



The Constitution Unit



Nations and Regions: The Dynamics of Devolution

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- Growing recognition of deep sectarian division
- Government stabilises, even if momentum flags
- Huge protest rallies stem loyalist violence
- Policing Board shows impressive unity
- Programme for Government and budget agreed
- Health crisis puts minister under pressure
- Progress on north-south and 'east-west' fronts
- Support for union falls, favouring 'none of above'

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1. Summary

Robin Wilson

It was another quarter of complex and contradictory signals from Northern Ireland.

On the one hand, there was an air of stability at Stormont, with the administration looking for the first time secure as far ahead as the May 2003 assembly elections—an aeon in the politics of the region. The new partnership of Mark Durkan (SDLP) alongside David Trimble (Ulster Unionist) as, respectively, deputy first and first minister bedded down well. The revised Programme for Government and budget were agreed by the assembly.

The parties, including the Democratic Unionist Party but minus Sinn Féin, came to remarkable agreement in the new Policing Board, on a police emblem and on the traumatic post-mortem on the Omagh investigation. And the SF leadership, which was under increasing US pressure, came closer than ever to endorsing the ‘consent principle’.

On a wider canvas, with the lifting of the ban on SF ministers attending north-south meetings, solid technocratic progress was made on that front. Even the apparently moribund British-Irish Council showed distinct signs of life.

Yet the quarter was also marked by growing unease over deteriorating intercommunal relations on the streets. Research highlighting intense segregation and sectarianism at interfaces was given widespread coverage. Ugly clashes continued in north Belfast, though the protest at the Holy Cross Catholic school was ended. The end-of-year statistics showed 2001 had been the most violent since the paramilitary ceasefires of 1994. A particularly poignant sectarian murder prompted huge protest rallies, organised by the trade unions.

Most of this nihilism stemmed from so-called Protestant ‘alienation’—and the Northern Ireland secretary warned that the region should not become a ‘cold place’ for unionists. But there was evidence, too, of a reciprocal hardening of Catholic attitudes, with growing support for a united Ireland. Drama-documentaries on ‘Bloody Sunday’, 30 years on, plumbed the deep historical reservoirs of minority grievance.

Moreover, a different unease began to be apparent at Stormont—a sense that if hitherto the danger had been that the ship of devolution would be grounded, now it might become becalmed. Executive Committee meetings were few and perfunctory, a major piece of ‘home-grown’ legislation was postponed and assembly plenary sittings were reduced owing to the paucity of executive business. The inability of the SF health minister, Bairbre de Brún—buried under a plethora of reviews and consultations—to stem the growth of hospital waiting lists symbolised the loss of forward momentum.

2. Devolved government

Robin Wilson

2.1 Introduction

The quarter was marked by a paradox for the devolved administration. For the first time since these reports began, there was no ‘decommissioning impasse’ (though that is not to say there might not be another one), no suspension or threat of it hanging over the institutions. In the wake of the IRA’s ‘historic’ arms gesture (whatever that was) in October, a period of stable government loomed. Yet as the smoke cleared, the more mundane reality emerged of a worrying absence of ‘normal’ political momentum.

2.2 Programme for Government

The revised second Programme for Government was presented to the assembly on the same day as the revised budget (see finance section), December 3rd 2001. The first minister, David Trimble, looked forward to less choppy political waters when he said¹: ‘While the last year has been a difficult one in many ways, we now have a new opportunity to deliver stable government by a locally accountable administration that can reflect and respond to the needs of people here.’

The executive organised four seminars following the publication of the draft PfG2 in September (see Leverhulme/ESRC November 2001 report), including one with the ‘social partners’. The principal change to the draft, the deputy first minister, Mark Durkan, told the assembly on December 10th², was the commitment to introducing free ‘nursing’ care in residential homes from October 2002.

Mr Durkan took the opportunity to air his concern about the absence of joined-up structures within the executive. ‘What we need now to do,’ he told the assembly, ‘is to set up systems which allow us to look at policy issues not only on a departmental basis but from a Programme for Government approach. We know from all the evidence that it is only if we take this broader view that we can be most effective. A single department can do excellent work, but unless we have support on all aspects, we cannot make the real change that we all want to see.’

‘We will drive this change from the very top, working to develop Executive sub-committees at ministerial level that can provide leadership and strategic direction to ensure a cross-cutting approach to policy development.’

2.3 The executive

¹ Executive Information Service, December 3rd 2001

² Executive Information Service, December 10th 2001

The problem, of course, is that the absence of executive sub-committees is a product of the lack of trust in the executive and the poor engagement by ministers with the programme (see Leverhulme/ESRC November 2001 report), as against their departmental bailiwicks. The administration has no corporate character, except in so far as that is provided by joint statements by the first and deputy first minister, and no ethos of collective responsibility.

Were the executive to form sub-committees to tackle the most ‘wicked’ cross-cutting issues—sectarianism, for example—each party as well as each relevant minister would, presumably, demand a presence, and perhaps on the basis of parity. Thus any such sub-committee would likely be nearly as big as the executive itself.

Moreover, officials in the Office of the First Minister and Deputy First Minister—with its two junior ministers, Dermot Nesbitt and Denis Haughey—say getting agreement from two, or sometimes four, political masters can take a long time. And that even though only the two ‘moderate’ parties (the Ulster Unionist Party and the Social Democratic and Labour Party) are represented there.

The last quarterly report (Leverhulme/ESRC November 2001) noted the increasing infrequency of executive meetings. This loss of momentum continued this quarter and became a matter of public concern as its effects became apparent in the assembly.

Again, the Executive Committee met just three times in as many months: on November 26th, January 18th and February 14th. Nor were these, judging by the statement released afterwards, hugely productive encounters—the press releases amounted to five, three and two paragraphs respectively. The last of these, the shortest post-executive statement ever, declared³: ‘Ministers discussed a range of issues including the forthcoming Spending Review and Executive and Ministerial Business in the Assembly. Ministers also noted the schedule of meetings for the North-South Ministerial Council and the British Irish Council.’

This hardly portrayed the devolved administration as living up to its oft-repeated aspiration of ‘making a difference’, as compared with direct rule. Indeed a senior academic economist confided during the quarter how he had been invited by a representative of the executive to suggest ten things that could be done to make a difference in advance of the May 2003 assembly elections.

In their new year message, the first and deputy first ministers devoted just a paragraph to the substantive achievements of their administration⁴. ‘Progress has been and continues to be made,’ they insisted. Yet, apart from free fares for the elderly, everything they mentioned was still in the pipeline—a cross-border gas network, free ‘nursing’ care for the elderly, improved student support, investment in roads and a children’s commissioner—or a case of crisis-management: the outbreaks of foot-and-mouth disease and, in north Belfast, of virulent sectarianism.

³ Executive Information Service, February 14th 2002

⁴ Executive Information Service, December 28th 2001

This trickle of business caused restiveness in the assembly after the turn of the year, as the normal two days of plenary sittings per week were reduced to one towards the end of the quarter, owing to the embarrassing modesty of executive proposals. It emerged, too, that the proposal for a Single Equality Bill—a major ‘home-grown’ piece of legislation, harmonising the existing anti-discrimination legislation with regard to religion, gender, race and disability—had been quietly deferred. This despite the fact that a consultation paper on the bill had been issued as long ago as May 2001⁵.

Of course, MLAs themselves could have brought forward their own legislative proposals. But the absence of committee-initiated bills and the paucity of private members’ proposals are indicative of an expectation of ‘spoon-feeding’ inherited from the dependency of direct rule.

Part of the problem is the absence of a political steer for officials, due to the flimsiness of the parties’ policy portfolios and their tiny research staffs. For example, as one senior civil servant told a seminar during the quarter on devolution and policy-making, officials don’t know the view of the executive on the review of selection at 11 (see Leverhulme/ESRC November 2001 report)—there isn’t one, as the parties have polarised on sectarian lines⁶—and so are tending to follow administrative approaches.

But this reduction of politics to administration is also taking place because officials are increasingly consumed by the demands of endlessly proliferating audit mechanisms. Tellingly, another senior official, invited to give a presentation on policy-making to the seminar, only mentioned—*en passant*—two or three actual policy developments. His presentation was largely devoted to the demands of the ‘section 75’ equality duty, the expenditure imperative of ‘targeting social need’ and other auditing concerns, like ‘rural-proofing’—not forgetting the pressures of drafting answers for 11 departments and 14 ministers (as against six and five respectively under direct rule).

This policy-by-numbers ‘proofing’ approach includes many good egalitarian intentions. But it is also driven by the mistrustful culture of Northern Ireland, a product of the cancer of sectarianism. And, layer upon layer, as these audit requirements build up—there are seven in PfG2—they threaten to crowd out policy innovation.

The same official pointed out that while the Northern Ireland civil service was proportionately large, compared with the other UK jurisdictions, most of its members were administrators, not policy-makers. He spoke wistfully of the 70 full-time members of the Performance and Innovation Unit in Whitehall—only a handful work in the (oddly misnamed) Economic Policy Unit in OFMDFM.

⁵ Executive Information Service, May 8th 2001

⁶ *Belfast Telegraph*, January 15th 2002

Meanwhile, non-governmental organisations are overwhelmed by the ‘consultation fatigue’ arising from these audit processes. They, too, are therefore devoting relatively little of their time or scarce resources to policy development. The director of the new Institute of Governance, Public Policy and Social Research at Queen’s University, Prof Elizabeth Meehan, expressed surprise at how little interest was shown by NGOs in the Programme for Government—as against ‘Peace 2’ funding—at a recent event she attended.

The head of the civil service, Gerry Loughran, has initiated a review of its response to devolution, ‘with a view to identifying ways of improving its performance’. It is being headed by a civil servant, though including some (also misnamed) ‘focus groups’ with interested outsiders. It is to report in May 2002 and one of the issues it will look at is how more time can be freed up from auditing mechanisms for policy-making.

Under ‘policy development’, the brief for the ‘focus groups’ asks: ‘To what extent has devolution stimulated or inhibited the development of policy (with particular emphasis on the consultation process)? Has there been a discernible impact of devolution on how new policies are developed and implemented? For example, do you have views on the construction of the Programme for Government?’

The fact that the jury is still out on these questions tells its own story.

2.4 Community relations

The review of community relations policy (see Leverhulme/ESRC November 2001 report) was completed by its author, the retiring civil servant Jeremy Harbison, in January. It was to be considered initially by the two junior ministers in OFMDFM, Messrs Nesbitt and Haughey, before going before the executive, with the expectation of a paper going out to consultation in March. How ministers will react on this issue—which goes to the heart of what the conflict of the last three decades was about—is an unknown quantity and no outcome is expected before the autumn.

