was asked if he did not think it improper to use the BIC to 'express his own views so forcibly'. He had apparently criticised Dublin in the briefing⁶ but he claimed that, now that the BIC was taking the environment seriously, he had meant that round-table political discussion was a better method of securing change than international tribunals.

It seems that the 'plain people' of the republic have less confidence in the BIC as a vehicle: over a million 'shut Sellafield' postcards have been sent to Prince Charles, the prime minister and the BNFL chief executive.⁷ The maturity of the Dublin-London relationship was exemplified during the quarter by the immediacy with which the two jurisdictions agreed that an Irish Navy vessel could enter British territorial waters, without the formalities of authorisation, to help find a lost Kilkeel fishing boat. Rumour has it that the republic's government has been determined not to let the Sellafield dispute undermine its relationship with the UK—bilaterally or multilaterally through the BIC. But who can tell, given the large campaign by its own citizens, who returned six Green candidates in the May election?

At the drugs meeting on March 22nd, representatives of all jurisdictions gave presentations. Guernsey addressed the proceeds of the trade and asset confiscation and members agreed that a conference on the issue would be held there in May. The Home Office parliamentary under secretary made proposals for sporting projects, with educational programmes and mentoring schemes, for young people at risk. The council agreed that a meeting of experts would take place in London in June. Northern Ireland's health minister, Ms de Brún, addressed the importance of community involvement in drugs strategies and the meeting agreed to her proposal to host a conference in November to explore good practice.

Edinburgh and Dublin had prepared a paper (presented by the Scottish minister) on education, training and employment for recovering users. It was agreed that there should be a conference for practitioners later in 2002. The ministers from Wales and the Isle of Man respectively reported on a conference on demand

⁴ Executive Information Service, February 27th 2002

⁵ For ratification and Northern Ireland's commitment to ratification, see Executive Information Service, March 11th 2002.

⁶ Executive Information Service, February 26th 2002

⁷ *Irish Times*, April 27th 2002

reduction and outlined a proposal for a conference on drug and alcohol strategies. It was agreed to hold the latter on the Isle of Man in October.

Questions to Ms de Brún after her report to the assembly in April⁸ covered baseline measurements of effectiveness, heroin substitution, solvent misuse and funding for local groups. She was also asked to elaborate on mentoring. This, she explained, had arisen from the Positive Futures initiative launched in England in March 2000—about two dozen sporting projects had reduced criminal activity, improved school attendance and enhanced lifestyles. More projects had been initiated in March 2002, she would be visiting one of the English schemes and she would report further.

Like the environment minister, the health minister did not escape controversy in what seems from the *Official Record*⁹ to have become a fairly rowdy session—though she too was complimented on the work of the BIC, including her participation, before the brickbats flew. She was interrupted with a question about asset confiscation and asked to agree that co-operation with the police had to be part of any drugs strategy. She said that, since the proceeds of the trade and confiscation were reserved matters, officials from the Northern Ireland Office and the director of public prosecutions would be the right people to attend the Guernsey seminar. Questions which were not really about the BIC but about SF's attitude to the Police Service of Northern Ireland persisted and, later, she pointed out that the PSNI was represented in the structures set up to pursue the region's own drugs strategy.

Ms de Brún was also asked persistently to condemn all sources of drug trafficking, including the Colombian FARC, to which the IRA had been linked. She stressed her party's opposition to drug abuse and reminded MLAs that criminal justice was not within her remit.

⁸ see note 2

⁹ see note 2

7.1 Introduction

The most weighty developments during this quarter were: the sixth meeting of the NSMC in special EU programmes format, intimations of Northern Ireland becoming an axis for ‘two islands’ approaches to farming and reform of the Common Agricultural Policy, and the preparation and consideration of the report by the committee of the centre on the executive’s management of European affairs (see assembly section). Otherwise, opportunities were used to publicise EU-supported projects or highlight opportunities and risks arising from EU initiatives.¹ All have something to reveal about the enmeshing of European integration, devolution, the north-south dimension to Northern Ireland’s devolution and the region’s ambition to be ‘forward and outward looking’.

The quarter was punctuated by a rumour that the prime minister, Mr Blair, had sounded out the first minister, Mr Trimble, about succeeding Chris Patten as one of the UK’s European commissioners—‘the boulevards of Brussels’, it was thought, would suit the ‘bookish opera-lover’.² Mr Trimble is sceptical of the euro but, once more, in Northern Ireland’s special context the issue re-emerged. During a debate on the management of EU affairs, one MLA welcomed the existence in Marks and Spencer’s of a euro till and, on another occasion, an MLA from a Co Tyrone constituency asked the deputy first minister, Mr Durkan, to inform the prime minister that virtually all of Strabane was now a dual currency zone.³

In March 2002, Belfast City Council bid for the UK nomination for European City of Culture. Some journalists reacted cynically: ‘How many string quartets are there in Belfast?’ But by dismantling its many interface ‘peace lines’, one of the three bid themes, ‘Life Without Walls’, would envisage changing the city’s cultural landscape beyond recognition. The UUP minister for culture, arts and leisure, Michael McGimpsey, won cross-party support when he told the assembly of the executive’s endorsement.⁴

7.2 Special EU Programmes Body

The sixth meeting of the NSMC in special EU programmes format was held in Ballymena, Co Antrim, on February 20th. It was attended by the finance minister, Mr Farren (SDLP); the environment minister, Mr Nesbitt; and the republic’s finance minister, Charlie McCreevy.⁵ It received a report on progress, since the last meeting on October 30th 2001, covering the corporate plan and staffing of the Special EU Programmes Body. The absence until March of a full senior management team has hampered the SEUPB and the plan will have to be revised as it gets to work. The first annual report and accounts were received and satisfaction was expressed at their certification in both jurisdictions.

