



The **Constitution** Unit



Nations and Regions: The Dynamics of Devolution

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Northern Ireland report

August 2001

- Sectarian tensions and violence worsen
- Sinn Féin and DUP gain in June elections
- Trimble resignation effected in July
- Talks fail at Weston Park
- Arms move held out but withdrawn
- IRA suspected of FARC link
- Government pursues policing reform

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1. Summary

Robin Wilson

This was not a good quarter for Northern Ireland's dwindling band of optimists. The underlying story was of widening intercommunal division and increasing violence.

In sharp contrast to the rest of the UK, turnout in the Westminster elections in Northern Ireland (and accompanying local elections) was high, as effectively two separate electorates mobilised one against another. Within the 'two communities', this meant significant gains for the Democratic Unionist Party and Sinn Féin against the more moderate Ulster Unionists and the SDLP.

The viability of power-sharing thus became increasingly difficult, with the first minister, David Trimble, effecting his promised resignation in the absence of the start to the decommissioning of IRA weapons he had understood to have been pledged a year earlier.

Assembly business continued during the quarter with remarkable consensus—though with considerable concern expressed about Northern Ireland's financial position—but that broke down when Mr Trimble's resignation was debated. And with the political élite distracted by constitutional matters, little executive policy activity took place.

Talks at Weston Park organised by London and Dublin were unable to secure agreement. The UUP leader was unable to keep business to his one-item decommissioning agenda; SF, meanwhile, refused to make any clear commitments in return for promised gains on policing and 'demilitarisation'.

A 'take it or leave it' package published by the two governments was thus long on the latter two items and very short on the former; calls for 'clarification' inevitably followed. Unionists were unmoved, awaiting movement by the IRA, but when it came it focused on the modality of decommissioning rather than when it might start.

As the six weeks available after the Trimble resignation to elect a new first and deputy first minister ticked away, the Northern Ireland secretary effected a one-day suspension of the institutions to buy another six weeks time. Outraged republicans withdrew their 'historic' offer.

While this undermined the credibility of the IRA's commitment, the arrest of three IRA suspects in Colombia, apparently having been assisting the FARC guerrillas, placed a huge question-mark against republican *bona fides*, critically in the United States. Dublin became distinctly cooler towards SF, backing a revised British policing implementation plan which sought also to woo the SDLP.

There was continued activity on the north-south front, particularly with regard to EU matters. But there was a strong sense as the quarter closed that devolution to Northern Ireland was becoming less and less real.

2. Political context

Robin Wilson

2.1 Introduction: deepening division

Last quarter's contextual introduction to the Northern Ireland report was headed 'The hour-glass drains'. During this quarter, *faute de mieux*, London turned the hour-glass upside-down. But once more the sand began running out.

The May devolution report also concluded by suggesting that all eyes were now on the Ulster Unionist Party leader, David Trimble. And so this quarter began. Yet, in a bizarre demonstration of Harold Macmillan's famous comment on the importance of 'events', it ended with the spotlight on his adversary, the Sinn Féin leader, Gerry Adams—and the activities in central and southern America of the republican movement.

The focus of official attention during the period was largely on the elections in Northern Ireland, the resignation of the first minister, Mr Trimble, and the Weston Park talks to salvage devolution. But the underlying story was of a continued fearsome widening of the gulf between the Protestant and Catholic 'communities', reflected at its most dispiriting in sectarian confrontations where ghettos lie cheek by jowl—in north Belfast.

An extraordinary stand-off continued for days in the area at the end of the school term, as loyalists tried to prevent Catholic parents from Ardoyne taking their kids to an interface school by the simplest public route. Extra troops and water cannon had to be drafted in to deal with it.¹

During the July 12th break in the talks at Weston Park, vicious overnight clashes took place between police and Catholic rioters, after the former had shepherded an Orange march past the area earlier that evening. The SDLP MLA for the constituency, Alban McGuinness, said later: 'I have not felt such tension in north Belfast in a long time.'²

At some interfaces in the north of the city, crowds of young people engaged in pitched battles with missiles, day after day. Coincidentally published research among interface youth meanwhile indicated, according to its author—a political geographer—that sectarian tensions were worse than before the paramilitary ceasefires.³ As the summer neared an end there were demands for longer and higher 'peace lines' to separate the 'two communities': Belfast already has 15 such walls.⁴

Throughout the quarter loyalist petrol- and pipe-bombs were directed at Catholics in areas like north Belfast and the eastern and northern seaboard. And there were further sectarian arson attacks on symbolic premises across the region, such as churches and Gaelic Athletic Association halls.

The most poignant episode of the year so far took place outside a GAA hall north of Belfast, when on July 29th loyalists shot dead a young Protestant, Gavin Brett, and wounded a Catholic friend. The boy's father, a paramedic who had been present at previous atrocities himself, was unable to save his son at the scene.

The parties, meanwhile, seemed to operate in a disconnected political sphere—as if their acts of commission or omission had no bearing upon what was happening on the streets. Mr Adams, for one, appeared quite sanguine about the widening gulf. In the run-up to the June 7th elections he looked to a ‘greening of the west’⁵—victories for SF candidates in Westminster constituencies in the west of Northern Ireland—while professing himself unconcerned about corresponding gains for the Democratic Unionist Party.⁶ Mr Trimble, meanwhile, initially—and bizarrely—blamed the loyalist killing of another (this time Catholic) youth in Antrim on July 4th on republicans.

2.2 Trimble forces a crisis

The announcement on May 8th by Mr Trimble, that in the absence of substantial progress on IRA decommissioning he would resign as first minister on July 1st—a day of huge unionist resonance, being the 85th anniversary of the Battle of the Somme—had set a time-bomb ticking under the Belfast agreement.

The Northern Ireland Act 1998 implementing the agreement provides for the first and deputy first ministers to be elected as a team, under the ‘parallel consent’ procedure requiring the support of a majority of both the ‘unionist’ and ‘nationalist’ assembly blocs. Should either resign, the other also falls, and within six weeks the assembly must elect, or re-elect, an FM and DFM once more, by the same procedure, or fresh assembly elections follow.

Mr Trimble had deliberately forced a crisis—but not principally, as was widely believed, as a *démarche* to strengthen his leadership against the growing swell of unionist scepticism about the agreement, articulated principally by the Lagan Valley MP and young pretender, Jeffrey Donaldson. Indeed, as previously reported, Mr Trimble was remarkably bullish about his *rendezvous* with the Protestant electorate, buoyed up by polling evidence that was unfortunately to prove wide of the mark (see public attitudes section).

In many ways, Mr Trimble is a reluctant—almost accidental—politician, ill at ease with glad-handing, baby-kissing or back-slapping. On two occasions during a fly-on-the-wall Channel Four documentary a few years ago he mused that there was ‘life after politics’. Conversely, though no bible-thumper, he is strongly influenced by the principally Presbyterian religious culture that suffuses the Protestant community in Northern Ireland. This is a language of ‘straight-dealing’, of literalism, which easily translates into rigidity.

By these lights, however, democracy and the rule of law are quite simply morally incompatible with paramilitarism: this is an issue that cannot be fudged. And promises—which is how Mr Trimble had understood the package announced by the prime minister, Tony Blair, and the taoiseach, Bertie Ahern, at Hillsborough on May 5th 2000, in which IRA decommissioning was to be executed within a year—are meant to be kept.

Yet far from any weapons—republican or loyalist—being decommissioned in the interim, a rising tide of paramilitary violence and intimidation had rendered ‘ceasefire’ claims increasingly threadbare. Royal Ulster Constabulary statistics showed that paramilitary attacks in the first half of 2001—including intracommunal ‘punishments’—were 40 per cent up on the same period last year,⁷ even though 2000 overall represented a four-year high in this regard.⁸ And the *Irish Times* security correspondent reported at the beginning of August that up to 90 murders had been committed by paramilitaries since the 1998 agreement, with all the main groups on both sides—nominally on ceasefire or not—making a significant contribution.⁹

More insidiously, the *Observer* reported in June that the loyalist Ulster Volunteer Force was developing its bomb-making skills and had acquired explosives with a view to a possible new campaign in the republic.¹⁰ And, *vis-à-vis* the IRA, a development just as metaphorically explosive was to come (see below).

In that sense, the principal target of Mr Trimble’s manoeuvre was not Mr Donaldson. It was, arguably, not even the republican leader, Mr Adams—though Mr Trimble’s repeated claims that republicans only responded to ‘pressure’¹¹ reflected a communalist self-confidence uncomprehending of the ghetto defiance his stance instils. The focus was primarily on Mr Blair, whose pliability in the face of republican insouciance Mr Trimble has come to disdain: ‘a tosser’ is how one of his advisors describes the prime minister.

The *Observer*’s Ireland correspondent, Henry McDonald, began a pre-election piece thus: ‘On the doorsteps of North Belfast’s Protestant redoubts the mere mention of one name provokes universal ire and bitterness—Tony Blair.’¹² The man who came three times to Northern Ireland to help swing the May 1998 referendum decided in the end to cancel a planned election trip to the region on its third anniversary, apparently out of fear that it could prove counter-productive for Mr Trimble if claims of ‘broken promises’ could be hurled at him.¹³

The elections proved a bruising encounter for Mr Trimble—in more ways than one (see parties and elections section). In the following week he led a UUP delegation to Downing Street. A spokesperson for the beleaguered party leader said of the prime minister: ‘To save this process, he has to stop pandering to Sinn Féin and look at rebuilding the centre ground, because without the centre ground there is no process.’¹⁴ Mr Blair appears to have got Mr Trimble’s message: he was reported to have ‘slumped in his chair speechless as he realised the gravity of the Ulster political crisis’.¹⁵

2.3 (Another) last chance

Announcing the negotiations to follow the activation of Mr Trimble's resignation letter, Mr Blair, accompanied by Mr Ahern, said 'we have to make sure—because otherwise it is unfair to the other democratic parties in Northern Ireland— ... that every party in government in Northern Ireland is committed to exclusively peaceful and democratic means and that weapons are being put beyond use in respect of all the paramilitary organisations'.¹⁶ The two premiers evidently hoped that further republican gains, on policing and 'demilitarisation', would be reciprocated by decommissioning.

But the republican movement has repeatedly evaded responsibility for delivering decommissioning, in three ways:

- denying any links between SF and the IRA, even though all serious commentators, politicians, officials and police commanders in Ireland and Britain know them to be intertwined;
- claiming that decommissioning could only be voluntary, and therefore dependent on others demonstrating to republicans that 'politics works';¹⁷ and
- asserting (in contradiction to the text) that the agreement renders decommissioning a 'collective responsibility', rather than one for the paramilitary-linked parties to address.¹⁸

Particularly in the wake of SF's electoral successes, Messrs Blair and Ahern were thus bound to be disappointed. And this was compounded by another conjunctural factor. The Catholic community has been deeply seared by the huge number of sectarian attacks, up to and including murder, launched by loyalists—mainly from the Ulster Defence Association—in recent months.

While IRA weapons have never defended Catholics effectively against such attacks,¹⁹ and while the focus on IRA arms is explicable by the presence of SF but not the loyalist parties in government, there is a widespread view in the Catholic community that that focus is misplaced and inappropriate.

But SF also had to face another consideration, arising from a vote in the republic on June 7th—on the ratification of the Nice treaty on (principally) EU enlargement. And that was a less sympathetic stance on the part of Mr Ahern.

In a major embarrassment to the government, the treaty was voted down on a very low turnout. The 'no' vote was particularly strong in those constituencies where SF is working hard in a clientelistic fashion to build an electoral challenge for the Dáil election expected in 2002. One of the 'no' camp cards was an egregious claim that the EU was developing an army threatening the republic's traditional neutrality.

At the launch of FF's (lacklustre) campaign, Mr Ahern had been scathing about the republicans. Warning of the 'national humiliation' attendant on a 'no' majority, he said: 'I am naturally impressed when I read about Sinn Féin's opposition to militarism ... But they could still make a big contribution to arms reduction in Ireland on the way to a less militarised Europe. Putting arms beyond use would set a very good example to foreign terrorist groups like ETA.'²⁰

This tougher stance was rehearsed by Mr Ahern in the run-up to Mr Trimble's resignation. He told the Dáil that he could not envisage progress on the other issues, such as 'demilitarisation', without progress on decommissioning, and, *vis-à-vis* the latter: 'A process with a vague timetable would not get us anywhere.'²¹ (Though this did not stop him joining the 'historic' chorus when the IRA statement eventually came in August.)

Media patience also wore thin in Dublin. The *Irish Times* editorialised: 'Let it be crystal-clear. Sinn Féin and its IRA associates alone are to blame if the biggest peace project in the history of this island is allowed to falter.'²² Indeed a slew of similar editorials appeared in the London and Dublin, and US, papers in the run-up to the Weston Park talks.

Even the veteran SDLP leader, Mr Hume, joined in. From the IRA ceasefire of 1994 onwards, Mr Hume had insisted that decommissioning was a red—or perhaps orange—herring: what mattered was that guns were silent and decommissioned weapons could easily be replaced. Now, however, he had changed his tune, describing it as the principal issue holding up progress, and one on which only the parties linked to paramilitaries could move.²³

Mr Hume's deputy, Séamus Mallon, meanwhile, began to muse aloud about the possibility of SF being excluded from the executive—not at his behest, you understand, but something for the British government to consider.²⁴ As another negative report emerged from the decommissioning commission, it was a suggestion readily taken up in the Commons by Mr Trimble—and equally inevitably body-swerved by the Northern Ireland secretary, Dr Reid.²⁵

But six days of talks at Weston Park in Staffordshire in July, hosted by the London and Dublin governments, did not yield agreement. Inevitably so. For Mr Trimble this was an agenda with only one item—IRA decommissioning—which was not the view of the other participants, in search of a package deal. For the republicans, meanwhile, it was a negotiation with effectively only one party—the British government²⁶—which did not leave a lot for the others to do.

Defeated, the governments undertook to produce a non-negotiable (and selectively leaked) 'package' designed to resolve the outstanding issues. This 'take it or leave it' deal was duly published on August 1st.

In a reflection of the inherent asymmetry of the situation, the paper was long on promises on matters within the government's control: policing (legislation to be brought more closely in line with the Patten report), 'demilitarisation' (a number of installations were named for closure), an amnesty for paramilitaries on the run and an international judge to determine whether past controversial killings merited inquiries. But a single paragraph on decommissioning could merely say that it was 'indispensable'.²⁷

Unionists, who were expected to play their part by lifting the ban on SF attendance at the North/South Ministerial Council, thus said they had nothing to which to respond. For his part—and with absolutely no sense of irony—Mr Adams complained that the proposals were 'short on timeframes, dates and completion deadlines'. And decommissioning? '[T]hat's entirely a matter for the IRA.'²⁸

The two governments set a new deadline of August 6th for (positive) responses, but the Northern Ireland parties have long come to realise that intergovernmental deadlines have as much clout as a rubber truncheon. The proposals were thus subjected to a cavalier bout of 'clarification'-seeking from all concerned, and the 'deadline' duly passed.²⁹

2.4 De-decommissioning

Within days of the expiry of the unavoidable deadline set by the 1998 act, however, the republicans moved to grab the high moral ground in Northern Ireland's never-ending 'blame game' as the next crisis loomed. The Independent International Commission on Decommissioning announced on August 6th that its IRA interlocutor had proposed a method of 'putting IRA arms completely and verifiably beyond use' which the commission believed 'initiates a process' to that effect.³⁰ This was followed the next day by an IRA statement confirming it had agreed such a scheme.³¹ Mr Adams announced it 'hugely historical'.³²

But the IRA statement to the decommissioning body was not enough to satisfy Mr Trimble (as its authors must have known). The IRA did nothing to clarify the 'context' of its May 6th 2000 statement as to *when* it would 'put arms beyond use', merely providing a description of *how*.

The UVF had agreed a decommissioning scheme with the body months earlier, yet the context in which *it* had indicated it would decommission—removal of any threat to the union—was as subjective as that offered by the IRA on May 6th 2000 (which could be interpreted as not this side of a united Ireland³³), and had similarly led to substantive inaction. Asked when he believed the first IRA dump would be put out of commission, the SF education minister (and IRA army council member), Martin McGuinness, said: 'I have no idea and that's as honest an answer as I can give you.'³⁴

In any event, it would not be any time soon, since the republicans had deemed inadequate the ‘take it or leave it’ post-Weston-Park package. Even on a narrow reading of the May 6th 2000 ‘context’, no arms would be put ‘beyond use’ until policing and ‘demilitarisation’ arrangements were satisfactory to the IRA. On policing see below. On ‘demilitarisation’. Conor Murphy, SF’s MLA for South Armagh—location of many of the controversial army installations—described the proposals as ‘a pathetic joke’.³⁵

Moreover, *what* ‘putting arms beyond use’ would constitute was less clear than ever. In Macedonia, for instance, NATO envisaged a simple arms handover, as actually took place in Sierra Leone, under UN auspices, at the beginning of August. That had long been ruled out as ‘surrender’ by republicans. So the Northern Ireland Arms Decommissioning Act 1997 (and identical legislation in the republic) referred to either a handover or destruction of weapons—and destruction was defined as including ‘making permanently inaccessible or permanently unusable’. This was the basis for the production of the decommissioning scheme in 1998 to which (presumably) the UVF had signed up.

In their statement on May 5th 2000, on the eve of that by the IRA, the two governments had asked the IICD to consider where any further decommissioning schemes would offer the commission ‘greater scope’ to discharge its mandate. And just a few days before the August 6th 2001 statement from the body, according to the Northern Ireland Office, the two governments were indeed invited to promulgate a new scheme under which arms would be made ‘permanently inaccessible or permanently unusable, and therefore put completely beyond use’.³⁶ That scheme, dated August 2nd, was duly published on the same day as the latest report from the commission. It used a variant of this formula—‘permanently inaccessible or permanently unusable, so that they are completely beyond use’—but did not offer any explication of what it meant.

