



The Constitution Unit



# Nations and Regions: The Dynamics of Devolution

Quarterly Monitoring Programme

Northern Ireland

Quarterly Report  
November 2002



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**The Leverhulme Trust**

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## **Devolution Monitoring Programme**

### **Northern Ireland report 13**

**November 2002**

- **Devolution suspended for fourth time, indefinitely**
- **New Northern Ireland secretary and additional ministers**
- **Protestant support for Belfast agreement plummets**
- **Governments initiate review with round-table talks**
- **IRA disbandment hurdle to restoration of institutions**
- **Assembly elections may not go ahead in May**

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## **1. Summary      Robin Wilson**

If devolution in Northern Ireland has been a roller-coaster ride, this quarter the roller-coaster came off the rails.

The suspension of the devolved institutions in October was precipitated by revelations of an IRA spying operation taking in thousands of individuals and going as high as the British and Irish premiers. The suspension pre-empted a threatened walk-out from government by Ulster Unionist ministers. It was the fourth since December 1999 but the prime minister, Tony Blair, suddenly descending on Belfast, made clear that this time only a fundamental reconfiguration—namely the sloughing off by republicans of paramilitary trappings—would allow the stars to be restored to the political firmament.

The prospect of assembly elections in May had concentrated everyone's minds. Selections in the UUP were indicating a drift towards anti-agreement forces and only Sinn Féin and the Democratic Unionist Party could anticipate the contest with equanimity. Few believed that a DUP-SF dyarchy in the Office of the First and Deputy First Minister could replace that between the UUP and SDLP.

More worryingly, opinion evidence during the quarter revealed a haemorrhage of Protestant support for the Belfast agreement, down to one third. Even worse, a majority of Protestants now opposed power-sharing even with the SDLP, never mind SF.

The London and Dublin governments would not allow the DUP its 'renegotiation' demand. Moving to the review allowed for in the agreement itself when difficulties emerged across the institutions doubtless appeared the least bad alternative. Round-table talks, which the DUP pledged to boycott, were announced at the close of the quarter.

The direct-rule team taking over was not only augmented by two additional ministers—a signal that the hiatus might not be short-lived—but also by the replacement of the Northern Ireland secretary, John Reid, by the Welsh secretary, Paul Murphy (perhaps also a signal that Northern Ireland would not remain at the centre of the prime minister's political universe).

Many issues were tipped by the outgoing ministers into their successors' in-trays. The Programme for Government and budget were only in draft. The executive hyperactivity that had followed earlier criticism of sloth bequeathed many bills at various stages of progress. The SF education minister, Martin McGuinness, issued a parting shot by unilaterally announcing the prospective abolition of the '11+', to the chagrin of his unionist counterparts.

## 2. Devolved government

Robin Wilson and Rick Wilford

### 2.1 Suspension

It was, Yogi Berra would have said, *déjà vu* all over again. For the fourth time, on October 14<sup>th</sup> 2002, the Northern Ireland Assembly and the associated political institutions established by the Belfast agreement of 1998, including the key, four-party Executive Committee, were suspended by the government in London. As on every previous occasion, the problem was the lack of trust among even Ulster Unionist Party supporters—the rival Democratic Unionist Party has never attended a meeting of the executive since power was first transferred in December 1999—as to the democratic *bona fides* of the representatives in government of the republican movement.

After the first suspension, in February 2000, what the UUP leader and first minister, David Trimble, interpreted as an IRA pledge to disarm in a year sufficed to restore the executive that May. When, disappointed by the lack of progress, he resigned in July 2001, two one-day suspensions in August and October avoided terminal crisis until November 2001, when a bizarre ‘redesignation’ by the Alliance Party supplied Mr Trimble with the ‘unionist’ numbers he needed to squeeze back into power. With a string of revelations of continued republican paramilitarism, including links with FARC *guerrillas* in Colombia and apparent involvement in an audacious break-in at Castlereagh intelligence centre, Mr Trimble arguably had little alternative to threaten in September 2002 to resign (in January 2003), to save his political bacon from his internal critics and a mauling from the Protestant section of the electorate in the assembly poll due the following May.

It all looked very different to many Catholics, however, in Northern Ireland’s increasingly sharply divided society. Relative unionist unconcern about loyalist paramilitary violence against members of the minority and folk memory of the half-century-long one-party *régime* at Stormont, allied to some romanticisation of the republican tradition, meant unionist lectures on democracy and the rule of law were water off a duck’s back. The failure of the UUP to build any partnership with the nationalist SDLP had allowed Sinn Féin credibly to claim that the party was hostile to power-sharing *tout court*.

Yet explosive revelations in early October of an IRA spy ring at Stormont and the extraordinary spectacle of police officers raiding a governing party’s office in Parliament Buildings placed matters on another plane. The British government, which had known about the spying operation for a considerable time, realised that there was now no alternative to suspension, in the absence of willingness on the part of the SDLP to endorse the exclusion of SF from the executive. Direct rule was thus indefinitely restored on October 14<sup>th</sup>.

And this time, as the prime minister, Tony Blair, made clear on a visit to Belfast on October 17<sup>th</sup> (see political parties and elections section), neither fudge nor fiddle would restore the devolved administration. Mr Blair did not demand IRA disbandment as such, preferring Yogi Berra's alternative of having reached the 'fork in the road'. But, in Northern Ireland's hyperventilated political discourse, this was clearly a really serious crisis.

The underlying problem, since 1999, has been a series of negative spirals of communication between unionists and republicans which have undermined the political centre and accumulated mistrust. More proximately, the assembly elections due in May 2003 cast a long shadow backwards. Far from a united administration going to the polls together and seeking re-election, the 'every man for himself' principle on which the administration had been formed (politely known as the application of the d'Hondt rule) foreshadowed another polarising contest, with a real likelihood that the largest parties in the respective assembly blocs post-election would be the DUP and SF.

It had been too much for Mr Trimble to get a majority of assembly 'unionists' to elect Mark Durkan of the SDLP as his partner in November 2001. How much harder would it be to anticipate (say) Peter Robinson of the DUP urging his assembly colleagues to vote for Martin McGuinness of SF as deputy first minister—never mind if the situation were to be *vice versa*—given the infinitesimal proportion of DUP supporters favouring power-sharing with republicans in the post-suspension *Hearts and Minds* poll (see public attitudes section)?

At the time of writing, there was considerable doubt as to whether the elections would take place, albeit a speech by the SF president, Gerry Adams, to a gathering of his party's elected representatives suggested some scope for guarded optimism. While insisting the IRA would not disband in response to 'ultimatums from the British Government or David Trimble', he said: 'If you asked me, "Do I envisage a future without the IRA?" The answer is obvious: the answer is "Yes".'<sup>1</sup> He did not, however, indicate whether this would happen any time soon or that he felt any particular responsibility to bring it about.

Hope springs eternal, although the collapse of unionist support for the agreement underlines the enormity of the task. A key factor in the mistrust between the (former) executive parties is the absence of consensus on policing. The state of play was perfectly encapsulated in contrasting stories in the two communal Belfast morning papers on November 15<sup>th</sup>. The (Catholic) *Irish News* predicted that SF would shortly join the Policing Board in response to further policing moves, including allowing those with paramilitary records to join local district policing partnerships; the (Protestant) *News Letter* correspondingly reported that the UUP and DUP might resign in just such an eventuality.

## **2.2 Direct rule team**

Not only did the Northern Ireland Office have to reassume control over formerly devolved matters this quarter, but the departure of John Reid to Labour Party headquarters occasioned a change in the position of Northern Ireland secretary, with Paul Murphy stepping in on October 24<sup>th</sup>.

Mr Murphy is no stranger to Northern Ireland. Between 1997 and 1999 he was political development minister in the region and thus was directly involved in the negotiations leading up to the Belfast agreement. Adding to the compliment of three at the NIO—Des Browne and Jane Kennedy remained—two assistant whips, Ian Pearson and Angela Smith, were drafted in to share the burdens of administering the 11 previously devolved departments.

Mr Browne, minister of state, retained his reserved responsibilities (criminal justice, human rights and victims) and assumed responsibility for Social Development; Health, Social Services and Public Safety; and the equality, human-rights and community-relations functions of the Office of the First Minister and Deputy First Minister. Ms Kennedy, the second minister of state, similarly retained her reserved powers (security, policing and prisons), while adding responsibility for Education, as well as Employment and Learning.

Mr Pearson, parliamentary under secretary, took over Finance and Personnel; Enterprise, Trade and Investment; Agriculture and Rural Development; and the economic policy unit and European affairs within the OFMDFM. Finally, Ms Smith was allocated Environment; Regional Development; and Culture, Arts and Leisure.<sup>2</sup>

There is a raft of primary legislation confronting them (see assembly section) and tricky issues are looming, including the generation of a budget, decisions on acute-hospital provision and the need to expedite the Reinvestment and Reform Initiative (see May 2002 report). While some decisions can be ‘put on the long finger’, others are much more pressing—especially in relation to finance.

## **2.3 The executive**

Before the crisis unleashed by the spy-ring revelations, the Executive Committee met three times this quarter, on September 10<sup>th</sup> and 19<sup>th</sup> and October 3<sup>rd</sup>—the day before the raids. Important business came across the executive table, only to fall into the direct rulers’ laps.

Ministers agreed to the introduction in the assembly of the Strategic Investment and Regeneration of Sites Bill, to implement the RRI.<sup>3</sup> They agreed the third draft Programme for Government and the associated draft budget, and approved a bill allowing the development of all-Ireland gas transmission arrangements.<sup>4</sup> And they agreed criteria for allocations of Executive Programme Fund monies to the voluntary sector (where delays in the distribution of ‘Peace II’ EU support have brought much squealing).<sup>5</sup>

The third draft PfG<sup>6</sup> had a technocratic flavour. It marked a drift towards an emphasis on the ‘how’ rather than the ‘what’ of government. As ‘making a difference’ was swapped for the slogan ‘reinvestment and reform’, the focus moved towards infrastructure investment and the mechanics of service delivery.

Reflecting on the depressing Northern Ireland Life and Times Survey data on community relations (see August 2002 report), a senior official close to the drafting suggested bleakly that the key chapter headed ‘Growing as a Community’ should be retitled ‘Withering as a Community’. Poignantly, the draft third programme had ministers declaring: ‘We want the Executive to be a driving and unifying force for the whole community, working to address divisions and to promote good relations.’<sup>7</sup>

Before it collapsed, the executive once again failed to discuss the review of community-relations policy completed in January by Jeremy Harbison (see February, May and August 2002 reports). It was perhaps the saddest implicit commentary on the inability of the forced-marriage administration to deal with the very intercommunal tensions which wrought its renewed suspension.

This abrogation of responsibility had been taxing the NIO for months (see August 2002 report). After suspension the responsible minister, Des Browne, moved quickly to launch a project to tackle the proliferation of communal and paramilitary flags in ghetto areas and a ‘comprehensive consultation process’ on the larger issue.<sup>8</sup>

## **2.4 OFMDFM**

During the quarter, the Northern Ireland devolution monitoring project itself became a story. This followed our revelation (see August 2002 report) that the number of officials in the OFMDFM was now greater than in Downing Street and the Taoiseach’s Department put together—424 to be precise.