Exchanges with Dr Harbison indicated he was exercised by the need for greater recognition in Northern Ireland of the ‘interdependence’ of its two main religious ‘communities’—most official attention has focused on redressing the historical inequalities between them—as well as the deleterious effects on good governance of duplicated public-service provision for a segregated society (see finance section). A bizarre instance of the latter was a recent demand from ‘loyalists’ in the Shankill area of Belfast for an additional swimming pool to accommodate the division of the road between competing paramilitary fiefdoms in the wake of the 2000 feud.

During the quarter, huge media attention was given to research findings by Pete Shirlow, a geographer at the University of Ulster, which caught a wider mood of concern about deepening division. Dr Shirlow showed that in interface areas use of

public services was deeply segregated and sectarian attitudes were deeply entrenched, particularly among the young. The *Guardian* devoted a page to the research, presented to a conference of the Royal Geographical Society and Institute of British Geographers in Belfast, under the heading 'PEACE BUT NO LOVE AS NORTHERN IRELAND DIVIDE GROWS EVER WIDER: Protestants and Catholics report more violence and less integration'⁷.

During the quarter, the ugly sectarian stand-off at Holy Cross Catholic primary school in north Belfast came to an end⁸. The Protestant residents who had harassed the schoolchildren on their way to school called off their action in response to commitments from the first and deputy first minister to protect them from sectarian attacks: CCTV cameras, more police patrols and traffic calming.

In December 2001, Messrs Trimble and Durkan launched a £200,000 community-development project in north Belfast, under the auspices of the former Presbyterian moderator John Dunlop.⁹ But there is no evidence that such projects—however worthy in themselves—have any positive impact on community *relations*:

Sporadic intercommunal violence continued in the area throughout. In February, the Northern Ireland Office announced plans to extend 'peace walls' in the city¹⁰: north Belfast already has some 15 of these. At one flashpoint, two bus stops have been established less than 100 yards apart—one for Protestants, one for Catholics—where previously there was one¹¹.

2.5 Criminal justice

The Justice (Northern Ireland) Bill, implementing the review of criminal justice initiated by the Belfast agreement, received its second reading at Westminster during the quarter. As an indicator of increased unionist anxiety about the erosion of symbols of 'Britishness' in the region, UUP MPs, including the normally moderate Sylvia, Lady Hermon (North Down), were strident in their criticism of measures about which they had previously appeared sanguine¹².

Lady Sylvia described the plan to remove the royal coat of arms from courts in Northern Ireland as 'wholly unacceptable' and contrary to the Belfast agreement. By contrast, the SDLP MP Eddie McGrady (South Down) defended the measures under the banner of 'parity of esteem'.

This is yet another example of what is proving a corrosive contradiction at the heart of the agreement: unionists see its constitutional provisions reaffirming the consent

⁷ *Guardian*, January 4th 2002

⁸ *Irish Times*, November 24th 2001

⁹ Executive Information Service, December 3rd 2001

¹⁰ *Irish Times*, February 5th 2002

¹¹ *Irish News*, January 26th 2002

¹² *News Letter*, January 22nd 2002

principle as ‘copper-fastening’ UK sovereignty, as symbolised by the flag and royal insignia, whereas nationalist see its provisions on identity—‘Irish or British or both’—as implying official symbolic neutrality. A series of defeats for unionists on these neuralgic issues, reflecting the wider political (and to an extent paramilitary) balance of forces, has been central to the weakening of the unionist ‘yes’ camp.

On the day SF’s four MPs proudly planted the tricolour in their new Westminster offices, Lady Sylvia told MPs: ‘Such acts of vandalism ... would provoke intense division rather than avoid it and would most certainly, without a doubt, add to the steady seeping away from unionist support for the Belfast Agreement, something I bitterly regret.’

3. The assembly

Rick Wilford

3.1 Introduction

Following the high drama of early November surrounding the re-election of Mr Trimble and the election of Mr Durkan as, respectively, first and deputy first ministers, the assembly achieved something approximating to normality during this period.

While the health of the wider body politic—including the devolved institutions—had given cause for concern in the previous quarter (see November Leverhulme/ESRC report), it was the health of the population that bulked large on the assembly's agenda between mid-November and early February. Besides two debates on the health crisis, members took full opportunity of debates on the September and December monitoring rounds, the budget, PFG2 and the executive programme funds to highlight the perceived inadequacies of the service—and the health minister.

3.2 Debates

Bairbre de Brún's performance at health has underwhelmed many members—not only unionists. While, poetically, April may be the cruellest month, November, December and January proved especially grim for Ms de Brún. During the health debate of December 11th there was the first call for her resignation—from the liberal UUP MLA Duncan Shipley-Dalton—allied to evident disquiet on the SDLP benches with the minister's performance. Unlike her SF ministerial colleague, Martin McGuinness, Ms de Brún has yet to face a motion of no confidence but, judging by the temper of the house, it may be in the offing.

Yet even if the minister were to decide to fall on her sword, or were she to lose a no-confidence vote—equally unlikely, given it would require cross-community support—the mechanistic operation of the D'Hondt rule would ensure that the portfolio remained in SF hands, at least until the next assembly election. Assuming we get that far, it will be interesting to see whether the other parties eligible for ministerial posts are prepared to grasp the 'poisoned chalice', as the health brief is now described—even by SF MLAs.

Besides health, serial sectarian violence and intercommunal rioting also figured prominently on the assembly's agenda. The continuing problems in north Belfast, epitomised by the dispute at Holy Cross, culminated in the murder on January 12th, by loyalists, of a 20 year-old Catholic postal worker, Danny McColgan, on his way to work. In its wake, a generalised threat to *all* Catholic public-sector workers in that part of the city was issued by the 'Red Hand Defenders', a *nom de guerre* used by (among others) the Ulster Defence Association, the largest Protestant paramilitary group.

The threat was quickly withdrawn after the exercise of some muscle by other elements in the UDA, but all sections of the community came together at rallies across the region to protest at the murder and the chronic sectarianism of which it was a symptom. The new measures announced by OFMDFM in November, aimed at mediation and ‘capacity-building’ in north Belfast, were welcomed by residents and local MLAs. Mr McColgan’s murder, however, underlined the disabling capacity of paramilitaries, loyalist or republican.

On January 14th, the assembly speaker enabled a private-notice question to be put to the first and deputy first minister by Gerry Kelly (SF), about the continuing problems in north Belfast. He also allowed MLAs from the constituency to ask supplementary questions, complementing the one minute’s silence in memory of Mr McColgan. Lord Alderdice declared that ‘as this is an occasion of such gravity we should depart from the normal procedures and conventions because of the Assembly’s wish not only to recognise the matter—and not only to do so in silence—but to say something and to recognise what has happened’¹³.

Such unity was not, however, evident two weeks later. Eileen Bell and Kieran McCarthy of Alliance put down a motion calling on the assembly to condemn the ‘breakdown of law and order in Northern Ireland’—including the upsurge in what some cynically term ‘ordinary, decent crime’, as well as sectarian violence. The motion also called on the secretary of state, John Reid, to allocate sufficient resources to the Police Service of Northern Ireland to ‘improve the situation at the earliest opportunity’¹⁴.

It turned out to be an acrimonious affair, not least because SF opposed the motion. According to Mr Kelly, ‘putting more resources into a police force that is not representative, that is still under partisan political control and that is not properly accountable, is the wrong thing to do’. He claimed that ‘people are worried that if more resources are given to the PSNI they will go to the very part of the organisation that will be used against nationalists, which is Special Branch’.

Mr Kelly’s stricture followed hard on the heels of a verbal assault on SF by Ian Paisley Jr (Democratic Unionist Party), and was succeeded by another launched by David Ervine (Progressive Unionist Party). Mr Ervine—like Mr Kelly, convicted of paramilitary offences—took issue with SF’s ‘assertion that the people named on the motion’ (postal, ambulance, and transport staff, and the elderly) ‘should never be protected until such times that there is a police service to their liking’.

Iris Robinson was more trenchant. She, like other DUP members, took the opportunity to swipe at the Belfast agreement which, she averred, was the ‘cause of much of that is wrong in our society’. In rhetorical vein she remarked: ‘Who here today will deny that the release of terrorists from jail, the placing of their

¹³ *Official Report*, January 14th 2002

¹⁴ *ibid*, January 28th 2002

representatives in Government, and the concession to all their demands, is having a negative effect on our community? ... Rewarding the terrorists, running down the effectiveness of the police force, and a polluted political system, have all contributed to the current situation.'

The mood turned ugly when Norman Boyd of the small Northern Ireland Unionist party alleged that Gerry McHugh (SF) had once been convicted of the murder of a postal worker—an allegation refuted by Mr McHugh. Despite being given ample opportunity by the deputy speaker, Sir John Gorman (UUP), to withdraw his remark, Mr Boyd refused and was ordered out. He did not repeat the allegation outside the chamber and withdrew it in the assembly on February 4th.

The debate underlined the fact that the approximation to normality encompasses the antipathy between the anti-agreement unionists and SF and the detestation of the agreement shared among the former. For the 'rejectionists', the language of consociationalism and consensus has always been interpreted to mean concession and appeasement, consistent with their predisposition to view Northern Ireland politics in zero-sum terms. For republicans, on the other hand, Perfidious Albion structures the perception of events, whether in relation to tackling crime or the Barnett formula. It is a case of irresistible force meeting immovable object.

Such inertia does not, however, wholly frustrate the conduct of business—whether within the executive, on the floor of the chamber or in the committee rooms. Nor, as previous reports have shown, does it preclude periodic outbursts of all-party agreement. For instance, following the law-and-order debate, members turned their attention to the possible closure of post offices in Northern Ireland, following Consignia's proposal to halve their number in Britain. A call by John Dallat (SDLP), for 'immediate action to protect the infrastructure of Post Offices, particularly those serving rural and disadvantaged urban areas', found a ready response from all corners.

The executive's commitment to 'targeting social need', 'promoting social inclusion' and the equality-proofing of its actions would be challenged by a *pro rata* reduction in the number of post offices in the region, the responsible minister, Patricia Hewitt at the Department of Trade and Industry, was warned by members on this side of the Irish Sea. Equally, it would compromise the executive's commitment to 'rural-proofing'—although that concept still awaits an agreed operational definition.