¹ The projects included the work of a women’s centre, a cross-border internet link for blind children and a cross-border electricity link (Executive Information Service, March 6th, March 20th and April 10th 2002). Other occasions included a reference during an assembly debate to a claim that the Single Equality Bill, if fully grasped, would make Northern a leader rather than a follower in EU policy (*Official Record*, March 4th 2002). On another matter, the environment minister, Mr Nesbitt, announced his determination to meet obligations under the European Water Framework Directive (Executive Information Service, March 27th 2002). On the other hand, the assembly was worried about action against the UK for failure to transpose into legislation in Northern Ireland the Drinking Water Directive, and the likely consequent fine (*Official Record*, April 1st 2002).

² *Sunday Times*, February 24th 2002

³ *Official Record*, April 15th 2002

⁴ *Official Record*, March 19th 2002

⁵ Executive Information Service, January 20th 2002; *Official Record*, March 4th 2002

It was noted that final reports on the 'Peace I' and 'INTERREG II' programmes would be submitted on the due date in June. Progress was reported on 'Peace II', 'INTERREG III', the common chapter in 'Building Sustainable Prosperity' (the 'Transitional Objective 1' programme for the north) and community initiatives such as 'LEADER+', 'URBAN II' and 'EQUAL'. On Peace II, the 26 local strategic partnerships (replacing the district partnerships in Northern Ireland under Peace I) and the intermediary funding bodies (disbursing monies under some measures) were in operation from January. Three task forces in the border region were coming into being for Peace II and three cross-border INTERREG partnerships were also in place. In anticipation of final commission approval of INTERREG III, work had begun on the programme complements.

A joint steering group had been set up to advance the common chapter, it was reported. Since the last meeting, its terms of reference had been agreed and a joint north-south working group established to oversee the contribution made by structural funds. The NSMC called for regular reporting by the SEUPB on the chapter which, incidentally, also provides for 'east-west' and international cross-border co-operation.

Transitional Objective 1 funding was discussed during a visit to Northern Ireland by the Europe minister, Peter Hain, a few days later. Mr Farren referred then to a 'future funding strategy' in preparation for the ending of structural funds in 2006.⁶

MLAs expressed concerns about the special-programmes NSMC, notably the lapse between the fifth and sixth meetings. The DUP, describing the 'lunch' in Ballymena as an affront to unionists, suggested that the body was little more than a 'lunch club for nationalists'. More serious reservations about delay—in addition to prior anxieties about funding the 'gap' between Peace I and Peace II—were also ventilated.

7.3 Agriculture

In February 2002, a number of questions⁷ were put to the agriculture minister, Ms Rodgers, similar issues⁸ being raised later in the quarter in debate on a motion from the UUP MLA George Savage. Most concerns were about money: the EU's 'modulation money', subsidies, the impact of enlargement and low refunds on dairy products; they also focused on reform of the industry and the CAP. Responses to both types of concern revealed something of the network of relations on the island and between the two islands.

The environment, food and rural affairs secretary, Margaret Beckett, was reported to be receptive to Northern Ireland's interests on refunds. Ms Rodgers also told the house she had ensured that the commissioner, Franz Fischler, was aware of the importance of the issue for the region.

On CAP reform, the devolved administrations had met, in advance of a combined visit by all three agriculture ministers to Ms Beckett. Co-operation with the republic had been placed on the agenda of the April NSMC in agriculture format and Ms Rodgers would readily contact her southern counterpart, Joe Walsh, informally. At the NSMC meeting, it was agreed officials would explore issues identified by the two ministers as in their common interest with a view to further consultation; the northern minister would also be in contact with the UK secretary of state.⁹

⁶ Executive Information Service, February 26th 2002

⁷ *Official Record*, February 18th 2002

⁸ *Official Record*, March 11th 2002

⁹ *Official Record*, April 22nd 2002

7.4 Management of European affairs

At the end of the last quarter, the first and deputy first ministers met the commission president, Romano Prodi.¹⁰ Messrs Trimble and Durkan thanked the EU for its support and highlighted Northern Ireland's ambitions—reflected, according to the first minister, in the establishment of the Office of the Northern Ireland Executive in Brussels. Its capacity to realise these ambitions is, however, a matter of doubt in the assembly, as became evident in questions¹¹ and in the report by the committee of the centre (see assembly section).¹²

In February, the OFMDFM assured MLAs that the office would assist assembly committees—indeed it had facilitated enterprise, trade and investment, regional development and the committee of the centre itself. In early March, the deputy first minister, Mr Durkan, said it had been in contact with two MEPs, John Hume (SDLP) and Jim Nicholson (UUP), but that the third, Mr Paisley (DUP), had not yet been able to attend a meeting.

Later in March, other aspects of the conduct of European business were questioned by MLAs *via* a question about ministerial responsibility.¹³ This adumbrated the committee's recommendation that there should be one minister responsible for EU affairs. Supplementary questions however wrapped this up with the DUP's opposition to north-south co-operation and charge that the EU-inspired Belfast agreement had a purpose of Irish reunification.