Yet what the ‘therefore’ (or ‘so that’) clause adds is not at all apparent. The only viable explanation for this is derived from the IRA’s own distinction between ‘complete’ and ‘permanent’: the latter means irreversible while the former does not. The IRA’s willingness to use the former, while rejecting the latter, term to describe its 1994 ceasefire was the basis for the renunciation of that ceasefire in 1996. One assumes the same reasoning underlay the resort to ‘complete’ in the May 6th 2000 statement on decommissioning, in contrast to the ‘permanent’ required by the legislation.

This is a theological issue for republicans: as a senior IRA prisoner forcefully asserted to this writer a few years ago in the Maze, the movement is not prepared to bind future generations.³⁷ In Provo-speak, far from permanent meaning—‘therefore’—complete, ‘complete’ does not mean permanent at all.

One explanation for all this was that the IRA had told the commission, led by Gen John de Chastelain, that even blowing up weapons would be deemed ‘surrender’ to

unionists. What the general was thus said to favour was the sealing of arms dumps and their monitoring, jointly in each case by a member of the commission and a member of the IRA—no one else would know their whereabouts.³⁸ By this mechanism, the IRA would in effect have progressively reduced decommissioning from a handover to destruction to an inspection *régime*.

The general has in the past confided that he is convinced of the *bona fides* of Messrs Adams and McGuinness. There would doubtless be others—and perhaps not only unionists—who would be reluctant to place confidence in such a diluted procedure.

This was all, however, academic—and not just because of a Real IRA bomb attack in Ealing, west London, on August 2nd, which kept the dissident faction in the media spotlight. A suspension of the institutions was inevitable, though there were persistent reports that the prime minister would have preferred new assembly elections—which would, of course, have meant that British ministers would not, once more, take flak from Dublin or the international community, whatever the impact of further elections on Northern Ireland.

But the brief nature of the suspension (on August 11th-12th) allowed the Northern Ireland secretary, Dr Reid, to present it as a mere device to buy time for further consideration of the governments' proposals.³⁹ The procedure arose from a loophole in the Northern Ireland Act 2000 introduced to allow the suspension of February that year. It had the effect of resetting the clock on the re-election of an FM and DFM: another six weeks grace had been established for agreement to be found.

Republican reaction was, however, still furious—a 'body blow', said Mr Adams.⁴⁰ No one was surprised, therefore, when the 'historic' IRA offer of a week earlier became just history, as 'P O'Neill' withdrew it.

But to many, including Dr Reid, the history-making significance of the offer was placed in considerable question by the speed of its withdrawal and the triviality of the occasion—a one-day suspension of political business as usual, on a Saturday. Republican anger appeared as synthetic as the ire of unionists at the plan to place bouquets of republican white lilies in the foyer at Stormont over Easter—when the assembly was in recess and they would have had to come into the building specially to be offended by the floral display (see May report).

2.5 Policing

In mid-August, the British government finally released its revised implementation plan for policing.⁴¹ This aimed to assuage Catholic—though not necessarily republican—concerns about the detailed implications of the post-Weston-Park package and longstanding complaints that the previous version did not adequately reflect the Patten report of September 1999. Both the SDLP and SF had deemed the former Northern Ireland secretary, Peter Mandelson, to have traduced Patten in the

Police Act of 2000—though Mr Patten himself had urged all parties to support the heavily amended legislation and, optimistically, asked them not to treat policing as a political football.⁴²

The new plan did strengthen the Policing Board, to whom the chief constable of the renamed Police Service of Northern Ireland is rendered accountable, and the office of the police ombudsman, who deals with complaints. It also affirmed that the emblems associated with the service would be neutral and that the Union flag would not fly from police stations.

SF got its retaliation in first, however, dismissing the proposals. They did not ‘bridge the gap between the Mandelson legislation and the Patten report’, the party said.⁴³ In private, republicans see Patten as ‘a floor, not a ceiling’—as one of SF’s leading figures less given to wordsmithery put it last year.

For republicans to accept any policing service while partition remained would be the same as genuinely to decommission IRA weapons: it would signal acceptance of the legitimacy of the state, critically undermining the claim that the Belfast agreement represents a mere way-station to a united Ireland. A few days before the Trimble resignation, the IRA announced with characteristic immodesty that ‘the countdown to a united Ireland is already under way’.⁴⁴

While SF rejected the proposals, and the SDLP prevaricated for a few days, the republic’s government immediately rowed in in support. This was doubtless partly because it would have been bizarre if Dublin had rejected as inadequate propositions far more radical than any the Department of Justice would countenance for the Garda Síochána, which is not subject to the scrutiny of any police authority outside the department. But it was perhaps another sign of the growing unease in FF in particular about how an untransformed Leninist organisation has wormed its way into democratic politics in Ireland.

2.6 Bungle in the jungle

A huge story had meanwhile emerged to question the *bona fides* of the republican leadership, as it filtered out that three suspected IRA members, all with strong SF connections, had been arrested in Bogota, having allegedly spent several weeks with the huge FARC guerrilla army in the ‘demilitarised zone’ in Colombia.⁴⁵ They claimed to be tourists but were all carrying forged passports. More seriously, explosives were detected on their clothes.

Reports suggested the trio were involved in a paramilitary version of what economists would call ‘technology transfer’. Two of the men, Jim Monaghan and Martin McCauley—both with convictions for IRA offences—have been key figures in what the IRA describes as its ‘engineering department’.⁴⁶ The strong suggestion was that,

given the IRA's urban-guerrilla experience, they were assisting the FARC in bomb-making techniques, in line with the latter's objective to take its 'war' to the cities.

Indeed it was suggested that this had not been the first visit and that the Colombian authorities had themselves noted the appearance of IRA-type weapons in the field in recent months. One report went so far as to claim that, fully a year earlier, the commander of the Colombian army had met senior police and security officials in Belfast to discuss FARC-IRA co-operation, a visit reciprocated in January by the army commander of land forces in Northern Ireland.⁴⁷ Were this to be substantiated, it would raise huge 'what did he know and when did he know it?' questions for Mr Blair to answer in terms of his dealings with SF, at Weston Park and elsewhere, in recent months.

Mr Monaghan was a former member of the SF *ard chomhairle* and was said to have been on the list of on-the-run IRA members for whom SF had sought amnesty at Weston Park. Mr McCauley was director of elections for SF in the 1996 elections to the Northern Ireland Forum in Upper Bann, Mr Trimble's constituency. The third member of the group, Niall Connolly, was confirmed by the foreign ministry in Cuba to have been SF's representative there for several years.⁴⁸ The party leader, Mr Adams, was meanwhile, remarkably, due to visit Cuba himself.

SF tried desperately to downplay the story, claiming Mr Monaghan had left the party an undefined period of years earlier, denying Mr Connolly represented SF in Cuba and generally professing ignorance of what the men might have been up to. An experienced Provo-watcher in Belfast, Ed Moloney, reported that the IRA army council had introduced new 'regulations' after the Belfast agreement indicating that any IRA members caught in action would be disowned to avoid embarrassing the republican leaders.⁴⁹ Yet assuming the sightseeing suggestion can be discounted, there is no way that whatever operation the trio were involved in could have taken place without sanction at the highest level.

The consequences were still unfolding as this report was being completed. But they were inevitably major.

When an IRA gun-running operation, from central America via Florida, was discovered in 1999, the US consul in Belfast tried to stop UTV from putting out a current-affairs programme on the episode. And it was reported in July this year that senior Clinton aides had sought to cover up the role of the IRA leadership in the affair.⁵⁰ A Bush administration was hardly likely to be so sympathetic anyway—but, even more seriously, any association between the IRA and the 'narco-terrorist' *bête-noire* of FARC in Colombia was dynamite.⁵¹

The State Department, which has now regained control of Northern Ireland policy from the National Security Council (which meant the White House in the Clinton era), declared the episode 'troubling' and raised the question as to whether the IRA might once more be placed on its 'terrorist' list.⁵²

Moreover, the timing of the visit by Mr Adams to Cuba—itsself an index of the time-warp the republican movement ideologically inhabits—could not have been worse. A *Washington Post* editorial, headed ‘Fidel’s Irish Friends’, claimed it was ‘increasingly clear who’s to blame’ for the breakdown of power-sharing: the IRA. And it concluded: ‘Mr Adams used to have friends in Washington, but their band is dwindling now.’⁵³ At the time of writing, whether the Cuba trip would go ahead was in doubt.

Were the US administration to shun the republicans, the most powerful leg of the three-legged stool on which their ‘peace strategy’ was constructed in the early 90s—the SDLP, the republic’s government (led by Fianna Fáil) and Washington (led by Irish-America)—would have fallen off.

The fact that the IRA was removed from the State Department’s ‘terrorist’ list in 1997, having renewed its ceasefire, has been an important factor in legitimising SF fundraising in the US, as well as the access Mr Adams has enjoyed to President Clinton and, latterly, Mr Bush. According to the Department of Justice, between October 1995 and August 1999 SF accumulated \$2.5 million in US donations. The last Friends of Sinn Féin dinner in Manhattan raised half a million alone.⁵⁴

This kind of money allows the party easily to outspend any party in Ireland, north or south, except FF. As Northern Ireland secretary Mo Mowlam ensured the Westminster legislation on foreign donations did not apply to the region and an attempt by Mr Ahern to block US donations to the republic was rebuffed by an angry Mr Adams last year.

But the Colombian episode will only encourage calls within FF for the kid gloves deployed towards SF to be removed.⁵⁵ Moreover, again at time of writing, it appeared that the SDLP was about to part company with SF—for the first time since the 1997 ceasefire renewal—by agreeing to nominate members to the new Policing Board.⁵⁶

In the wake of the June 7th elections—north and south—Mr Adams was (republican) monarch of all he surveyed. By the end of the quarter, he was starting to feel once more the draught of the political cold.

¹ *Irish Times*, June 22nd & 23rd 2001

² *Irish News*, July 18th 2001

³ *Guardian*, June 30th 2001

⁴ *Observer*, July 22nd 2001; *Irish News*, August 1st & 18th 2001

⁵ *Irish News*, May 24th 2001

⁶ *Irish Times*, May 25th 2001

⁷ *Belfast Telegraph*, July 2nd 2001

⁸ *Belfast Telegraph*, December 26th 2000

⁹ *Irish Times*, August 1st 2001

¹⁰ *Observer*, June 17th 2001

¹¹ eg *Irish Times*, July 2nd 2001

¹² *Observer*, May 20th 2001

¹³ *News Letter*, May 23rd 2001

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- ¹⁴ *Guardian*, June 12th 2001
- ¹⁵ *Sunday Independent*, June 17th 2001
- ¹⁶ *Irish Times*, June 29th 2001
- ¹⁷ *Irish Times*, July 5th 2001
- ¹⁸ *Irish Times*, July 4th 2001
- ¹⁹ See Malachi O'Doherty, 1998, *The Trouble with Guns: Republican Strategy and the Provisional IRA*, Belfast: Blackstaff Press
- ²⁰ *Irish Times*, May 19th 2001
- ²¹ *Irish Times*, June 20th 2001
- ²² *Irish Times*, June 22nd 2001
- ²³ *Irish Times*, June 23rd 2001
- ²⁴ *Guardian*, July 2nd 2001
- ²⁵ *Guardian*, July 3rd 2001
- ²⁶ *Ireland on Sunday*, June 18th 2001
- ²⁷ *Irish Times*, August 2nd 2001
- ²⁸ *Irish Times*, August 4th 2001
- ²⁹ *Sunday Tribune*, August 5th 2001
- ³⁰ Report of the Independent International Commission on Decommissioning, August 6th 2001
- ³¹ *Irish News*, August 9th 2001
- ³² *Irish Times*, August 7th 2001
- ³³ *Daily Telegraph*, August 7th 2001
- ³⁴ *Belfast Telegraph*, August 7th 2001
- ³⁵ *Irish Times*, August 17th 2001
- ³⁶ Northern Ireland Information Service, August 6th 2001
- ³⁷ Similarly, see *Guardian*, July 21st 2001
- ³⁸ *Guardian*, August 7th 2001
- ³⁹ *Guardian*, August 11th 2001
- ⁴⁰ *Irish Times*, August 11th 2001
- ⁴¹ *Irish Times*, August 18th 2001
- ⁴² *Irish Times*, December 4th 2000
- ⁴³ *Irish Times*, August 18th 2001
- ⁴⁴ *Irish News*, June 25th 2001
- ⁴⁵ *Irish Times*, *Guardian*, August 14th 2001
- ⁴⁶ *Observer*, August 19th 2001
- ⁴⁷ *Sunday Times*, August 19th 2001
- ⁴⁸ *Guardian*, August 16th 2001
- ⁴⁹ *Sunday Tribune*, August 19th 2001
- ⁵⁰ *Observer*, July 22nd 2001
- ⁵¹ *Guardian*, August 18th 2001
- ⁵² *Irish Times*, August 18th 2001
- ⁵³ *Washington Post*, August 16th 2001
- ⁵⁴ *Irish Times*, August 1st 2001
- ⁵⁵ *Sunday Tribune*, August 19th 2001
- ⁵⁶ *Belfast Telegraph*, August 18th 2001

3. Devolved government

Robin Wilson

For the reasons outlined above and in the political parties section, devolution began to appear more unreal as the quarter progressed.

While the Executive Committee continued to function, evidence of the growing inter-party tensions was evident in an extraordinary outburst from the finance minister, Mark Durkan. A week before the June 7th polls he told the *Belfast Telegraph* that other ministers had been ‘dishonourable’ and ‘dishonest’.

The SDLP minister’s anger was a product of the odd composition of the executive. With all major parties included but with no collective responsibility, the incentive towards the offloading of responsibility on to others for unpopular decisions is obvious—particularly at election times.

Mr Durkan evidently felt he had been set up as the fall guy for the increases in the regional rate included in his draft 2001-02 budget, which he had presented to the assembly in October 2000 on the executive’s behalf. All three other parties to the executive were now claiming credit, he said, for those increases being reduced in the revised budget. ‘It is clear to me that for others responsibility sharing means that they claim all credit for themselves and heap all blame on others,’ he complained.¹

Worse, however, was the tension on the streets. And its first meeting after the failed Weston Park talks and the associated confrontations was testament to the weakness of the executive in the face of these developments. It could only appeal to the Community Relations Unit within the OFMDFM ‘to examine and suggest any steps the Executive could take to foster dialogue between local communities’.²

Towards the end of the quarter, the minister formerly known as the minister for higher and further education, training and employment, Sean Farren, became the plain minister for employment and learning, as his department with its unfortunate-sounding acronym (DHFETE) was renamed. Dr Farren professed himself delighted,³ but the words ‘deckchairs’ and ‘Titanic’ can hardly have been far from his mind.

Nevertheless, officials ploughed on, regardless of the looming abyss. A former senior civil servant in the Department of Health, Social Services and Public Safety, Jeremy Harbison, began a review of community-relations strategy. Discussions with OFMDFM officials indicate, however, that they are at as much of a loss as ministers as to how the polarisation self-evident on the streets can be stemmed. Dr Harbison is however one of the most able and dedicated of Northern Ireland’s civil servants; he anticipates reporting to the executive (if it is there) before the end of the calendar year.

On June 22nd, the (still) first and deputy first ministers, Messrs Trimble and Mallon, circulated a ‘position report’ drafted for the executive by the Economic Policy Unit in

OFMDFM on the preparation of the Programme for Government of 2002-03.⁴ The iterative work of the executive's sherpas on the programme is rather like the painting of the Forth rail bridge (and indeed it is assumed that departments will continue to implement the existing programme even if devolution is suspended⁵). The FM and DFM wrote: 'Although we are only a few months into the implementation of the [2001-02] Programme we need now to prepare for decisions by December on the Budget for next year.'

Financial considerations indeed loom large in the report. While politically, it cleaves to the same five priorities as set out in the 2000-01 programme, there is a strong underlying sense of alarm about ever-tightening fiscal screws—arising from the 'Barnett squeeze' and the exhaustion of EU support, against the overhang of a huge infrastructure deficit bequeathed by direct rule (see finance section).

There is some unease within the wider society about the reliance on the Private Finance Initiative which the report presumes. Reservations were expressed in a report from the assembly's finance and personnel committee (see assembly section), the Civic Forum called for a moratorium on PFI and the 100+ -strong Chief Executives' Forum in the region, chaired by a former permanent secretary, is planning a seminar to raise debate on the subject later in the year, with critical expert input from Britain.

The prime minister, Mr Blair, would however doubtless wish his critics on this score were, as in Northern Ireland, so distracted by other matters.

¹ *Belfast Telegraph*, May 31st 2001

² Executive Information Service, July 26th 2001

³ Executive Information Service, July 23rd 2001

⁴ *Preparing for 2002-03: The Executive's Position Report to the Assembly*, Belfast: OFMDFM (Economic Policy Unit)

⁵ *Belfast Telegraph*, August 16th 2001

4. The assembly

Rick Wilford

4.1 Introduction

The assembly held just ten plenary sessions during the quarter, having taken a two-week break during the run-up to the general and local elections. It embarked on its summer recess on July 6th and was scheduled to reconvene on September 3rd, all other things being equal—which they seldom are in Northern Ireland.

The outcome of the elections complicated an already fraught political situation, aggravated by the implementation of Mr Trimble's resignation as first minister, effective from (Sunday) July 1st. The crisis, however, fell short of an immediate political drama.