During the debate on the draft PfG, George Savage (UUP), a member of the agriculture committee, noted that the ministerial group on rural-proofing had not yet been formed. He pointed out that the working definition supplied by the Department of Agriculture was not identical with that in the draft programme. In the latter it was described as 'a way of ensuring that the rural dimension is routinely considered as part of the making and implementation of policy', whereas the former's working definition was somewhat less imprecise, if not entirely pellucid: 'A process to ensure that Government policies are examined carefully and objectively to determine

whether or not there is a bias against rural dwellers and, in particular, to make public services accessible on a fair basis to people wherever they live in Northern Ireland.’¹⁵

This apparent absence of ‘joined-up’ thinking was scotched by Mr Durkan, the outgoing finance minister (he was, as he put it, about to ‘decommission’ that hat). Like Mr Trimble, he was at pains to demonstrate that the PfG was the product of all parties to the executive. He went further, remarking that ‘our form of coalition government can become a guarantee of stability and allow others to plan with some certainty of the continuity and steady development of Government policy’. Others were less convinced by this encomium, including the chair of the finance committee, Francie Molloy (SF): ‘The public service here has been working in individual departmental boxes for too long. Little effort has been made to deliver cross-cutting services.’

The first and deputy first ministers sought to raise the spirits and the sights of the house by listing the fulfilment of pledges in the first PfG. As Mr Trimble put it, ‘One year on we can see that the devolved Government is delivering open and accountable government for the people ... we have shown that we can make a difference and that we are responsive to our community’s needs.’ Of the 200 pledges in the 2001-02 PfG, 37 had been fully implemented by the time of the publication of the 2002-03 draft last September. There were, Mr Durkan noted, 2,500 more full-time students in higher education; free public transport had been implemented for the elderly; and by the end of the 2002-03 financial year a free year of pre-school education would be available for every child whose parents wished it. Moreover, by the end of March 2002, health spending would have increased by £400 million, a 23 per cent uplift since devolution, with a further increase of £186 million in the coming financial year.

This take-note debate did, though, reveal dissatisfaction among members with the performance of the executive. The Alliance leader, David Ford, described the first PfG as ‘over-ambitious’ and the second as riddled with ‘woolly thinking’. Drawing attention to a raft of unfulfilled commitments from the earlier programme, he remarked that the executive was ‘failing to meet its own standards’ and claimed that the new draft lacked credibility. Jane Morrice (Women’s Coalition) was equally unpersuaded, arguing: ‘It is time to concentrate on proving to the electorate that we *can* deliver good government.’

According to John Kelly (SF), making a difference required ‘economic sovereignty’. He said: ‘We must be responsible for gathering taxes and determining how they are spent.’ This, of course, followed the ritual assault on Barnett, a blood sport enjoyed in all corners of the chamber—though in SF’s case it is allied to throwing off the perceived British yoke: ‘The present system is untenable and its replacement must be a priority for the Executive. The budget and the limitations of the Programme for Government are a direct consequence of our being chained to the Barnett formula and the British Exchequer.’

¹⁵ *ibid*, November 13th 2001

Elsewhere, the debate enabled members to signal their anxiety about the health service. Two SDLP members, Carmel Hanna and Joe Hendron, launched further salvos in the campaign to secure more resources and a restructured administration, and were assisted by Roy Beggs Jr (UUP) on the latter. The wide-ranging review of public administration in Northern Ireland announced by the executive two years ago (see local government section) has yet to start and, in Mr Beggs' view, the restructuring of the health service should proceed in advance of the dismantling of 'quangoland'. Ms Hanna—soon to become minister for employment and learning—focused on the need for an audit, contending that 'we need to know the cost of everything before we can take remedial action'. She drew an unflattering comparison with Scotland, observing that the 'waiting list for 12 months or more per head of population is 1.3%, whereas ours is 2.18%'—even though *per capita* health spending was approximately the same.

Her party colleague, Dr Hendron, health committee chair, insisted that the cause of the 'ongoing crisis' in the health service was 'gross underfunding'—a view Ms de Brún has been dinning in to members almost from the start. There was however a sting in the tail. The minister has become fabled for her predilection for consultation, widely read within the chamber and elsewhere as an alibi for indecisiveness. Dr Hendron was clearly exasperated by the delays caused by various consultation exercises. He insisted there was an 'imperative need' for decisions to be made, especially in relation to primary care, a new cancer centre, accident-and-emergency provision, trauma care and the acute-hospitals system. Consultation on the latter is to continue until December 2002—a year and a half on from publication of the Hayes review (see Nuffield June 2001 report).

No vote was taken on the debate, but the disquiet with aspects of the draft PfG resurfaced on December 10th when the deputy first minister, Mr Durkan, moved a motion calling on the assembly to endorse the programme (Mr Trimble did not attend). Alliance moved an amendment tabled by Ms Bell—'more in sorrow than in anger'—inviting the assembly 'to decline to approve the Programme'. In her words, the programme 'fails to adequately address the Executive's stated priorities, does not tackle the deep divisions and inequalities in our society and therefore does not deliver the new beginning enshrined by the Good Friday Agreement'¹⁶. In particular, the party was exercised by the absence of 'a meaningful strategy to improve community relations'. According to Ms Bell, 'progress in healing our divisions and reducing inequalities will be the ultimate test of the success or failure of the Executive'—a test Alliance believed the executive had already failed.

In the division lobby, its members were joined by Peter Weir (ex-UUP) and by the DUP—itsself an executive party—but the amendment was defeated and the programme passed, by 46 votes to 18. Unlike in 2001, the vote was not subjected to a test of cross-community consent.

¹⁶ *ibid*, December 10th 2001

Following last year's debate, the Business Office of the assembly had been approached by the Department of Finance and Personnel. It had queried the requirement for the programme to pass the 'parallel consent' or 'weighted majority' procedure—even though assent to it is a 'key decision'—on the ground that it did not raise or allocate monies from the Consolidated Fund. The advice of the office, based on a rereading of section 63.3 of the Northern Ireland Act 1998, was that since the programme was no more than a statement of the executive's aims and objectives, it could be endorsed by simple majority. In effect, on this view, the application of cross-community voting in 2001 had been a procedural error. The budget (see below), which allocates finance to implement the programme, remains subject to the cross-community procedure.

To date, no party has sought clarification from the office for this rule change, nor sought to raise it with the procedures committee. The change does, of course, remove a potential obstacle in the path of the pro-agreement parties: achieving a simple majority rather than parallel consent or a weighted majority should be easier to accomplish.

While SF supported the programme, it was half-hearted. Alex Maskey, the party's chief whip—a man admirably suited to that role—damned it with faint praise. It was, he said, 'moderate in its ambitions', while 'many measures could be described as being vague or, in some cases ill informed'. He limply suggested: 'It is worthy of the Assembly's endorsement insofar as it is work in hand.' During the debate, chairs of statutory committees rose in turn to express their committees' dismay with relevant aspects of the programme—including the DUP leader, Rev Ian Paisley, who revisited the issue of rural-proofing, noting that the ministerial group had still not met: 'Rural-proofing must be progressed urgently, from concept to reality.'

Health dominated the debate, adding to Ms de Brún's discomfiture. The absence of a commitment to free 'personal' care for the elderly and the delays in the reviews of the ambulance service, maternity provision in Belfast and acute hospitals were criticised in all quarters—apart from the SF benches. Equally, many members bemoaned the lack of joined-up thinking and government.

Evidence of the lack of cohesion within the executive was supplied not only by the DUP's opposition to the PfG—ostensibly, an *agreed* executive document—but also by its attempt to amend the budget, Mr Durkan's last as finance minister. (He was replaced by Sean Farren, formerly at the Department of Employment and Learning; Mr Farren, in turn, was replaced by Ms Hanna as noted earlier.)

In commending the budget, Mr Durkan noted that the devolved administration 'had the good fortune to come into office when spending was growing rapidly', but he advised members that 'we cannot expect that to continue'¹⁷. He stressed that the

¹⁷ *ibid*, December 11th 2001

executive was ‘determined to use next year’s spending review to make a clear and significant difference to spending on Northern Ireland’s public services’.

The DUP—whose number in the assembly increased by one during the quarter¹⁸—was unimpressed. Maurice Morrow, the party’s former minister for social development, moved an amendment to the budget—that’s supposed to be agreed, too—seeking a reduction in expenditure on five of the six north-south bodies (the exception being the Food Safety Promotion Board) and the Civic Forum. The amendment called on the finance minister to allocate the savings to the ‘warm-homes scheme’ administered by Mr Morrow’s former department, a proposal dismissed by Mr Durkan as ‘a cynical gesture against the Agreement’.

Mr Durkan pointed out that the scheme had not been earmarked as a spending priority by the Department for Social Development in its position report of June 2001, when Mr Morrow was the responsible minister, nor during the bilateral meetings he had held with him to discuss the budget and the executive programme funds. In Mr Durkan’s view, the amendment was no more than another example of the DUP’s *penchant* for ‘gimmicky stunts and ambushes’.

The amendment was defeated but when the vote to approve the budget was called the DUP was joined in the ‘no’ lobby not only by anti-agreement unionists, but also by the PUP, Alliance and Monica McWilliams (Women’s Coalition). Ms McWilliams’ disquiet had been aroused by the executive’s decision to withhold £125 million until the September monitoring round—she felt it should be ploughed into the health budget—as well as the delay in implementing free ‘nursing’ care for the elderly and the lack of detail on a number of budget lines, including the running costs of OFMDFM.

Alliance, in the shape of Seamus Close, was exercised by the increased running costs of the departments (up £105 million, or 16.9 per cent, since the 2000-01 financial year, to £733 million); increases to the ‘ubiquitous regional rate’ (an additional 7 per cent for domestic and 3.3 per cent for non-domestic users); and the absence of funding for free ‘personal’ care for the elderly. Summing-up, and while recognising the constraints on the budget-making process, Mr Close concluded that the allocations ‘fail the weakest and the most vulnerable in our society’.

The loquacious Robert McCartney (UKUP) used the occasion to berate the UUP and SDLP. So intent had they been upon forging the Belfast agreement that, according to Mr McCartney, ‘they had failed to negotiate properly with central government for sufficient resources to do the job. Now they find themselves in the position of having insufficient money to fulfil the bargain into which they entered.’ He continued: ‘There is absolutely no prospect, under the Barnett formula, that the devolved Government

¹⁸ Roger Hutchinson took the DUP whip during the quarter. He had been elected as a member of the UKUP but had broken away with three other UKUP members to form the NIUP. He was subsequently expelled from the NIUP for taking a statutory committee seat against party policy and became an Independent Unionist.

will find enough money to make good the deficiencies in our infrastructure, let alone have sufficient funds to run the day-to-day administration of the Province.’