The story, which received wide publicity,<sup>9</sup> evoked raw anger at the highest levels of the civil service (though much *Schadenfreude* in the NIO). It was rebutted by the OFMDFM, which claimed that it was wrong to compare a department like itself with a private office such as that of the prime minister (though it didn’t mention that the *Department* of the



Taoiseach is just that). The 2000-strong Cabinet Office would be a better comparator, the OFMDFM said (though it took six days to hit upon that attractive suggestion).<sup>10</sup>

But the agreement and the enacting legislation (the Northern Ireland Act 1998) never envisaged the OFMDFM *being* a department—hence the odd, and rather messy, addition of the ‘committee of the centre’ to the statutory committees shadowing the departments when power was transferred in December 1999 (see February 2000 monitoring report). In May 2000, as the institutions were returning from their initial suspension, a senior OFMDFM official told the authors that when the office had reached full compliment there would be 300 staff—that seemed dramatic but turned out to be an understatement. The number of officials in the Office of the Scottish First Minister—the obvious comparator as the Scottish Parliament has broadly similar powers to that at Stormont—is 18.<sup>11</sup>

The difficulty goes back to the unique construction of the Executive Committee by the d’Hondt rule, and the associated lack of any collective responsibility. It was always a risk that in the absence of a co-ordinating political centre to hold such a centrifugal executive together, by default the OFMDFM would grow like Topsy.

The evidence that a wider culture of soft-budget constraint may also have been to blame came when the story was picked up by David Walker of the *Guardian*.<sup>12</sup> He pointed out that Northern Ireland had about one civil servant for every 58 members of the population, as against one in 120 for the UK as a whole. And he estimated that MLAs’ salaries and allowances cost £10 per head of population, as against a UK figure for MPs of probably less than £2.

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<sup>1</sup> *Sunday Tribune*, October 27<sup>th</sup> 2002. Subsequently, during a BBC Northern Ireland documentary screened on October 30<sup>th</sup> ([http://news.bbc.co.uk/1/h/northern\\_ireland](http://news.bbc.co.uk/1/h/northern_ireland)), the other part of the duo controlling both wings of the republican movement, Martin McGuinness, declared: ‘My war is over. My job is to continue to ensure a political set of circumstances which will never again see British soldiers or members of the IRA lose their lives as a result of political conflict ... My political project is to build a better future for all of our people ... It is a political project, not a military one.’

<sup>2</sup> Northern Ireland Information Service, October 15<sup>th</sup> 2002

<sup>3</sup> Executive Information Service, September 10<sup>th</sup> 2002

<sup>4</sup> Executive Information Service, September 19<sup>th</sup> 2002

<sup>5</sup> Executive Information Service, October 3<sup>rd</sup> 2002

<sup>6</sup> Northern Ireland Executive (2002), *Draft Programme for Government: Reinvestment and Reform* (Belfast: Office of the First Minister and Deputy First Minister)

<sup>7</sup> *ibid*, p28

<sup>8</sup> Northern Ireland Information Service, November 15<sup>th</sup> 2002

<sup>9</sup> *eg Belfast Telegraph*, August 8<sup>th</sup> 2002

<sup>10</sup> *Belfast Telegraph*, 14 August 2002

<sup>11</sup> correspondence from the Scottish Executive, September 2002

<sup>12</sup> ‘Trimble has twice as many civil servants as Blair’, *Guardian* 21 September 2002

### **3. The assembly Rick Wilford**

#### **3.1 Introduction**

For the obvious reason, the 2002-03 session was foreshortened. The already strained relationship between the UUP and SF reached breaking point on October 4<sup>th</sup> 2002 when police raided the homes of four SF officials and, most remarkably, the party office in Parliament Buildings.<sup>1</sup> This was yet another convulsive moment in the fitful outworking of Northern Ireland's devolved 'settlement' and one that ushered in the fourth period of suspension.

The reintroduction of direct rule at midnight on October 14<sup>th</sup> left much unfinished assembly business, not least a forbidding legislative load and the lack of an agreed budget. When the then Northern Ireland secretary, Dr Reid, told the Commons that the expanded NIO ministerial team (see executive section) would not 'duck difficult decisions',<sup>2</sup> he was not understating the significance of the issues awaiting resolution—although he could not have anticipated his abrupt, enforced departure from Stormont Castle.

His replacement, Mr Murphy, was not only confronted with a hefty batch of primary bills at various stages of the legislative process and, *inter alia*, the need to produce a budget. He also faced decisions on rating policy and an agreement in principle to introduce water charges—decisions for which many MLAs were doubtless relieved to have escaped responsibility.

Managing and prioritising the policy and legislative agenda left in abeyance was the most immediate task facing Mr Murphy's colleagues, who began briefing sessions with their relevant devolved predecessors within days of the return of direct rule. This left his hands relatively free to focus on the 'political development' role he had previously played (see parties and elections section), working with his counterpart in the republic, Brian Cowen.

While Messrs Murphy and Cowen set about willing both the end and the means of restoring devolution (and they have until the end of March to decide whether or not to call an election), the NIO's ministerial team has to grapple with the volume of business bequeathed by the executive and the assembly—which is considerable.

#### **3.2 Legislation**

Two bills received the royal assent during the period and a further five had completed all their stages at suspension. In addition, however, 28 primary bills were at various stages of the legislative process, four private members' bills were in the wings (one had been tabled) and the first committee bill had appeared.<sup>3</sup> On the assumption that the assembly

election would take place in May, the Bills Office had set a target date towards the end of March 2003 to get the legislation on to the statute book. In the best of all possible worlds this was ambitious—it now appeared an idle aspiration.

The strain was already beginning to tell on the statutory committees, lately confronted with legislative plenty rather than the lean times earlier in the year (see February 2002 report). No fewer than eight bills had been granted a period extension to the committee stage before direct rule was reinstated and two other bills were granted ‘accelerated passage’ (omitting the committee stage).

It is likely that a considerable proportion of home-grown bills will go into cold storage. Those that don’t will *pro tem* be subject to the blunt order-in-council procedure in the Commons—a most unsatisfactory means of handling Northern Ireland legislation.

There are, however, some issues Mr Murphy *et al* must deal with, including the budget, as was the case during the first suspension in February-May 2000. But this time there is no agreed budget that the Northern Ireland secretary can take to the UK parliament, only draft proposals. Moreover, the executive had for the first time sought to introduce a budget for the next three years, consistent with the terms of the comprehensive spending review.

Thus, Mr Murphy will need to decide whether to continue to operate on that planning basis or to bring forward proposals for the next financial year alone. If he were to choose the former, triennial, path this would convey a strong signal that direct rule was here for a long stay—already implied by the decision, unlike in 2000, that the NIO’s compliment of ministers needed to be increased. While two extra pairs of hands has freed up Mr Murphy’s time and energies, it also suggests that the UK government fears, whatever its public position (see parties and elections section), that the current crisis may endure.

### **3.3 Debates**

There were 11 plenaries during the (truncated) session, which can be divided into three phases: September 9<sup>th</sup> to 20<sup>th</sup>, September 23<sup>rd</sup> to October 4<sup>th</sup> and October 7<sup>th</sup> onwards. The decision by the Ulster Unionist Council on September 21<sup>st</sup> to threaten the withdrawal of the UUP’s ministers in mid-January was to exacerbate inter-party tension, especially between that party and SF, over the next 12 days. And the police raids on republicans on October 4<sup>th</sup> were to provide the operative cause of the decision to suspend the assembly on October 14<sup>th</sup>.

When MLAs returned after the summer recess on September 9<sup>th</sup>, there was some initial ‘housekeeping’. This included the introduction of a new member, Michael Coyle (SDLP), nominated to take the place of Arthur Doherty, who had resigned his seat (East

Londonderry) on health grounds. Another early item was the ‘redesignation’—or, rather, re-redesignation—of the two Women’s Coalition MLAs, as ‘other’, following their change of political clothing in November 2002 to facilitate the election of Messrs Trimble and Durkan as, respectively, first and deputy first minister.<sup>4</sup>

The first major set piece was on firefighters’ pay, with the assembly agreeing a motion, moved by Ian Paisley Jr (DUP), supporting a new pay formula and an unspecified increase. The fact that the responsible minister was Bairbre de Brún—public safety being part of her remit—did occasion the exchange of insults between DUP and SF members during the debate. This was prompted by Paisley *filis*’ reminder to the house that ‘the actions of the IRA put the lives of firefighters at risk and have resulted in nine members of the Fire Service being killed while on duty’.<sup>5</sup>

The mood darkened further the next day during a debate on anti-sectarianism, moved by Gerry Kelly of SF (having appropriated the language of ‘peace’, ‘anti-sectarianism’ has become the latest element in the republican mantra). Mr Kelly’s motion was countered by amendments from the UUP, DUP and SDLP and the air became suffused with accusations, counter-accusations and insults.

Esmond Birnie (UUP) dismissed the motion as ‘orchestrated, manipulative and insincere’ and insisted: ‘It is the IRA by its terrorism, and Sinn Féin by its continued hypocrisy, who have proven themselves to be institutionally sectarian.’<sup>6</sup> The ill-tempered debate resulted in the UUP’s amendment being carried—hugely appropriately, on a sectarian basis—with 47 so-designated ‘unionists’ in favour and 33 ‘nationalists’ against.

While the floor of the chamber was preoccupied largely with legislative matters, as September unfolded the annual cycle of business got under way. On September 23<sup>rd</sup> and 24<sup>th</sup> the assembly considered the third draft Programme for Government and on the second of those days the draft budget; each had been agreed at the Executive Committee meeting of September 19<sup>th</sup>.

On September 21<sup>st</sup>, however, the UUC had met in special session and agreed fresh sanctions against the republican movement with a view to securing IRA disbandment. The agreed measures included non-participation in the North/South Ministerial Council—thereby effectively ensuring it would cease to function—and the threat to withdraw from the executive on January 18<sup>th</sup> 2003, ‘unless it has been demonstrably established that a real and genuine transition (to exclusively peaceful and democratic means) is proceeding to a conclusion’.<sup>7</sup>

The UUP’s muscle-flexing set the context for the debates on the draft PfG. Thus, while the first and deputy first ministers<sup>8</sup> pressed home the imperative for reinvestment and reform in, and modernisation of, Northern Ireland’s infrastructure over the next decade,

the fact that the devolved institutions were nearing an abyss lent an air of unreality to the proceedings.

The DUP leader, Rev Ian Paisley, was quick to seize the opportunity, reminding the first minister that his own position was in jeopardy and that the ‘petty comic’ statements were ‘an attempt to sweep the reality of the situation under the carpet and pretend that all is well when it is not’.<sup>9</sup> From a singularly different perspective, Mitchel McLaughlin (SF) employed his time to castigate the UUP for the ‘contrived crisis’ it had supposedly generated: ‘How do we square the commitment to ensuring that the transfer of power to our political institutions makes a real and positive difference to our economic and social life with the fact that one half of the Executive now wants to collapse those institutions ... and is marching down the road to nowhere?’<sup>10</sup> He nevertheless implicitly concurred with Mr Paisley in concluding that the appearance of the draft PfG was a venture into ‘cloud cuckoo land’.