On July 2nd the speaker, Lord Alderdice, reported to the assembly that he had opened the post-dated letter delivered to him on May 8th announcing the FM's intention to resign. He also disclosed that on June 29th he had received a second letter from Mr Trimble designating Sir Reg Empey (a fellow UUP minister) to exercise the functions of the FM during the maximum six-week vacancy provided for by the Northern Ireland Act 1998, sections 16(5)(b) and 16(8).

Formally Northern Ireland then had neither a first nor deputy first minister, but two MLAs, Sir Reg and Mr Mallon, carrying out the functions of the office previously headed by Messrs Trimble and Mallon. During a television interview, the latter came up with a novel acronym to describe his new status, 'DFMIABN'—deputy first minister in all but name.

Though a somewhat cumbersome arrangement, Mr Trimble's decision to nominate Sir Reg enabled the administration to tick over for the six weeks. By August 12th, under the act, a new FM and DFM had jointly to be elected/re-elected, by means of 'parallel consent'—requiring a majority in both the 'unionist' and 'nationalist' assembly blocs—to keep the show on the road. This would itself have required that the assembly be reconvened during the recess by a petition signed by 30 MLAs.

But without tangible evidence that the decommissioning process had at least begun, neither Mr Trimble nor any other UUP MLA would seek (re-)election as FM, and the interim arrangement whereby Sir Reg acted as surrogate would cease.

4.2 The assembly

Given the mounting sectarian violence, the 'marching season', the local and general elections and the events following Mr Trimble's resignation, it is perhaps remarkable that the assembly continued to function at all, in plenary and committee mode. Indeed, it was one element of the agreement left hitherto unscathed by the (former)

FM's unilateral ban on the attendance of SF ministers at NSMC meetings (ruled unlawful by the High Court but subject to appeal) and the reciprocal boycott by SF of the British-Irish Council's sectoral and planned (but postponed) plenary meetings.

While the wider political tone of the survey period was set on May 8th, when Mr Trimble announced his intention to resign, and the assembly debated a (failed) Democratic Unionist Party motion of no confidence in the minister of education, Mr McGuinness (SF), the business of the assembly was largely unimpeded. Besides proceeding with its legislative agenda (see below), MLAs debated an eclectic range of issues.

The major debates included public health and health inequalities (May 14th), budget timings (May 29th), supply resolution for 2001-02 estimates (June 18th), the pre-budget statement (June 19th), a children's commissioner (June 26th), public expenditure and Mr Trimble's resignation (July 2nd), public-private partnerships (July 3rd) and child protection (July 4th).

4.3 Budgetary matters

Previous reports have documented the disquiet among members, especially those on the finance and personnel committee, about the procedures for scrutinising the budget. The issue resurfaced on May 29th, when the finance minister, Mr Durkan (SDLP), made a statement on the proposed timetable for the 2002-03 budget process.

Acknowledging the concerns of members about the time constraints imposed on consideration of the current year's budget, Mr Durkan set out the new approach to the planning of public expenditure for the financial year beginning in April 2002. The goal of the new procedures is to have an agreed budget in place by December 2001—one that is consistent with the principles and priorities of the executive's Programme for Government and the promotion of equality of opportunity as required by section 75 of the Northern Ireland Act 1998.

In making his statement on budget timings the minister was initiating the new procedures before the summer recess, thereby creating more time for the statutory committees to consider the spending proposals of their associated departments in advance of the executive's consideration of a draft budget. Mr Durkan announced that each department would issue a short position report in June, complemented by a statement on the programme and a pre-budget statement (see below). In addition, the executive planned to bring forward the debate on the draft budget by two weeks in the autumn session, thereby creating more time for assembly scrutiny of the spending proposals.

To facilitate the process, Mr Durkan proposed that each statutory committee should produce a preliminary report on 'their' department's spending plans by July 6th, to be forwarded to the finance committee. The latter's role in the process is to collate and

channel the views of the other committees to the minister—this would preferably be before the end of August, so that the executive would have them to hand when it considered the proposals for the programme and the draft budget in early September.

The aim of the executive was to lay drafts of both the programme and the budget before the assembly in late September, a date the finance committee had recommended in its report on the budget in November 2000. Between September and December widespread consultation would take place—within and outwith the assembly—on the equality implications of the proposals.

Concurrently, the statutory committees would consider the proposals for the programme and the consequent public-service agreements with departments, fleshing out the context for the full debate on the draft budget in November—on foot of a motion from the finance committee. In early December there would be a statement on the revised budget, informed by a finance committee report on the draft proposals, leading to a full debate and vote by December 10th. (As a ‘key decision’ as defined by the agreement, the vote has to demonstrate cross-community support, by ‘parallel consent’ or weighted majority.)

Mr Durkan’s statement was broadly welcomed. But the chair of the finance committee, Francie Molloy (SF), signalled the committee’s preference for a full debate on the draft budget in October rather than November, a view the minister accepted. In response to other questions, he undertook to release the outcomes of needs and effectiveness reviews of departmental spending as they became available, and to arrange seminars for the committees on the resource accounting system recently introduced. Even Seamus Close (Alliance), one of the most acerbic critics of the budgetary procedures hitherto, congratulated the minister on the revised timetable, which ‘gives us the opportunity and the ability to move forward in a more efficient manner’.¹

Following its fortnight’s break, the assembly reconvened on June 18th, when it debated the supply resolution for the 2001-02 main estimates and, a day later, the pre-budget statement. In the light of the warm welcome accorded to the new budgetary procedures, Mr Durkan might reasonably have anticipated a relatively smooth ride during the debate on supply, tabled to secure the authorisation of departmental expenditure for the remainder of the current financial year.

Not so, however. The perceived inadequacies of the scrutiny of the budget in 2000-01 were revisited by a number of MLAs, including Mr Molloy. He reminded the minister that the finance committee had been concerned ‘at the complete absence of prior consultation with the Assembly Committees regarding how to allocate the funds that become available during the monitoring rounds ... which are simply presented to the Assembly as a *fait accompli*, with no opportunity for the Statutory Committees to bring any influence to bear on how they are spent’.²

In the committee's view, the existing procedures for dealing with in-year monitoring were merely a continuation of those adopted during direct rule and thus 'far from appropriate in the new circumstances'. He proposed the adoption of new procedures designed to provide the statutory committees with 'advance information about the scale of the funds and their availability for reallocation' and to allow their views to be sought 'in relation to how these funds could be reallocated before the Executive Committee takes its final decision'. Broadening his criticisms, Mr Molloy referred anew to the insufficiency of the means of scrutinising future spending plans:

I speak for all departmental Committees when I state that the Committees must be fully consulted on future spending plans, including related financial matters such as the spending review, the regional rate, and the European Union structural funds. This should be undertaken early in the year to ensure that the Committees can make an effective contribution ... Additionally, there is a duty on each Department to ensure that its respective departmental Committee has the information it needs to perform its statutory role of scrutinising, considering and advising on the departmental Estimates.

The finance committee chair warmed to his theme. While encouraging Mr Durkan—assuring him he would be bolstered by support from the statutory committees—to ally with his counterparts in Scotland and Wales, to tackle the UK Treasury redoubt over the Barnett formula, Mr Molloy became increasingly forthright in his criticisms of the department's handling of 'the early stages of the public service financial cycle'.³ Referring to the statutory duty of committees to advise ministers on the formulation of policy and the centrality of their role in the budgetary process, he asserted that 'the Executive Committee and the Department of Finance and Personnel are paying lip service to the functions of the Committees'. He continued:

It is clear that the various Departments have been told not to discuss their bids and proposals for the 2002-03 financial year with Committees until tomorrow's announcement by the Minister of Finance and Personnel. This effectively prevents Committees from becoming involved with their Departments' crucial stage of development of financial policy. The involvement of Committees in early consultation is crucial in planning ahead ... To my knowledge there has been no coherent argument put forward to justify the withdrawal of rights of Committees to obtain policy papers relating to the bidding process, to be consulted and to have their views taken into account.

Few other members contributed to the debate—and those that did fell in two broad camps: those who engaged in some special pleading for their constituencies and/or the budgets of particular departments, and those who chose to stress the need for effectiveness and efficiency in the use of resources and to seek new and innovative ways of funding public services. Patricia Lewsley (SDLP, Lagan Valley) was especially concerned about the latter, and pointed to the potential of using ‘not-for-profit’ organisations, in addition to PFI and PPP, to ‘deliver services in a way that ensures professionalism and ... derives other benefits in terms of secondary goals’.⁴

In his reply, the finance minister sought to reassure Mr Molloy about the role of the committees in the budgetary cycle and, in line with his earlier statement on the budget timetable, informed the house that the position papers furnished by each department were being made available that day to the chairs of the statutory committees, less than a week after being presented to the Executive Committee: ‘There has been no question of trying to pre-cook things separately through the Executive in ways that deny the Committees anything.’⁵

In relation to possible additional resources, the minister cautioned members that there was ‘no simple solution’. Acknowledging that there were difficulties with the Barnett formula and that ‘we have some hard questions to put to the Treasury’, he pointed out that ‘hard questions will be put to us, and not just by the Treasury but by a range of other regional and national interests’. There were, he told members, ‘no magic bullets out there as far as the Barnett formula or finding additional moneys are concerned’.⁶ With this cautionary—if, in Northern Ireland, unfortunate—metaphor sounding in their ears, members approved the vote on supply by means of cross-community support.

On the following day, Mr Durkan made his pre-budget statement for 2002-03, thereby setting in train the new procedures he had set out in the chamber on May 29th. The ‘departmental expenditure limit’ for the year was announced as £6.1 billion, an increase of 5.8 per cent over the current year—including £18 million, as yet unallocated, arising from the chancellor’s March budget.

The minister was keen to remind members that the essential purpose of the budgetary process was to ensure that public-expenditure planning was focused on the outputs being obtained by the departments rather than on the bids they had lodged for additional resources. As he put it, ‘we need indicators of how Departments’ plans are progressing. We need a public service planning process, not an exercise in tallying up bids for more.’⁷

Mr Durkan’s admonition was coupled to the reminder that the Programme for Government had to ‘guide the Budget’ and that the prospect of ‘improving’ the Barnett formula would be ‘difficult’—‘for the foreseeable future we will have to work within the totals fixed by the current approach’.⁸ The minister nudged MLAs to consider the need to ‘reprioritise spending’ and to focus on the ‘top priorities of the Administration’, as set out in the programme (see May 2001 report)—‘the most

strategic requirements of this region and the most pressing needs of the community'. He also pressed the need for efficiency gains, to consider ways of tackling public-sector pay—'a major driver of our spending'—and to 'explore how private sector finance and expertise can contribute to the delivery of services'.

The minister was pressed by James Leslie (UUP), who canvassed new ways of revenue raising, including toll roads, congestion-charging and water rates, not least to fund the 'infrastructure deficit' faced by the Department of Regional Development. Mr Durkan accepted that 'we have to find other ways to raise funds'—in addition to the rates and, of course, Barnett—to support much needed investment services'. And he took this opportunity to underline the battle ahead: 'If we are not prepared to ask ourselves those questions, we will find in any attempt to review the Barnett formula that the Treasury will be asking us those questions, perhaps in more uncomfortable terms.'⁹

It was, in short, a performance that would have gained plaudits from the exponents of Blairite political economy. As the debate unfolded, the Durkanian version of the new dispensation emerged in the refrain that 'each Minister should be a value-for-money Minister ... each Committee should be a value-for-money Committee'.¹⁰

On July 2nd the assembly debated a further statement by Mr Durkan, on the public spending allocations for 2001-02 following the June monitoring round—the major opportunity to consider how to deal with the resources made available through the carry-over of under-spending from the previous financial year. Getting his retaliation in first, the minister observed that decisions on the allocation of such monies had to be 'taken and implemented quickly'.¹¹

To date, the Executive Committee's practice has been to reach decisions through discussions between ministers and, in effect, to present the house with a virtual *fait accompli*. Mr Durkan was clearly aware of the disquiet this process had caused among members and was quick to assure them that 'the Executive are always open to proposals from the Assembly and the Committees, and those views can be taken into account in *future* monitoring rounds' (my emphasis).

Further, of the £104 million available, the minister announced that £63 million was to be reallocated by means of executive decision, the remainder being held back until later in the year, thereby providing the house and the statutory committees with the opportunity to comment upon the remaining proposals during the autumn. This cushioned the blow of the rather blunt announcement, the main beneficiaries of which were the departments of health (£18 million), education (£14 million), agriculture (£6.8 million) and higher education—now the Department for Employment and Learning—(£6.3 million), with smaller sums allocated to the remaining seven departments, including £1.4 million to the OFMDFM.

Mr Durkan was quick to enlist the support of members in considering deferred bids and whether any spending should be carried forward into the next financial year.

Clearly, the oft-repeated criticisms—especially from the finance committee—that the mechanisms for scrutinising, and advising upon, budgetary matters had proved inadequate had made their mark. In winding up, the minister looked towards the new procedures first set out at the end of May and in the departments’ position report published in June, which would provide the statutory committees and, in particular, finance with a more strategic role in relation to the budget.

There were, he said, ‘real issues here which the Assembly and the Committees should be in a position to carefully consider and influence ... Members’ reactions to the range of issues set out in the position report will be highly influential ... We are giving the Assembly information on what has been decided and are seeking views and input into what has not yet been decided.’¹² Although some MLAs engaged in kite-flying and, *vis-à-vis* health, shroud-waving, on behalf of spending programmes, there was an unqualified welcome for the greater transparency afforded by the statement.

Next day, July 3rd, the assembly debated the seventh report from the finance committee, its inquiry into public-private partnerships.¹³ The inquiry, which began in March, concluded that ‘the preferred source of finance is public finance’ in addressing the public-sector infrastructure deficit, on the grounds that (a) it can be provided at lower interest rates than are available for private finance and (b) it ensures that responsibility for provision of public services remains within the public sector.¹⁴ Recognising the new economic realities, however, the committee accepted that the Treasury was ‘unlikely to meet all of the outstanding financial needs of Northern Ireland from increased public expenditure’ and thus acknowledged that ‘PPP can be a valuable tool and means of investment when it is used in the right circumstances’.

The finance committee made a number of recommendations designed to ensure that ‘any decisions on PPP are properly taken after due regard to the public sector’s overall investment needs’:¹⁵

- speedy establishment of a unified, service-wide investment strategy to finance and manage the infrastructure deficit;
- a co-ordinated programme of strategic projects and methods of finance;
- designation of a minister with a specific brief to lead the investment strategy and achieve joined-up-ness across departments and public bodies;
- creation of a ‘time-bound’ working group under the authority of the responsible minister, to develop and drive forward the strategy over the next few months;
- establishment for the longer term of a ‘central investment board/procurement body’, again answerable to the responsible minister; and
- consultation by departments with the responsible minister before the commitment of significant resources to any new PPP projects.

Mr Molloy moved the take-note debate and, among other things, again urged Mr Durkan and the executive to address the problems of Barnett which had, he claimed ‘contributed to under-investment here’. He said: ‘They must seek an increase in grants if public money is to be used to tackle infrastructure deficit.’¹⁶

The committee was clearly reluctant to embrace PPP, praying in aid the recent IPPR report on the subject.¹⁷ It argues, as Mr Molloy reminded members, ‘for a pragmatic rather than dogmatic approach to the use of the private sector in public service provision ... and calls for the reform of PPPs if the Government are to succeed in improving the quality of public services’. These views, he remarked, ‘echo the Committee’s own and gives [sic] added weight to our conclusions and recommendations’.

A joined-up government/social partnership approach—based to some extent on the model in the republic—was in Mr Molloy’s, and the committee’s, view essential to the realisation of an effective investment strategy, itself led by a designated minister. During the debate, which engaged the attention only of members of the finance committee, it was clear that there was a great deal of caution about the PPP and, relatedly, PFI route to tackling the infrastructure deficit. Members appeared agnostic, rather than missionaries or unbelievers, and routinely rehearsed the alleged insufficiency of Barnett and the need for a new, needs-based formula for public expenditure as a means of stilling their—in some cases considerable—doubts about PPP.

In his reply, Mr Durkan, while bewailing the inadequacy of Barnett and the historic pattern of under-investment in infrastructure—bequeathed in large measure by the direct-rule *régime*—reminded members that there was already in place a working group on PPPs established by the executive and due to report in March 2002. Although he conceded that the details of any public-private strategy needed close study, his mind was—in principle—made up: ‘it is only through various forms of partnership, including PPP, that we can realistically hope to see the type of modern, well-resourced and well-managed public services that our people deserve.’¹⁸

In winding up, Mr Molloy was however more circumspect:¹⁹

It is important to state that the Committee is not recommending that we go down the road of PPP, we are saying the opposite. We are saying that PPP may be used in a number of different occasions, and that in certain circumstances it could be beneficial. However, it is not to be used in all circumstances. It is not the be-all and end-all ... We are recommending to the Executive that we look at alternatives ... there are no miracle cures [for under-investment]. There are some projects that will be of benefit if we go down this road, but PPP is not the panacea for everything. We have to look at the options.

Should devolution survive the current difficulties, it is evident that this matter will bulk large on the assembly’s agenda in the early spring, when the executive’s working group produces its report.

4.4 Other matters

Clearly, budgetary matters accounted for much of the work of the assembly during the quarter, and were dealt with relatively harmoniously. This was equally true of the debate on public-health inequalities led by the health minister, Bairbre de Brún (SF), on May 14th.