Dismissing the PfG as a ‘wish-list’, the member for North Down turned his attention to the cost of the devolved administration, which, by his reckoning, accounted for 10 per cent of Northern Ireland’s block grant. ‘We are’, he opined, ‘the most overgoverned, overpaid bureaucracy in Western Europe.’ And he returned to one of his favourite themes, borne out by the votes on the PfG and budget—the lack of collective responsibility within the executive: ‘The Ministers are not a cabinet—they can’t prioritise anything. Each Minister is a warlord over his own portfolio.’

Executive cohesion has been a recurrent theme since the inception of devolution and the first application of D’Hondt in November 1999. The terms ‘fiefdoms’, ‘bailiwicks’ and ‘silos’ have been frequently applied by members—including some from the unequivocally pro-agreement wing of the UUP—to the contrived departmental structure; the anti-agreement bloc has no monopoly of unease over this issue. Indeed, during oral questions Mr Durkan gave the lie to the inner workings of the executive when he described the relationship between the DUP’s ministers and their colleagues as ‘a correspondence course’¹⁹. It has been the readiness of the other executive members to accommodate the DUP’s absence from the cabinet table, coupled with that party’s reluctance to generate gridlock, that has enabled government to proceed.

The synchronised timetables of the budgetary process and the drafting of the PfG do lend some order to executive activities. In no small measure, changes to the budgetary schedule that enable the assembly and, more particularly, the statutory committees to exert more effective scrutiny over departmental bids and allocations were the outcome of recommendations made by the finance and personnel committee in 2000 (see Leverhulme/ESRC February 2001 report.)

One innovation by the executive to foster ‘joined-upness’ among ministers is the executive programme funds, the subject of a further report from the finance committee in October 2001²⁰. The EPFs designate five cross-cutting policy domains—social inclusion / community regeneration, ‘new directions’, infrastructure and capital renewal, service modernisation, and children—the funds for which are collectively administered by the executive. They represent, according to the finance minister, an ‘antidote to Departmentalism’²¹.

The second tranche of EPFs, for the current financial year, was unveiled in the assembly by Mr Durkan on December 3rd, in the wake of the debate on the revised budget for 2002-03. Departments bid, competitively, for the funds in July, with a September deadline for decision by the executive. The finance minister indicated that £372 million was available from 2001-02 to 2003-04 inclusive, that in this round there

¹⁹ *Official Report*, November 26th 2001

²⁰ 2/01r, October 16th 2001

²¹ *Official Report*, December 11th 2001

had been 89 departmental bids for £144 million over the three years and that the executive had agreed 31 proposals, amounting to £39 million. Three funds were to benefit: new directions (£16.7 million), service modernisation (£7 million) and social inclusion / community regeneration (£15.3 million). Henceforth, Mr Durkan announced that there would be one allocation per year from 2002-03.

The debate was limited to one hour and thus qualified the finance minister's expansive claim during the budget debate that 'our budgetary process is more transparent than that found in any jurisdiction in this hemisphere'²². Indeed, during the take-note debate some committee chairs announced that they had not been made aware of certain bids from associated departments during sessions with ministers and officials to discuss relevant EPFs. Seamus Close (Alliance), a prickly adversary of Mr Durkan on budget scrutiny, went—as is his wont—rather further. He referred to the funds as 'a grey area of public expenditure' and observed that 'a cloud of confusion' hung over them, 'diminishing any possibility for proper accountability and transparency'²³.

This was rebutted unequivocally by Mr Durkan. He insisted that the EPFs received 'more scrutiny and accountability ... than the much bigger allocation decisions that are routinely taken by Departments' but did acknowledge there would be a review of the process by the executive before any further allocations. As to the principle underlying the funds, Mr Durkan was unapologetic. While conceding that 'there may not have been as many cross-cutting proposals as we would have liked', he went on to say that 'they have been successful as a means of driving a wedge into our spending patterns ... to move away from the patterns that we inherited and to create new ones'.

He insisted that 'we'—presumably the executive—wanted 'to encourage more cross-cutting, inter-departmental bids'. Here, executive sub-committees were revisited by Mr Durkan, although tentatively: 'One way to achieve that *could* be through [their use] that *could*, in turn, stimulate much more interdepartmental planning and collaboration in raising proposals' (my emphases).

There was one diverting instance of joined-up government in the chamber during the quarter. On December 3rd it was the turn of Sir Reg Empey, the UUP enterprise, trade and investment minister, to take oral questions. But Sir Reg was unavailable and the then employment and learning minister, Mr Farren, took them in his stead. The SDLP minister described this as 'an example of the joined-up approach to government that we are trying to promote'²⁴. While he modestly invited members to recognise that his knowledge would 'not be as extensive as Sir Reg's', it proved a much more articulate and comprehensible performance than John Prescott's stand-in for prime minister's questions at Westminster.

²² *ibid*

²³ *Official Report*, December 3rd 2001

²⁴ *Official Report*, December 3rd 2001

The first sign that health matters would bulk large in the chamber during the quarter came on November 12th, in the debate on the September monitoring round. During the previous quarter (see Nuffield December 2001 report), the health committee had urged members—and the executive—to identify the service as the administration’s budget priority (in combination with social services and public safety, it already constitutes the largest bloc, some 40 per cent, of expenditure administered by the devolved departments). This call was shared by members of all parties, including Mr Durkan’s SDLP colleagues on the health committee, Ms Hanna and Dr Hendron.

In announcing the allocation of £66 million—the bids had amounted to £128 million—Mr Durkan indicated that £14.3 million was to go the Department of Health, Social Services and Public Safety, 22 per cent of the total. Yet he sustained criticism from all quarters that this was insufficient to meet the ‘crisis’ in the health service. Ms Hanna, apart from seeking an assurance that health was an executive priority, asked the finance minister whether he agreed that ‘an audit of health services’ would strengthen the case for increased funding—a barely concealed criticism of the management of the service by the department, boards and trusts.

Mr Durkan reiterated that needs and effectiveness evaluations were under way. These were designed to ensure the effective and efficient procurement and use of resources, and to ‘ensure that money goes further to meet real need and to deliver bigger and better outcomes’. Also under way was an executive working party on public-private partnerships, due to report in March. The minister clearly sees PPPs as a welcome source of supplementary finance—despite this view being trounced by the Institute of Public Policy Research commission on the subject²⁵—although the finance committee is, to say the least, lukewarm (see Leverhulme/ESRC November 2001 report).

Mr Durkan agreed that ‘we need more money ... from the Treasury’, since the demand for the September round massively outstripped supply. But he did issue a mildly admonitory note to the assembly and ministerial colleagues—in typically witty terms: ‘An automatic assumption that all expenditure should go up should not be made. We need to have a more mature approach than the “Does my Budget look big in this?” mentality: that all Departments must receive increases just because another receives increases.’²⁶

Ms Hanna’s call for an audit was renewed the following day during the debate on the draft PfG. While members queued to press the case for increased allocations to health, an exasperated Dr Hendron pleaded that ‘action is needed now’ to deal with the crisis resulting from ‘gross underfunding’²⁷. Two weeks later, in unveiling the revised Budget, Mr Durkan faced further calls for increased health expenditure. He offered a robust defence of the allocations: ‘No one can say that we have failed, in budgetary

²⁵ Institute of Public Policy Research (2001), *Building Better Partnerships: The Final Report of the Commission on Public Private Partnerships*, London: IPPR

²⁶ *Official Report*, November 12th 2001

²⁷ *Official Report*, November 13th 2001

terms, to prioritise health.’ And he assured the assembly that ‘every penny we receive from the Barnett formula for health goes to health’²⁸.

A week later, the house still doubted that enough was being done for health and, in that respect, Ms de Brún could count on widespread support for her department’s bids, even if some members believed she was not equal to the task. It was an instance of winning—in benefiting from the widespread calls for more money for health—by losing her credibility as a competent minister. This became apparent during the debate on the service that followed the budget allocations²⁹.

The motion, moved by Ms Hanna—now an executive colleague of Ms de Brún and its third female member—urged the health minister ‘to take urgent action to tackle the current crisis’. The former nurse and midwife, while genteel, has a steely resolve. Her opening remarks were calculated to wound, questioning, in effect, the ability of her fellow minister to manage. In some respects, her speech was reminiscent of Norman Lamont’s more overt assault on John Major in his resignation statement: to paraphrase—in power, but not in control. It is worth quoting at length³⁰.

We appear to lurch from crisis to crisis. Sometimes the Minister, her Department and the [health] Committee appear to be overwhelmed by the multitude and complexity of the problems ... We must know where we want to go and how to get there. That is the essence of a strategic vision ... At times we appear rudderless and out of control ... We have had the reviews and the consultations, now we must have an audit of performance ... I have to express my frustration at the inertia and lack of decisions that emanate from the Department. The Minister has inherited an admittedly difficult, challenging and complex brief ... However, she is now in her third year of office and we seem to be going backwards rather than forwards. There appears to be a lack of imagination, vision and leadership in the Department. If [it] is purely reactive ... we shall never get anywhere.

That was not all. Identifying her party, the SDLP, as ‘the party of public services’, she went on to say that ‘it is also the party of the competent management of public resources’. Ms Hanna concluded: ‘The Minister ... must acknowledge that finance is not the only issue and that the receipt of more than 40% of the Budget carries significant managerial responsibility.’

²⁸ *Official Report*, December 3rd 2001

²⁹ *Official Report*, December 11th 2001

³⁰ *ibid*

In this she was supported by Dr Hendron. He singled out the health committee's continuing concern over primary care. He reminded Ms de Brún of the committee's amendment to the Health and Personal Social Services Bill—against her opposition—extending the GP fundholding scheme until March 31st 2002 (Ms de Brún had sought to terminate the scheme a year earlier). 'Where', Dr Hendron asked, 'is the seamless transition to primary care? I do not see the seamless transition that is to take place between now and 1 April ... If we do not get primary care right, we will not get acute hospitals or other secondary services right either.'. He concluded with a mix of emollience and admonition: 'We want to work with the Minister in the spirit of public service, but the Minister must meet the Committee half-way. Finance is important, but it is not the only issue.'