Ministerial responses to the first sets of questions were recalled with some cynicism in April when the house debated, and accepted, the committee report. The committee chair, Mr Poots, said the assembly and executive had a major role in EU affairs, subject to the Memorandum of Understanding with the UK government and the *concordat* on co-ordinating EU policy. The committee welcomed the setting up of the office in Brussels and the European unit in the OFMDFM. But it was highly critical of how the executive had undertaken both.

On the office, the report not only criticised the failure to draw upon the NICE (which, it was noted during debate, cost three times less to run) but also compared Northern Ireland unfavourably with arrangements for Scotland and Wales, which had not isolated the executive from other actors. The comprehensive networks approach of the Scottish and Welsh, comparable with that of the NICE, was deemed far more appropriate, since the commission, Council of Ministers and European Parliament did 'not want to hear five or six different voices coming from one region'.

The report also criticised the structure and performance of the unit. Its place as an adjunct to the economic policy unit and its small staff (at the time, four) meant it could not handle the range and volume of initiatives inspired by the EU. Its work was almost two years behind schedule, having produced only an interim draft European framework (presented to the committee by the executive in February). This draft had referred to other related strategies for interregional co-operation, but with no indication of when these would be available. The committee also felt that the unit lacked realism, having specified 100 topics, of which 58 were identified as priorities. Yet, even so, it was narrow in referring to a co-ordinated strategy for

¹⁰ Executive Information Service, January 31st 2002

¹¹ *Official Record*, February 18th and March 4th 2002

¹² *Official Record*, April 8th 2002

¹³ *Official Record*, March 19th 2002

the executive, not Northern Ireland as a whole—as a region and as a region with actors other than the executive.

The report's recommendations, relating to structures and strategy, took account of Northern Ireland's relative smallness and the importance of vertical influence through Whitehall departments in overall UK policy, which, it seemed, had so far prevailed over horizontal networks in Brussels and Northern Ireland. In view of criticisms in a variety of evidence that policy lacked co-ordination and was *ad hoc*, the committee recommended that one minister assume charge, rather than the current dyarchy of junior ministers in the OFMDFM. Other, departmental ministers, according to the committee (which also noted that Scottish ministers had, on occasion, led UK representation at the council), should do more to ensure they attended relevant council meetings.

The committee recommended that the unit should be freestanding within the OFMDFM and be given more money and staff. It was also concerned about the limited engagement of Northern Ireland officials in Brussels and the paucity of people on secondment. It recommended that the region follow the Scottish and Welsh pattern of extensive and well-resourced secondments—in the Welsh case, including non-governmental actors.

Departmental ministers should also have more contact with other regions' governmental and non-governmental players. The report proposed structures to secure such networks, including with the MEPs, the Committee of the Regions and the Economic and Social Committee, drawing special attention to the Scottish Executive's European Elected Members Information Liaison and Exchange (EMILE). A similar forum was needed in Northern Ireland, and the committee regretted the dropping of a European policy forum, included in the 2001-02 Programme for Government, from the 2002-03 version.

The report also dealt with the committee's own role and that of the assembly. It criticised the executive for its poor record on transposing directives into legislation, noting that this risked incurring fines. It called for a database on implementation to be updated and shared with the assembly.

The report said the committee of the centre and the statutory committees needed much more information from departments and expressed disappointment that the first and deputy first ministers did not regard it as their responsibility to ensure departments provided timely and accurate information about directives and initiatives, actual and forthcoming.

Despite reservations about the recommendation of an assembly European affairs committee—logistical concerns about quora and how such a committee would relate to statutory committees with extensive European responsibilities—no MLA challenged acceptance of the report in its entirety. And, despite its critical tone, the two junior ministers in the OFMDFM were receptive. Mr Haughey (SDLP) said the committee had helpfully identified three themes to be addressed: a workable vision of Northern Ireland as a region of the EU; how to learn from the experience of people in Northern Ireland and elsewhere; and how to establish transparent and integrated working.

The two ministers suggested some of the recommendations had already been considered and others would be. Staffing and priorities in the unit were being addressed, officials had been asked to look at secondments and there was research into better reporting systems and so on. They said a new relationship with the NICE was being worked out to overcome the restriction of its operations to Northern Ireland. They intended to use the 'forward and outward looking region' measure of Peace II to draw upon non-governmental experts. What they thought of as the first European Policy Forum would be held in the summer as the first of a series

of annual conferences.¹⁴ They undertook to look at Scotland's EMILE and its Brussels office. And they were prepared to consider a change of name for Northern Ireland's office to ensure it was not perceived as exclusive to the executive.

7.5 Conclusion

The recommendations of the committee of the centre are pertinent not only to the impact of the EU on Northern Ireland but also (as noted in the debate) to the region's impact on the EU. Questions were put in the assembly about the convention on the future of Europe, how the assembly and the committee would have an input and how it was to be monitored.¹⁵ MLAs were told that there had been a Joint Ministerial Committee on March 7th, where arrangements had been agreed for briefing the devolved administrations and contributing devolved views to the UK position. Northern Ireland also expected to be able to contribute through the convention's parallel forum and the Committee of the Regions. The executive would also continue to take note of how such work was being carried forward in the other 'constitutional regions'.

If the committee of the centre—let alone a merely mooted domestic forum—has had no time to take part in the debate so far, there are now small grounds for optimism.