The debate, welcoming the executive's commitment to 'tackle the root causes of preventable disease and disability and to reduce inequalities in the health status of different groups', gave the minister the opportunity to embark on a *tour d'horizon* of the (non-political) ills afflicting Northern Ireland. These included double the rate of the European average of deaths from coronary heart disease and a lung-cancer death rate for women more than twice the European average. Ms de Brun also rehearsed the linkages between income and health: 'poverty is the biggest risk factor for health. The better off one is, the longer one can expect to live and the less likely one is to be ill or suffer from a chronic disease or disability ... This health gap is an affront to the principles of equality and social justice that unite us.'²⁰

The minister's assertion of unity was not unwarranted. While she was able to refer to the executive's commitment to a joined-up public health strategy as set out in the programme, and its outcome in the shape of 'Investing for Health'—a consultation document (see February 2001 report) produced by the ministerial group for public health, which she chairs—other speakers in the debate gave the strategy full-hearted support. These included the DUP's minister for social development, Maurice Morrow.

Although Mr Morrow, like his fellow DUP minister, Gregory Campbell, boycotts the executive, it was evident from his remarks that officials from his department were participating fully in the ministerial group. He recited a variety of programmes helping to alleviate poor health standards—including improved housing and addressing fuel poverty—and assured the house that his department would 'continue to play a full and useful role in this area, together with other departments'.²¹ Joined-up-ness was seemingly alive and well.

Unanimity was also evident when MLAs debated the committee of the centre's report²² on the proposal for a children's commissioner for Northern Ireland, first signalled by Messrs Trimble and Mallon on January 29th 2001. Moved by the committee's chair, Edwin Poots (DUP), the motion called on the assembly to approve the report—which supported the proposal—and on the FM and DFM (neither of which existed at time of writing), to take full account of its recommendations.

There are almost 500,000 children in Northern Ireland, 30 per cent of its population. Almost a third of the total (145,000) live in one-parent families, of which there are 76,000. During the course of its inquiry, the committee took evidence from 27 voluntary and statutory organisations, including children's groups, as well as the

newly appointed children's commissioner for Wales and Norway's ombudsman for children. Mr Poots said: 'There were many diverse interests among those organisations, but they all had one thing in common—they all argued passionately in favour of having a children's commissioner.'²³

In commending the report—which recommended, *inter alia*, an independent office with a broad remit, including reserved matters (such as juvenile justice) and full powers of investigation—Mr Poots found ready support from all parties, especially in relation to the need to bring forward legislation as soon as was practicable. Replying to the motion on behalf of the OFMDFM, the junior minister Denis Haughey (SDLP) described the pending appointment of a commissioner as 'one of the most significant and exciting things to occur since devolution ... an important milestone on the road away from a society mired in conflict ... Our aim is simple: to put Northern Ireland at the cutting edge of best practice in the protection of children's rights.'²⁴ To that end he informed the house that legislation would be brought forward early in 2002—*ceteris paribus*—and be on the statute book by the spring. Once again, consensus had broken out in the assembly.

A similar mood was struck during debates on the two final items of plenary business, child protection and the Northern Ireland's children's hospice. The latter has been an item of public controversy since the suspension and subsequent dismissal of its director, Tom Hill. The issue has provoked a great deal of disquiet and Ian Paisley Jr (DUP, North Antrim) moved a motion enabling members to express their concern at the events surrounding the management of the service and encouraging its board to resolve the situation at an early date. This found all-party support.

The debate on child protection, moved by Patricia Lewsley (SDLP), similarly commanded widespread support. The motion sought to improve the vetting system for those seeking to work with children—one of the purposes served by the Protection of Children and Vulnerable Adults Bill proposed in September 2000 by the executive, following the Protection of Children Act (2000) passed at Westminster earlier that year. Ms Lewsley was particularly exercised by the need, as she saw it, for an all-Ireland system of child protection, given the permeability of the border, the fact that many residents in the republic worked in Northern Ireland and *vice versa*. As she put it, 'Those people who pose a risk to children know no borders and will exploit any loopholes and anomalies in the systems North and South of this island.'²⁵

Acknowledging the existence of the north-south child protection group established through the NSMC, Ms Lewsley was concerned to ensure that there was effective implementation on both sides of the border and that information exchange was similarly expedited. In effect, the debate enabled members to put down markers in advance of the debate on the relevant bill, although Ms Lewsley's all-Ireland proposal may not secure unqualified support from the DUP. Oliver Gibson of that party was decidedly lukewarm, preferring instead that 'our own Minister have direct responsibility for establishing suitability checks on individuals'. That may be a battle

for another day; nevertheless, the session ended on a note of all-party agreement that a new system be put in place as soon as possible.

As in the film *Independence Day*, had the proverbial Martian descended into the chamber on July 4th s/he—or it—would have been impressed by the affability and sweet reasonableness members exuded. Two days earlier, however, when MLAs responded to the effecting of Mr Trimble’s resignation, the impression would have been starkly different.

After some procedural wrangling, led by Robert McCartney (UKUP, North Down) and the buoyant DUP, there was a series of ill-tempered exchanges across the floor which, had either Mr Trimble or his acting ‘sub’, Sir Reg Empey, been in the chamber, would have likely been even more intemperate. Peter Robinson (DUP, East Belfast) taunted UUP members with the prospect of an assembly election and/or the option of excluding ‘Sinn Féin/IRA’ from the executive—‘the only way to advance our present circumstances’.²⁶

The occasion also enabled unionists in general to launch attacks on the republican movement because of the IRA’s failure to decommission, prompting an equally robust contribution from the SF president, Mr Adams. In his view, the crisis had been engineered by Mr Trimble ‘in order to bring about the suspension of the institutions and to put the blame on Republicans’.²⁷ Recalling his oft-voiced jibe aimed at anti-agreement unionists—‘they don’t want a Taig around the place’—he continued:

The most important point is that the current leaders of the UUP and the DUP are not prepared to live on the basis of equality with their Nationalist neighbours. They are not prepared to participate in creating dispensations that are based on equity, justice and equality ... The threat comes from First Ministers who behave unlawfully and then walk away from their responsibilities ... from Loyalists who, on a daily basis, use guns to shoot Catholics and use pipe bombs and blast bombs to attack their Catholic neighbours. Those people who are heckling me now are pitifully silent on those issues.

David Ford (Alliance, South Antrim) captured the spectacle during his remarks. While roundly criticising the failure of loyalist and republican paramilitaries to remove arms and put them beyond use, he commented: ‘Although I still believe that the agreement has brought this society closer to peace, one has only to listen to the comments in the Chamber to know that we are every bit as far away from reconciliation as we ever were.’

The Progressive Unionist Party leader, David Ervine (PUP), underscored the sentiment. In characteristically loquacious terms—his nickname is ‘Dictionary

Dave’—he declared: ‘we seem to luxuriate in the brutal bitterness into which generations of our children are born, and we use morality as a comfort blanket. People may well continue to espouse the theories and opinions espoused by those who ran away from the negotiation process when Mr Trimble had—to use an Americanism [sic]—the *cojones* to stay.’²⁸

The debate was an acrimonious affair and set the scene for the Weston Park talks (see political context and parties/elections sections).

4.5 Legislation

During the quarter, the following bills—mainly of a parity character—completed their legislative passage and received the royal assent: the Family Law Bill, the Defective Premises (Landlords Liability) Bill, the Adoption (Intercountry Aspects) Bill, the Trustee Bill, the Department for Employment and Learning Bill, the Product Liability (Amendment) Bill and the Budget (No 2) Bill. Other bills were at various stages of their passage: the Local Government (Best Value) Bill, the Industrial Development Bill, the Social Security Fraud Bill and the Game Preservation (Amendment) Bill.

One rather arcane measure that proved surprisingly troublesome was the statutory rule concerning the regulations governing seed-potato crop fees.²⁹ On June 26th, the chair of the agriculture and rural development committee, Ian Paisley Snr (DUP), sought to annul the rule, which is subject to the negative-resolution procedure. It proposed to levy a fee on farmers—according to the department, £5 *per annum* on average for each producer—which the committee unanimously opposed.

Though this might be described as small potatoes, Mr Paisley got up a full head of steam on behalf of his committee, the Ulster Farmers’ Union and affected producers, seeking to waive the fees for 2001: ‘the Committees’ views were blatantly ignored by the Department’, he thundered. Warming to his theme, he continued:³⁰

I bring the motion before the House today with the full support of the Committee at a time when the farming industry, the backbone of the Northern Ireland economy, is on its knees. Farmers have had catastrophe after disaster piled on them in recent times through no fault of their own ... [When at the same time] the Department has seen fit to spend money setting up a rural support line for farmers, it puts yet another financial burden on people who are at their wits’ end ... To introduce these Regulations would add to farmers’ financial worries and create even more stress: that is incomprehensible.

With Mr Paisley supported by other committee members, and despite an appeal by the minister, Brid Rodgers (SDLP), the assembly voted to annul the rule.

4.6 Committees

The volume of business transacted by the statutory committees was truncated by the abbreviation of the session. As before, they divided their energies between their role in the legislative process; undertaking inquiries; scrutinising aspects of policy, administration and expenditure of their associated departments; and keeping abreast of unfolding developments. A clear instance of the latter was the series of briefing sessions which the agriculture committee held regularly with departmental officials during the foot-and-mouth outbreak—which, mercifully, had less dire consequences in the region than elsewhere in the UK.

Reports produced by the committees during the quarter—other than those issued as the result of the consideration of primary legislation—included those on PPPs (finance and personnel committee) and the children’s commissioner (committee of the centre) referred to earlier, as well as two from the (standing) public accounts committee: on the structural maintenance of roads and management of on-street parking,³¹ and executive directors’ and senior managers’ pay, contracts and termination settlements in the health and personal social services.³²

Among the inquiries still in process at recess were those on:

- housing (social development committee);
- the future of primary care, and the delivery of cancer services (health committee);
- post-primary education (education committee);
- energy (enterprise, trade and investment committee);
- school transport (environment committee);
- rural development, and aspects of the Livestock and Meat Commission (agriculture committee); and
- cultural tourism and the arts (culture, arts and leisure committee).

While the inquiries are freely chosen by the statutory committees and thereby demonstrate their autonomy, it remains the case that their agendas are skewed by the pressure of executive business. Thus, during the quarter all were required to address the budgetary matters discussed above (which placed a particular constraint on finance, responsible for co-ordinating committee responses on the main estimates, budget timings and departmental bids for 2002-03), a consultation document from the OFMDFM on the proposed single equality bill, another on promoting social inclusion and the executive’s June position report on the programme.³³

Such is the press of business that some committees found they were unable to accept the invitation by others to feed into the consultation process on certain executive initiatives. For instance, the enterprise, trade and investment committee found that a number of committees were ‘too busy’ to accept its invitation to express a view on the

research, development and innovation strategy of its associated department. A similar fate befell the regional development committee's request for the statutory committees to contribute to its scrutiny of the department's proposed urban renewal strategy.

Thus, not only are committee agendas still largely structured by that of the executive—including the requirement to take the committee stage of all primary legislation—but one effect has been to frustrate the development of a joined-up committee system. Currently, the informal liaison committee (comprising the chairs of statutory committees) is seeking ways to improve co-ordination.

There is evidence of 'outreach' on the part of statutory committees—instances of information exchange with their counterparts in the Scottish Parliament and the Welsh National Assembly. The chair of the culture, arts and leisure committee met the convenor of the education, culture and sports committee of the Scottish Parliament in May. And the higher and further education committee—shortly to be restyled following the passage of the bill to redesignate its associated department as the Department for Employment and Learning—met representatives of the Welsh committee for education and lifelong learning in June. Meetings are also planned with counterparts from the republic: the health committee is planning to host a visit in the autumn by the chair of the Dáil's joint committee on health and children.

As the clock ticked down to August 11th, the prospect loomed that the assembly might not survive—and with it a recognition that its loss, no matter how temporary, would be widely felt.

4.7 Plan B?

In the days ahead of the deadline, a number of alternative scenarios were aired, including:

- a further period of suspension,
- fresh assembly elections, and
- the exclusion of SF from the executive.

In the end, the path of least resistance—the one-day suspension—was followed. But assuming P O'Neill does not deliver a rabbit out of a hat—or an armalite out of a dump—this side of the next six-week deadline (September 23rd), the same scenarios will be debated in government. Each carries risks.

Prolonged suspension—which, politically, needs the support of Dublin, lacking in February 2000—would create more time to tackle the wicked issues but offers no guarantee of success. It would be opposed by nationalists and republicans and the anti-agreement DUP—albeit for different reasons—and would likely be accompanied by increased intercommunal violence, which has already disfigured the summer landscape.

Moreover, the writ of the decommissioning commission expires next February, leaving six months for the arms of all paramilitary organisations to be dealt with. The likelihood would be that the political atmosphere would be poisoned during suspension, with accusation and counter-accusation freely exchanged—the longer the institutions were suspended, the more difficult it would be to restore them.

A fresh election would probably prove highly polarising. It would be Northern Ireland's seventh in four years and, against the backdrop of the results in June, would likely see the further advance of both SF and the DUP. Whatever the precise balance of forces, the 'big four' parties —SF, DUP, UUP and SDLP—would once again emerge as the nascent executive-forming quartet. The DUP could, conceivably, outperform the UUP, while SF could consolidate its position as the leading nationalist party, established at the general election. It is difficult to see how such electoral outcomes would ease coalition formation and produce stable government.

Unless, that is, the UUP and SDLP could agree to create a two-party governing coalition. This could only come about following amendment of the provisions for an automatic, 'inclusive' government in the Northern Ireland Act 1998. But assuming that the legislation—and standing orders—could be amended to legitimise a two-party governing coalition, a massive question is begged: is there enough common ground between the UUP and SDLP to sustain such a government?

The third option, excluding SF from government under the existing legislation, would require cross-community support in the assembly, which in practice means it would have to enjoy the support of SDLP MLAs. It is undoubtedly the case that the pressure on the republican movement to decommission has mounted. London, Dublin and Washington have each placed the onus on republicans to put their arms 'beyond use' and thereby rescue devolution.

Exclusion, however, is more likely to be counter-productive. It would end the minimalist moves by the IRA on decommissioning and would probably cause SF to remove itself from the assembly entirely. Alternatively—and even less likely—the party could pre-empt such a move, by resigning its executive seats and adopting a stance of 'official opposition' in the assembly (alongside the smaller, pro-agreement parties).

There might be a calculation that the effects of SF's exclusion could be ameliorated if it was coupled with the concurrent exclusion of the DUP. There is a *prima facie* case that its ministers have not fulfilled the terms of the pledge of office either—because of their failure to co-operate with ministerial colleagues—but nor is this course of action without risk.

Some loyalist paramilitaries have already withdrawn their support from the agreement and, though there is little or no mutual regard between them and the DUP, there is an affinity of interest that could be mobilised in ways that are ultimately destabilising. Moreover, any collusion between the UUP and SDLP designed to exclude SF and the

DUP would be electorally risky and would come back to the question raised under the second option above.

¹ *Assembly Report*, May 29th 2001, p15

² *ibid*, p56

³ *ibid*, p57

⁴ *ibid*, p63

⁵ *ibid*, p70

⁶ *ibid*, p72

⁷ *Assembly Report*, June 19th 2001, p3

⁸ *ibid*, p4

⁹ *ibid*, p12

¹⁰ *ibid*, p14

¹¹ *Assembly Report*, July 2nd 2001, p26

¹² *ibid*, p29

¹³ *Report 7/00*, Session 2000-2001

¹⁴ *ibid*, p5

¹⁵ *ibid*, p7

¹⁶ *Assembly Report*, July 3rd 2001, p60

¹⁷ *Building Better Partnerships*, 2001, London: IPPR

¹⁸ *Assembly Report*, July 3rd 2001, p77

¹⁹ *ibid*, p78-9

²⁰ *Assembly Report*, May 14th 2001, p27-8

²¹ *ibid*, p34

²² 2/00R, June 4th 2001

²³ *Assembly Report*, June 26th 2001, p22

²⁴ *ibid*, p41

²⁵ *Assembly Report*, July 4th 2001, p4-5

²⁶ *Assembly Report*, July 2nd 2001, p10

²⁷ *ibid*, p11

²⁸ *ibid*, p14

²⁹ SR 228/2001

³⁰ *Assembly Report*, June 26th 2001, p4607

³¹ 6/00r

³² 5/00r

³³ *Preparing for 2002-03: Developing the Programme for Government and the Budget*, June 2001, Belfast: OFMDFM (Economic Policy Unit)

5 The media Greg McLaughlin

5.1 Introduction

The picture of Northern Ireland that the world has been getting in recent times is the old media image of murder, civil unrest and no-surrender politics. The general election in June was portrayed not as a contest in which the pro-agreement parties still commanded a considerable popular mandate but, erroneously in my view, as one in which the ‘middle ground’ was squeezed by the ‘extremes’ of the political spectrum.

Indeed, media susceptibility to party-political spin was such that the position on IRA decommissioning conveyed by the decommissioning commission on August 6th started off as an ‘historic’ and ‘significant’ step but ended up as ‘insufficient’ for further progress. The despair and pessimism that beleaguered the region all summer was attributed to the disposition of SF and the IRA—even though the murder of two teenage boys, serious and widespread civil unrest in Belfast and a continuing pipe-bomb campaign against Catholic homes, right across Northern Ireland, were the responsibility of loyalist paramilitaries in ‘ceasefire’ mode.

Very little of this violence attracts much interest among the British media. Yet only hours after the Real IRA’s car bomb in Ealing, London, a BBC reporter expressed astonishment that the group should believe that a bomb in London was worth ten in Belfast.¹

5.2 Elections

The general election in Britain was judged by a wide spectrum of pundits to be one of the most boring and predictable in recent political history—notable only for a turnout of barely 60 per cent. The campaign in Northern Ireland was low-key, too, but the high turnout on polling day bucked the trend and the results were electric. The DUP and SF made significant gains, each picking up extra seats and breathing down the electoral necks of their respective rivals, the UUP and the SDLP.