Frustration was also voiced by Rev Robert Coulter (UUP), another health committee member. Calling for an overhaul of the 'service delivery system'—a demand echoed by, among others, Paul Berry (DUP)—he observed that 'we have been bombarded with review documents [but] ultimately ... very few decisions are made'. He also perceived a lack of strategic vision in the department: 'The strategy should be clear and everyone should know exactly where he or *she* is going.' Tommy Gallagher (SDLP) insisted that 'it is time for action ... People are fed up with reviews and consultations; it is time to end the prevarication.'

Ms de Brún could, of course, rely on her party colleagues to rush to her aid. John Kelly put down an amendment, calling on the executive to make available the necessary resources to 'alleviate the pressures throughout the health service'. It was an obvious move, since no one was going to fail to support a motion to release money to a service described as 'an absolute shambles' (Duncan Shipley-Dalton, UUP), or 'on the brink of disaster' (Robert McCartney, UKUP)—although Ms Hanna did refer to the amendment as a 'distraction from the constructive thrust of my motion'.

The SF position was twofold: first, blame the executive for failing to provide sufficient resources to the minister; secondly, blame 'the Brits', more specifically Margaret Thatcher and her Blairite successors. Mr Kelly led on the former, arguing that there was a failure of collective responsibility within the executive to recognise that 'financial resources are at the heart of the crisis we face'—adding, rather disingenuously given its publicly-funded character, that 'if we harp on about mismanagement in the health service, we shall discourage investment in it'.

Michelle Gildernew, in one of her rare contributions, made the assault on historic underfunding, arguing that 'the Minister needs the time and resources to turn round thirty years of rundown in the health service'. For good measure, she also threw responsibility on to the shoulders of the ministerial team: 'It is a shared responsibility and the Executive must rectify the mistakes of the past by working with the Minister.'

It was left to the redoubtable Mary Nelis to add acerbity to the SF argument: 'The motion is not really about concern for the health of the people. It is about attacking Bairbre de Brún. It is party politicking of the worst kind. It is political point scoring

on the back of the sick and the dying.’ The crisis, she continued, had been ‘created by 18 years of Thatcher ... followed by six years of Labour mismanagement and a refusal to recognise in the Barnett formula the special circumstances of Northern Ireland.’ This was the prelude to an attack on the SDLP, which she accused of having ‘backed off from [taking] the poisoned chalice ... [like] those other vociferous critics—those parties that did not have the guts to take on that brief’. Nor did she exclude the region’s MPs pre-1997: ‘While the Tories were putting the nails in the coffin of the NHS that resulted in this crisis, the twelve apostles—the MPs from the six counties sitting at Westminster—presided over the wake.’

The ‘British war-machine’, ‘privatisation’, ‘endless bureaucrats’ and ‘fat cat managers’, were all subject to Ms Nelis’ vitriol—her ill temper perhaps explaining the tangential relationship between her speech and known facts. Mrs Thatcher was not, of course, in office for 18 years; Labour has not yet been in power for six; SF chose the education portfolio under d’Hondt in 1999 before being left with only the choice of health or agriculture; there were 17 Westminster MPs from Northern Ireland pre-1997 (an 18th was added that year); and, while he was an MP until 1992, the SF leader, Gerry Adams, did not even attend Westminster to make the case for the NHS.

By comparison, Ms de Brún was a model of calm rectitude. It was the legacy of the past that was responsible, she repeated—‘a service starved of investment’ which her executive colleagues were obligated to redress: ‘Last week’s Budget announcement was an early, important step in the right direction ... However, it is no more than a first step ... Building up our services so that they are able to meet demand is going to require a sustained commitment over a number of years.’

The remark was indicative of the strains within the executive—a thinly veiled attempt by a weak minister to reach out in the assembly and beyond for support in her struggle with other ministers for a larger share of the expenditure cake. Ms Hanna was unmoved. Conceding that there had been a history of underfunding, she insisted that ‘we must ask where our expenditure is being directed at present ... We need to get off the merry-go-round of reviews and consultations. We must make some tough decisions and we need a clear strategy.’ Both the main motion and the amendment were agreed by the assembly, in virtually its last item of business before the Christmas recess.

But, if Ms de Brún thought she was off the hook, she was soon to be disabused. At the third plenary session after the break she had to face a debate, moved by Iris Robinson (DUP)—another member of the health committee—on the burgeoning crisis in the hospitals³¹.

Unlike Ms Hanna, Ms Robinson is a street-fighter—an iron fist in an iron glove. Her motion called on the minister to take ‘immediate action to address the health crisis in our hospitals’, which she said were in a ‘Dickensian state’. Indeed, a new metaphor—

³¹ *Official Report*, January 22nd 2002

‘meltdown’—was employed to convey the seriousness of the situation which, according to Mrs Robinson, is ‘getting worse than under direct rule’. It was an arresting claim: ‘Under direct rule we made the justifiable complaint that unaccountable Ministers were making decisions without consultation. However, we now have a local Minister who has consultations but who never makes any decisions.’

Although conceding that Northern Ireland was ‘desperately underfunded’, she characterised the health service as ‘rudderless’, with ‘neither direction nor any real strategic plan’ and set out her own action plan for the minister. It included working in partnership with the health committee (which ‘she has failed to do so far’); preparation of a ‘commonsensical and realistic blueprint’ reflecting the assembly’s and public concerns; downsizing and streamlining the department; and structural reform of health delivery.

Dr Hendron’s contribution reflected the health committee’s growing exasperation—particularly *vis-à-vis* accident-and-emergency departments and the uncertainty over the future of primary care. On A&E, he reported the committee’s view that an emergency task force of doctors, nurses and administrators should be established to ‘encourage a collaborative approach to services at operational level’, reporting ‘within weeks’ on how to advance co-ordination among boards and trusts. Dr Hendron reiterated his concern at the lack of a ‘seamless transition’ from GP fundholding to a primary-care led service, arguing that the department’s proposal to establish primary-care groups as committees of the boards was a top-down approach: ‘A golden opportunity to give the long-suffering people the first stage of a top-class health service is being missed ... If you can’t get primary care right you cannot get other services right.’

He concluded by underlining the evident tension between the department and the committee: ‘I am not in the business of bashing the Minister ... I am in the business of doing my work as chair of the committee.’ Alan McFarland (UUP), another committee member, reinforced the point: ‘The Department has a very bad relationship with the Committee. [It] has been an unhelpful and reluctant colleague [and] adopted an arrogant attitude towards the Assembly.’

It is clear that the minister has little support among MLAs. SF members sprang to Ms de Brún’s defence, accusing the other parties—especially the DUP—of ‘politicising’ health because of her party identity. The fact remains, however (and despite his IRA leadership role), that her ministerial colleague Martin McGuinness enjoys more confidence at education. The health committee—SF members excepted—has seemingly lost faith in Ms de Brún and yet there is nothing that it, or the assembly, can do to displace her.

Health, budgetary matters and the PfG dominated the quarter, and there were relatively few other debates in the assembly. Two, however, merit comment. Common cause was joined by the parties in opposition to the British government’s grant of a licence to British Nuclear Fuels to manufacture mixed oxide fuel (MOX) at

Sellafield on the facing Cumbrian coast. Kieran McCarthy (Alliance) moved a motion calling for the withdrawal of the licence, while Eddie McGrady (SDLP)—a long-time opponent of Sellafield—moved an amendment calling for the closure of the plant³². While the devolved government has no power in relation to the issue, it emerged during the debate that the environment minister, Sam Foster (UUP), had not been informed of the UK government's decision to grant the licence—much to the annoyance of all parties. The amendment was carried.

Such cross-party agreement immediately foundered when the assembly turned its attention to a motion from Jane Morrice (Women's Coalition). In a previous incarnation, Ms Morrice had headed the European Commission's Belfast office and she is a dedicated Europhile. Her motion sought to make the euro legal tender in Northern Ireland, alongside sterling, from January 1st 2002. As the only part of the UK bordering on a Euroland member, there was merit in the proposal. But the motion was massively defeated. Of the major parties only the SDLP favours monetary union—ironically because the unionist parties and SF are united in fearing the impact of European integration on 'national sovereignty', while opposed on which 'nation' they are supposedly defending. So the result was a foregone conclusion.

3.3 Legislation

There was little to report this quarter in the way of completed legislation. The Assembly saw one piece of parity legislation—the Social Security Fraud Bill (NIA Bill 16/00)—receive the royal assent on November 15th 2001. Two others passed their final legislative stage in the chamber: the Industrial Development Bill (NIA Bill 18/00) on January 14th 2002, and the Game Preservation (Amendment) Bill (NIA Bill 15/00) the following day.

The paucity of legislation, especially of home-grown bills, meant that the assembly held only one plenary session instead of the normal two in each of the weeks beginning January 28th and February 4th. Further, there was only one ministerial statement (on the December monitoring round) by the new finance minister, Mr Farren, in the final two weeks of January³³ and only one (on the regional transport strategy) timetabled for the week beginning February 4th. These matters did not pass unremarked.

On January 28th, the Alliance leader, David Ford, tabled a question for the speaker, Lord Alderdice, designed to highlight the executive's legislative inactivity and thereby embarrass ministers. Instancing the absence of bills and statements, he asked whether the speaker would issue guidelines (under standing order 28) on the introduction of private members' business or bills, 'so that those Members who wish

³² *ibid*, December 4th 2001

³³ *Official Report*, January 22nd 2002

to see this place work can take over from where the Executive have apparently left off³⁴.

Lord Alderdice rehearsed the arrangements—effected *via* the novel business committee³⁵—for bringing business before the house and assured Mr Ford of the responsiveness of the procedures. He also offered a nudge in the direction of private members' bills. While there is provision in standing orders—SO 28(2)—for introduction of a PMB, there is as yet no all-party agreement on the procedures for selecting or ordering such business. One PMB, the Children's Commissioner Bill, was tabled by Jane Morrice (Women's Coalition) on April 30th 2001, but it has not progressed beyond its first stage, having been superseded by the OFMDFM's decision to proceed with the appointment of the post.

In the speaker's view, 'there is nothing at all to obstruct any private Member from bringing forward a Bill. The only issue at stake is whether the Assembly will provide financial assistance for the drafting of Bills.' Currently, the assembly commission and the procedures committee are examining the arrangements to facilitate this. The bills office in the assembly has also recently concluded a piece of research on private legislation, which included visits to Westminster, the Scottish Parliament and the Dáil to identify best practice.

Thus, pending agreed provision for PMBs and private legislation, the assembly may yet begin to generate its own legislative proposals, reducing its reliance on the executive, whose dominance over the business of the house is overbearing³⁶. Equally, of course, the statutory committees could bring forward legislation since they do enjoy this power, as the speaker reminded members. To date, none has done so.