¹⁴ During the questions referred to in the preceding note, one MLA called for a similar European forum to that in the republic. The deputy first minister said the executive's plans for a forum would be set out in about two months.

¹⁵ *Official Record*, March 19th 2002

The Northern Ireland executive's case for claiming the region is 'underfunded' was again not helped in the quarter by evidence that departments could not spend the money they were allocated. Announcing in March the results of the February expenditure monitoring round,¹ the finance minister, Mr Farren, disclosed 'net routine reduced requirements' of £31.2 million. Mostly, this would be carried over into the next financial year.

The minister said: 'The outcome of this Monitoring Round again demonstrates clearly the need to address the pattern of under-spending giving rise to the large amounts of room to manoeuvre we have had in successive Monitoring Rounds. It is a matter of particular concern that Departments have surrendered such large sums at this stage, when it is too late for them to be used in the Spring Supplementary Estimates.'

In the wake of the chancellor's budget—hailed by the Northern Ireland secretary, Mr Reid, as a £2.7 billion 'once-in-a-lifetime opportunity' to improve the region's public services²—Mr Farren nevertheless took the opportunity of his speech to the CBI annual dinner in Belfast to tilt again at the Barnett windmill. While welcoming Mr Brown's uplift in health spending over the next five years, he noted that while spending on health in England would increase by 10 per cent *per annum*, the comparable Northern Ireland increase would be only 7.5 per cent.

And he said:³ 'This is why the Executive can only give two cheers for this Budget. It emphasises very starkly the difficulties we have with the Barnett formula which produces this sort of outcome in every budget. The fact is that the formula, which takes no account of our comparative levels of need, gives us less growth in spending than in England and this Budget will accelerate this trend.'

The minister reiterated his intention to make a robust challenge to the Treasury over Barnett, albeit in the knowledge that 'this will lead to strong pressure that we should pay our way more fully'. Here was the rub: 'This will mean looking hard at the rates and at the financing of our water and sewerage services.'

Not only did this raise a populist stir from the other parties nominally sharing power with the minister (see assembly section), but Mr Farren was further embarrassed by the discovery that his department had miscalculated the Barnett consequentials of the budget for health—by failing to include in the calculations increases for social services in England (these being brigaded with health in Northern Ireland). He had thus 'overstated' the disparity, he admitted.⁴

A brighter financial picture emerged when the prime minister and the chancellor flew into Belfast on May 2nd to release the Reinvestment and Reform Initiative at the Odyssey arena (see executive, assembly and media sections). The initiative took the form of a loan of £125 million, plus a further £75 million from the executive's end-of-year flexibility monies and underspend, repayable from existing regional rate income. The capacity to borrow this sum will last until March 2004. Mr Brown also announced the free transfer to the executive for community use of security buildings—the Maze prison, Crumlin Road jail in Belfast,

¹ Executive Information Service, March 19th 2002

² *Irish Times*, April 18th 2002

³ Executive Information Service, April 18th 2002

⁴ Executive Information Service, April 29th 2002

Ebrington Barracks in Derry and army bases in nearby Magherafelt and on the Malone Road in Belfast—and the creation of a Strategic Investment Body.⁵

The body is to be responsible for managing and financing a major programme of infrastructure investment, *via* a new borrowing arrangement with the Treasury and including the leveraging in of private finance. It will be under the control of the OFMDFM and, thereby, subject to scrutiny by the assembly. After 2003, the executive will be able, through the SIB, to engage in low-cost borrowing, to be repaid by regional revenue-raising—primarily the rates. But ‘there will be no major increases in local revenue until after full public consultation and until a fairer system for raising revenue has been developed’.⁶ A review of the rates system is already in train.

The executive modified one element of its expenditure arrangements during the quarter—the executive programme funds. At its meeting on April 18th, it agreed to proposals from the first and deputy first minister and the finance minister that NGOs—not just departments—should be able to bid for monies from the children’s fund. The executive decided to augment this fund by £3 million and agreed that £9 million out of the new total of £21.5 million available would be so allocated.

The executive also decided that two of the five funds would be replaced by a new one. The ‘new directions’ and ‘service modernisation’ funds would become an ‘innovation and modernisation’ fund.⁷

⁵ HM Treasury, May 8th 2002

⁶ ‘Briefing notes’, Northern Ireland Executive Committee, May 2nd 2002

⁷ Executive Information Service, April 18th 2002

11. Political parties and elections Duncan Morrow

11.1 Introduction

In assessing the health, or otherwise, of the devolved government in Northern Ireland, the mere survival of the assembly remains a critical measure of success. And, compared with previous quarters, this time there were fewer political fireworks, no electoral breakthroughs and no significant alterations in personalities or parties. But looking to the long term, the continued failure of power-sharing to produce real political partnership across traditional enmities, and spreading cynicism about the motives of opposing politicians, may pose the greater danger to devolved government.

In a context of endemic mistrust, political confidence can only be built by promises clearly made and consistently kept, where apparently contradictory events can be understood within a wider and ever more reliable pattern and presuppositions about traditional opponents are revised. Yet instead of consistency and reliability, the quarter was characterised by an increasingly weary and pervasive sense that trust is still absent between critical elements. Over four years on from the Belfast agreement, there is still no certainty that Northern Ireland's political institutions can survive the weight of suspicion and violence they are designed to help eliminate.