Indeed, the DUP’s new MPs used their victory speeches to attack the media for predicting their downfall at the polls. Peter Robinson in East Belfast attacked the ‘Sunday gutter press’ for getting their predictions so wrong, while Gregory Campbell in East Londonderry made an emotional and defiant speech, condemning the ‘pollsters in the *Belfast Telegraph*, the journalists [and] the leader writers’ who said the constituency could not be won for the DUP.

Mr Campbell may have had in mind not only the UMS/*Belfast Telegraph* poll (see public attitudes section) but also the paper’s eve-of-poll warning against the dangers of voter apathy—particularly ‘sweeping gains ... for the two least likely compromisers, the DUP and Sinn Fein’. The *Belfast Telegraph* seemed to miss the

point that the DUP was vehemently against the agreement while SF was for it. But it nevertheless pointed to a 'striking feature' of the election campaign—the widespread 'public acceptance that devolution is something worth sustaining and defending'.²

Ian Paisley Snr was in upbeat mood when he appeared on BBC Northern Ireland's results programme, relishing the smell of media blood. The presenter, Noel Thompson, referred to the DUP leader's scheduled meeting with the prime minister the following week, remarking that he would 'love to be a fly on the wall for that conversation'. 'You wouldn't,' Mr Paisley replied, 'for if I saw you on the wall I would take a big whopper and just knock you out.'

Mr Thompson suggested that this ran counter to the attempts take violence out of politics. 'That's not violence,' replied Mr Paisley, 'it's just desserts for the BBC and for you especially ... To kill a fly is violence? Very good, yet you condone the violence of the IRA/Sinn Féin and are nice to them on your programmes.'

5.3 Murders and riots

The elections coincided with the slide to a violent summer in Northern Ireland. Headline after grim headline sustained the mood: 'Riots raise fear of a violent summer',³ 'Violence escalates in clashes at flashpoint',⁴ '48 hours of riot madness',⁵ "'Loyalist gunmen" open fire on play group'.⁶ The riots in Belfast, mainly in the more religiously interwoven north of the city, were largely reported as confrontations over marches, or the intrusion of one side into the 'territory' of the other.

Even the right of children to enter their school by the front door became a matter for tense, sometimes violent confrontation ('School shuts after violence flares'⁷). Billy Hutchinson of the pro-agreement PUP (allied to the UVF) was caught on the republic's TV3 channel ordering the police to deal with a nationalist protest about the school: 'See if you don't deal with it, I'll fucking deal with it. I'll get the paramilitaries round now.' The TV3 reporter commented: 'His warning was apparently heeded. A few minutes later, riot police, supported by British soldiers, moved in to keep the two sides apart.'⁸

Paramilitaries were very visible during the unrest in north Belfast and it was not long before they made a more brutal mark on events. Incensed, it appeared, by SF's increasing power and confidence in the political arena, they murdered an 18 year-old youth, Ciaran Cummings, in Antrim on July 5th. Within an hour of the killing, the UUP leader, Mr Trimble, felt able to claim on RTE Radio that it had been a drugs-related crime, probably carried out by republicans. This clearly went against the evidence—not least an admission of responsibility by a loyalist proxy group, the 'Red Hand Defenders'. The same (flag-of-loyalist-convenience) organisation claimed responsibility for the murder of another 18 year-old, Gavin Brett, north of Belfast on July 29th.

In the wake of uproar at his remarks and a police assessment that republican involvement was unlikely, Mr Trimble was forced into an embarrassing public apology to the Cummings family.

5.4 Decommissioning

There is little doubt that such violence is symptomatic of the underlying problem in Northern Ireland: the inability of political parties to progress matters at a much more urgent pace. Complete and verifiable decommissioning of IRA arms has been widely regarded by the media as key to such progress. Even leader-writers in America have given over considerable space to the problem. Ray O'Hanlon, *Irish News* columnist on US affairs, presented an interesting survey of recent press coverage in the USA and Canada ('Papers flay the IRA on slow farewell to arms').⁹

Predictably, much of this followed the dominant perspective on the issue this side of the Atlantic—putting the onus on republicans to make a speedy and decisive move to decommission their considerable arsenal. This, the leader-writers said, would break the impasse and transform the situation. Only a few less prominent newspapers, like the grandly named *Albany Times Union* (New York State), shifted some of the blame on to Mr Trimble for his resignation and his constantly shifting deadlines and ultimata.

On the home front, an intriguing *Belfast Telegraph/Irish Independent* poll¹⁰ surveyed grassroots republican opinion on the issue. It found that 44 per cent of SF supporters backed the decommissioning of all IRA weapons, while a further 28 per cent thought that at least some weapons could be put beyond use. One would have thought that this statistic—a full 72 per cent of SF supporters in favour of more or less decommissioning—would be taken as a significant indicator of the republican mood, not least by the many pundits and analysts who routinely decipher every SF word and movement. Not so: the tendency has been to measure those words and actions against Mr Trimble's reactions to them.

A case in point was the statement on IRA arms, perhaps its most significant, issued by the Independent International Commission on Decommissioning on August 6th. The commission confirmed that the IRA had proposed a method for putting arms completely and verifiably beyond use but that the details would remain confidential. The initial public response was to see this as significant news: the *News Letter*, with a predominantly Protestant readership, cautioned that 'care must be taken but at long last hope has been rekindled'.¹¹

Yet within days such hope had been quickly and efficiently quashed by a progressive campaign of unionist counter-spin: by the end of the week, the *News Letter* was saying that 'Sinn Fein must recognise where blame for the impasse really lies'.¹² In the *Observer*¹³ Conor Cruise O'Brien presented a lurid scenario in which the British government would eventually scrap the whole 'peace process', disengage and hand

over the running of Northern Ireland to the IRA—which would in turn negotiate with Dublin some form of federal Irish arrangement.

¹ August 3rd, 2001

² *Belfast Telegraph*, June 6th 2001

³ *Belfast Telegraph*, June 21st 2001

⁴ *Irish News*, June 21st 2001

⁵ *Belfast Telegraph*, July 13th 2001

⁶ *Irish News*, July 21st 2001

⁷ *Belfast Telegraph*, June 20th 2001

⁸ June 20th 2001

⁹ *Irish News*, July 10th 2001

¹⁰ May 23rd 2001

¹¹ August 8th 2001

¹² August 10th 2001

¹³ August 12th 2001 (Irish edition)

It was not public attitudes themselves so much as the methods of measuring them that created something of a stir in Ireland (north and south) during the quarter. Opinion polls received more than a bit of battering.

In May a pre-election Ulster Marketing Surveys poll¹ flew in the face of trend data (including its own previous surveys) and reported 'for the first time since May 1998, a swing in favour of the Agreement, despite a downturn in support which was measured as recently as October 2000. Interestingly, this swing is almost all on the Protestant side ...' Apart from the dramatic rise in Protestant support, the results also indicated that 'the Ulster Unionist Party has improved its position since June, 1998, largely at the expense of the DUP'. The SDLP had gained slightly on its 1998 election position while SF support remained steady compared with 1998 (though up on the previous October 2000 poll results).

Unsurprisingly the results were 'welcomed' by the SDLP leader, John Hume. The former talks chair George Mitchell was said to be 'encouraged'. The DUP deputy leader, Mr Robinson, announced that 'no opinion poll could create a smokescreen for Ulster Unionists'. And many political commentators were totally amazed.

Following the June 7th election results, and the sweeping gains by the DUP and SF, UMS defended its poll on the grounds that the two parties had run vastly more effective campaigns. But it also made the suggestion that voting malpractice in Northern Ireland made prediction difficult and 'to the extent that these malpractices have occurred, then it is the election itself which is imperfect and not the opinion poll'. Unsurprisingly, this met a furious response in some quarters.

Running more or less parallel with this story was the attempt in the republic to pass a new law banning polls in the week before elections—so that voters would be left to decide how to cast their ballot free from such interference. The controversial plan was dropped but it added to the debate about the usefulness and reliability of polls. A third episode, setting the seal on a summer of discontent for pollsters, was a row between the SDLP and SF over an MRBI poll on policing, which suggested most SDLP supporters and one third of SF backers believed Catholics should join the new service.²

What all this amounts to, in terms of monitoring public attitudes towards devolution, is that long-term time-series data—accompanied by a suspicion of 'blips'—offer the most reliable indicators. But we just do not have enough of these regular surveys in Northern Ireland. As UMS itself pointed out, in Britain polls would be carried out on a daily basis right up to election day.

Given the obvious problems with the UMS poll, it is hard to say anything at all about public attitudes in Northern Ireland since the May monitoring report. Except to draw

the obvious conclusions from the election results—and the fact that most previous indicators of support for the agreement were pointing firmly in a downward direction.

The next *Northern Ireland Life and Times Survey* will begin in October 2001 and will continue its own annual time-series of questions. But questions about public attitudes to devolution may have to be asked against a background of suspension or preparations for elections (or something else that is also ‘not quite devolved’). Furthermore, the situation could change at any point during the two months of fieldwork. In this context the task of monitoring public attitudes is made doubly difficult.

¹ *Belfast Telegraph*, May 22nd-25th 2001

² *Irish Times*, May 10th 2001

7.1 North-south

Despite the hiatus over the NSMC, arising from the continuing ban by the first minister on attendance by SF ministers, some work quietly continued on the north-south axis during the quarter. Indeed, the ban itself does not stop SF ministers meeting their southern counterparts—rather that they cannot do so in official NSMC format.

Thus in May the health minister, Ms de Brún, launched an exercise promotion campaign with the republic's health minister, Micheál Martin, based on work by the northern Health Promotion Agency.¹ And in June the same pair launched² a substantial comparative research report on mortality, north and south.³ Needless to say, it detected huge differences in rates according to social class in both jurisdictions—but then social class does not figure in the fashionable but largely policy-free 'equality agenda' of recent years. Finally, later that month the same double act took the stage at a conference in Dublin on partnership working in the health service.⁴

Moreover, while *plenary* NSMC meetings can not go ahead because of the SF ban, other Northern Ireland ministers can meet their colleagues from the republic in *sectoral* NSMC engagements. Three of these took place in quick succession in June: special EU programmes (see EU section),⁵ inland waterways⁶ and tourism.⁷ A number of EU programmes are in preparation, notably 'Peace 2'; inland waterways is by far the largest of the six implementation bodies; and work continues on the fleshing out of the all-Ireland tourism company established in December 2000.

Tourism across the island has also suffered from the foot-and-mouth outbreak and renewed scenes of northern violence flashed across the globe. The council meeting agreed an initiative to upgrade human resources in the industry north and south, which the northern minister for higher and further education, training and employment, Dr Farren—referring euphemistically to 'recent set-backs'—detailed a few days later.⁸

On the SF ban itself, the high court in Belfast reserved judgment in June on the appeal by Mr Trimble against a prior ruling that his action had been unlawful.⁹

Meanwhile, the reserved issue of security was discussed by the Northern Ireland secretary, Dr Reid, and the republic's justice minister, John O'Donoghue, at a meeting in Belfast in June. In the wake of a series of 'Real IRA' attacks on security installations in the north, and on a polling station on election night, the meeting dealt 'particularly with the threat posed by Republican dissidents'.¹⁰

7.2 'East-west'

As indicated in the May 2001 quarterly report, the BIC is in the doldrums and there is little further to report. It did feature once in general—along with the NSMC and the Civic Forum—in the Departments (Transfer of Functions) Order (Northern Ireland) 2001.¹¹ This transfers functions relating to the payment of expenses incurred by these bodies from the Department of Finance and Personnel to the OFMDFM, which is responsible for supporting their operations. When responsibilities had been laid down in the drafting of the Northern Ireland Act 1998, the latter department did not exist.

One of the BIC's previous sectoral manifestations also resurfaced. The environment sectoral meeting held on October 2nd 2000 (see November 2000 report) provoked a question by an MLA in this quarter about what it had discussed.¹² The deputy first minister, Mr Mallon, said it had been agreed in October 2000 to concentrate on radioactive waste from Sellafield (a development not picked-up at the time, so far as this author is aware, by commentators on environmental politics). He said that the republic's government and Isle of Man authorities had agreed to lead in preparing a paper for the next sectoral meeting. The UK had agreed to lead on the impact of climate change and the Scottish Executive had undertaken to prepare a paper on initiatives there on waste management.

The information on Sellafield—hitherto, the major fly in the ointment in British-Irish relations, with Denmark also concerned—was not followed up by the MLA, Eddie McGrady (SDLP, South Down), though he has always taken a strong constituency interest in the issue. Mr McGrady's supplementary question focused on the withdrawal of support by the US president, George W Bush, for the Kyoto climate-change protocol. He asked whether the executive would play a full part in implementing its principles and those of the Hague summit of November 2000—through the mechanisms of the BIC. The DFM agreed that this would be one channel of implementation.

¹ Executive Information Service, May 23rd 2001

² Executive Information Service, June 13th 2001

³ *Inequalities in Mortality 1989-1998: A Report on All-Ireland Mortality Data*, 2001, Dublin: Institute of Public Health in Ireland

⁴ Executive Information Service, June 28th 2001

⁵ Joint Communiqué, June 20th 2001

⁶ Joint Communiqué, June 27th 2001

⁷ Joint Communiqué, June 29th 2001

⁸ Executive Information Service, July 4th 2001

⁹ *Scotsman*, June 15th 2001

¹⁰ Northern Ireland Information Service, June 19th 2001

¹¹ *Assembly Report*, June 17th 2001

¹² *Assembly Report*, May 24th 2001

8.1 Introduction

This quarter opened with the celebration on May 9th of Europe Day, which provided a platform for the emergent theme (see May 2001 report) of Northern Ireland's contribution to the EU in exchange for, and thanks to, the latter's past and continuing support. The quarter was also marked by a meeting of the NSMC in sectoral format—special EU programmes—which enabled the assembly and interested public to be brought up to date on 'Peace 2' and 'Building Sustainable Prosperity' (formerly 'Transitional Objective 1').

During the quarter, two important pieces of research came into the public domain.¹ One evaluates INTERREG 1, 2 and 3: the intrinsic lessons of 1 and 2 for 3, and the potential for a 'new politics' arising from the interplay of EU initiatives and regional institutions that coexist with 3 but did not with 1 and 2. The other examines what Northern Ireland policy-makers think of the capacity of the new institutions to understand and handle the full range—going beyond structural funding—of EU affairs. On the basis of this set of findings, the theme of Northern Ireland as a proactive region in Europe is not yet sustainable.

8.2 Northern Ireland's potential to contribute to the EU

In his Europe Day speech,² the minister responsible for structural funds, Mr Durkan, said Northern Ireland's new regional status provided a firm basis for co-operation 'in the European family'. The region was determined to make a positive contribution to developments in the EU. And the union played a significant role in enabling Northern Ireland to aspire to such autonomy—not only as a market³ but also as a friend, morally and financially supporting the search for peace and reconciliation within the north, and between north and south.

The interplay between EU support and Northern Ireland's potential to be an autonomous, proactive player in inter-regional co-operation was also developed by the junior ministers in the OFMDFM, who are responsible for co-ordinating responses to EU issues overall. The comments came in a statement by Denis Haughey and Dermot Nesbitt on their attendance at the second European Cohesion Forum meeting⁴ and Mr Haughey's welcome to the visiting Belgian ambassador to the UK⁵ preparing for the transition to the Belgian presidency on July 1st.⁶

8.3 Northern Ireland as beneficiary of the EU

The fourth meeting of the NSMC in the special EU programmes sector was held in Dublin on June 20th. The Dublin government was represented by the minister for

finance, Charlie McCreevy, and the Belfast executive by Mr Durkan and Mr Nesbitt. John McKinney, chief executive of the Special EU Programmes Body, gave an overview of developments since the last meeting in that format, on April 9th. In addition to staffing and related matters, discussion covered various initiatives and institutional issues:⁷

(a) Peace 1 (1995-99) and INTERREG 2 (1994-99)

These programmes are now in their closing stages. At the time of the meeting, expenditure stood at 86 per cent of total Peace 1 monies and 89 per cent of INTERREG 2. It was decided that, in addition to receiving a further report from the SEUPB at the next meeting of the NSMC in this format in October, the SEUPB should also report on a monthly basis on progress to the programmes' closure.

(b) North-south co-operation—INTERREG 3 (2000-06)

Negotiations on a draft programme are continuing between the European Commission, on the one hand, and, on the other, the finance departments in the two jurisdictions and the SEUPB (for points of contention, see below). A revised draft programme will be submitted in August and it is expected that negotiations on the programme and programme complement (on how monies allocated will be spent) will be completed by the autumn. The NSMC was concerned about delays in this programme and called for significant progress by its October meeting.

(c) North-south co-operation—the common chapter in the structural-funds plans

The finance departments of the two jurisdictions reported to the NSMC that there was a need for greater clarity on issues in the common chapter. The NSMC accepted their recommendation that a working group, chaired by the two departments, be set up to bring forward proposals to the October meeting.

(d) Peace 2

A programme complement with details of how funds allocated would be spent, drafted by the SEUPB, was accepted by the programme monitoring committee on June 15th. The NSMC endorsed this acceptance and recommended that it be sent to the commission.

(e) Institutional Arrangements

Intermediary Funding Bodies, responsible for around one third of Peace 2 expenditure, were appointed during the quarter and the NSMC agreed that July 20th would be the deadline for concluding contract negotiations. By the time of the meeting, four of the Local Strategy Partnerships, responsible also for part of Peace 2 and for locally-based regeneration and development (priority 3) within 'Building Sustainable Prosperity', had been agreed. Other LSPs set up within two months of the programme complements being accepted will be entitled to receive their priority 3 allocations. Where no

agreement has been reached, existing district partnerships in the areas concerned—coterminous with the region's 26 district councils—will receive 25 per cent of the priority 3 funding, the allocation of the remainder to be determined when the LSPs are in place.