David Ervine (Progressive Unionist Party) was equally forthright, fulminating against the perceived structural deficiencies within the ‘dysfunctional’ executive: ‘How many times have we seen one element of the Executive opposing the very decisions made by the Executive because it is popular to do so? ... On numerous occasions collective decisions have been made, and individual ministers have opposed them in the Chamber. Everybody wants to be the Opposition [*sic*] rather than take responsibility for decisions.’<sup>11</sup> He concluded by chiding the executive for ‘creating illusions’ within the electorate—not least ‘the illusion that the Executive Ministers are going to deal with each other in a way that can make a difference’.<sup>12</sup>

The executive’s perennial gadfly, Robert McCartney of the anti-agreement UK Unionist Party, joined in the sport, describing the draft PfG as ‘a cross between Alice in Wonderland and a Brothers Grimm story’. Warming to his literary theme, he continued: ‘Not since Orwell’s animals decided to take over the farm has there been such a declaration of aspirations. One could hardly think of anything—apart from zip-fasteners on bananas and self-peeling oranges—that is not promised in this great document.’<sup>13</sup> His attack was concerned largely with the likely costs to Northern Ireland’s ratepayers of the debt to be incurred in tackling the infrastructure deficit, which he suggested would be nearer £12-15 billion, rather than the executive’s figure of £6 billion.

On the following day, the draft budget proposals were tabled, for the first time setting out spending plans for the three years from 2003-04. The finance minister, Seán Farren (SDLP), reminded members that new plans would emerge later in the autumn under the aegis of the RRI, which themselves would be reviewed in the light of the outcomes of the rating review and the ‘Financing Our Future’ consultation on public-private partnerships (see August 2002 report), which were nearing conclusion at suspension.

Dr Farren identified four themes of the budget (see finance section): reform, radicalism, developmentalism and unmet need (blamed on the Barnett formula).<sup>14</sup> Proposing increases over the 2002-03 financial year ranging from 13.6 per cent (Department of Health, Social Services and Public Safety) to 4 per cent (Social Development), he took pains to reassure the chamber that the increased allocations had been endorsed by all ministers, including those from the DUP—as had been the proposed rate increases.

He commended the proposed allocations as ‘a powerful challenge to negative forces in the House and to the paramilitaries and political wreckers on the outside’. And he urged: ‘Instead of flinching before both pressures all pro-agreement parties should take confidence from what the Budget shows we can achieve together.’<sup>15</sup>

Dr Farren’s statement began the consultation with the assembly, before the planned presentation of the revised budget in December. The task of finalising the allocations falls to the NIO, however, with Ian Pearson the responsible minister. As before, the budget proposals were succeeded by a take-note debate on the draft PfG, led by Mr Durkan, Dr Farren’s predecessor at finance and personnel.

While acknowledging that the executive had ‘no monopoly on wisdom’ in setting out its commitments and priorities,<sup>16</sup> the deputy first minister insisted the draft PfG was proof that ‘devolution works’, embodying as it did the ‘democratic dividend’.<sup>17</sup> In the light of the events of the preceding weekend, he urged members not to jeopardise the prospect of ‘improving the quality of life for everyone’ and the opportunity ‘to make a difference’ supplied by the programme’s proposals.

The threat posed by the UUC’s decisions was addressed rather more forcibly by SF members. John Kelly accused the UUP leadership of ‘relinquishing their responsibilities to the political mongrel foxes’<sup>18</sup> within their community, while Michelle Gildernew charged ‘the intellectually-challenged’ Mr Trimble with a desire to restore unionist supremacy and return nationalists to second-class citizenship.<sup>19</sup>

In the course of a withering speech, Mr McCartney (UKUP) returned to what he perceived as the assembly’s ‘fairy-tale atmosphere’, given the ‘political dogfight’ raging over its existence, while Billy Hutchinson (PUP) uttered the thoughts of many, inside and outside the chamber, when he remarked that ‘between now and 18 January, Members may ask themselves why they are here and whether they are wasting their time’.<sup>20</sup> The temper of much of the debate was emblematic of what was to follow in what remained of the session.

The British government’s decision to fund a memorial garden on behalf of the victims of September 11<sup>th</sup> prompted a motion by Sam Foster (UUP) calling on it to finance another dedicated to those ‘who died as a result of terrorism in this part of the UK’,<sup>21</sup> including civilians and members of the police and army. Mr Foster’s hope that the debate would not

be ‘dragged into the sectarian gutter’ was only partially fulfilled. SF’s position, articulated by Pat McNamee, was that *all* victims be so honoured, a view derided by unionists who rejected any moral equivalence between ‘terrorists’ and ‘innocent victims’. It was a predictably ill-tempered, though poorly attended, debate.

The following week was overshadowed by the police raid at Parliament Buildings. On the Monday after the episode, October 7<sup>th</sup>, the speaker was pressed by unionist members on several matters. These included whether he had had any foreknowledge of the raid (he was in Canada at the time), alleged breaches of privilege and of security by the SF MLAs Gerry Kelly and Bairbre de Brún (who had ushered journalists into the building without them being searched or their equipment checked) and several demands for an emergency debate.

The latter occurred the following day, preceded by a statement by the DUP leader, Mr Paisley, that his party’s two ministers would resign with effect from midday on October 11<sup>th</sup>. The debate, on a motion laid by him, expressed ‘deep concern at the implications of the events of 4 October’. If it was blandly worded, the temper of the chamber was anything but.

The occasion gave all parties the opportunity to vent anger, frustration, distrust and suspicion in extremely robust terms. Few escaped opprobrium. SF members castigated the ‘RUC/PSNI’ and anti-agreement unionists, the latter attacked everyone not on their side of the argument and UUP MLAs rounded on ‘SF/IRA’. SDLP and Alliance members were resigned to suspension and a review of the agreement—described by the Alliance leader, David Ford, as the least bad option.<sup>22</sup>

Six days later, the assembly held its final plenary before suspension. Perhaps fittingly, the last debate was on the future of a local hospital, the Mater in north Belfast, scheduled to lose its accident-and-emergency services and become, according to Alban Maginness (SDLP), ‘little more than a glorified nursing home’.<sup>23</sup> Post-suspension, the agreement is itself in dire need of care, rest and recuperation.

### **3.4 Committees**

There were just nine committee reports during the period, five of them committee-stage reports on primary bills. The remainder concerned the review of rating policy (one from finance and personnel; another from enterprise, trade and investment), the Northern Ireland Tourist Board (public accounts) and the Executive’s Position Report to the assembly, ‘Developing the Programme for Government and the Budget for 2003-04’ (finance and personnel). The enterprise, trade and investment committee’s earlier energy report was debated on the floor on September 23<sup>rd</sup> 2002.

As indicated earlier, the committees were preoccupied with the committee stages of a large volume of primary legislation and were poised to scrutinise the draft budgets of their associated departments and the implications for them of the draft PfG. In short, *ceteris paribus*, the session promised to be a long and arduous one for committee members, who were increasingly making use of the recent power to appoint sub-committees to enhance their efficiency.

Indeed, a survey of the committee system, conducted by the assembly's research division, was under way when the curtain on devolution fell once more, suggesting that MLAs were seeking new ways of expediting their workloads. As with all else, as the committees were readying themselves for a busy session, and the assembly was getting into its legislative stride, they ran into the sands of suspension.

What now confronts the NIO is a raft of legislation, decisions on the budget, the rates, water charges, and the likely further implementation of PPPs. *Pro tem*, politicians, business leaders, trade unions, pressure groups and the plain people of Northern Ireland will have to beat a path to the doors of the direct-rule ministers to press their respective cases. A leading figure in the sporting arena complained that he was formerly able to secure a meeting with the minister, Michael McGimpsey, within a day of a phone call to his office; now the relevant minister had just four hours per week to attend to sporting matters.

Perhaps the experience will commend the view that devolution does, indeed, 'make a difference'.

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<sup>1</sup> On November 7<sup>th</sup>, police arrested a fifth individual, a civil servant who had enjoyed access to the private offices of the first and deputy first ministers, Messrs Trimble and Durkan. He was released without charge the next day.

<sup>2</sup> Northern Ireland Information Service, October 15<sup>th</sup> 2002

<sup>3</sup> Tabled by the (standing) standards and privileges committee, it would create an assembly commissioner for standards, a function currently discharged by the Northern Ireland ombudsman.

<sup>4</sup> *Official Report*, September 9<sup>th</sup> 2002

<sup>5</sup> *ibid*, p51

<sup>6</sup> *Official Report*, September 10<sup>th</sup> 2002, p50

<sup>7</sup> UUP press release, September 23<sup>rd</sup> 2002. In addition, the UUC, besides reaffirming its commitment to the Mitchell principles of democracy and non-violence and to devolution, undertook to exert pressure on the UK government to exclude SF from the executive and to press the prime minister to set aside or vary the 50:50 recruitment policy to the Police Service of Northern Ireland. It also expressed support for the retention of the PSNI's full-time reserve and gave notice that it would withdraw its nominees to the region-wide Policing Board 'in the event of the government capitulating to the unreasonable demands of Sinn Fein/IRA for further police reform, including places for convicted terrorists on district policing partnership boards'.

<sup>8</sup> *Official Report*, September 23<sup>rd</sup> 2002, pp 7-12

<sup>9</sup> *ibid*, pp 14 & 15

<sup>10</sup> *ibid*, p16

<sup>11</sup> *ibid*, p19

<sup>12</sup> *loc cit*

<sup>13</sup> *ibid*, p20



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<sup>14</sup> *Official Report*, September 24<sup>th</sup> 2002, p12

<sup>15</sup> *ibid*, p13

<sup>16</sup> *ibid*, p27

<sup>17</sup> *ibid*, p28

<sup>18</sup> *ibid*, p36

<sup>19</sup> *ibid*, p47

<sup>20</sup> *ibid*, p39

<sup>21</sup> *Official Report*, October 1<sup>st</sup> 2002, p33. An amendment tabled by the DUP, restricting the terms of the motion to 'innocent victims', was carried.

<sup>22</sup> *Official Report*, October 8<sup>th</sup> 2002

<sup>23</sup> *Official Report*, October 14<sup>th</sup> 2002, p44

## 4. The media      Greg McLaughlin

### 4.1 Introduction

The American journalist P J O'Rourke once called the six counties 'The piece of Ireland that passeth all understanding'—a thought that might have chimed with most observers when the Northern Ireland Assembly was suspended on October 14<sup>th</sup> 2002. The media section this quarter focuses on coverage of the crisis that triggered the suspension, particularly the police raid on SF's office at Stormont. But it will also refer to an important *Channel Four News* investigation into the Omagh bomb of 1998.

### 4.2 'Stormontgate'

The astonishing spectacle on October 4<sup>th</sup>, of a police search squad pulling up outside Stormont in armoured jeeps and raiding SF's office in Parliament Buildings, was probably the only real shock in the build-up to the suspension of the assembly. The police justified the raid as part of a year-long investigation into the activities of an IRA spy ring at the heart of the regional government.