11.2 Republicanism: contradictions of the dual strategy?

Since SF's historic decision to participate in electoral politics in Northern Ireland in 1981, republicanism has attempted to reach its goals by the dual strategy characterised by its propagandist Danny Morrison as 'an armalite in one hand and a ballot box in the other'. Since the agreement, securing IRA decommissioning and a decisive end to the dual strategy has been the central concern of unionist politics.

Before September 11th, most republicans maintained that decommissioning would never happen—certainly not in response to unionist pressure. The IRA's first act the next month was widely attributed to reduced international tolerance for non-state violence (see November 2001 report). Clearly, the dual strategy was out of favour internationally: the political costs of violence were now strategically greater than any military advantage. Yet, with the added dimension of sectarian violence in north Belfast, this strategic calculus remained difficult to sell to the military core of republicanism.

The IRA's announcement of a second, 'unilateral' act of decommissioning¹ should therefore have been seen as a triumph for the approach of the UUP leader, Mr Trimble. The fact that the Independent International Commission on Decommissioning confirmed that the 'IRA leadership has put a varied and substantial quantity of ammunition, arms and explosive material beyond use'² went some way towards meeting unionist objections to the secrecy of the first act. The respected security editor of the *Irish Independent*, Tom Brady, reported that a 'sizeable proportion' of the arms and explosives imported from Libya by the IRA in the mid-80s had now been 'permanently' put out of action.³

Predictably, anti-agreement unionists claimed this had been timed to relieve pressure on SF before the elections in the republic, but the very association underlined that the political benefits of maintaining the

¹ *Belfast Telegraph*, April 8th 2002

² *Irish Times*, April 9th 2002

³ *Irish Independent*, April 9th 2002

IRA were at odds with SF's political strategy, in Ireland as well as abroad, and seemed to confirm the ascendancy of Martin McGuinness and Gerry Adams within republicanism. In his initial response, Mr Trimble could not resist the opportunity to gloat, and confirmed his belief that the IRA was engaged in a process of decommissioning.⁴

It appears all the more surprising, then, that an action all but unthinkable less than a year ago did not generate any great momentum in favour of the agreement. But much emerging evidence pointed in a contrary direction.

At the first joint conference, in Co Tipperary, of the Garda Síochána and the Police Service of Northern Ireland, a senior PSNI officer confirmed that the IRA was 'very active' in training, recruiting, targeting and procurement. Meanwhile it continued to be involved in 'punishment' attacks and bank robberies.⁵ It also emerged that a man from west Belfast had pleaded guilty to an arms charge in Florida. His attempt to buy large quantities of handguns there looked disturbingly similar to the 1999 IRA gun-running operation broken up by the FBI, reported to have been much more extensive than previously thought. The security editor of the *Irish Times*, Jim Cusack, wrote that during 1999 republican as well as police sources had indicated that the IRA would only consider decommissioning if it could get new weapons and some Garda sources were now saying it was replacing its Libyan arsenal.⁶

Dramatically, the IRA was accused of direct involvement in the unprecedented raid on Castlereagh police station,⁷ which led to 200 Special Branch officers and agents being warned that their details had fallen into republican hands.⁸ While SF leaders continued to deny IRA involvement and accused British intelligence of 'dirty tricks', detectives travelled to New York to question a former cook at Castlereagh with suspected republican links.⁹ When police seized computer files in west Belfast including the names and addresses of Conservative party leaders, there was further media concern about the state of the IRA's ceasefire.¹⁰

While none of this represented conclusive evidence of a breakdown in republican allegiance to the agreement, it contributed to widespread uncertainty about the state of the 'peace process'. These concerns were exacerbated, for the critics, when the SF president, Mr Adams, refused to travel to Washington to give evidence to a key congressional committee about links between the IRA and FARC *guerrillas* in Colombia,¹¹ having already refused to testify to the Foreign Affairs Committee of the Oireachtas.¹² Although the congressional hearing produced no new evidence, the committee's investigators claimed that up to 15 IRA members had travelled to Colombia since 1998 as part of a global 'terror' network.¹³ One of the latter was subsequently named by the *Daily Telegraph* as Pdraig Wilson, the former 'officer commanding' IRA prisoners in the Maze, based on a copy of a false passport bearing Mr Wilson's picture supplied by Colombian intelligence; a 'British diplomatic source' told the paper such a senior IRA figure could only have been there on the authority of Mr Adams.¹⁴

⁴ *Irish News*, April 9th 2002

⁵ *Irish Times*, April 9th 2002

⁶ *Irish Times*, March 11th 2002

⁷ *Belfast Telegraph*, March 19th 2002

⁸ *On the Record*, BBC, April 7th 2002

⁹ *Irish Times*, April 4th 2002

¹⁰ *Belfast Telegraph*, April 19th 2002

¹¹ *Irish News*, April 22nd 2002

¹² *Irish Times*, April 12th 2002

¹³ *Irish News*, April 25th 2002

¹⁴ *Daily Telegraph*, May 15th 2002

Unionists were further disquieted by SF's decision to hold a commemorative celebration for families of those who died in the IRA.¹⁵ Within republican circles, the dinner was widely understood as a ritual mechanism for bringing the military wing under political control.¹⁶ The very public nature of the event, however, drew flak not only from unionists but also from southern politicians, increasingly removing the kid gloves with which they had previously handled SF in the face of its insouciant electoral challenge—and from the SDLP deputy leader, Ms Rodgers, who described it as 'repulsive revisionism'.