Mr Durkan addressed the assembly on July 3rd on the structural funds.⁸ As in previous assembly responses to the minister, MLAs were concerned about under-spends, funding gaps between Peace 1 and Peace 2 and the distribution of financial support.

Mr Durkan was obliged to explain that it was neither possible nor proper to use the under-spends of closing programmes to fund projects not yet the beneficiaries of new rounds of support. In any case, he foresaw no difficulty in spending the last 14 per cent or so of Peace 1 and INTERREG 2. He reminded MLAs that the executive had made available £10 million for 'gap funding'—£1 million more than in the previous financial year and substantially more than the £3 million lobby groups had identified as necessary. He also said that, though the NSMC wanted to bring together the cross-border provisions of Peace 2 and the common chapter, he did not expect that the further work necessary on the latter would affect the timing of the funding of Peace 2 projects.

In again answering questions about access by unionists to funds, the minister reiterated the significance of the introduction of 'horizontal principles' (see February 2001 report) and referred to obligations on departments to comply with the equal-opportunity section 75 of the Northern Ireland Act 1998. He reminded MLAs that the distribution of funds could not be a geographic 'carve up' but must depend on the capacity of proposed projects to meet agreed criteria. But he imagined that the new LSPs would reflect on differential application rates.

Another objection was raised in a new form by the DUP leader, Mr Paisley, who reminded the house that he and the other two MEPs had been instrumental in initiating EU support and claimed they had been concerned to see how the republic's government was then visualising how to 'get their hands on' the money. The MEPs had 'generously' recognised that the border counties had been affected by the conflict in the north and, hence, also merited some support. Now, however, this 'cross-border body' (the SEUPB) was 'getting its hands on all this money', when the bulk of it should be spent in Northern Ireland.

He felt this was improper since the SEUPB had not existed when Peace 1 and INTERREG had begun and now appeared to have a role in the internal affairs of Northern Ireland (through its becoming the secretariat for the Northern Ireland Partnership Board and its successor, the Regional Partnership Board). The minister in turn reminded Mr Paisley that 80 per cent of Peace 2 money was to be spent exclusively in Northern Ireland and 20 per cent in the border counties.⁹

As a connected factor, the DUP leader also implied that his party, or its nominees, had been deliberately excluded from the SEUPB, the monitoring committees for Peace 2

and Building Sustainable Prosperity, and the new Regional Partnership Board. (He was not alone in suggesting there were ‘grey areas’ in the relationships among these bodies.) Mr Durkan pointed out, however, that both monitoring committees included DUP members and said that the SEUPB was ‘entirely competent’ to service a body to be led by the two junior ministers in the OFMDFM—as would be the Regional Partnership Board in reflection of its wider (than EU) remit.

Previous quarterly reports referred to concerns in the negotiation of Building Sustainable Prosperity and Peace 2 about the need to recognise that tackling peace and reconciliation might be distinctive from addressing social and economic development. At the meeting of the European Cohesion Forum mentioned above, Messrs Haughey and Nesbitt stressed¹⁰ that EU peace and objective 1 funds had been important in assisting peace and reconciliation. Both had promoted grassroots, cross-community co-operation and local partnerships within the north and on a cross-border basis.

The interaction of EU and regional agendas on human rights, equality and social inclusion was also significant. The latter claim was addressed by the FM and DFM in launching a consultation on the draft Single Equality Bill.¹¹ And the former was touched upon by Sir Reg Empey, minister of enterprise, at the opening of a cross-border tourism project.¹²

8.4 How analysts evaluate the EU dimension

Laffan and Payne¹³ deal with the various manifestations of INTERREG in the context of multi-level governance—the idea that member-state governments do not monopolise contacts with EU institutions and that ‘sub-national’ actors have a margin of manoeuvre in the pursuit of their own preferences through new, more participatory, policy networks.¹⁴ As noted, Northern Ireland ministers claim that ‘constitutionalisation’ as a region provides a firmer basis for being proactive. Equally, Laffan and Payne point out that the creation of the NSMC and implementing bodies, together with new EU guidelines, means that INTERREG 3 is being framed ‘in a very different context to the earlier programmes’.¹⁵

In testing the impact of the new context, they evaluate INTERREG as experienced in its absence. Problems in the first incarnation of INTERREG included: the symbolism of cross-border co-operation in a more contested climate, the centralised nature of both states, associated difficulties of matching-up, specifically southern difficulties with regionalism and different governmental attitudes to the EU. Although cross-border networks grew in the early 90s, ‘cross-border co-operation remained weakly institutionalised and INTERREG 1 achieved limited results’.¹⁶

INTERREG 2 which, lasting from 1994 to 1999, also predated the functioning of new institutions in Northern Ireland, continued to suffer from the centralisation of the two states and their closed decision-making systems (with the exception in Northern

Ireland of the implementation of the tourism measure). Both contributed to the ‘biggest obstacle’ to genuine cross-border projects¹⁷—the lack of joint management at the working group level. Instead, projects were generally appraised and agreed in departmental working groups in the separate jurisdictions, according to the policy priorities of the two administrations.

Laffan and Payne find¹⁸ that the new political context did affect the preparatory period of INTERREG 3, in that there was a new space for interested actors and consultation was more extensive. But though the two finance departments and the NSMC took a back seat (until ‘signing off’) to the SEUPB, local authorities and social partners, the consultation was somewhat symbolic. And, even as the draft programme document was signed off, there was still conflict over content and delivery mechanisms, matters which contributed to the commission’s rejection of the first draft in December 2000.¹⁹

A new draft was accepted on the same day that the new permanent chief executive of the SEUPB took up his post. Mr McKinney’s appointment (given his outlook and background), in conjunction with the political commitment of the minister, Mr Durkan, seems to signal greater determination to achieve a more dynamic approach in the various initiatives involving EU funding.²⁰ In the case of INTERREG, the NSMC has ratified a more ‘authoritative’ role, with support, for the border networks.²¹ Concrete evidence must await the shaping of the programme complement but it seems that the new institutions in Northern Ireland may have begun to make a difference to the interaction of local and EU decision-making in a way that is more participative.

To ensure that this is so, Laffan and Payne argue that the INTERREG development officers will be crucial to liaison between communities and bureaucracies—as will be the commission’s role on the monitoring committee in pushing for consultation and participation. Moreover, if local business and community groups are to be able to deliver, in the context of having to cope with the challenge of operating in two jurisdictions, they will need better information and practical support.²²

Their specific recommendations²³ cover: the structure, management style and remit of the SEUPB; networks that are no longer exclusively local-authority based but which systematically include business and community partners; support for reformed networks; mechanisms for promoting familiarity between local actors and commission officials; exchanges of personnel in departments and local authorities, between centres and districts and between jurisdictions; better methods of communicating information between governmental and non-governmental actors (including through the development officers); and a better research/statistical basis for strategic programme development.

As Kennedy and Murphy²⁴ point out, opinions are divided on the SEUPB’s potential to be a key institution. Thus, a lot hangs on getting its organisation and style right.

The paper by Kennedy and Murphy is based on interviews with policy-makers designed to uncover how well they think the new institutions can bring about the proactive pursuit of Northern Ireland's EU interests as a region in the UK. 'In organisational terms', they suggest, 'innovations at the Executive level seem minimal'.²⁵

As noted above, the two junior ministers in the OFMDFM—there is not a specially and exclusively designated EU minister—are responsible for steering EU policy co-ordination. Responsible also for a wide range of other things, they face a 'formidable' task—even though they have the benefit of the European policy and co-ordination unit (a division of the economic policy unit in the OFMDFM).

Previous quarterly reports have noted the establishment of an executive office in Brussels. In commenting on a division of opinion among their interviewees, Kennedy and Murphy note that its budget and resources hardly match some of the expectations placed upon it as a conduit for policy influence. Conversely, to others—primarily officials at different levels—who recognise the continuing significance of central governments, it cannot be anything more than a 'useful' channel for those who do not already have well-established contacts.

Far from enhancing autonomy in EU affairs, according to some interviewees, devolution has complicated North Ireland's capacity to define its own European interests. The loss of ministers at once in charge of Northern Ireland departments and in the UK government brought the risk of breakdowns in flows of information about the emergence of key issues.

So far, this risk has not been obviated by the Joint Ministerial Committee on EU affairs. Its first and, so far, only meeting was held in March 2001—hardly sufficient to cope with the extent to which the EU has an impact on areas of regional legislative competence. To other interviewees (as in Scotland—see May 2001 report), it is, in any case, seen as a means of curtailing rather than enhancing the role of the UK regions/nations.

Moreover, government by 'forced coalition' in Northern Ireland may prove problematic. For example, the Programme for Government includes a commitment to develop a single strategy on the single currency. How this can be more than vacuously general is difficult to imagine when one party in government strongly favours the single currency while the other three oppose it and while, to unionists and civil servants, it would be 'inconceivable' for Northern Ireland to take a line different from that of the UK government. Even if Northern Ireland were to prefer a different line on any EU issue (as, for example, it could through the deliberations of the NSMC), there is little evidence, according to Kennedy and Murphy, that the executive has established policy networks through its MEPs and MPs that might help to promote that preference.

They also note the absence of a European committee in the Assembly. While it could be said that EU issues should be handled through functional departments and monitored by the corresponding committees, this works, they suggest, only where departments have long experience of dealing with the EU—such as Agriculture and Rural Development (given the CAP) and the Department of Finance and Personnel (*vis-à-vis* structural funding).

The committee of the centre, which monitors some of the work of the OFMDFM, is equally burdened with the wide range of issues which fall to that department. The absence of an EU committee means that there is no systematic scrutiny of EU initiatives (insofar this is, in any case, possible given their volume), that there is little opportunity for MLAs to become familiar with other EU actors, and that there is a lack of ‘informed input’ into policy (though this might be offset by the existence of the Civic Forum).

MLAs’ lack of grasp of EU issues is, perhaps, illustrated in the debate on the minister’s statement about the NSMC meeting. Mr Durkan rebuked the Alliance leader, Sean Neeson, for complaining about ‘grey areas’²⁶—professing surprise that Mr Neeson hadn’t felt, as a member of the Building Sustainable Prosperity monitoring committee, that the role of the managing authority, as prescribed in European regulations, was clear.

8.5 Conclusion

While the interaction of the EU and distinctive aspects of devolution in Northern Ireland appear to have enabled some ‘new politics’ in cross-border affairs, the emergent theme of Northern Ireland as an EU region rests on a still fragile base. Kennedy and Murphy suggest that expectations stem from a tone set in Scotland and from perceptions of the republic’s profile in the EU—and may, therefore, be falsely high.

They suggest that a region’s capacity to be proactive depends on being aware of what its interests are, on knowing at an early stage about potential EU initiatives which may impinge upon those, and on the ability to influence the EU policy of central government. Their research shows, they claim, that many Northern Ireland policy-makers are aware of these preconditions but that measures taken so far can ‘scarcely be regarded as adequate to deal with the impact of Brussels on many areas of public policy now under regional control’.

¹ Brigid Laffan and Diane Payne, 2001, *Creating Living Institutions: EU Cross-Border Co-operation after the Good Friday Agreement*, Armagh: Centre for Cross Border Studies. Dennis Kennedy and Mary Murphy, 2001, ‘Plus ça change: Stormont, devolution and the European Union’, a preliminary report on a project on devolved institutions in Northern Ireland and their role in relation to EU policy-making under the ESRC’s programme on devolution and constitutional change; paper presented to the European Policy Forum, a discussion group sponsored by Democratic Dialogue and the Institute of European Studies at Queen’s University Belfast.

² Executive Information Service, May 9th 2001

³ On this point, note that Northern Ireland regained regional foot-and-mouth-free status on June 5th and exports resumed on July 1st (*Assembly Report*, July 3rd 2001).

⁴ Executive Information Service, May 22nd 2001

⁵ Executive Information Service, June 25th 2001

⁶ A concrete sign of Northern Ireland's new status as a region may perhaps be seen in its hosting, for the first time on behalf of the UK, of the annual conference of the EU Network for the Implementation and Enforcement of Environmental Law—Transfrontier Shipments of Waste Group. On the other hand, the idea of Northern Ireland as a supporter of poorer, potential members of the EU was less evident in the assembly's agriculture committee, whose deputy chair referred to the threat to seed-potato growers allegedly posed by enlargement (*Assembly Report*, June 26th 2001).

⁷ Executive Information Service, June 20th 2001

⁸ *Assembly Report*, July 3rd 2001

⁹ The ratio suggested by the INTERREG Action Team for INTERREG 3 monies is, however, exactly the obverse (Laffan and Payne, *op cit*, 127).

¹⁰ Executive Information Service, May 22nd 2001

¹¹ Executive Information Service, May 8th 2001

¹² Executive Information Service, July 6th 2001

¹³ see *supra*, fn1

¹⁴ *ibid*, p53

¹⁵ *ibid*, p54

¹⁶ *ibid*, p57-8

¹⁷ *ibid*, p84-7

¹⁸ *ibid*, ch4

¹⁹ In addition to criticisms that there was no clear role for networks beyond the early stages and no evidence that the programme complement would include them in the implementation of the border strategy, objectors also alleged: use of non-compatible statistical data sources on the two sides of the border; too little attention to indicators, criteria, monitoring, implementation and evaluation; not enough decentralisation; little evidence of a single funding approach; lack of evidence of co-operation between Dublin and Belfast; and inadequate practical support for the work of the SEUPB (Laffan and Payne, *op cit*, p116-7).

²⁰ *ibid*, pp119-20, 127, 129-30

²¹ *ibid*, p111

²² *ibid*, p85-6

²³ *ibid*, ch6

²⁴ see *supra*, fn1

²⁵ *ibid*, p5

²⁶ *Assembly Report*, July 3rd 2001

10. Finance

Michael Brennan

10.1 Budget 2002

When the finance minister, Mr Durkan, presented the executive's 2001-02 budget to the assembly in December 2000, he also set out indicative financial allocations for the two succeeding financial years (2002-03 and 2003-04). Over recent months the executive has begun work on firming up these indicative allocations, with a view to presenting a draft budget to the assembly in the autumn.

The executive faces a daunting task in striking a budget for the next financial year. The resources available have already been predetermined by the Treasury within the confines of the 2000 spending review, which concluded in June 2000 (the next is scheduled for summer 2002). So the total budget for 2002-03 has been set at £6,091 million¹ and any changes by the executive must comprise reallocations between Northern Ireland departments within that total.

To facilitate ministerial consideration of what reallocations might be made, the executive commissioned 'position reports' from all departments, asking them to identify key pressures—consistent with the executive's priorities as set out in its Programme for Government—and potential easements.

The initial findings of these reports were presented to the assembly in late June. Departments' claims for additional resources were much greater—by a factor of 20—than the monies available to the executive. The executive will therefore be considerably exercised over the coming months in prioritising these competing bids.

10.2 June monitoring

This task may be facilitated by the outcome of the June monitoring round, the results of which were presented to the assembly by Mr Durkan on July 4th.

During the quarterly monitoring rounds departments are asked to flag up any unforeseen pressures or easements (the latter entailing the return of money to the Department of Finance and Personnel). The June monitoring round is particularly important: being the first of the financial year, it provides information on the under- (or over-) spend by departments in the previous financial year.

Just when ministers were complaining about their needs exceeding budgets, the June round reported substantial under-spending by departments in 2000-01. Under the Treasury's *Statement of Funding Policy* (June 2000), the devolved administrations are entitled to retain such under-spends for the next financial year, under what is termed end-year flexibility arrangements.

Some £30 million of this under-spend represented delayed capital expenditure which the executive had permitted the departments involved to retain automatically for this year. Such delays frequently arise from changes in project scheduling, often outside the control of the spending department.

Some £52 million of the 2000-01 under-spend is not being automatically returned to departments, however, but is being reclaimed by the DFP. This sum, added to the outcome of the June round, left the executive with some £104 million available for reallocation. Departments, however, lodged expenditure bids which totalled twice this amount.

The executive, in deciding how to meet these bids, has opted for prudence. With an eye to the financial constraints involved in striking a budget for 2002-03, it decided to allocate only £63 million now, to a range of bids covering most departments. The balance will be held in reserve, with a view to carrying it forward into the next financial year. This would help meet the resource pressures facing the executive in setting the 2002-03 budget.

The main beneficiaries of the allocation were, as expected, health and education. Some £18 million was given to the Department of Health, Social Services and Public Safety to meet new cost pressures (particularly higher-than-expected pay awards and South Tyrone Hospital transition costs), while the Department of Education received £14 million (mostly for teachers' pay).

The Department of Agriculture and Rural Development was allocated a further £6.8 million, to meet costs incurred in the recent foot-and-mouth outbreak (while direct costs, such as slaughter, are met by the Treasury, the Northern Ireland block has to cover indirect costs, such as preventative measures). Somewhat worryingly, Mr Durkan said that further disease-related costs were likely. The executive will have to divert further resources towards these inescapable bids.

A number of smaller allocations were announced for other departments.

10.3 Barnett dilemma

In his pre-budget statement to the assembly on June 19th, Mr Durkan raised further concerns about the dilemma facing the executive in preparing for the forthcoming UK spending review. While the assembly has frequently raised its concerns about the Barnett formula, he bluntly explained that public expenditure was indeed high in Northern Ireland, relative to other UK regions. It was also important to acknowledge that regionally-raised finance (represented by the rates) was substantially lower than in Britain, where council-tax bills are almost double Northern Ireland's domestic rates. The executive would have difficulty convincing the Treasury of the need for additional funding, above Barnett-determined levels, while not itself being prepared to raise further revenue.