But some onlookers thought it a drastic and heavy-handed operation, and raised questions as to its timing at yet another moment of crisis in the 'peace process'. The headlines the next day in the Belfast, Dublin and London papers were certainly attuned to the wider implications: 'Raids ... leave peace process in balance' (*Irish News*), 'Assembly on a tightrope' (*News Letter*), 'Executive on verge of collapse after IRA infiltration' (*Irish Times*) and 'Peace process in turmoil after police raid Stormont' (*Guardian*).

The raid also attracted media attention around the world. A widely syndicated item by Associated Press gave the event a homely American twist: 'Belfast cops raid Sinn Fein offices'. But, in general, the headlines and articles were of a similar tone—for example, the *Boston Herald's* 'Sinn Fein arrests make bad times worse' (October 6<sup>th</sup>) or the following remark by *Time Europe* (October 14<sup>th</sup>): 'Even at the best of times, Northern Ireland's peace process resembles a roller-coaster ride. But the lurch it took last week was so unexpected that many riders may be thrown off the track ... All of which adds up to another white-knuckle ride for the peace process.'

The *Irish News* (October 5<sup>th</sup>) commented on the timing of the episode, coming as it did amid renewed allegations of the IRA's involvement in a raid on Castlereagh police station earlier in the year and on the very day three republicans faced trial in Bogota on charges of training Colombian *guerrillas*. The Dublin-based *Sunday Tribune* (October 6<sup>th</sup>) led with 'SF office raid plays into hands of foes of peace process'.

The paper was unique among the mainstream Irish media for its hard-hitting editorial. It called the raid ‘an assault on democracy’, given SF’s electoral mandate, and claimed it had discredited the new Police Service of Northern Ireland among nationalists. The *Tribune* urged nationalists on both sides of the border not to blink: ‘The Good Friday Agreement must be saved from the sinister wrecking tactics of unionists and their allies in the security forces.’

In an angry article for the SF weekly, *An Phoblacht* (October 10<sup>th</sup>), the leading party figure Jim Gibney wrote: ‘Whatever happens over the next few days, the one thing we can all be certain of is that republicans will not be distracted or demoralised. We are disappointed at the turn of events but we are committed to the peace process and to ensuring that the progress that has been made in recent years is carried forward.’

By contrast, the unionist *News Letter* (October 5<sup>th</sup>) alleged British government vacillation and questioned how bad things would have to get before SF would be excluded from the regional administration: ‘In the meantime the people of Northern Ireland are entitled to be dismayed at the thought of any party engaging in, or supporting, criminal activity of any kind while its representatives are responsible for the health and education of this country’.

### 4.3 Suspension

The *News Letter* had not long to wait before the British government acted—not by excluding SF, as unionists wished, but by going nuclear and suspending the regional institutions from midnight on October 14<sup>th</sup>. The next morning the paper’s front page juxtaposed photos of the 12 outgoing executive members with those of the five British ministers who would share their portfolios during direct rule.

Its leader rued the loss of regionally accountable government but said the limbo would last as long as it took for politicians to ‘resolve their differences and face up to their responsibilities’. SF, it said, would have to bear a particular responsibility ‘to transform the prospects for long-term peace and stability’, after which ‘we would ... see just how committed unionists are to a genuinely inclusive and democratic settlement’ (‘When all trust is gone, where should we look to rebuild it?’, October 15<sup>th</sup>).

The nationalist *Irish News* and the liberal-unionist *Belfast Telegraph* struck a similar note. The *Telegraph* urged the parties to ‘redouble their efforts to reach agreement on key differences’ (‘A sad day, but not the end of the road’, October 14<sup>th</sup>), while the *News* urged politicians to use the period of direct rule constructively, ‘to build trust, boost confidence, resolve outstanding issues and work tirelessly to restore the institutions’ (‘Political inertia is not an option’, October 15<sup>th</sup>).

Calls for the disbandment of the IRA had been building some time before this latest crisis. The UUP leader, Mr Trimble, had already called on its members to ‘Give up terror and join Sinn Fein’ (*News Letter*, September 23<sup>rd</sup>)—an ironic appeal, given that unionists had always refused to make any distinction between the two organisations. The clamour only intensified after the raid on SF and the suspension of the executive and assembly.

The prime minister, Mr Blair, went to Belfast to challenge the IRA finally to disarm and disband: ‘You’ve reached fork in the road, Blair tells IRA’ (*Irish News*, October 18<sup>th</sup>). ‘At last: Blair lays it on the line to terrorists’ led the *News Letter*—‘Your day has gone!’ (October 18<sup>th</sup>). But the nationalist *News* had already made its own striking, front-page appeal on October 7<sup>th</sup>, in terms not seen even in its unionist counterpart: ‘Stand down the IRA once and for all’.

The paper recognised that the unionist campaign for IRA disbandment was largely tactical and ignored sustained sectarian and internecine loyalist violence. But it warned republicans that continued IRA influence would ‘cause incalculable damage to the search for stability and reconciliation’. The people of Northern Ireland faced a clear choice: to ‘sink into a sense of despair’ at recent developments or ‘demand that viable and achievable initiatives are taken to transform the prospects for permanent peace’.

During the period various conciliatory utterances from republican figures, such as Martin McGuinness saying that his personal ‘war’ was ‘over’, went virtually unnoticed. A case, perhaps, of too little, too late for middle-ground unionism? It would seem so if we look at the revealing poll (see public attitudes section) commissioned by BBC Northern Ireland’s *Hearts and Minds* current-affairs programme (October 17<sup>th</sup>).

#### **4.4 Revisiting Omagh**

One other media story that deserves mention was the investigation by *Channel Four News* into the Omagh bomb, perpetrated by the Real IRA in August 1998. The investigation, by its chief reporter, Alex Thomson, was aired over two nights (October 28<sup>th</sup> and 29<sup>th</sup>) and examined the failure of the then Royal Ulster Constabulary and the Garda Síochána to act on tip-offs that might have prevented the bomb getting through.

The reporter saw confidential RUC documents that suggested the force had had enough intelligence on dissident republican activity to justify some sort of interception. He also talked to a disaffected detective garda who claimed that, just days before the attack, he had had information that a bomb was to be transported over the border. His superiors had warned him off acting on the information, he alleged, to protect his informer.

Both police services declined to respond to these allegations—an attitude, Thomson argued, that only fed conspiracy theories and further aggrieved survivors and bereaved.

The report also suggested a deal had been struck between the dissidents and the republic's government, allowing that the Omagh bombers would not be prosecuted if the Real IRA called an immediate ceasefire. Dublin denied the allegation as 'groundless' in a statement to the programme, but subsequent reports in the *Sunday Business Post* (November 3<sup>rd</sup> and 10<sup>th</sup>) indicated that there had been repeated contact with the Real IRA in the wake of the bomb and before the group called a ceasefire, *via* the intermediary Catholic priest in west Belfast instrumental in brokering the Provisional IRA ceasefire of 1994.

## 5. Public attitudes and identity Lizanne Dowds

Following the suspension of the executive on October 14<sup>th</sup>, a public opinion poll was carried out by PriceWaterhouseCoopers for BBC Northern Ireland's *Hearts and Minds* current-affairs programme. The picture on public attitudes for this report is therefore very interesting, though the results should be seen in the context of a period of turbulence when the exact allegations against SF were still unclear.

The most dramatic finding was that support for the Belfast agreement had reached its lowest point since the referendum in 1998. The Northern Ireland Life and Times Survey<sup>1</sup> and previous *Hearts and Minds* polls had showed steadily decreasing support over the last four years. But in the aftermath of the 2002 suspension, barely one in three 'unionists' (ie supporters of unionist parties) were prepared to support the agreement.

### If the referendum were held again tomorrow, how would you vote?

	1998 referendum	March 1999	May 2000	September 2001	October 2002
	%	%	%	%	%
Total 'yes'	71	68	67	67	56
Unionist 'yes'	55	46	43	42	33
Nationalist 'yes'	96	94	96	96	82

Some backlash might have been expected amid the heightened tensions, but the fact that unionist support has fallen to 33 per cent (down ten points from the previous year) indicates a major loss of confidence.

Further indications of unionist disengagement are provided by the lack of confidence in power-sharing. Only 41 per cent of unionists supported power-sharing with the SDLP and a majority (58 per cent) said they supported power-sharing with *neither* SF *nor* the SDLP. However 'supporting' power-sharing is perhaps not quite the same as 'tolerating' it, and support for excluding SF from any future executive was small compared with the demand for much wider confidence-building measures. Respondents to the survey were asked under what circumstances they would support the return of the assembly, and the most important requirement for unionists was that there be a full cessation of all paramilitary activity or a disbandment of the IRA.

### Under what circumstances would you support the return from suspension of the assembly?

	Unionist	Nationalist
	%	%
It should be brought back immediately without any preconditions	6	43
A full cessation of all paramilitary activity	27	34

Another act of IRA decommissioning	4	6
A statement by the IRA that the war is over	8	7
Disbandment of the IRA	24	5
A NI Executive without Sinn Fein	16	2
I never want to see it return	16	5

However unionist opinion on this issue and on their ‘preferred model’ for the government of Northern Ireland is highly split, and the lack of consensus on what should be done reflects intra- and inter-party divisions. The most popular option for unionists is now direct rule from Westminster (42 per cent). This first preference is followed by the return of the power-sharing assembly (23 per cent), an independent Ulster (17 per cent) and a return to majority rule at Stormont (15 per cent).

**Given the recent suspension of the Northern Ireland Assembly, what is your preferred model for the government of Northern Ireland?**

	Unionist	Nationalist
	%	%
Direct rule from Westminster	42	4
The return from suspension of the local power-sharing Assembly	23	39
An independent Ulster	17	3
A United Ireland	1	38
Joint authority over NI by London and Dublin	3	10
A return to majority rule at Stormont	15	7

The one thing that stands out from these results is the backlash against the power-sharing assembly, now supported by less than a quarter of unionists. Direct rule is undoubtedly seen by unionists as the safest option, though whether respondents thought they were answering this question with a view to the long or short term is not clear.

At this point it is worth looking at the results for nationalists—where attitudes, in contrast, are much less divided. A substantial 43 per cent feel that the assembly should be brought back immediately, with no preconditions, but about a third would support the return of the assembly only if there was a full cessation of paramilitary activity. The latter point is where there is common ground.

Interestingly, just over half of nationalists would be prepared to see a renegotiation of the agreement. This openness is perhaps a reflection of widespread concern over unionist disengagement. But in terms of their preferred method of government, 39 per cent of nationalists want return of the power-sharing assembly and a further 38 per cent would simply choose a united Ireland.

These last figures are very important and should not be overshadowed by an excessive concentration on the unionist dilemma. Many previous surveys have pointed to the fact that Northern Ireland's Catholics have never overwhelmingly demanded a united Ireland, and in latter years the assembly has been an important mediating factor. The latest results reiterate the importance of the assembly for Catholics: if not restored, a united Ireland becomes the only game in town.

Finally, in terms of leadership, David Trimble's perennial difficulties are fully reflected in this latest survey. Asked who offered the most effective leadership to unionism in Northern Ireland, 42 per cent of unionists picked Mr Trimble, followed closely by Rev Ian Paisley at 39 per cent, with Jeffrey Donaldson some way behind at 13 per cent.