One *ad hoc* committee—the sixth since devolution—was established during the quarter, on criminal justice reform. It was created to consider the draft Justice (Northern Ireland) Bill and its accompanying implementation plan, referred to the assembly by the secretary of state. The report³⁷ was published on January 14th and debated that day.

Next day, the assembly received its first public petition, laid by Maurice Morrow (DUP). It concerned the agriculture department's proposal to close the agriculture office in Trillick, Co Tyrone. The petitioners—216 farmers and six local clergy of all denominations—expressed concern at the proposed closure, which would severely inconvenience the local farming community. The petition was forwarded to the minister, Brid Rogers, and copied to the chair of the agriculture committee, Mr Paisley.

³⁴ *Official Report*, January 28th 2002

³⁵ Wilford Rick and Robin Wilson (2001), *A Democratic Design? The Political Style of the Northern Ireland Assembly*, London: Constitution Unit, p61

³⁶ *ibid*, *passim*

³⁷ 01/01r

3.4 Committees

The committees were preoccupied largely with budgetary matters, the second draft PfG—including the draft service-delivery agreements—and the consultation paper on a draft Bill of Rights published by the Northern Ireland Human Rights Commission.

The views of committees on budgetary proposals were, as before, co-ordinated by the finance committee and reported to the assembly by its chair, Francie Molloy (see earlier). This was one of just six reports produced by the statutory committees between mid-November and early February³⁸. Committees did continue with inquiries. These included a common funding formula for schools (education); energy (enterprise, trade and investment); waste management (environment); cancer services and health structures (health); rural transport strategy (regional development); and homelessness and urban regeneration (social development). In addition, most committees were engaged in taking the committee stage of primary legislation. For instance, the environment committee embarked on its scrutiny of the Local Government Best Value Bill; finance and personnel on the Physical Punishment of Children in the Home Bill; and regional development began its scrutiny of the Railway Safety Bill.

In earlier reports, I have noted the embryonic growth of joined-up scrutiny by the committees, and this quarter saw further developments. Besides the pivotal role played by the finance committee in relation to the budget and the PfG, and the continued existence of the non-statutory liaison group of committee chairs / deputy chairs, requests for inputs into inquiries or legislative proposals from other committees are now commonplace. For instance, enterprise, trade and investment invited comments from the rural development and environment committees on its draft energy report, while environment sought support from education and rural development in expressing disappointment with the Department of Environment's response to its report on school transport.

The (standing) committee of the centre, chaired by Edwin Poots (DUP), which monitors OFMDFM, has been particularly active in seeking inputs from the statutory committees. It has embarked on an inquiry into Northern Ireland's institutional linkages with the EU and has sought advice and information from each of the committees about the links between their associated departments and Brussels. (It is also to take evidence from Rev Ian Paisley, who has been an MEP since 1979).

³⁸ *Report on the Draft Budget*, finance and personnel committee, 3/01r, November 13th 2001; ad hoc committee *Report on the Proposal for a draft Criminal Injuries Compensation (NI) Order 2001*, 1/01r, November 15th 2001; *Report on the Local Government Best Value Bill* (NIA 19/00), 3/01r, environment committee, December 13th 2001; *Report on the Department of Finance and Personnel Memorandum of Reply to the Fifth Report of the PAC* (this dealt with the pay and conditions of senior managers and executive directors in health and personal social services), 4/01r, public accounts committee, January 9th 2002; *Report on the Brucellosis Outbreak at the Agricultural Research Institute*, 5/01r, public accounts committee, January 9th 2002; ad hoc committee, *Report on the draft Justice (NI) Bill and the Criminal Justice Review—Implementation Plan*, 01/01r, January 14th 2002.

Similarly, it has sought inputs from the other committees in relation to the draft Bill of Rights proposed by the NIHRC.

The committee of the centre has also shed its sedentary character. In pursuit of its EU inquiry, it has visited the Scottish Parliament and Brussels, to be briefed about existing European linkages. It has also agreed—for the first time—to be briefed by the Civic Forum on its work. This is a signal development given the antipathy to the CF of the DUP, which holds the chair and deputy chair of the committee. It is, in effect, a further instance of the devolved institutions beginning to bed down.

Outreach by the committees is also becoming a more regular occurrence. Finance has scheduled visits to Westminster, the Dáil, the Scottish Parliament and the Welsh National Assembly to investigate best practice in relation to budget scrutiny, while enterprise, trade and investment members visited Denmark and Belgium during the committee's energy inquiry. Regional development is planning to visit Zürich, Strasbourg, Karlsruhe and Brussels and, closer to home, Manchester and the Welsh assembly to examine public transport.

It is also one of the few committees to hold evidence sessions in Northern Ireland off the Stormont estate. On November 28th 2001 its members visited Derry to examine transport issues in the north-west. The members—who travelled by bus and returned by train—were lobbied by local councillors urging a separate transport strategy for the sub-region. This clearly had an effect. At a subsequent meeting the committee expressed its concern that the department 'had not fully investigated the possibilities for joint-funding of transportation infrastructure projects (for the north-west region in particular) with its Republic of Ireland equivalents'³⁹.

There was evidence during the quarter of both positive and negative relations between departments and the committees. Enterprise, trade and investment seem to be functioning well with the minister, Sir Reg—so much so that the latter invited a sub-group to accompany him on a trade mission to the US and Canada in December. The nexus between Sam Foster and the environment committee also seems strong, at least in relation to one issue. In December Mr Foster wrote to the committee expressing his appreciation for 'its role in influencing the Executive's decision to restore the proposed £2m cut in the resource element of the general exchequer grant'⁴⁰.

Relations between the health committee and the minister are, by contrast, strained, as indicated earlier. During the quarter its members—SF excepted—grew increasingly restive. In December, Dr Hendron was deputed by the committee to visit hospitals throughout the region, especially A&E departments, and to report back. It was those visits that prompted the committee to call for an 'emergency task-force'⁴¹.

³⁹ committee minute, January 9th 2002

⁴⁰ committee minute, December 6th 2001

⁴¹ committee minute, January 9th 2002

The committee also collided with OFMDFM and is likely to do so again in the near future. It issued several requests to Messrs Trimble and Durkan to meet the committee to discuss the health crisis and the need for extra funding: the invitations were refused. And though OFMDFM is due to begin its long heralded review of public administration (see local-government section) in the spring, the committee has pressed ahead with its own investigation into the structure of health delivery. Indeed, in January it published the terms of reference of the ‘first stage’ of its investigation⁴². This seems likely to provoke a clash with not just Ms de Brún but also the first and deputy first ministers.

Of other committee developments, procedures, which is reviewing the legislative process, has agreed not to recommend the establishment of a human-rights committee within the Assembly to proof legislation. In its view, the current procedures are ‘sufficiently robust’. But it is to consider the creation of just such a committee with a broader mandate⁴³.

Procedures also revisited the rumbling issue of non-attendance by members at committee sessions. It is considering whether the minimum number of members should be present throughout a meeting, provided it is quorate at the start, so as to avoid the disruption of proceedings caused by the departure of an MLA(s). (The liaison group has taken the view that the quorum should be reduced from five to four members.)

One other committee matter addressed in earlier monitoring reports also resurfaced during the period—the accessibility of committee proceedings. In mid-November, the *Belfast Telegraph* carried an article criticising the paucity of information in committee minutes. This prompted finance randomly to sample minutes from assembly committees and committees at Westminster, in Edinburgh and in Cardiff. It concluded that, with the exception of committees in the Welsh Assembly, those in the Northern Ireland Assembly ‘appeared to provide at least as much information as the others’⁴⁴—a surprising conclusion, to say the least. The committee did, however, agree ‘that some expansion of the minutes of proceedings would be welcome’.

Perhaps finance should note that the employment and learning committee was the only one of the statutory committees to publish its response to the draft PfG on its website, while public accounts determined during its annual review session (December 13th 2001) that it should seek to enhance its media coverage. Moreover, the assembly’s *first* annual report is still awaited.

Finally, standards and privileges reported its decision to request the assembly commission to ask OFMDFM to bring forward legislation to make the post of commissioner for standards a statutory function of the assembly ombudsman, currently Tom Frawley. In the interim, Mr Frawley will investigate complaints against

⁴² committee minute, January 16th 2002

⁴³ committee minute, January 9th 2002

⁴⁴ committee minute, November 20th 2001

MLAs and report his findings to the committee. In turn, the committee will report its conclusions to the assembly and recommend what, if any, sanction or penalty should be imposed on a member where a complaint is upheld. Any such report by the ombudsman will be appended to the relevant standards and privileges report to the assembly⁴⁵.

⁴⁵ standards and privileges committee press notice, January 17th 2002

5. Public attitudes and identity

Lizanne Dowds

The most recent Northern Ireland Life and Times Survey was carried out in the last three months of 2001, in the shadow of the Holy Cross school dispute. Some preliminary results are available and, perhaps inevitably, attitudes among Catholics have hardened. While previous reports have looked closely at Protestant disaffection from the Belfast agreement and apprehension about the future, this report focuses on Catholic attitudes and their constitutional implications.

By the end of 2001, Catholic support for a united Ireland had climbed to levels (59 per cent) not seen since 1994—and optimism about community relations had plummeted. In fact, support for the union with Britain fell among both Protestants and Catholics. When given a stark choice over whether the best long-term policy for Northern Ireland was to remain part of the UK or to unify with the rest of Ireland, only about half of those interviewed would opt for the union—the lowest support since this question was first included on the Northern Ireland Social Attitudes Survey in 1989.

But this does not mean that the other half favoured a united Ireland; on the contrary, only 27 per cent did so (still an increase, but not huge, on the previous four years). Everyone else opted out from that stark choice altogether, suggesting an independent state, offering other answers or expressing uncertainty. This has been the pattern across the decade, with a slow downward trend in support for the union against an upward trend in the number expressing uncertainty about the future of Northern Ireland.