None of these accusations on their own would have undercut the dramatic value of the IRA's two acts of decommissioning. But the steady drip of news stories about IRA activity generated rising concern among unionists. Not only did the UVF refuse to countenance decommissioning, as demanded by other groups,¹⁷ but the UUP put down an assembly motion demanding that the Northern Ireland secretary re-examine the IRA ceasefire (see assembly section).¹⁸ In the event, rivalry between the unionist parties overshadowed the motion, but the fact that Mr Trimble was once again prepared to instigate moves which might have led to a crisis in the agreement underlined the chronic mistrust within unionism about SF intent and the particular pressures facing pro-agreement elements as a result of growing Protestant cynicism.

Rather than reassuring unionists, decommissioning in a context of continuing IRA activity appears to be undermining any remaining unionist confidence. Minimally, the strategy of trying to reassure unionists while keeping the broad republican coalition intact seems to be running out of room. Mr Ervine, who described the PUP as 'rabidly pro-Agreement' in spite of its organic links to the UVF, asserted that, far from being in control, the SF leadership was being undermined by elements of the IRA.¹⁹ He later conceded that the UVF had started to rearm.²⁰

While these events have undermined Protestant confidence in disarmament, it is uncertain whether they have had any effect on SF's core electorate in Northern Ireland. In the context of renewed sectarian rioting in north Belfast²¹, external attacks and suspicions of British 'dirty tricks' may even have strengthened more militant elements. The election in the republic certainly showed no negative impact on SF south of the border.

The election saw Fianna Fáil enhance its support, coming within an ace of securing its first overall majority since 1977. SF also made gains—though ending up with fewer seats than the other minor parties, the Progressive Democrats and the Greens—rising from one Dáil seat to five. A former IRA gun-runner, Martin Ferris, topped the poll in Kerry North. All four senior SF members of the seven-member IRA army council have now been elected (or re-elected) to Westminster or the Dáil in the past year.²²

One Dublin paper editorialised that the biggest winners in the election had been a party 'blamed for years as the prime cause of corruption in Irish politics' and another which had been 'the apologist for a terrorist campaign'.²³ The taoiseach and FF leader, Bertie Ahern, welcomed SF's successes as a victory for politics

¹⁵ *Irish Times*, April 15th 2002

¹⁶ *Independent*, April 15th 2002

¹⁷ *Belfast Telegraph*, April 17th 2002

¹⁸ *Irish Times*, April 30th 2002

¹⁹ *Irish Times*, May 1st 2002

²⁰ *BBC Newslines*, May 9th 2002

²¹ *Sunday Life*, May 5th 2002

²² *Observer*, May 19th 2002

²³ *Sunday Tribune*, May 19th 2002

but insisted once more that the party could not be represented in government—in the republic—unless and until the IRA disbanded.²⁴

September 11th and the geopolitical proximity of Colombia have made the reaction of the US administration to recent republican developments tougher. The president's special envoy on Northern Ireland, Richard Haass, said at the close of the quarter that there was 'widespread unhappiness' that the IRA continued to 'make preparations for violence'.

Mr Haass warned SF: 'What you're hearing from Americans, even Americans who have been full square supporters of Sinn Fein, is the time is past for that. You now have to become normal. You have to become a true political party. You have to become a full partner, a full participant in every aspect of the Good Friday Agreement, including making the new police force work.'²⁵

11.3 Unionism: bordering on the ridiculous

In March the UUP leader, Mr Trimble, faced yet another engagement with his party—this time its regular annual general meeting—at the Waterfront Hall in Belfast.²⁶ Still bruised from the procedural wrangles around his re-election as first minister in November 2001 and aware of the volatility of 'loyalist' opinion, especially in north Belfast, the UUP remains anxious about its electoral prospects. Furthermore, the British government's decision to extend the deadline for IRA decommissioning—which under the agreement should have been completed in 2000—by a further five years²⁷ and intense speculation that all remaining IRA members 'on the run' outside the UK were to be given amnesty, in accordance with a private deal struck at Weston Park last July between the prime minister and SF,²⁸ were combining to put Mr Trimble's approach to decommissioning under scrutiny from his anti-agreement sceptics.

In the event, he emerged more firmly in control. But he caused widespread consternation among nationalists and liberal well-wishers when he used his keynote address to call on the Northern Ireland secretary to hold a referendum on the constitutional status of the region on the day of the next assembly election.²⁹ Under the agreement, a border referendum can be held every seven years once the first such poll has been held.

While Mr Trimble could obviously see the short-term advantages of a border poll in raising the electoral turnout of potential supporters—mobilising the apathetic, 'small-u' unionist dubbed by the political scientist Henry Patterson the 'Prod in the garden centre'—the potentially destabilising effects of starting such a cycle during a polarised election, when the outcome remains predictable, are obvious. These practical objections, and the fact that the agreement specifies that the secretary of state should deem a pro-unification majority likely before countenancing it, will almost certainly ensure that the referendum will not happen.

According to a source close to the UUP leader, the latter's hope had been that a decisive pro-union poll would allow Protestants to come to terms with the expected defeat of the SDLP by SF next May—and so adjust to the prospect of Martin McGuinness as deputy first minister. The argument would be that the outcome would reassure an increasingly jittery Protestant 'community' that they were not on a 'slippery

²⁴ *Irish News*, May 20th 2002

²⁵ *Irish News*, May 13th 2002

²⁶ *Belfast Telegraph*, March 10th 2002

²⁷ *Irish Times*, February 28th 2002

²⁸ *Irish News*, March 7th 2002

²⁹ *Irish Times*, March 11th 2002

slope' to a united Ireland. Yet the only future for the UUP—and not just the UUP—lies in arresting the erosion of the political centre.