But it is nationalist opinion that is perhaps most interesting here, with Gerry Adams leading the field at 41 per cent, Mark Durkan at 35 per cent and Martin McGuinness bringing in 16 per cent. It is of some significance that 57 per cent of nationalists feel that an SF politician offers them the most effective leadership.

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<sup>1</sup> <http://www.ark.ac.uk/nilt>



## **6. Intergovernmental relations      John Coakley**

### **6.1 Introduction**

When the shutters came down on the new devolved institutions in Belfast on October 14<sup>th</sup>, the future of dependent institutions was once again thrown into doubt. The taoiseach and the prime minister declared that they would ‘press forward with the full implementation of all aspects of the Agreement that will be within their respective powers to implement’, and affirmed that ‘the two Governments will work closely together, including through the British-Irish Intergovernmental Conference (BIIGC), in a way which reflects the principles of the Agreement and which protects and develops its achievements’.<sup>1</sup>

But this left open the mechanics of providing political guidance for one of the more concrete achievements of the agreement, the north-south bodies and the Armagh-based secretariat that oversees their activities. This section looks, therefore, at the last phase in the work of the bodies before the devolved institutions were suspended and comments on the prospects.

There was, meanwhile, nothing to report this quarter on the ‘east-west’ dimension of the British-Irish Council.

### **6.2 Work of the NSMC**

Six sectoral meetings of the North/South Ministerial Council have taken place since we last presented them in tabular format (see May 2002 report). They are listed in the accompanying table. The fourth plenary meeting of the NSMC meanwhile took place in Armagh on June 28<sup>th</sup> 2002.

The plenary in many ways set the tone for the sectoral meetings. Attended by the taoiseach, Mr Ahern, 12 other ministers from Dublin, the first and deputy first ministers, Messrs Trimble and Durkan, and six other ministers from the Northern Ireland executive (three SDLP, two SF and one UUP), it had a heavier substantive agenda than its predecessors. In addition to reviewing the work of the NSMC and north-south co-operation in general, it considered co-operation on EU matters, difficulties in respect of the functions of the Commissioners of Irish Lights, obstacles to cross-border mobility and a range of routine matters.

But the meeting also consider two more politically sensitive areas. The Belfast agreement had provided that the assembly and the Dáil would ‘consider developing a joint parliamentary forum, bringing together equal numbers from both institutions for

discussion of matters of mutual interest and concern’, and an independent consultative forum, representative of civil society, comprising the social partners and other members with expertise in social, cultural, economic and other issues’. On the first, the meeting agreed simply that officials from the Dáil and assembly would meet, and report to the next NSMC plenary; on the second, agreement was reached on a twice-yearly conference, initially organised by the Northern Ireland Civic Forum and the social partners in the republic.

The sectoral meetings of the NSMC recorded in the table covered five of the six implementation bodies (in the case of the sixth, the Foyle, Carlingford and Irish Lights Commission, the last meeting had taken place on April 5<sup>th</sup> 2002). Two bodies, with responsibilities in the area of economic development, remained very active. In the trade and business development sector, InterTrade Ireland continued to promote the idea of a ‘digital island’—optimising information and communications technology on an all-Ireland basis—and to review science and technology programmes. The Special EU Programmes Body continued its work of allocating funding and winding down programmes whose lifespan had expired (see EU section).

In the three other areas, the NSMC meetings also heard reports on progress. The two agencies that comprise the Language Body sustained their promotional work. Thus the Irish-language agency, Foras na Gaeilge, continued to promote the use of Irish in the public sector, to provide infrastructural educational services and to plan the extension of its work north of the border. Its counterpart, Tha Boord o Ulster-Scotch, in many ways has faced a bigger challenge, but as its area is entirely new its activities have been more visible. These have included work on publicising and documenting ‘Ulster-Scots’, and involvement in the establishment of an Institute of Ulster Scots Studies at Magee College (University of Ulster).

Waterways Ireland continued its work on development of the country’s inland waterways for leisure, with the restoration of the Royal Canal (one of two linking Dublin with the River Shannon) and a feasibility study on restoration of the Ulster Canal (linking Lough Erne, and thus the Shannon system, with Lough Neagh) as its most newsworthy projects. Finally, the NSMC met to consider the work of the new Food Safety Promotion Board, which encourages exchange of information and collaborative research in this area.

There were fewer developments in respect of the six areas designated for co-operation. The NSMC meeting that oversees the work of the Food Safety Promotion Board also considered co-operation more generally in health, with accident-and-emergency services and planning for major emergencies as the focus. Co-operation in agriculture was considered at another meeting, which endorsed an important paper on an all-island animal-health strategy (this indicated divergence between the two jurisdictions and outlined a route towards convergence) and reviewed rural development and plant health. In the four remaining areas—education, environment, tourism and transport—there was

no recent NSMC meeting, but Tourism Ireland continued its promotional work.

### **6.3 Prospects**

In the wake of the agreement, it was hoped by nationalists and feared by many unionists that the north-south bodies would constitute a significant symbol, at least, of the common interests of the two parts of the island. In the four years and more since, the modest advances made are not likely to have delighted nationalists nor to have dismayed unionists.

Meetings of the NSMC have typically not been reported; indeed, press releases have generally not been made available on departmental web sites in Dublin, though most have been carried on web sites maintained by the Northern Ireland executive. Thus, of the 60 sectoral meetings to date, 19 were the subject of departmental press releases in Dublin and 34 in Belfast. Viewed differently, of the 60 meetings to date, 27 were covered by press releases in Belfast but not in Dublin, 11 by Dublin but not by Belfast, and eight were covered in both jurisdictions; but 15 were not covered at all. In this context, the launch of the NSMC secretariat's own web site in early 2002, with much fuller information, was an important development.<sup>2</sup>

It must be said that one reason for the limited coverage has been that after some sector meetings there was truly little to report. In the important area of transport, where the case for island-wide planning is irrefutable, only two meetings have been held. What was newsworthy was not their content (which did not cover any area of major importance) but the very fact that they took place. The northern minister responsible belonged to the DUP, and this showed how effectively an unsympathetic minister could block co-operation—notwithstanding provisions in the agreement designed to allow such political opposition to be bypassed.

There are other areas where it is still too early to judge progress made since the NSMC was launched in December 1999. This is the case in education, environment and health, all targeted as areas for co-operation; and two implementation bodies, the Food Safety Promotion Board and the Foyle, Carlingford and Irish Lights Commission, got off to a relatively slow start. The new offices of the former were opened only in November 2001, and the latter has not been fully established, largely because of legal difficulties connected to the transfer of the existing Commissioners of Irish Lights.

In the two other areas of co-operation, agriculture and tourism, a great deal of north-south interaction has taken place; the latter, indeed, was to see the flowering of what was in effect a new implementation body, Tourism Ireland, not foreseen in the agreement—but whose roots preceded it. In the remaining areas designated for implementation, activity has been high, though in two of these there were active existing agencies. Thus,

Waterways Ireland carries on the work of former northern and southern bodies, and one of the two parts of the languages body, the Irish-language agency, is essentially an old body with a new mandate (though the other agency, with responsibility for Ulster Scots, is new and vigorous). As already mentioned, the two remaining bodies are both new but are sustaining a high public profile: the Special EU Programmes Body and InterTrade Ireland.

What of the future? The wording of the agreement appears at first sight to hold out bleak prospects for north-south cooperation—‘it is understood that the North/South Ministerial Council and the Northern Ireland Assembly are mutually inter-dependent, and that one cannot successfully function without the other’. With the assembly suspended, it is clear that the NSMC cannot meet. But the NSMC is separate from the implementation bodies whose work it oversees, and from the areas in which it is required to promote co-operation.

At least in the short term, work in these sectors can continue, to the extent that political guidance from the NSMC may be dispensed with. But in the longer term it seems likely that the governments may have to choose between the agreement and the institutions to which it gave birth. Notwithstanding the commitment by the two governments to work closely together ‘in a way which reflects the principles of the Agreement and which protects and develops its achievements’, there is a tension between maintaining compatibility with the spirit (and, perhaps, letter) of the agreement on the one hand and protecting the north-south bodies on the other. In principle, the governments may choose to go down one of two paths.

First, they might decide that maintaining the agreement—even if the institutions are suspended—is the priority. This would mean that, while the north-south bodies would continue for some time, they would gradually lose political direction and, depending on how the agreement is interpreted, would expire as their funding ran out. The prospect of reviving them would, however, remain, for as long as there was some hope of creating a new Northern Ireland executive. Whether the morale of the bodies could survive a second protracted suspension, and the prospect of further repetitions, is an open question.

Secondly, the governments might decide that the north-south bodies should be maintained even if this means undermining the agreement and making the emergence of a new Northern Ireland executive less likely. The bodies could simply be detached, by agreement between the two governments, from the NSMC and placed instead under their supervision, which might also entail arrangements for long-term funding. Indeed, the governments might simply sign a bilateral agreement that would cover co-operation in these or other areas, and even deepen the north-south dimension if they so wished.

It is, however, unlikely that either government would gratuitously choose between these two priorities. Instead, it is likely that both would try to fudge the issue and to pursue a

difficult middle course. This might entail putting the north-south bodies ‘on ice’, pending restoration of the institutions in Belfast (thus remaining true to the agreement), while at the same time making sufficient long-term political, administrative and financial provision for their survival into the indefinite future (thus safeguarding an important achievement under the agreement).

It is likely that in all of this the British-Irish Intergovernmental Conference, virtually a subterranean body at present, would acquire a new significance—a role for which it is well prepared, with its own secretariat in Belfast. Through this institution or a parallel arrangement, it is likely that north-south co-operation will continue, even in the absence of a political voice from Northern Ireland.

### **Sectoral meetings of the North/South Ministerial Council**

No	Date	Place	Ministerial representation		Business
			<i>Republic</i>	<i>Northern Ireland</i>	
55	14 Jun 2002	Dublin	Éamon Ó Cuív (FF)	Michael McGimpsey (UUP) Bairbre de Brún (SF)	Languages body (4)
56	26 Jun 2002	Belfast	Éamon Ó Cuív (FF)	Michael McGimpsey (UUP) Carmel Hanna (SDLP)	Waterways body (5)
57	26 Jun 2002	Belfast	Mary Harney (PD)	Sir Reg Empey (UUP) Carmel Hanna (SDLP)	Trade body (7)
58	28 Jun 2002	Armagh	Micheál Martin (FF)	Bairbre de Brún (SF) James Leslie (UUP)	Food safety body / co-op: health (5)
59	27 Sep 2002	Downpatrick	Joe Walshe (FF) Éamon Ó Cuív (FF)	Brid Rodgers (SDLP) James Leslie (UUP)	co-operation: agriculture (7)
60	09 Oct 2002	Ballycastle	Tom Parlon (PD)	Sean Farren (SDLP) Sir Reg Empey (UUP)	European programmes body (7)

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

<sup>1</sup> Northern Ireland Information Service, October 14<sup>th</sup> 2002

<sup>2</sup> <http://www.northsouthministerialcouncil.org/>

## **7. Relations with the EU      Elizabeth Meehan**

### **7.1 Introduction**

The most dramatic EU story on the island this quarter was in the republic—the second referendum on the Nice treaty. There was, however, a visit to the north by the UK foreign secretary, which brought out differences among the parties—and contradictions within one of them—on attitudes to further integration. Conversely, a meeting of the NSMC (see above) restored the public image of consensus over the beneficial impact of the EU on Northern Ireland. On the cultural front, as well as on the political, the quarter ended in ignominy and disappointment.