**% saying the long-term policy for Northern Ireland should be
for it to remain part of the United Kingdom**

Year	'89	'90	'91	'93	'94	'95	'96	'98	'99	'00	'01
Protestant	94	93	92	91	90	88	85	84	87	84	79
Catholic	32	33	35	36	24	34	35	19	16	20	15
No religion	83	69	77	72	66	69	54	58	65	53	46
All	69	68	71	70	63	64	62	57	56	60	50

**% saying the long-term policy for Northern Ireland should be
for it to reunify with the rest of Ireland**

Year	'89	'90	'91	'93	'94	'95	'96	'98	'99	'00	'01
Protestant	3	5	4	5	6	6	8	4	3	4	5
Catholic	56	55	53	49	60	56	47	49	48	42	59
No religion	13	21	12	14	18	16	20	19	10	15	16
All	24	25	22	20	27	27	24	22	21	17	27

The most significant result from this question, however, is undoubtedly the rise in support for a united Ireland among Catholics. If this is the transitory effect of a particularly unpleasant episode, then future support may well return to the 46 per cent

average over the preceding four years. But if this is the beginning of a new trend in constitutional preferences (just as the 2001 census begins to reveal up-to-date demographic patterns), it may mark a turning point.

But for many people devolution does provide a compromise and when the option of a Northern Ireland assembly/parliament is included in the equation, the cards fall slightly differently. A new question was included for the first time in 2001, asking respondents about exactly the kind of constitutional arrangement they would prefer for Northern Ireland. When all the other options are offered, Catholic support for a united Ireland drops to 49 per cent and overall support for the union (with or without devolved government) rises slightly, to 56 per cent. Interestingly, only 18 per cent of Protestants would opt to keep the union *without* some kind of elected assembly.

	Prot	Cat	No rel	All
Northern Ireland should become independent				
Separate from the UK and the European Union	2	4	2	3
Separate from the UK but part of the EU	6	9	9	7
Northern Ireland should remain part of the UK				
With its own elected parliament which has law-making <u>and</u> taxation powers	47	14	27	31
With its own elected assembly which has limited law-making powers only	18	4	13	12
Northern Ireland should remain part of the UK without an elected Assembly	18	8	13	13
Northern Ireland should unify with the Republic of Ireland	1	49	8	21
Don't know	9	13	27	13

In terms of the existing assembly, the preliminary indications are that people trust it more than the UK government to ‘work in Northern Ireland’s best long-term interest’. This is true for both Protestants and Catholics—though Protestants are notably less trusting of either. Of Catholics, about 60 per cent trust the assembly and 36 per cent trust the UK government. Of Protestants, a rather uncertain 39 per cent trust the assembly and only 25 per cent trust the UK government.

How much do you trust the UK government to work in Northern Ireland’s best long-term interest? (%)

	Prot	Cath	No rel	All
Just about always	5	3	6	4
Most of the time	20	33	21	25
Only some of the time	38	39	39	39
Almost never	32	18	21	25
Don't know	6	6	12	7

How much do you trust the Northern Ireland Assembly to work in Northern Ireland’s best interests? (%)

	Prot	Cath	No rel	All
Just about always	6	12	8	8
Most of the time	33	48	36	40
Only some of the time	35	29	31	32
Almost never	20	6	12	13
Don't know	6	5	14	7

And despite the precarious nature of the assembly—before this fieldwork its continued functioning was again in doubt—there is remarkable faith that devolution will still be in place in three years time. Seventy per cent of Catholics and 51 per cent of Protestants—58 per cent overall—believe this will be so, while 14 per cent think not and 28 per cent don't know.

4. The media

Greg McLaughlin

4.1 Introduction

There were a number of notable stories during this period, including the showdown between the chief constable of the Police Service for Northern Ireland and the police ombudsperson, the reignition of sectarian tensions in the Ardoyne area of north Belfast and the murder of the Catholic postal worker Daniel McColgan. Significantly, this incident, and a spate of threats against other Catholic workers, prompted a protest campaign organised by the public-service trade unions. The main focus of the report, however, is the release in January of two films depicting the events of Bloody Sunday in Derry 30 years ago (January 30th 1972), when British paratroopers shot dead 14 people and injured many more.

4.2 Remembering ‘Bloody Sunday’

Media representations of the Northern Ireland conflict have always provoked political controversy and heated academic debate, at home and abroad. The news media have been accused of distorting public understanding, *via* biased or sensational reporting, or of being propaganda dupes for one or more of the protagonists. Critics often remind the media, especially the broadcasters, of their responsibility to the ‘facts’, of their duty to be ‘objective’ and ‘impartial’. So when representations emerge that deliberately blend the ‘facts’ with ‘fiction’, in the form of film and television drama, the knives sharpen with a somewhat more menacing glint.

The ‘drama-documentary’ has been used many times, exploring such events as the Birmingham pub bombings in 1974—*Who bombed Birmingham?* (ITV, 1990) played a key role in demolishing the case against the six men imprisoned for life for the outrage—and the widespread suspicions of an unadmitted ‘shoot-to-kill’ policy in Northern Ireland during the 80s (*Shoot to Kill*, Peter Kominsky, 1990). More recently, film depictions of the Easter rising (*Rebel Heart*, John Strickland, 2001) and the war of independence (*Michael Collins*, Neil Jordan, 1996) have stoked the embers of the debate about nationalism and the interpretation of Irish history. So what was it about these ‘Bloody Sunday’ films that roused so much controversy?

The first to be broadcast, *Bloody Sunday* (ITV, January 20th 2002), was made in the style of a ‘fly-on-the-wall’ documentary. Written and directed by Paul Greengrass for Granada Television, its use of *cinema vérité* techniques (hand-held camera, dissonant editing of sound and visuals, reproduction of period detail) creates an authentic atmosphere of mounting tension and disbelief as the horrific events unfold.

The second film, *Sunday* (Channel Four, January 28th 2002), was made by an Irish production company, Gaslight, and written by one of Britain’s leading television dramatists, Jimmy McGovern. It eschews the *cinema vérité* ‘naturalism’ of *Bloody*

Sunday and constructs instead a dramatic narrative around the perspective of those killed or bereaved. Its power lies in its emotional punch and the way it captures the trauma of a community—characteristic of McGovern, whose work has included similar dramas about the Hillsborough stadium disaster in 1988 and its effect on Liverpool.

Whereas *Bloody Sunday* works on the ‘cock-up’ theory that the shootings were not planned in advance but happened when events on the ground got out of control, *Sunday* stands as an indictment of the Widgery tribunal which McGovern sees as a conspiracy by the then Conservative government to pervert the course of justice. The films, then, are very different in style and vision but both provoked polarised public receptions: they were well received by the bereaved families and the wider (Catholic) community in Derry but heavily criticised by those who support the official version of events that day—that the paratroopers were beyond reproach, that the shootings were provoked by IRA gunmen and that they would never have happened if the ‘illegal’ march had not taken place.

In some cases, this made for confusing and disconcerting conflation of headlines about the films and criticisms of them, and prompts the reflection that these may have cancelled each other out. This is, however, rejected by Denis Bradley, a priest in Derry at the time of Bloody Sunday, now deputy chair of the new Policing Board—and a film-maker himself. He sees both films as having strengths and weaknesses and argues that they would ‘get people in different ways’. For example, while McGovern’s writing in *Sunday* was not always as ‘assured’ as that of the Greengrass film, it ‘captures Derry ... the people of Derry ... the heart of Derry very well’ (January 11th 2002).

The ITV film earned a standing ovation at its special preview in Derry on January 6th and positive reviews and headlines in some sections of the press the next day (‘Tears of approval for Bloody Sunday film’, *Irish News*; ‘Bloody Sunday’s truths and tragedies—victims’ relatives praise film account of marchers’ death’, *Guardian*; ‘Bloody Sunday the film wins the acclaim of victims’ relatives’, *Independent*). Jimmy McGovern, meanwhile, was quoted in the city’s main local paper (*Derry Journal*, January 11th 2002) as saying that his film, *Sunday*, ‘provides insights and it displays a wonderful humanity. At its best it is a requiem for the dead. If people say that [about] *Sunday* ... then I will be happy.’

Inevitably, however, the films have had significance beyond the human and the emotional. They were condemned by various critics for playing loose with the facts, undermining the proceedings of the Saville inquiry in Derry, or forgetting the hundreds of other atrocities since ‘Bloody Sunday’, such as the bombs in Enniskillen (1987) and Omagh (1998).

One of the most high-profile (though weakest) critiques of *Bloody Sunday* came in the *Daily Mail* (‘When the real victim is truth’, January 8th 2002), from the southern-Irish writer Ruth Dudley Edwards. Billed as an ‘historian, writer and expert on Ireland’—

though she admitted she had no specialist knowledge of the events of ‘Bloody Sunday’—Dudley Edwards condemned the film as ‘viciously anti-British’ but employed very little in the way of visual analysis to support her argument. She simply condemned the film’s ‘luppy’ cast and crew at the premier (‘all trainers and Islington chic’) and expressed outrage that it did not capture the difficult experiences of British troops in the days leading up to the shootings.

On the same page, the reporter Christian Gysin highlighted those scenes most offensive to British armed forces, especially those depicting soldiers shooting people in cold blood—‘it simply didn’t happen’, an ex-paratrooper told Gysin. The report also highlighted army concerns that the films might prejudice the Saville inquiry (‘Bloody fantasy’, January 8th 2002). In fact, the army and the Ministry of Defence have been implacably opposed to the inquiry and have consistently blocked or complicated every approach for assistance.

In a curious way, both these films have met the same fate as the inquiry. They have been caught up in the politics of the controversy to such an extent that they are always going to be undermined by allegations of ‘factual inaccuracy’, ‘selective memory’, ‘anti-British bias’ and ‘sectarianism’. Just as critics of Saville complain about its ‘soaring legal costs’, those who attack *Bloody Sunday* point to the fact that it was funded by the National Lottery to the tune of nearly £300,000 (*News Letter*, January 3rd and 15th 2002; *Daily Mail*, January 8th 2002).

Indeed, Channel Four saw fit to append a one-hour studio discussion to its screening of *Sunday*, in which it attempted to get a ‘balanced view’ of the events. The controversies that both films provoked on their release only highlight once again the difficulties of interpreting the recent and difficult past in Northern Ireland: in many crucial ways it isn’t over yet.

4.3 Other stories

The murder of a 20-year-old Catholic postal worker by the loyalist ‘Red Hand Defenders’ in Belfast, on January 12th, marked a dangerous escalation in sectarian violence amid renewed protest at the Holy Cross infant school in Ardoyne (‘Flames of Hate’, *Belfast Telegraph*, January 10th 2002; ‘City’s second night of shame’, *News Letter*, January 11th 2002). Threats were also issued against Catholic teachers and other Catholics working in Protestant areas, prompting a rare intervention from public-service unions, who designated January 18th as a day of action, and demonstrations across Northern Ireland to demand an end to the upsurge in sectarian violence (‘Stop killing, say thousands’, *Belfast Telegraph*, January 18th 2002; ‘Defiance’, *Irish News*, January 19th 2002; ‘30,000 deliver an emphatic message to killers’, *News Letter*, January 19th 2002).