While there will undoubtedly have to be some alterations to the formula, to reflect technical changes brought about by the introduction of Resource Accounting and Budgeting, Treasury ministers have denied any intention to reassess the underlying methodology. In that case, the Northern Ireland executive will have to make representations to the Treasury on the basis that needs in some expenditure areas are still relatively higher. This, however, could be something of a double-edged sword!

¹ This is the Departmental Expenditure Limit, which includes the £18 million allocated to Northern by the chancellor in his March 2001 budget.

In theory, the two elections held in Northern Ireland on June 7th did not involve the devolved institutions established under the Belfast agreement. But no political event happens in isolation, and there was little doubt in anyone's mind that the results would be read as a crucial test of support for the agreement, as well as measuring changes in support for the varieties of unionism and nationalism. In contrast to events in Scotland and Wales, the controversies of devolution raised the degree of importance which all sides attached to the Westminster and local elections.

12.1 The Northern Ireland political system

While the Northern Ireland political system is formally organised along lines recognisable in liberal democracies elsewhere, this conceals very different underlying political dynamics. Whereas elections in other places ritually call the body politic back together and political parties seek to gain votes from a common pool of electors, Northern Ireland is best understood as two separate electorates.¹ The fact that the Alliance Party (and latterly the Women's Coalition) has always drawn votes from both Catholic and Protestant does not alter this fundamental political truth.

While parties in the US and Europe target unaligned voters in the political centre in their attempt to win power, the parties in Northern Ireland compete in two parallel universes. There is not one political centre, over which parties compete, but two: unionist parties compete in one arena, seeking to win votes from one another, while the political battleground in nationalism is between SF and the SDLP. Seen from this perspective, the formal structure which places Alliance in 'the centre' is deceptive. If we accept the 'two centre' thesis, Alliance and Women's Coalition voters appear not at the middle but at two edges: the extreme liberal end of unionism and the pragmatic, anti-republican edge of nationalism.

Developments since the agreement have served to exacerbate this structure. Since SF entered electoral politics, following the hunger strikes of 1981, the SDLP has been forced to seek its marginal votes from republicans. Its political survival has come to depend first on an appeal to other nationalists, not the electorate as a whole.

Before the ceasefires of 1994, the SDLP could rely on a clear distinction between SF and itself on condemnation of, or support for, resort to violence. Since then, and especially since the agreement in 1998, this difference has been seriously eroded. For many young Catholic voters, the differences on violence have narrowed sufficiently that both parties can be assessed on the basis of their relative political dynamism, their closeness to community organisation and their capacity to force the pace of change. In all these areas, SF in 2001 can be said to hold a significant advantage.

Until 1994, unionist parties tended to avoid direct competition with one another in first-past-the-post elections. This strategy was broadly maintained during the 1997

Westminster election, to the benefit of unionism as a whole and the UUP in particular. Entering the election on June 7th, the UUP held two seats (West Tyrone and Fermanagh / South Tyrone) where Catholic voters were in a majority.

But the referendum and the elections in 1998 exposed the deep split in unionism over the agreement. Seeking to capitalise, the DUP was determined to turn the June election in Protestant areas into a rerun of the referendum.

The result is a political system in which the more moderate communal parties ignore one another's voters and can only win seats by contesting the territory of their more radical opponents. In this context, the formal political centre has found itself increasingly squeezed by the reality of two other political contests.

While many Catholic voters deserted Alliance around the time of the hunger strike, its remaining Protestant middle-class support has found itself forced since the agreement to place greater priority on shoring up the pro-agreement element of the UUP. The starkest evidence for this came in the European elections of 1999, when the vote for the party leader, Sean Neeson, shrank to less than 2 per cent as moderate unionists sought to underpin the agreement by supporting a weak UUP moderate, Jim Nicholson.

12.2 The campaign

The integral link between devolved institutions and Westminster elections was cemented on the first day of the campaign when Mr Trimble announced his intention to resign as first minister should the IRA fail to begin arms decommissioning by July 1st.² Opponents of the agreement—within the UUP, in the DUP and beyond—have long understood that the failure of the IRA to begin decommissioning was the Achilles heel of Mr Trimble's claim to have delivered peace by endorsing it.

In making his announcement, to the surprise of London and Dublin—and the considerable anger of the deputy first minister, Mr Mallon—Mr Trimble sought to lessen the impact of the DUP campaign and to underline his own frustration with republican stonewalling. Only days previously, the education minister, Mr McGuinness, had publicly confirmed he had been an IRA leader during Bloody Sunday in 1972.³ Unionist opinion was further outraged when the European Court of Human Rights ruled that the police investigation into the shooting of nine IRA activists at Loughgall in 1987 had breached article 2 of the European convention.⁴

Many close observers of politics in Northern Ireland anticipated a sharp swing to the DUP and SF, although newspaper polls (see public attitudes section) seemed to suggest the opposite.⁵ From an early stage, the parties established the tone of their campaigns. SF relied heavily on well-organised teams of canvassers on the ground and targeted local-media advertising. While there was little doubt that the party would

successfully defend its two existing seats, there was considerable interest in the tight marginal of West Tyrone.

The SDLP appeared confident, if rather ponderous, relying heavily on traditional support and the high profile and prestige of its leaders. Presumably anticipating a repeat of the 1998 assembly elections, Mr Mallon and Mr Hume predicted that the SDLP would win in West Tyrone and emerge as the largest single party in Northern Ireland.⁶ Throughout the campaign, the SDLP seemed reticent to attack SF or the IRA to any significant extent.

The official UUP campaign emphasised the contribution of Mr Trimble, while appealing to the pragmatic interests of a conservative electorate in consistent political delivery. Problematically, the party could not agree a policy on the core issue of the agreement and the specific content of the UUP campaign depended on the personal position of the candidate. Thus in East Londonderry, South Belfast and West Tyrone it was difficult to distinguish the policies of UUP candidates from those of the DUP, while in Lagan Valley, South Antrim and Strangford the candidates were either ambivalent about or opposed to Mr Trimble's policies.

Given this obvious weakness, there was some recognition that the UUP could hardly repeat the results of 1997—though Mr Trimble appeared confident throughout. It was a weakness the DUP naturally sought to exploit as it attempted to turn the election into a second referendum. The party relied heavily on the individual profile of a number of its candidates: Nigel Dodds (North Belfast), Iris Robinson (Strangford), William McCrea (South Antrim) and Gregory Campbell (East Londonderry).

The DUP did seek somewhat to moderate its rhetoric, however. This reflected an awareness that however queasy most Protestants felt about the presence of 'terrorists' in government they simultaneously welcomed devolution *per se*. The party therefore began to talk of 'recasting' the agreement—not 'smashing' it.⁷

The squeeze on Alliance continued as the party was pressed, in a number of seats, to stand down in favour of UUP and SDLP candidates. In recognition of its low support in certain areas, Alliance withdrew from several races. But the party still came under pressure to stand down candidates in areas of consistent support: in North Down, East Belfast, South Antrim and Strangford (from the UUP) and in South Belfast (from the SDLP).

In North Down, a divided UUP association finally nominated a pro-agreement candidate, Lady Sylvia Hermon, to oppose the sitting anti-agreement MP, Bob McCartney. The primary obstacle to a 'yes' UUP victory was then the stubborn persistence of support for Alliance. In the face of considerable internal resistance, Alliance did agree to stand down⁸ but failed to gain a reciprocal gesture from the UUP in East Belfast. In response, Alliance refused to stand aside in areas with less explicitly pro-agreement UUP candidates, such as Strangford and South Antrim.⁹

In effect, the local elections in Northern Ireland were conducted within the campaign for Westminster. While local issues are always slightly different, the reduction in independents over many years and the role of local government as the longest surviving democratic forum in the region have helped subordinate local concerns to the division between parties along constitutional lines. Parties also benefit when local elections are held on the same day as general elections, as they can generally prevail on voters to continue to support their party in all contests.

Two matters of psephological interest can be noted. The decision by the assembly that parties should register their name and symbol with the chief electoral officer in advance resulted in the formal elimination of the UDA-linked Ulster Democratic Party from the local elections, when the party failed to meet the deadline for registration. Its candidates were obliged to stand as independents.

Perhaps more importantly, the decision to hold local and general elections on the same day entailed not only separate ballot papers and boxes but also separate electoral systems. While the Westminster elections were held under first past the post, the local elections were conducted using the single transferable vote system of proportional representation. The successful conduct of both elections suggests voters can negotiate considerably more electoral complexity than some opponents of PR would suggest.

12.3 The results

Whereas the result of the 2001 general election in the rest of the UK represented continuity and stability, the outcome in Northern Ireland signalled change and turmoil. Taken at face value, the results were a triumph for those who trusted their instincts over those who were inclined to believe polls. Taking 1997 as the base for comparison, the clear winners, in terms of vote share and seats, were SF and the DUP. Closer examination suggests, however, that different if related factors were at work among unionists and nationalists.

In contrast to events elsewhere, the turnout of voters in Northern Ireland was higher in 2001 than in 1997. This was particularly true in the western half of the region, led by Mid-Ulster where more than 81 per cent recorded a vote. Turnouts in unionist heartlands, such as Strangford and East Antrim, remained markedly lower. Nonetheless, if turnout alone were the measure of the health of democratic institutions, Northern Ireland politics would be the subject of considerable envy.

Furthermore, the number of women MPs increased dramatically, again in contrast to the picture elsewhere. Not only were three female MPs elected, but two of the three stood for unionist parties. Given the social conservatism of many parts of Northern Ireland, these results can be read as evidence of rapid change in expectations of the role of women in public life.

Taken together, the results show considerable local variation. Table 1 (below) records the performance of the largest party groups across the constituencies. Table 2 highlights the seats which changed hands between the competing groups.

Table 1: Major party results by constituency

Constituency	UUP	DUP	SDLP	SF	All	UKUP	Other	Turnout
N.Belfast	4904	16718	8592	10331				67.2%
S.Belfast	17008		11609	2894	2042			67.9%
E.Belfast	8550	15667	888	1237	5832			63.0%
W.Belfast	2541	2641	7754	27096				68.7%
Lagan Valley	25966	6164	3462	2725	7624			63.2%
N.Antrim	10315	24539	8283	4822	1258			66.1%
S.Antrim	16366	15355	5336	4160	1969			62.5%
E.Antrim	13101	12973	2641	903	4483			59.1%
E.Londonderry	10912	12973	8298	6221	1625			66.1%
Foyle	3360	7414	24538	12988	579			69.8%
Mid Ulster		15549	8376	25502				81.3%
Ferm./S.Tyrone	17686		9706	17793			6843	78.0%
Newry/Armagh	6883	10795	20785	17209				76.8%
Upper Bann	17095	15037	7607	10771				70.3%
Strangford	17422	18532	2646	930	2902			59.9%
N.Down	20833		1275	313		13509		67.2%
S. Down	9173	7802	24136	10278	685			70.8%
W.Tyrone	14774		13942	19814				79.9%
Overall %	26.8%	22.5%	21.0%	21.7%				68%

Sources: *Belfast Telegraph*, *Financial Times*

Table 2: Changes, 1997-2001 (by party)

Party	1997	2001	Held	Gains	Losses
UUP	10	6	S.Belfast, E.Antrim, S. Antrim, Lagan Valley, Upper Bann	North Down	W.Tyrone, E.L'derry, Strangford, Ferm/S.Tyr, N.Belfast
DUP	2	5	E.Belfast, N. Antrim	North Belfast, East Londonderry, Strangford	
SF	2	4	W.Belfast, Mid-Ulster	Fermanagh / South Tyrone, West Tyrone	
SDLP	3	3	S.Down, Foyle, Newry /Armagh		
UKU	1	0			N.Down

Source: *Belfast Telegraph*

Trying to interpret the result of the election within unionism is fraught with difficulty. Many analyses make overly simple comparisons with 1997, without sufficient

appreciation of the impact of the agreement: such comparison is akin to comparing an urban landscape over years without taking account of an earthquake. The 1997 general election took place in circumstances unrecognisable in 2001.

Not only was there no IRA ceasefire in 1997, but the UUP entered that election as the primary support for a flailing Conservative government in the last months of the parliament. Only after 1998 did the UUP split into bitterly opposed factions, with a vocal minority, represented by six out of 10 sitting MPs, actively and relentlessly campaigning to destroy Mr Trimble's most important policy.

Psephologically, the agreement and its aftermath had immediate effects. At the referendum in May 1998, only slightly more than 50 per cent of Protestant voters (that is to say not just unionist supporters) were estimated to have voted in favour.¹⁰ In the 1998 assembly elections the UUP received fewer first-preference votes than the SDLP for the first time in the history of Northern Ireland and the number of pro- and anti-agreement unionists in the assembly was almost evenly balanced. After the agreement, political analysis had to take account of the fact that the lines of inter-party competition were not identical with the lines of division over the single pivotal issue of debate: the agreement itself. To a great degree, then, the 2001 results should not be compared with 1997 but can only be understood as an extension of the complex logic of post-agreement politics.

The elections were the logical symptom of a seismic shift, not the shift itself. The complexity of the situation is highlighted if we analyse the results between unionist parties in terms of their individual relevance for the agreement. In six constituencies (South Belfast, Lagan Valley, South Antrim, East Londonderry, Mid-Ulster and West Tyrone) there was no pro-agreement unionist candidate. Three of these constituencies returned Ulster Unionist MPs. In five further constituencies (North Down, Upper Bann, Fermanagh / South Tyrone, East Antrim and South Down) pro-Agreement Ulster Unionists attracted more support than their anti-agreement opponents. Even in two strongly unionist constituencies (Strangford and East Belfast) the victorious DUP candidates were elected because of the refusal of Alliance supporters to back specific Ulster Unionist candidates. Only in four constituencies (North Belfast, North Antrim, Foyle, Newry and Armagh) was there an unambiguous triumph for anti-agreement over pro-agreement candidates. Reading the mind of voters in such circumstances, one can draw only approximate implications.

Risking some generalisations, three observations might be made. First, there can be no doubt that lack of progress on IRA decommissioning has created real and widespread unease within the Protestant community. Despite good evidence that devolution is popular in itself, the continued insistence by SF that its agenda should be delivered before any measurable change can be expected in the area of arms is regarded by unionists as unacceptable. While the statistically larger proportion of Protestant voters continued to support the UUP and Alliance parties, not all of that vote can be considered as wholeheartedly pro-agreement.

Secondly, the DUP undoubtedly did well in these elections. The election of Messrs Campbell in East Londonderry and Dodds in North Belfast, in particular, represented victories for hard-working and high-profile candidates who will not easily be removed. Much of that result was achieved by winning over the votes of all other anti-agreement unionists. While the combined DUP / United Kingdom Unionist Party / Independent Unionist vote share across Northern Ireland is nearly identical to their total first-preference poll in the assembly elections in 1998, the DUP now attracts the vast bulk of that support on its own.

Thirdly, the 2001 election was characterised by the large number of marginal results. Five constituencies (Fermanagh / South Tyrone, East Antrim, Strangford, South Antrim and Upper Bann) now fall into this category. A slightly different series of results could have seen the UUP with as few as three seats or as many as eight; subsequent political events might have been transformed.

The really seismic event of the 2001 election was the change within nationalism. The SDLP's proclaimed aim of becoming the largest party in Northern Ireland was missed as it fell from largest (in the 1998 assembly elections) to fourth largest party. Not only did SF take more seats than the SDLP for the first time, but it won a larger vote share, albeit only 0.7 per cent ahead. SF successes were especially clear in Co Fermanagh and Co Tyrone, where they outpolled the SDLP by 2:1. The failure of Ms Rodgers to capture West Tyrone was especially painful for the SDLP.

Clearly the SDLP has suffered from the huge media concentration on disputes between the UUP and SF since the agreement. SF certainly appears the more dynamic and well-organised party. Not only were its candidates younger, but the campaign was well managed and attractive to many young people and traditional non-voters. And there is nothing to suggest that the trend has peaked: among others, the SF candidate in Newry and Armagh also clearly established himself as heir-apparent to Mr Mallon. Less than a week after the election, there were thinly veiled calls for Mr Hume to resign as SDLP leader.¹¹

Whereas the psephological graph for unionism shows clear change in 1998, followed by a fairly consistent pattern of distribution between the UUP and the DUP, that for SF shows a constant rise in vote share since 1992. The one unknowable element, in any final analysis of voting involving republicans, is fraud and intimidation. While no one has ever conclusively proved vote-rigging, persistent and long-standing rumours to that effect were given further fuel when a polling station in Garrison, Co Fermanagh, was forced to reopen having closed at 10 pm, while voters elsewhere were turned away. The fact that SF won the Fermanagh / South Tyrone seat from the UUP by a tiny majority only added to suspicion (and a legal challenge by the unsuccessful UUP candidate).

The first-preference local-election results followed the broad pattern of the Westminster elections (Table 3). Once more the UUP outpolled the DUP, but by a smaller margin than in 1997. The DUP was able to record successes in Ballymoney,

Ballymena, Antrim and Ards. Anti-agreement unionists also did well in Portadown and North Belfast. On the other hand, in South Belfast, where the anti-agreement UUP candidate, Rev Martin Smyth, was returned as MP, there was strong support for pro-agreement candidates. The UUP also did well in North Down, Banbridge and Lisburn. The DUP meanwhile lost power in Castlereagh, near Belfast, which it had controlled for many years. If the votes for Alliance and the PUP are understood to be supportive of the agreement, then the distribution of support for the deal within Protestantism must remain an open question, subject to the to and fro of political events.