### **7.2 ‘Ourselves alone’?**

On (Saturday) October 19<sup>th</sup> 2002, voters in the republic turned out in higher numbers than for the first referendum to ratify the Nice treaty, as required by the state’s constitution. This time, all constituencies returned a majority of ‘yes’ votes.<sup>1</sup> As before, SF was in the van of the ‘no’ campaign. Yet in the north SF is obliged to be less overtly opposed to the EU—or, at least, to the union as it is portrayed by the party for southern audiences.

A member of its rival nationalist party in the north, Denis Haughey, SDLP junior minister in the OFMDFM, told a Dublin audience that the interaction of devolution and EU membership was vital to the future of Northern Ireland.<sup>2</sup> And he stressed to an international audience at the University Association for Contemporary European Studies conference at Queen’s University that the region was now able to contribute to the debate about the future of Europe through, for example, making an input to the convention chaired by Valéry Giscard d’Estaing.<sup>3</sup>

In speeches, such as the statements by the first and deputy first ministers on the visit to Belfast of the foreign secretary, Jack Straw,<sup>4</sup> this approach is endorsed by the whole executive, albeit with varying enthusiasm. All parties stress the capacity of a devolved Northern Ireland to have a stronger, more cohesive voice in Europe. But, while the SDLP emphasises the opportunities of multi-level links with and routes to the EU, the UUP underlines the importance of the vertical relationship through London.<sup>5</sup>

### **7.3 The euro**

Notwithstanding the relative official consensus about the EU in general, there are sharp differences when it comes to the euro. These emerged on the occasion of Mr Straw’s flying visit. Officially, this was part of a tour of regional capitals to enable the UK

government to spell out the benefits of EU membership and to publicise the approach it was taking to the convention.

According to the newspapers, however, the trip was received in Belfast more as an effort to promote British membership of the euro. If so, the foreign secretary met a mixed response.

Of the parties in the executive, only the SDLP (supported by some of the smaller parties outside<sup>6</sup>) is keen on the introduction of the euro.<sup>7</sup> The DUP, in typically thunderous style, claimed Mr Blair was leading Britain into a 'centralised super state' and described Mr Straw's visit as a 'touting exercise' for the prime minister's 'back door agenda'.<sup>8</sup> The UUP leader, Mr Trimble, was largely silent on the matter but it is said he has been thinking of linking with the Conservatives to resist further integration.<sup>9</sup>

SF's electoral position *vi-à-vis* the SDLP puts it in a tight corner. It has to appeal to the same voters in Northern Ireland as its Europhile rival while expressing views in the republic, on Nice and the euro, that are closer to the two parties in the north whose supporters it is never likely to win over. While the SDLP manages to combine the EU and the US in its strategy, and while SF cannot be as outspoken in the north as in the south about opposing the EU, it looks principally to the US (though even there it gets into difficulty with its residual 'anti-imperialist' opposition to US foreign policy). Indeed, the SF MP for West Tyrone, Pat Doherty, proposed that the September summit in the US of American business leaders and politicians and counterparts from both parts of the island would bring about 'an all-Ireland economy'.<sup>10</sup>

#### **7.4 EU funds**

At a lower level than the high politics of treaties and strategies, the most notable event this quarter was the seventh meeting of the NSMC (on October 9<sup>th</sup>) in special EU programmes format. Northern Ireland was represented by the SDLP finance minister, Dr Farren, and the UUP enterprise minister, Sir Reg Empey. Tom Parlon, minister of state at the department of finance, represented the republic's government.<sup>11</sup>

The chief executive of the Special European Programmes Body (SEUPB), John McKinney, told the council about progress in winding down Peace I and Interreg II. This occasioned a note of appreciation of 'the enormous contribution' that the EU had made to the 'peace process' since 1995.

Mr McKinney also reported on progress in operationalising or implementing Peace II and the community initiatives Interreg III, Interreg IIIa, Leader+, Urban II and Equal. The meeting attended to the incorporation of 'New Targeting Social Need' into most of these initiatives.

In considering Peace II and Interreg III, the NSMC noted the various partnerships involved. Under Peace II, these are the 26 local strategy partnerships for distribution of monies within Northern Ireland, the six county council task forces that operate in the border region of the republic and the 12 intermediary funding bodies. Under Interreg III, there will be a joint steering group representing a range of interests, including the social partners, ‘border corridor’ groups and the ‘CORE’ group of district councils.

Another, pre-existing, joint steering group supports the SEUPB’s efforts to discharge obligations relating to the common chapter of Northern Ireland’s structural-funds plan (*Building Sustainable Prosperity*) and the republic’s *National Development Plan*. The meeting concluded that a new joint working group would record and assess common-chapter activities.

The *communiqué* recorded no worries about the implementation of Peace II, though it seems the council did consider the concerns of both applicants and assessors. The application forms and assessment procedures are very complicated. Determined by the European Commission and detailed by the SEUPB, they are intended to safeguard probity and equity.

The procedures thus leave virtually no room for judging the quality of a proposal against the substantive ambition of any given measure—as opposed to the potential of the application, whatever its substance, to reach groups, areas or sectors that have been damaged by the ‘conflict’ and might be able to seize the opportunities of the ‘peace’. In acknowledging such problems to the Cookstown LSP on October 11<sup>th</sup>, Dr Farren said he had raised concerns two days previously at the NSMC. He said there would be continuing discussions with the commission to see if the regulations could be applied more simply.<sup>12</sup>

Previous reports have referred to the beginnings of a different aspect of multi-level governance through the NSMC, deriving from the power conferred by the Belfast agreement to identify matters of common interest, north and south, and to represent this as a common view to the EU institutions. At the meeting this quarter, the NSMC asked both finance departments to consider if there were any such issues.<sup>13</sup>

The *communiqué* indicated that the council would meet in this format in Northern Ireland ‘on a date to be confirmed’. Five days later, however, the arrangements established by the Northern Ireland Act 1998 were suspended.

## **7.5 Coda**

To crown it all, the Euro 2008 tournament bid by Scotland and the republic was plunged into crisis shortly before suspension—because of economic difficulties in the south



putting the taoiseach's pet football stadium plan in doubt. The north's culture minister, Michael McGimpsey, offered to revamp the bid as an initiative for 2012, proposing the additional involvement of Northern Ireland and Wales. But his offer fell on stony ground in the excluded England and even in Scotland, where it was asserted that the original venture 'was still on track'<sup>14</sup>.

Next, shortly after suspension, on October 28<sup>th</sup>, Northern Ireland learned with dismay that Belfast had not reached the shortlist of the UK entries to the European City of Culture competition.<sup>15</sup>

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<sup>1</sup> *Irish Times*, October 22<sup>nd</sup> 2002

<sup>2</sup> Executive Information Service, September 20<sup>th</sup> 2002

<sup>3</sup> Executive Information Service, September 4<sup>th</sup> 2002

<sup>4</sup> Executive Information Service, August 27<sup>th</sup> 2002

<sup>5</sup> *ibid* and Executive Information Service, September 20<sup>th</sup> 2002

<sup>6</sup> See December 2001 report for Northern Ireland Women's Coalition assembly motion on the euro.

<sup>7</sup> *News Letter*, September 29<sup>th</sup> 2002

<sup>8</sup> *ibid*. Curiously, perhaps, there seems to have been no such opposition in this quarter to the extension to Northern Ireland of the 'Britain in Europe' campaign.

<sup>9</sup> *ibid*

<sup>10</sup> *Belfast Telegraph*, August 31<sup>st</sup> 2002

<sup>11</sup> Executive Information Service, October 9<sup>th</sup> 2002

<sup>12</sup> Executive Information Service, October 11<sup>th</sup> 2002

<sup>13</sup> The finance departments were also asked to consider whether there was scope for enhanced north-south co-operation going beyond the remit of existing EU-inspired co-operation and the north-south bodies.

<sup>14</sup> *Observer* (Irish edition), September 22<sup>nd</sup> 2002

<sup>15</sup> announced by the UK culture minister on the BBC *Today* programme

## **8. Relations with local government Robin Wilson**

The review of public administration (see February and August 2002 reports) did not immediately fall victim to suspension. Anticipating such an eventuality, a source close to the review said that it was 'going underground' anyway with a view to preparing a consultation paper in the coming months. Soundings so far had indicated a 'very high acceptance' of a reduction in the number of district councils (currently 26).

The new Northern Ireland secretary, Mr Murphy, made clear the review would continue. While acknowledging that decisions on the outcome would be a matter for a renewed devolved government, he said he did not want to lose 'momentum and interest'.<sup>1</sup>

Which might be said of the whole devolution project.

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<sup>1</sup> Northern Ireland Information Service, November 6<sup>th</sup> 2002

## 9. Finance Robin Wilson

### 9.1 Budget

The finance minister, Dr Farren, presented the draft budget to the assembly on September 24<sup>th</sup> (see assembly section).<sup>1</sup> As in the previous budgets health was the big winner, with a 13.6 per cent increase to over £3 billion in 2003-04—the minister noted that the corresponding increase for England was 10 per cent, which he took (given the cost structure of the health service) to be a standstill figure.

The clear hope was to reduce hospital waiting lists directly and by investing more in primary/intermediate care. As previous reports in this series have noted, the waiting lists in the region are now believed to be the longest in the European Union—probably the biggest single factor behind the negative rating given to the minister's performance in the Northern Ireland Life and Times Survey question on the 'difference' made by devolution.<sup>2</sup> As ever, and with remarkable insouciance, the minister, Ms de Brún, said the increase 'falls far short of what is needed'.<sup>3</sup>

The other big spender (again under SF stewardship), education, was allocated a 6.6 per cent increase, bringing its budget to over £1 ½ billion. *Inter alia* this was directed at 'further improvements in pupil performance'. The minister, Mr McGuinness, was attacked the next day in the assembly, by the vice-chair of the education committee, Sammy Wilson (DUP), for responding to the failure to reach numeracy and literacy targets by ... reducing the targets.<sup>4</sup>

The draft budget was the first to set out three-year projections, in line with Labour's comprehensive spending review. Another interesting innovation was the decision to allocate the Department of Enterprise, Trade and Investment a budget within a range, rather than a figure, incentivising Invest Northern Ireland, the new development agency, to focus on loans, rather than grants.

Finally, Dr Farren recommended increases in the domestic and non-domestic regional rates of 6 and 3.3 per cent respectively, in line with 'the pattern of recent years', with an eye to the review of rating policy still to be completed. Along with the budget, the latter fell on Ian Pearson's desk.

Dr Farren's last acts—on the very day of suspension—were to reallocate £144 million from the September monitoring round and £19 million (and £47 million for next year) from the Executive Programme Funds. Again, inevitably, health and education were the big beneficiaries of the former, with £43 million for health to minimise the winter crisis and £29 million for education for 'key services'. Once again, Dr Farren took the

opportunity to complain about the ‘clear pattern of under-spending’, referred to repeatedly in previous reports.<sup>5</sup>

With direct rule, it seemed, it was *plus ça change, plus c’est la même chose*. Announcing initial findings on the rating review, Mr Pearson indicated that rates would be applied to vacant property and industrial derating would be phased out.<sup>6</sup> Dr Farren would have concurred.