What caused even greater concern than the poll suggestion was Mr Trimble's apparent willingness to retreat into traditional name-calling, branding the republic a 'mono-ethnic, mono-cultural, pathetic, sectarian state'.³⁰ Leaving aside the question of accuracy, the comments could only have been intended to shore up his reputation with the faithful as a stalwart defender of the union. But given that the future of the union may ultimately depend on the willingness of some Catholics to vote for its maintenance, they may have caused lasting damage. Moreover, in calling forth the objections of moderate nationalists north and south and leading figures in the UK and US governments, Mr Trimble was undermining his personal credibility within a critical coalition.³¹ Indeed Mr Durkan, his key partner in government, remarked that 'anything he can do to help mitigate the damage that has been caused would be entirely helpful'.³²

Mr Trimble's vehemence sits uneasily with the campaign by the Northern Ireland secretary to reassure unionists about their place within the UK while encouraging them to attempt to win over, rather than threaten, Catholic voters. Having upset nationalists with his November call, at the Institute of Irish Studies in Liverpool, to ensure that the agreement did not create 'a cold house for Protestants',³³ Mr Reid used a speech in Galway in March to urge them to reassure unionists that there was no 'inevitable' constitutional arrangement in the Ireland of the future.³⁴

But belief in the inevitability of a 32-county Ireland is, unsurprisingly, exactly the atmosphere SF wishes to generate. Signalling its intention to use the elections in the republic as a platform for precisely this goal, Mr McGuinness called for a campaign to unite Ireland by 2016, a date filled with symbolism for republicans.³⁵ Mr Adams meanwhile called on the republic's government to produce a green paper on a united Ireland.³⁶ 'Irish unity,' he said, 'must cease to be an abstraction and become a concrete proposition.'

None of this alters the outcome of any future referendum, but it augurs badly for anyone who believes that such a poll, particularly if repeated over a seven-year cycle, would generate anything like 'the settled will' of the people of Northern Ireland, to borrow Donald Dewar's phrase. Furthermore, it underlines the continuing willingness of the region's politicians to set aside the practical politics of working current arrangements in pursuit of long-term and uncertain constitutional goals.

Mr Trimble's success at the Waterfront Hall—in party-management terms—brought some internal consequences. Peter Weir, elected to the assembly as an Ulster Unionist and expelled following his decision to vote against the reinstatement of Mr Trimble as first minister, took the plunge and joined the DUP.³⁷ He was followed by the entire Queen's University Unionist Association.³⁸ Whether this represents a small change by a few individuals or is the precursor of a wider realignment of unionism into clear pro- and anti-agreement parties is uncertain. For the moment, anti-agreement MPs, such as Jeffrey Donaldson and David Burnside, remain within the UUP fold but the long-run potential for change is unmistakable.

³⁰ *The Observer*, March 10th 2002

³¹ *Irish Times*, March 14th 2002

³² *Belfast Telegraph*, March 13th 2002

³³ Executive Information Service, November 21st 2001

³⁴ *Irish Times*, March 2nd 2002

³⁵ *Irish Times*, April 3rd 2002

³⁶ *Belfast Telegraph*, April 1st 2002

³⁷ *Belfast Telegraph*, May 1st 2002

³⁸ *Irish Times*, May 9th 2002

11.4 Other parties: still struggling for a new agenda?

The parties most closely associated with the civil-rights movement of the 60s, the SDLP and Alliance, are suffering most from the consequences of having achieved so many of their initial goals. The SDLP has created its most distinctive profile through participation in the new structures of policing. The announcement that more than 2,000 Catholics, or 38 per cent of total applicants, had applied to join the PSNI was a significant boost for the party's approach.³⁹ But as the first recruits graduated in April,⁴⁰ a public row over a suggestion by the independent—but nationalist independent—vice-chair of the Policing Board, Denis Bradley, that ex-paramilitary prisoners should be allowed to join the new police service, shows how fraught this issue remains.⁴¹

The SDLP remains exposed to accusations by SF that its policy of co-operation leaves the party compromised. The decision by the UK government in March to retain British symbols on some courthouses represented a reversal of the recommendation of the criminal-justice review and flew in the face of SDLP policy.⁴² Meanwhile, an attempted arson attack on the home of the Tyrone SDLP MLA Eugene McMenemy underlined the pressure that can be exerted on moderate politicians by less constrained elements.⁴³

Alliance, too, continues to struggle against marginalisation. This year's conference at Carrickfergus in Co Antrim was somewhat invigorated by the row over 'redesignation' in the assembly last November. But the party continues to suffer from the vacation of the political stage in Northern Ireland by the liberal political classes.⁴⁴

11.5 Conclusion

The assembly continues to struggle in the face of conflicting constitutional imperatives. Perhaps the most significant data to emerge during the quarter were the figures from the Electoral Office highlighting growth in voter numbers across all predominantly Catholic constituencies, except West Belfast.⁴⁵ Pressure for another boundary review will almost certainly favour nationalists and a first showdown over the border, while of uncertain outcome, seems probable within the next decade.