On the nationalist side, SF had most to cheer about. It emerged as the largest party in all five councils in Tyrone and Fermanagh and overtook the SDLP as the largest group in the Newry and Mourne district. Although the SDLP was reduced to 19 per cent of the overall vote, the local elections were not without some bright points. The party benefited considerably from transfers and remained the largest nationalist party in terms of seats. It also had some notable successes, in Belfast, Coleraine and Antrim, as well as defending most of its advantage in Derry and Down councils.

The results for Alliance confirmed the failure of the party to find a real niche since the agreement. Although it did well in Castlereagh, Carrickfergus, Larne and North Down, there were serious losses in Belfast, Coleraine and Ballymena, which have left the party reduced to its heartland in the suburban ring around Belfast.

Table 3: Local election results 2001

Party	Vote	Share (%)	Councillors
UUP	181,336	23	154
DUP	169,477	21	131
SF	163,269	21	108
SDLP	153,424	19	117
APNI	40,443	5	28
PUP	12,261	2	4
UKUP	4,763	1	2
NIWC	3,301	0.4	1
UUAP	2,648	0.3	2

Source: Democratic Dialogue

In spite of the rather complex and opaque nature of the results when viewed with academic distance, the loss of four seats by the UUP combined with scenes of mob intimidation of Mr Trimble at his constituency count in Banbridge to create considerable momentum for anti-agreement unionism. Especially in the context of significant advances for SF, the elections ensured that the announced showdown over decommissioning was as near to certain as anything ever is in politics. Paradoxically, it was the devolved institutions that were to emerge most damaged from elections to Westminster and district councils.

12.4 Negotiating again

In the immediate aftermath of the elections, there was fairly quick acceptance in all quarters that Mr Trimble's letter of resignation could not be withdrawn.¹² Instead, attention focused on the six-week period permitted under the 1998 Northern Ireland Act for the assembly to elect new first and deputy first ministers.

The DUP seemed to confirm the subtle shift in its position detected during the election. Instead of demanding the end of the agreement, with all its consequences for devolution, the party now demanded 'renegotiation' and called for SF to 'honour its commitments' on decommissioning.¹³ Formal renegotiation, however, was something neither nationalists in Northern Ireland nor government in London or Dublin would contemplate. Indeed the two governments reactivated their strategy, by now almost traditional, of seeking consensus between the pro-agreement parties.

For the UUP, there was only one issue: decommissioning. It became clear within days of the election that there would not be any early direct challenge to Mr Trimble's leadership. If anything, there were splits in tactics between the anti-Trimble elements.¹⁴ United around decommissioning, the UUP was clearly anxious to avoid more damage to its already fragile fabric. Nonetheless, in elections for party officers, Mr Trimble was forced to accept Mr Smyth, one of his most bitter opponents, as president.¹⁵

SF, flushed with electoral success, continued to insist that decommissioning on any terms other than those of the republican movement was non-negotiable. Its public position remained one of defiance, blaming the British government for failure to reduce the army presence in south Armagh, failure to implement the Patten report 'in full' and failure to withstand UUP 'blackmail'.¹⁶ It argued that failure to agree within the six weeks should lead, as the act envisaged, to assembly elections—in which they would hope to do well—rather than to a further suspension of the institutions by the Northern Ireland secretary.¹⁷

As ever, the polarisation of debate around decommissioning underlined the profound predicament of the SDLP. Undoubtedly, the party leadership accepted that the IRA had not met its commitments. Nonetheless, the party appeared to be wedded to the strategy of including republicanism at any cost, now underlined by its electoral vulnerability to SF. Thus there was little evidence of any willingness to penalise the latter for the failure of the IRA to decommission and the party remained unwilling to commit to any new police service without fundamental changes to the Police Act, including new legislation.¹⁸ Likewise, the republic's government—and the taoiseach, Mr Ahern, in particular—seemed to veer between insisting that decommissioning was essential and betraying the absence of any strategy other than persuasion to achieve it.¹⁹

By the end of June, it was clear that devolved government had substantively ceased to operate; the primacy of the constitutional issue was re-established. Following a bleak

report by the decommissioning commission, Mr Trimble's threat to resign was carried out. The two premiers were once again cast as central figures in negotiations, to be renewed at Weston Park.²⁰

Amid widespread fears about the 'marching season', and events at Drumcree in Co Armagh in particular, there was increasing gloom about the way forward. The novelty of the situation in institutional terms meant that few, if any, had any clear idea of its future implications. There were some suggestions, not pursued, that all UUP ministers might resign with Mr Trimble, thereby triggering an immediate crisis, without any six-week delay.²¹ The formal role of Mr Mallon during the *interregnum* was unclear and the options facing the Northern Ireland secretary, in the event of a failure to agree, were debated. The sense that things were being learned as they were tried for the first time is only a slight caricature of events.²²

The talks proved bad-tempered and fractious. The smaller pro-agreement parties took umbrage when they were sent home from Staffordshire after only one day.²³ The loyalist PUP and UDP showed particular annoyance. The UDP, lacking any seats in the assembly but a front for the UDA—the main loyalist paramilitary group—announced it was withdrawing support from the agreement, while the larger PUP insisted it would not return to talks without real movement by the IRA.²⁴ Although there was less trouble at Drumcree than in previous years, the talks took place against a backdrop of serious tension in north Belfast, spilling over on July 12th into the worst riots between Catholics and police for many years.²⁵

When the second round of talks at Weston Park—the Northern Ireland participants now confined to the UUP, SDLP and SF—finished inconclusively, there was consensus only on the areas of dispute: decommissioning, policing, demilitarisation and the stability of the devolved institutions. Seeking to avoid an endless and operationally difficult round of negotiations, the governments sent the parties home with a promise to present their own non-negotiable proposals to all pro-agreement parties.²⁶ The DUP sought in vain to get sight of the proposals, but London and Dublin emphatically refused to compromise, despite threats by the party to take the British government to court for alleged breach of the European Convention on Human Rights.²⁷

In the interim, the governments canvassed support for a one-day suspension on the basis of a legal technicality in the Northern Ireland Act 2000. This would allow the six-week period for the election or re-election of a first and deputy first minister to recommence if the suspension was effected before the conclusion of the prior six-week interval.²⁸ While the UUP and SDLP appeared amenable, SF and the DUP—who would expect to make gains in a polarised assembly election campaign—strongly opposed the proposal.

Having originally declared that their intergovernmental proposals had a 'take it or leave it' character, the two governments were forced into further negotiations by the prospect that both SF and the UUP would reject their first draft outright.²⁹ SF was

reported to be seeking assurances on policing while the UUP made clear the package would fail if it did not ensure actual decommissioning. In a move designed to maximise pressure, Mr Trimble's younger critics in the parliamentary party, Jeffrey Donaldson and David Burnside, declared their opposition to the governmental proposals even before they were made public, thereby underlining the huge tensions inside the UUP. In effect they echoed the DUP when they called for a 'new peace process' on the basis that the IRA had no serious intention of decommissioning.³⁰ The DUP predicted that renegotiation was inevitable.³¹

The package when finally published underlined the impotence of the governments on decommissioning. Its price was to include further policing reforms in line with nationalist expectations of the Patten report, a review of plastic bullets and reductions in the army presence, especially in south Armagh; unionists were meanwhile offered a review of the Parades Commission.³² Even then, the statement sought to avoid any impression that the IRA was being coerced.

Unionist critics, such as Mr Robinson, immediately attacked the package as a capitulation.³³ A massive car bomb exploded in Ealing, West London, by the Real IRA rendered the situation even more fraught. The US president, George W Bush, called on the IRA to begin decommissioning, signalling a harder line on the issue from Washington than had characterised the Clinton administration.³⁴

In the absence of actual decommissioning, the UUP leadership remained resolute. With the six-week deadline just days away, the head of the decommissioning body, John de Chastelain, announced the success of his latest conversations with republicans, which he believed 'initiates a process that will put IRA arms completely and verifiably beyond use'.³⁵ No timetable was however held out and, in the face of unmistakable SF anger, Mr Trimble rejected the proposals as insufficient.³⁶ Left with few alternatives, the secretary of state, with the assent of Dublin and Washington and the backing of the UUP and SDLP, invoked the legal loophole and suspended devolution for 24 hours.

The very future of the agreement was in the balance. The clear conclusion is that popular *institutions* do not in themselves resolve *constitutional* crises. While long-term progress depends on functioning institutions, the needs of security and the demands for reassurance on all sides have proved sufficiently powerful to stop the agreement in its tracks. Unless progress is made on the underlying issue of the intention and capacity of different groups to threaten one another, then the prospects for progress looked poor at this writing—in spite of the further six-week respite.

12.5 Other matters

The quarter was dominated by the elections and their aftermath. The profile of the assembly accordingly fell, partly due too to the onset of the summer recess in July. But three other issues involving political parties are worthy of comment.

In local government, the elections resulted in potentially significant changes. Four councils in the west of Northern Ireland adopted slightly adapted versions of the executive's d'Hondt system for the distribution of all offices. Under this system, all parties receive a proportional share of committee chairs and the position of chair of the whole council is rotated over a four-year period. As a result, all of these councils are chaired by SF nominees for the coming year. Coleraine Borough Council elected its first nationalist mayor, though unionists are in an overwhelming majority there. Belfast City Council, where three remaining Alliance councillors continue to hold the balance between nationalists and unionists, did not elect an SF mayor when Alliance decided that the impasse over decommissioning made SF members unsuitable for such office at present.³⁷ All of these deliberations suggest a slow coming to terms at local level with institutionalised power-sharing.

The Hayes review of acute hospitals in Northern Ireland meanwhile reported in June (see public policies section). Although the report is still only advisory, it was clear from the reaction of elected representatives across the spectrum that the issue will continue to be highly controversial for all parties.³⁸

Finally, there was evidence that many parties in Northern Ireland are seeking connections outside the six counties. While SF continues to plan an all-Ireland strategy, there was considerable debate about formalising links between the SDLP and either the Irish Labour Party or Fianna Fáil, south of the border. As yet, this remains tentative. Perhaps more surprisingly, there have been suggestions that Mr Trimble could emerge as British Conservative Party spokesperson on Ireland, after the conclusion of the Conservative leadership election in September. In a deal apparently brokered by Lord Cranborne, the Tory leader in the House of Lords, this would recreate a formal alliance last cemented before World War I.³⁹

¹ See Jyrki Ruohamaki, 2001, *Two Electorates, Two Contests: the June 2001 elections in Northern Ireland*, Belfast: Democratic Dialogue.

² *Irish News*, May 10th 2001

³ *Irish Times*, May 1st 2001

⁴ *Belfast Telegraph*, May 4th 2001

⁵ *Irish Times*, May 10th 2001; *Belfast Telegraph*, May 22nd 2001

⁶ *Irish News*, May 23rd 2001

⁷ *Irish Times*, May 30th and June 4th 2001

⁸ *Belfast Telegraph*, May 23rd 2001

⁹ *Irish Times*, May 21st 2001

¹⁰ *Sunday Times*, May 24th 1998

¹¹ *Irish News*, June 12th 2001

¹² *Irish Times*, June 19th 2001

¹³ *Breakfast with Frost*, BBC, June 17th 2001

¹⁴ *Irish Times*, June 22nd 2001

¹⁵ *Belfast Telegraph*, June 25th 2001

¹⁶ *Belfast Telegraph*, June 20th 2001

¹⁷ *Irish Times*, June 25th 2001

¹⁸ *Irish Times*, June 22nd 2001

¹⁹ *Irish Times*, June 20th 2001

²⁰ *Belfast Telegraph*, July 2nd 2001

²¹ *Irish News*, June 27th 2001

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- ²² *Irish Times*, June 27th 2001
²³ *Irish Times*, July 10th 2001
²⁴ *Belfast Telegraph*, July 10th 2001
²⁵ *Irish News*, July 13th 2001
²⁶ *Sunday Tribune*, July 15th 2001
²⁷ *Belfast Telegraph*, July 25th 2001
²⁸ *Irish Times*, July 25th 2001
²⁹ *Belfast Telegraph*, July 26th 2001
³⁰ *Irish Times*, July 27th 2001
³¹ *Irish Times*, July 31st 2001
³² *Belfast Telegraph*, August 1st 2001
³³ *Irish Times*, August 2nd 2001
³⁴ *Irish Times*, August 3rd 2001
³⁵ *Irish News*, August 7th 2001
³⁶ *News Letter*, August 8th 2001
³⁷ *Irish News*, June 26th 2001
³⁸ *Belfast Telegraph*, June 19th 2001
³⁹ *Observer*, June 24th 2001

13 Public policies Robin Wilson

Again, for reasons outlined earlier, there was little to report this quarter in terms of policy-making.

Perhaps of most significance remained the progress of the initiative to replace the fragmented structure of economic-development agencies in Northern Ireland by a single body, to be called Invest Northern Ireland (INI). At one of its few meetings during the period, the Executive Committee on June 14th reviewed the forthcoming legislative programme and approved the introduction of the Industrial Development Bill in the assembly on June 25th.¹

The minister for enterprise, trade and investment, Sir Reg Empey (UUP), announced in July the search for a chief executive for INI and the make-up of the shadow board. The former, to receive the not insubstantial remuneration of around £150,000, is to be ‘a dynamic, entrepreneurial individual’.² Similarly, six of the latter are private-sector representatives, as against one token trade unionist (the remaining member and chair, Prof Fabian Monds, is a retired academic).³

Yet as with the executive’s enthusiasm for the Private Finance Initiative, this centre-right policy orientation—which sits very uneasily with the ‘equality’ rhetoric now *de rigueur* in government—has passed largely unremarked and unopposed.

The executive did over the quarter also launch a consultation document⁴ on a strategy for dealing with the victims of the ‘troubles’, a 2001-02 commitment arising from the Programme for Government. This not only offers another challenge for joined-up government but also, as the junior ministers in the OFMDFM insist in their introduction, is one that politicians ‘cannot afford to shy away from’.

In fact, of course, they have done exactly that, with the notable exception of the Northern Ireland Women’s Coalition, which was responsible for the entry in the agreement of a single paragraph addressing the needs of victims and was the only party to respond to a previous consultation organised by the Victims Liaison Unit in the NIO. Indeed, one official working in this area recently confided his despair about the incapacity of Northern Ireland’s communal politicians to address this issue in any language other than emotive confrontation.

As befits the devolved side of this work, the OFMDFM paper focuses on the practical provision of services. Consultation extends to November—with the usual caveats about the existence of the executive.

Also this quarter, a major episode took place in a saga addressed in every one of our parallel reports on devolution and health. The long-awaited report of the review group on acute hospitals in the region, chaired by the former health department permanent secretary Maurice Hayes, was launched in June.⁵

The review was commissioned by the health minister, Ms de Brún, in August 2000, after devolution, suspended that February, was renewed in May. But the issue had already been deemed critical by departmental officials for a long time: indeed one senior official spoke in almost apocalyptic terms about his incapacity to persuade Northern Ireland politicians, pre-devolution, of its seriousness (see interview material attached to Devolution and Health March 2000 report).

While the terms of reference of the report were confined to the 15 acute hospitals, the review team unilaterally broadened them to include the whole system of health and social care in Northern Ireland, on the grounds effectively that everything was related to everything else. On the hospitals specifically, it recommended a concentration of acute functions at nine hospitals (including a new one in the west of Northern Ireland), though with none of the remainder closing.

More widely it envisaged a network model of care, linking not only hospitals but primary and secondary (and social) care systems, organised respectively around Belfast, the north and the south of the region. It also recommended further cross-border co-operation in provision and the replacement of the four health and social services boards (and accompanying consumer councils) by a single strategic health and social services authority (and council) for Northern Ireland as a whole.

The minister, Ms de Brún, was only allocated the health portfolio in November 1999 at the onset of devolution because her male party colleague, Mr McGuinness, had a prior 'pick' of education under the d'Hondt rule. Health was widely seen as a poisoned chalice because of the challenge of acute rationalisation and NIMBY reactions to threats to services at particular hospitals.

Two weeks before Hayes was published, another of Ms de Brún's male colleagues, Pat Doherty, won the West Tyrone seat for SF. Immediately Mr Doherty rowed in behind the defence campaign for the Tyrone County Hospital (see June 2001 Devolution and Health report). Mr Doherty is a member of the IRA army council, as well as vice-president of SF; Ms de Brún is so unpopular in the party that she was unable to secure her re-election to its ruling *ard chomhairle* at the last SF *ard fheis* (conference) and had to be co-opted. She is thus unlikely to take on the new West Tyrone MP.

It is unsurprising in this context that, despite the urgency of the issue, Ms de Brún did not elect to place a timescale on the consultation that would follow the report.⁶ In Ireland it's called long-fingering.

Finally, in July the Department for Social Development launched a further consultation document on the renewal of the strategy for support of the voluntary sector inherited from direct rule.⁷ The old strategy predated the 'compact' with the voluntary sector introduced by New Labour in its first term.

In Northern Ireland the voluntary sector has with some success secured for itself a role as ‘social partner’—language which New Labour itself generally eschews and which has certainly not been extended to the trade unions in the region.

¹ Executive Information Service, June 14th 2001

² Executive Information Service, July 22nd 2001

³ Executive Information Service, July 30th 2001

⁴ *Consultation Paper on a Victims’ Strategy*, August 2001, Belfast: OFMDFM (Victims Unit)

⁵ *Acute Hospitals Review Group: Report June 2001*, Belfast: DHSSPS

⁶ Executive Information Service, June 20th 2001

⁷ *Partners for Change: Government’s Strategy for Support of the Voluntary and Community Sector 2001-2004*, July 2001, Belfast: DSD