Mr Pearson subsequently confirmed the £66 million allocations from two of the EPFs (social inclusion / community regeneration, and innovation and modernisation) and, with a slight shaving (to £141 million) the reallocations arising from the September monitoring.<sup>7</sup> He also promised legislation to set up the Strategic Investment Board to carry forward the RRI (see executive section) and a ‘policy framework’ on public-private partnerships, on which the executive had issued a consultation paper in May (see August 2002 report).<sup>8</sup>

Indeed, the democratic legitimacy of any departure from what the executive had agreed pre-suspension was challenged by one of the outgoing ministers, Dr Farren’s party colleague and successor at the Department for Employment and Learning, Carmel Hanna. Responding to pressure from the region’s two universities to raise expenditure on research, Ms Hanna said she was very concerned about any move to ‘unpick’ the draft budget.<sup>9</sup>

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<sup>1</sup> Executive Information Service, September 24<sup>th</sup> 2002

<sup>2</sup> <http://www.ark.ac.uk/nilt>

<sup>3</sup> *Irish News*, September 25<sup>th</sup> 2002

<sup>4</sup> *Irish News*, September 26<sup>th</sup> 2002

<sup>5</sup> Executive Information Service, October 14<sup>th</sup> 2002

<sup>6</sup> Department of Finance and Personnel, October 24<sup>th</sup> 2002

<sup>7</sup> Department of Finance and Personnel, November 13<sup>th</sup> 2002

<sup>8</sup> Department of Finance and Personnel, November 15<sup>th</sup> 2002

<sup>9</sup> *Irish News*, November 11<sup>th</sup> 2002

## **10. Devolution disputes:nil return**

## 11. Political parties and elections     Duncan Morrow

### 11.1 Introduction

Since 1998 unionists and nationalists have continued to regard the prosecution of competitive sectional interests as more important than long-run strategic co-operation. The failure of the Belfast agreement to secure any accommodation on the military, paramilitary and policing mechanisms for finally ending conflict in Northern Ireland has led both camps consistently to promote their perceived national imperatives over any recognition that the difficulties of their partner-opponents were genuine and could only be overcome through a co-operative choreography.

The implementation of the agreement itself became a ‘factory of grievances’ (as a history of Northern Ireland was once aptly entitled). And it has been clear for some time that attempts to deal with this through small gestures were only having the effect of building cynicism where trust was required. With each side portraying itself as the true upholder of the agreement’s intent, opponents continued to be represented as malevolent or even sinister forces, on whose good faith it was irrational to rely.

Elections repeatedly heightened the need for each party to prove its capacity to deliver on its version of events. Even before the UK general election of June 2001, the UUP and SDLP had seen the writing on the wall and were tacking towards their more radical electoral competitors. The result was an increasing strain on what remained of the political centre—on whose survival the unique partnership government depended.

Over the course of 2002, street violence further eroded confidence in the capacity of the agreement to deliver stability. And although the then Northern Ireland secretary, Dr Reid, went to both sides of the interface in east Belfast in September,<sup>1</sup> the first minister, Mr Trimble, found it impossible to visit Catholics on his visit, suggesting little change in the traditional pattern of alignments.<sup>2</sup>

Following the raid by police officers on the SF office at Stormont on October 4<sup>th</sup><sup>3</sup> and the apparent exposure of an active and comprehensive republican spy ring at the heart of government, any remaining unionist confidence in the *bona fides* of republicans disappeared. On October 14<sup>th</sup>, the Northern Ireland secretary duly suspended the devolved institutions, pending consultations on the way forward.<sup>4</sup>

### 11.2 Growing UUP tensions

The splits in the UUP about the agreement were already causing serious difficulties for the political process, long before the final collapse. In a desperate attempt to reconcile

unionists to the seemingly inexorable rise of SF to pre-eminence within Irish nationalism in the north, the party leader, Mr Trimble, and his allies had floated the idea of a border poll on the same day as elections to the assembly. Their purpose was to reassure anxious unionists that the border would remain intact.<sup>5</sup>

British government circles remained open to any idea which promised to extend Mr Trimble's leadership. But there was considerable alarm among moderate nationalists that a hardline anti-southern-Irish election campaign would copper-fasten the demise of the SDLP as a significant political party, driving Catholics into the arms of an indignant SF.

This analysis was widely shared outside the UUP, but the forces facing Mr Trimble were real enough. Under pressure from the anti-agreement wing, the party executive agreed to an end to the rule that prevented UUP Westminster representatives from standing as candidates for the assembly.<sup>6</sup> The leading rebel MPs, Jeffrey Donaldson (Lagan Valley) and David Burnside (South Antrim), had already made clear that they coveted an assembly seat—a backhand recognition of the latter's increasingly important role in regional political life, and an explicit signal of their desire to insinuate themselves into Mr Trimble's pro-agreement power-base.

In early September, one of the *Trimblistas* indicated that even members of the leader's 'praetorian guard' in the assembly party were beginning to 'drift'. And it quickly became clear that, out in the Unionist associations, anti-agreement forces were making sweeping advances *via* the selection meetings for the elections putatively due in May 2003. The chief whip, Ivan Davis (Lagan Valley), and the party's junior minister, James Leslie (North Antrim), were victims.<sup>7</sup>

In spite of reservations among some anti-agreement elements about the damage a further attack on Mr Trimble's leadership might do to an election campaign, a further meeting of the ruling Ulster Unionist Council was called for mid-September.<sup>8</sup> Many within the party remained unhappy with the decision by the British government in July not to suspend SF from the executive, in spite of evidence of paramilitary activities (see August 2002 report). Although the government indicated it would press on with its plan to install an international ceasefire monitor,<sup>9</sup> in the face of active SF objection,<sup>10</sup> there was widespread media speculation that Mr Trimble had finally lost control of his constituency.<sup>11</sup>

In the event, he surprised even his supporters. He agreed a last-minute deal with his main challenger, Mr Donaldson, under which he announced he would resign from the executive in three months, if republicans had not demonstrated unequivocal commitment to exclusively democratic means.<sup>12</sup>

### **11.3 Disputes on policing**

While there was no indication that SF had any intention of signing up to the Police Service of Northern Ireland this side of an election, the arrival of Hugh Orde as chief constable—replacing the last RUC boss, Sir Ronnie Flanagan—created a new atmosphere.<sup>13</sup> For the first time, the republican leader, Mr Adams indicated his willingness to meet the chief constable.<sup>14</sup>

Nonetheless, Mr Trimble's deal with internal anti-agreement unionists also tied UUP politicians to a policy of withdrawing from the Policing Board should the British government push through further legislative reforms to please nationalists. This potentially places all unionists on a further collision course with the SDLP, which called for acceleration of the proposed reforms, derived from the talks at Weston Park in the summer of 2001.

### **11.4 Preparing for elections**

Mr Trimble's threat to withdraw from the executive in January and the apparent unwillingness of republicans to meet his demands for change raised the serious prospect that the elections, scheduled for May, would have to be brought forward to March. The nervousness of the UUP leadership about this prospect was underlined in an article by Paul Bew, a close associate of the leader, in which he argued for a delay of up to one year.<sup>15</sup>

Alongside the quite anti-agreement revolution in the UUP, in anticipation of elections, there were changes in other parties too. The Conservative MP Andrew Hunter, long an outspoken opponent of the agreement, resigned from his party at Westminster and announced his intention to stand as a DUP assembly candidate in Lagan Valley.<sup>16</sup> The SDLP deputy leader and agriculture minister, Bríd Rodgers, meanwhile announced her prospective retirement in indicating she would not be standing.<sup>17</sup>

While the generation of SDLP politicians who dominated nationalist politics until the 90s is disappearing, it is far from clear that the party has found the next cohort to fill their shoes. In spite of her defeat at the hands of Pat Doherty (SF) in the general election of 2001, Ms Rodgers' high profile in public affairs will be sorely missed by the SDLP—in Craigavon, where she had her base, and more widely.

### **11.5 The raid, suspension and after**

Obituaries for the agreement and devolution were already being written before October 4<sup>th</sup>. But when some 40 fully armed PSNI officers sensationally raided SF's office at



Stormont, in front of the TV cameras, all previous calculations were thrown into disarray.<sup>18</sup> Although the new chief constable later apologised publicly for the form and scale of the raid,<sup>19</sup> the fact that SF's head of administration at the assembly was charged with others with operating a well-organised intelligence network, extending to spying on the London and Dublin governments, could not be overlooked. Suddenly the anticipated scenario of institutions slowly rotting under the weight of unionist disillusion gave way to a more acute crisis, with republicans at its vortex.

Within days the two DUP ministers announced their intention to resign from the executive,<sup>20</sup> effectively forcing any of their four UUP counterparts who might otherwise have wavered to follow suit. Mr Trimble duly indicated to the prime minister, Mr Blair, that he would withdraw his ministers within seven days, unless the two SF executive members were expelled from government.<sup>21</sup>

Meeting in London, the prime minister and the taoiseach, Mr Ahern, were presented with the scale of the republican spying operation—which extended to their mutual communications. They called on the IRA to disband, and squarely placed the blame for the predicament on republicans.<sup>22</sup> As the options narrowed, even the SDLP accepted that a further suspension of devolved institutions represented the ‘least worst [*sic*]’ option in the circumstances,<sup>23</sup> although it firmly rejected a suggestion from Mr Trimble that the first and deputy first ministers continue to serve as shadows under a renewed direct-rule *régime*.<sup>24</sup> The party leader, Mr Durkan, subsequently revealed that he had also rebutted a request from Mr Blair to back an assembly motion to exclude SF from the executive.<sup>25</sup>

Seven days after Mr Trimble's ultimatum, the Northern Ireland secretary, Dr Reid, announced the suspension of the executive for the fourth time.<sup>26</sup> Three days later, Mr Blair, in a hurriedly-arranged speech in Belfast, made clear that the government had lost patience with the Provisional movement over the continued existence of the IRA, pointing the finger firmly at republicans for the breakdown.<sup>27</sup>

The prime minister called for ‘acts of completion’—in reality another variant on the successive demands, since the ‘peace process’ began, that the IRA ceasefire be ‘permanent’, that republicans declare their ‘war’ to be ‘over’ and that the movement ‘decommission’ its arms. The republican movement has, however, remained keenly aware of the power that grows out of the barrel of a gun—even when there is no proximate intention to use it—and has always found ways to body-swerve such demands.

Indeed, for the first time Mr Blair admitted the additional political ‘leverage’ the IRA's capacity had secured for republicans. Yet while the use of the plural—‘acts’—once more suggested British concessions on ‘demilitarisation’ for IRA gestures, there was a new air of finality about this latest appeal.

What was also striking, though, was the contrast in metaphors with Mr Blair's Belfast speech within weeks of his election in May 1997. Then he had warned republicans that the 'peace train' was moving off, with or without them. Now, *they* were at the 'fork in the road' and would determine progress, or otherwise. The liberal Alliance Party found this a strange collective punishment for paramilitary misdemeanours. Unsurprisingly, the republican response was to dismiss Mr Blair's call for the effective disbandment of the IRA as 'unrealistic'.