Meanwhile a vote in the assembly on the issue of smacking children again demonstrated the bizarre nature of political representation in Northern Ireland. If one were to take the results at face value, all Protestants favour the right to smack, while Catholics uniformly oppose it. The patent inaccuracy of this conclusion is at once a cause for despair and hope that some realignment must eventually prevail.

³⁹ *Belfast Telegraph*, March 1st 2002

⁴⁰ *Belfast Telegraph*, April 5th 2002

⁴¹ *Irish Times*, 7 April 2002

⁴² *Irish News*, March 29th 2002

⁴³ *Irish Times*, April 8th 2002

⁴⁴ *Belfast Telegraph*, April 15th 2002

⁴⁵ *Irish Times*, 6 May 2002

12. Public policies

Robin Wilson

12.1 In the pending tray

Major decisions in education and health—the provinces of the two SF ministers—were again deferred during the quarter.

On the review of post-primary education (see media section), the minister, Mr McGuinness, reported to the executive on February 28th.¹ The Burns report of last October is still out to consultation; indeed, the period was extended by six weeks during the quarter to the end of June. The executive concluded: ‘No decisions will be taken until full consideration has been given to the views expressed in the course of the consultation.’ Given that opinion on the Burns report has polarised, with unionists rallying in defence of the ‘11+’ despite—or because of—the minister’s determination to abolish it, that consideration may itself take a while.

The Hayes report on acute-hospital rationalisation is of greater vintage, being published in June 2001 (see August 2001 report). For the first time, during this quarter the executive discussed² proposals arising from the review from the health minister, Ms de Brún, and agreed³ that she should draft—for further consultation—a paper on the reshaping and improvement of hospital services and health structures, to be considered by the executive in May.

Responding to a question from an exasperated Eamon O’Neill (SDLP) in the assembly in March—as to whether either of the SF ministers had generated a timetable for these education and health reforms—the first minister, Mr Trimble, said legislation on Burns was ‘some time away’, while he hoped decisions on Hayes would be taken before the end of the year.⁴

12.2 Public health

The executive did, however, approve in February⁵ a revised version of the *Investing for Health* public-health strategy, published the following month.⁶ This is a worthy initiative. In it, Ms de Brún recognises that ‘health policy has tended to concentrate on the treatment of ill health rather than on its prevention’. The document grimly rehearses the region’s public-health statistics and the associated class inequalities, drawing upon successive annual reports by the chief medical officer. Moreover, the two goals identified—reducing morbidity levels and reducing the inequalities in morbidity rates—are well chosen.

But by and large the strategy does not unveil any new policies. Rather, it collates the many existing and intended programmes of departments that have a bearing on health, much of it inherited from direct rule. The programmes are useful to have in one place, but the links between the actions to be taken, the targets to be thus achieved, the objectives to be thus fulfilled and the two overall goals to be thus secured are often loose. Overall, the strategy is insufficient to realise the vaulting ambition set out in the document by the first

¹ Executive Information Service, February 28th 2002

² Executive Information Service, April 18th 2002

³ Executive Information Service, April 25th 2002

⁴ *Belfast Telegraph*, March 5th 2002

⁵ Executive Information Service, February 28th 2002

⁶ Department of Health, Social Services and Public Safety (2002), *Investing for Health*, Belfast: DHSSPS

and deputy first ministers, of eventually raising health standards ‘to those of the best regions in Europe’—which will not, of course, stand still waiting for Northern Ireland to catch up.

If little in the substance of *Investing for Health* is new, the methodology proposed is well-grounded. There is a strong stress on partnerships between statutory agencies and NGOs, particularly *vis-à-vis* disadvantaged neighbourhoods, and recognition of the role that individuals, suitably supported, can play in taking greater control over their own health. There is recognition, too, of the importance of ‘joined-up’ initiatives on the ground, like healthy living centres. This bears the stamp of the facilitation of the consultation on the original paper by the Community Health Development Network.⁷

A weakness, though, is in the reliance at executive level on the existing Ministerial Group on Public Health: the only minister on this group is the health minister and so other key ministers are not ‘bought in’. Since the prior paper was issued in November 2000, other ministers have said little about it. And the launch of *Investing for Health* in March 2002 was an unfortunate affair. It was ill-judged of the minister to stage it in west Belfast and regrettable that no Protestant executive members attended.

Probably the most positive proposal in the document is for a regional ‘investing for health’ forum. This could generate a powerful dialogue with health practitioners and others in the field.

12.3 Civic Forum

The Civic Forum established by the Belfast agreement has struggled to find a role and build a profile, amidst constant sniping from anti-agreement MLAs and a poor understanding more generally of the role of civic actors, alongside elected representatives, in modern governance. In May, the postponement of publication of a major forum report on a social-inclusion strategy for Northern Ireland—a result of the queen’s visit—was the occasion for renewed attack by Ian Paisley Jr of the DUP.

The first minister said the forum would be subject to a review, which would not await the wider review of public administration. But Mr Trimble took the opportunity of this announcement to make his warmest remarks about the forum yet, describing it as remarkably cheap and good value as a mechanism ‘for aspects of society that are not represented in the assembly to have consultative input to socio-economic issues’.⁸

The social-inclusion report⁹ will now be published at the next plenary in June.

⁷ *Scope* magazine, May 2002

⁸ *Belfast Telegraph*, May 16th 2002

⁹ mostly drafted by the author