All the talk was thus of a long suspension. Although the government repeated its intention to hold the scheduled elections in May, there was widespread comment that this could only exacerbate an already difficult situation. On the other hand, it was claimed that parties which hoped to gain from elections, SF and the DUP, might not be willing to negotiate seriously before their mandate had been enhanced.

Matters fell further into disarray when the unexpected resignation of Estelle Morris as education secretary in London led to the removal of Dr Reid and his replacement as Northern Ireland secretary by Paul Murphy.<sup>28</sup> While Dr Reid had inspired some respect in Northern Ireland, during his time in office the secretary of state had largely been stripped of his independent powers as a result of devolution. Mr Durkan's caustic comment that Dr Reid was 'wired for broadcast rather than reception'<sup>29</sup> reflected the latter's personal style and his political predicament.

*Via* the pages of the SF newspaper,<sup>30</sup> on October 30<sup>th</sup> the IRA army council announced—for the second time—that it had suspended contact with the Independent International Commissioning on Decommissioning. But the response from government was muted. The new Northern Ireland secretary, Mr Murphy, said the move was 'regrettable and disappointing' but 'not surprising', while the republic's justice minister, Michael McDowell, described it as 'a tactical step'.<sup>31</sup>

Indeed, the outcome of the political drama was a surprising lack of activity. There was no major change in the pattern of low-level sectarian attacks and internecine feuding. Although there was concern that instability would generate economic difficulties, even the DUP seemed focused on the future rather than on deepening the crisis. At the annual UUP conference, Mr Trimble, again unsurprisingly, placed the blame on republicans and made clear his party would not participate in any devolved executive with SF again until the issue of arms was resolved.

Representatives of various strands of unionism and loyalism flew to South Africa for a summit aimed at reconciling their political differences—at some cost to the UUP's 'no truck with terrorists' credentials. Meanwhile, the SDLP persuaded the republic's government to re-establish the Forum for Peace and Reconciliation<sup>32</sup>—which had previously sat between the IRA ceasefire of 1994 and its Canary Wharf bomb of

February 1996—largely as a vehicle by which to put pressure on the IRA from within nationalism while, at the same time, maintaining the party's inclusive approach to SF.

For the latter, October was a month of unexpected embarrassment and defensiveness. It began with the publication of a new book by Ed Moloney,<sup>33</sup> which located the origins of the 'peace process' in the recognition by Mr Adams as early as 1981 that the military strategy had failed to achieve its broader objectives.<sup>34</sup> While Mr Moloney described the SF president as a 'genius'—in managing the development of the republican movement from ghetto paramilitary dominance to international political influence—he nevertheless emerged as a manipulative and ruthless figure.

In the aftermath of the spying charges, there was little doubt that SF had suffered a diplomatic setback in Washington, London and Dublin. In the republic, meanwhile, there was a further reverse when the Nice treaty, which the republicans had opposed on traditional nationalist grounds, was accepted at referendum—albeit at the second time of asking (see EU section).

At the close of the quarter, the queen's speech dangled another carrot in front of Mr Adams, when it indicated, as expected, that further policing reforms would be introduced, amending the legislation establishing the PSNI in 2000. This left unionists with the queasy feeling that—not for the first time—a process that had started out as a demand for the IRA to disappear was turning into a new negotiation, with further concessions on the table.

The same day, the Northern Ireland secretary, Mr Murphy, along with the republic's foreign minister, Brian Cowen, convened multi-party talks in Parliament Buildings, to which all the assembly parties were invited to send two representatives. The context proffered was the provision for review of the agreement (§7 of that section) if 'difficulties arise which require remedial action across the range of institutions'. The two men said they aimed to see devolution restored in time for the elections to go ahead in May.<sup>35</sup> That would require a decision by the end of March.

The DUP, which had refused to take part in any multilateral talks since SF entered them in 1997, said it would not be going this time either. It additionally bridled at the joint-authority connotation of the co-chairing arrangements (the talks leading up to the agreement had been independently facilitated by the former US Senate majority leader George Mitchell).<sup>36</sup>

For his part, the UUP leader, Mr Trimble, insisted there was nothing to negotiate.<sup>37</sup> But that was what he had said at Weston Park last year—and protracted negotiations there were.

## 11.6 Conclusion

The collapse of the devolved institutions appears to represent the exhaustion of the Belfast agreement as currently understood. While the political landscape has changed beyond recognition, the limitations of the agreement—specifically its failure to deal with the reorientation of all instruments of force/violence into the future and its reliance on communal segmentation—undermined its capacity to engender full partnership.

It seems clear that the restoration of devolved institutions will take as long as it takes to build a new consensus on all these issues. Progress, however, is expected to be slow.

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<sup>1</sup> *Belfast Telegraph*, September 4<sup>th</sup> 2002

<sup>2</sup> *Irish News*, September 2<sup>nd</sup> 2002

<sup>3</sup> *Belfast Telegraph*, October 4<sup>th</sup> 2002

<sup>4</sup> *Irish News*, October 15<sup>th</sup> 2002

<sup>5</sup> *Irish Times*, September 19<sup>th</sup> 2002

<sup>6</sup> *Irish Times*, August 28<sup>th</sup> 2002

<sup>7</sup> *Belfast Telegraph*, September 22<sup>nd</sup> 2002

<sup>8</sup> *Irish News*, August 29<sup>th</sup> 2002

<sup>9</sup> *Irish Times*, September 13<sup>th</sup> 2002

<sup>10</sup> *Irish News*, September 10<sup>th</sup> 2002

<sup>11</sup> *Irish Times*, September 7<sup>th</sup> 2002

<sup>12</sup> *Belfast Telegraph*, September 21<sup>st</sup> 2002

<sup>13</sup> *Belfast Telegraph*, September 2<sup>nd</sup> 2002

<sup>14</sup> *Irish Times*, September 16<sup>th</sup> 2002

<sup>15</sup> *Irish Times*, October 2<sup>nd</sup> 2001

<sup>16</sup> *Belfast Telegraph*, October 2<sup>nd</sup> 2002

<sup>17</sup> *Irish Times*, September 18<sup>th</sup> 2002

<sup>18</sup> *Belfast Telegraph*, October 4<sup>th</sup> 2002

<sup>19</sup> *Irish News*, October 9<sup>th</sup> 2002

<sup>20</sup> *Belfast Telegraph*, October 8<sup>th</sup> 2002

<sup>21</sup> *Irish Times*, October 9<sup>th</sup> 2002

<sup>22</sup> *Irish News*, October 10<sup>th</sup> 2002

<sup>23</sup> *Irish Times*, October 10<sup>th</sup> 2002

<sup>24</sup> *Irish Times*, October 14<sup>th</sup> 2002

<sup>25</sup> *Irish Times*, November 2<sup>nd</sup> 2002

<sup>26</sup> *Belfast Telegraph*, October 14<sup>th</sup> 2002

<sup>27</sup> *Irish Times*, October 18<sup>th</sup> 2002

<sup>28</sup> *Belfast Telegraph*, October 24<sup>th</sup> 2002

<sup>29</sup> BBC Northern Ireland, October 24<sup>th</sup> 2002

<sup>30</sup> *An Phoblacht*, October 30<sup>th</sup> 2002

<sup>31</sup> BBC Northern Ireland, October 31<sup>st</sup> 2002

<sup>32</sup> *Irish Times*, 29 October 2002

<sup>33</sup> *A Secret History of the IRA*, London: Allen Lane

<sup>34</sup> *Irish Times*, September 30<sup>th</sup> 2002

<sup>35</sup> Northern Ireland Information Service, November 13<sup>th</sup> 2002

<sup>36</sup> *News Letter*, November 14<sup>th</sup> 2002

<sup>37</sup> *Irish Times*, November 14<sup>th</sup> 2002

## 12. Public policies

Robin Wilson

There was a flurry of action pre-suspension as ministers ensured pet initiatives were taken out of their pending trays before the direct rulers came to praise—or bury—them.

### 12.1 Transport

On the Thursday before suspension—and the day before his resignation took effect—the DUP minister for regional development, Peter Robinson, announced his (highly theoretical) intent to consult on widening the free fares scheme for the elderly. This populist initiative, which took effect in May, was one with which his party would be more than happy to be associated as devolution became a memory.

On September 17<sup>th</sup>, the minister had issued a consultation paper, *A New Start for Public Transport in Northern Ireland*. This proposed a rationalisation of the oddly overlapping Northern Ireland Transport Holding Company and Translink—transport in Northern Ireland remains in public hands but poorly integrated—into a new body, Transport Northern Ireland. Given this continuing public-monopoly situation a new regulatory body was envisaged, at arm's length from the department.

### 12.2 Education

Much more controversial was the announcement by the education minister, Mr McGuinness, on October 8th that the transfer test (see August 2002 report) would end in 2004.

A survey of MLAs<sup>1</sup> in January had indicated a strict polarisation around selection at 11—as on so much else. Most Catholics had lined up behind the report of a review chaired by the former ombudsman Gerry Burns, which would keep existing post-primary schools (though encourage them to co-operate *via area* 'collegiates') but replace the transfer test by 'informed parental preference' based on a 'pupil profile'. Most Protestants backed academic selection, in some form.

But during the year a potential compromise had intriguingly emerged. Opinion among the denominational providers in Northern Ireland's segregated system, the education and library boards, the SDLP and Alliance gravitated towards a radical suggestion emanating from within a quango—the Council on the Curriculum, Examinations and Assessment. The suggestion, that the core curriculum should only run to age 14 to favour greater individual choice thereafter, and that there should be election—rather than selection—of pupil trajectories at that age, dovetailed with the CCEA's innovative efforts to make the

curriculum more competence- and less subject-based, with a new emphasis on citizenship and personal development. Reading between the lines of remarks by Mr McGuinness, this was the ‘emerging consensus’ of which he detected ‘strong signs’ in a foreword to a departmental report on the post-Burns consultation.<sup>2</sup>

Mr McGuinness had given the consultation a populist twist by sending a questionnaire to every household, and he initially trumpeted the high response. But when it became clear that nearly two thirds of parents had endorsed selection, he decided that the response had been skewed towards the middle class.

In an example of the unilateralism embodied in government formation by d’Hondt, he announced that the ‘11+’ would be abolished from 2004, knowing that his unionist colleagues would be hostile and without making clear what would be put in its place. It was a mixture of radicalism and irresponsibility which once more polarised matters—Catholics tending to be enthused by the former, Protestants tending to be appalled by the latter.<sup>3</sup>

In the shorter run, designing and implementing an alternative falls to Jane Kennedy, the responsible NIO minister. Ms Kennedy confirmed that the transfer test—which no one now defends—would go. But, unlike her devolved predecessor, she did not equate this with an end to ‘academic selection’.<sup>4</sup>

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<sup>1</sup> *Belfast Telegraph*, January 15<sup>th</sup> 2002

<sup>2</sup> Department of Education (2002), *Review of Post-primary Education: Report on Responses to Consultation* (Bangor: DE)

<sup>3</sup> Executive Information Service, October 8<sup>th</sup> 2002

<sup>4</sup> Department of Education, October 31<sup>st</sup> 2002