There were signs that the public and media pressure was working when the Red Hand Defenders ‘disbanded’ a few days before the marches took place—an announcement

greeted by most observers with great scepticism. The attacks also stimulated the US special envoy on Northern Ireland, Richard Haas, to declare loyalists ‘the biggest threat to peace’. In an interview with the *Irish News* (January 17th 2002), he said: ‘Zero tolerance on terrorism is not simply a policy that should ... apply to Afghanistan, it should also apply to Northern Ireland.’

A very damaging public confrontation in December 2001 between the chief constable, Sir Ronnie Flanagan, and the police ombudswoman, Nuala O’Loan, continued to simmer in the new year. The row blew up over her damning report on the failings of the police investigation into the Omagh ‘Real IRA’ bomb, which killed 29 people in August 1998.

The report raised critical questions of leadership and police procedures, which were widely picked up in the media (‘Flanagan leadership lambasted in report’, *Belfast Telegraph*, December 12th 2002). The *Irish News* remarked on Sir Ronnie’s difficulty in rebutting its most serious charges or substantiating any of its alleged flaws (December 13th 2002). The chief constable’s embarrassing threat to commit suicide in public if the report was proved accurate appeared to vindicate the very charges of weak leadership he was trying to refute and can hardly have enhanced public confidence in his stewardship.

Unlike ‘Bloody Sunday’ in 1972 or the Enniskillen Remembrance day bombing in 1987, the Omagh bomb in 1998 was not a tragedy that touched just one section of the community in the town: indeed, its impact stretched further afield, to Derry, Donegal and even Spain. Thus, the bereaved are looking to the police to find those responsible and bring them to justice—only one conviction has been secured, over three years on—and there is no hidden, political agenda. Sir Ronnie’s failure to see this and his instinct to retreat into a defensive bunker astonished international opinion and will almost surely blemish his record of service.

As for Ms O’Loan, she became the target of personal abuse from some prominent unionists seeking to discredit her report. Just months after September 11th and amid a spate of suicide bombs in Israel, the former Ulster Unionist MP for Fermanagh / South Tyrone, Lord Maginnis, likened her on BBC’s *Newsnight* (December 17th 2002) to a ‘suicide bomber’. It is questionable if she can remain in office for very long after this controversy, but the whole episode might at least show that public accountability is possible and draw a line under the days when the police were seen by one part of the population as its defence force and by another as a law unto itself.

After marathon meetings, on February 7th, the new Policing Board—to which SF has not signed up—agreed a position on the affair which endorsed much of the thrust of the O’Loan report, while not supporting its claims that vague intelligence warnings could have prevented the bombing had they been acted upon. Remarkably, the next day’s (Catholic) *Irish News* and (Protestant) *News Letter* ‘spun’ the story respectively as a victory for ‘their’ side, in what had become a straightforwardly sectarian confrontation.

6.1 North-south

There was considerable activity associated with the North/South Ministerial Council during the quarter—and some of significance for the development of that institution.

Advantage was taken of the second meeting of the British-Irish Council on November 30th 2001 (see below) to hold the third plenary NSMC in Dublin Castle. The first and deputy first ministers, Messrs Trimble and Durkan, headed the Northern Ireland group, which also included three UUP, two SDLP and two SF ministers. The group from the republic was led by the taoiseach, Bertie Ahern, and the tánaiste, Mary Harney, and included 11 other ministers (two junior).

Much of the meeting was taken up by routine matters—noting the annual report for 2000, reviewing progress in the various sectors, approving a schedule for future meetings and giving outline agreement to a budget for the north-south bodies—but areas of political substance were also addressed. These were covered by three reports considered by the council: on an independent north-south consultative forum (on which it was agreed further discussion was needed), on obstacles to cross-border mobility (on which further consultation with interested bodies was proposed), and on measures to improve competitiveness in the two economies (whose recommendations were endorsed).

In a further innovation, in Belfast on December 17th the first meeting of the NSMC in ‘institutional’ format took place. Such meetings were designed to supplement plenary and sectoral meetings, providing an opportunity to discuss procedural matters or to resolve disagreements.

The meeting, attended by Messrs Trimble and Durkan and the republic’s minister for foreign affairs, Brian Cowen, revisited some of the issues considered at the plenary meeting (including publication of the annual report for 2000, the consultative forum and the budget), and examined certain cross-sectoral issues and the significance of the European dimension. It also considered options in two areas where progress has been slow: co-operation in transport (where the relevant northern minister is a Democratic Unionist who refuses to participate in the work of the NSMC) and the Commissioners of Irish Lights (whose functions have not yet been transferred to the Loughs and Lights body).

In addition, eight meetings of the NSMC in sectoral format took place during the quarter (see table). Three were in areas where meetings had been suspended for a considerable period because the minister was a member of SF and Mr Trimble had refused to authorise attendance.

On November 16th, the third meeting of health ministers took place in Belfast. Its main business centred on the establishment of the Food Safety Promotion Board, one of the six implementation bodies established under the agreement (the board’s headquarters in Cork were officially opened eight days later). A second set of issues

concerned co-operation in health: collaboration on cancer research and planning for an all-Ireland accident-and-emergency service.

The same SF minister, Ms de Brún, acted as nationalist counterpart to the UUP minister of culture, arts and language, Michael McGimpsey, in the third meeting of the languages body on December 7th. This was concerned mainly with housekeeping matters within the two agencies that make up the board (promoting variously Irish and 'Ulster-Scots').

Ms de Brún's ministerial party colleague, Mr McGuinness, attended the third meeting of the NSMC in education sector format, on November 28th. This discussed mechanisms for cross-border school, youth and teacher exchange and facilitating teacher mobility.

Three further sectoral meetings considered other implementation bodies. On November 23rd, Waterways Ireland was reviewed. In addition to ambitious projects already under way, to enhance the quality of the inland waterways for leisure purposes, a feasibility study on the reopening of the Ulster Canal (which would link the Erne and Shannon systems with Lough Neagh and the Bann) was considered. On January 23rd, another sectoral meeting considered the work of InterTrade Ireland, a very active body vigorously promoting north-south business cooperation and trade.

Finally, on February 1st, a sectoral meeting considered the work of the Loughs and Lights body. Its review was necessarily uneven: the loughs agency reported progress in the encouragement of inland fisheries, marine tourism, aquaculture and shell fisheries in Lough Foyle and Carlingford Lough, but responsibility for lighthouses has not yet been transferred, and this area continues to be supervised by the Commissioners of Irish Lights.

The two remaining meetings were both concerned with particular areas of co-operation. A meeting on December 14th dealt with environment: water quality, waste recycling and the state of the environment generally. The other, on January 25th, reviewed co-operation in agriculture. In addition to considering the impact of global trade negotiations (under the auspices of the World Trade Organisation) and European Union policy, the meeting reviewed progress in the area of infectious animal diseases and noted with relief the end of the foot-and-mouth crisis.

Overall, then, most of the implementation bodies have settled down to a routine, and they provide a useful mechanism for discussion and negotiation between north and south in some of the areas where this makes most practical sense. While there are still those who fear the symbolism of this, its low-key and functional nature serves to defuse its potentially controversial political character and is allowing these new institutions to establish themselves as part of the administrative landscape.

Table 1. Sectoral meetings of the North/South Ministerial Council

No.	Date	Place	Ministerial representation		Business
			<i>Republic</i>	<i>Northern Ireland</i>	
40.	16 Nov 01	Belfast	Micheál Martin (FF) Tom Moffatt (FF)	Bairbre de Brún (SF) Dermot Nesbitt (UUP)	Food Safety body / cooperation: health (3)
41.	23 Nov 01	Carrick-on-Shannon	Síle de Valera (FF)	Michael McGimpsey (UUP) Sean Farren (SDLP)	Waterways body (4)
42.	28 Nov 01	Dublin	Michael Woods (FF)	Martin McGuinness (SF) Demot Nesbitt (UUP)	cooperation: education (3)
43.	7 Dec 01	Newcastle	Mary Coughlan (FF)	Michael McGimpsey (UUP) Bairbre de Brún (SF)	Languages body (3)
14.	Dec 01	Templepatrick	Noel Dempsey (FF) Bríd Rodgers (SDLP)	Sam Foster (UUP)	co-operation: environment (5)
23.	Jan 02	Limerick	Mary Harney (PD) Carmel Hanna (SDLP)	Sir Reg Empey (UUP)	Trade body (6)
25.	Jan 02	Enniskillen	Joe Walshe (FF) Sam Foster (UUP)	Bríd Rodgers (SDLP)	co-operation: agriculture (5)
47.	1 Feb 02	Killeavy	Frank Fahey (FF)	Bríd Rodgers (SDLP) Dermot Nesbitt (UUP)	Loughs and Lights body (7)

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

6.2 'East-west'

The long-awaited second plenary of the BIC was held nearly two years after the first, on November 30th 2001. Sectoral business and other debates however suggest that, at least in some formats, the BIC may become less of a damp squib than it has seemed so far.

The full panoply of heads of government, first ministers, leaders of the crown territories and all their delegations met in Dublin to review progress on the work programmes agreed at the first council meeting in December 1999. The main focus was on drugs, the responsibility of the host government⁴⁶. It was agreed that a framework for co-operation would start with reduction of demand (including prevention and treatment) and supply (including law enforcement) and would be promoted through information exchanges and joint actions.

Exchanges would cover best practice, research data, and rehabilitation and reintegration strategies. It was suggested that information technology might, later, play a key role. Actions would include awareness campaigns and training initiatives. The BIC also noted the importance of targeting the assets of criminal engaged in trafficking.

The BIC noted the outcomes of the sectoral meeting of environment ministers in London in October 2000. The republic and the Isle of Man are taking the lead on Sellafield (see assembly section and below). The UK government leads on climate change. It was reported that a subsection of its work group had met twice and had agreed to extend the UK Climate Impacts Programme 2002 (climate-change scenarios) to cover all the BIC administrations. The Scottish Executive had agreed to hold the next BIC environmental meeting in Edinburgh in the spring of 2002.

⁴⁶ BIC communiqué, Executive Information Service, November 30th 2001

The Scottish and Welsh administrations provided an update on their responsibility—social inclusion. They indicated they would organise a ‘community conference’ to promote the sharing of good practice and undertook to place a social-inclusion section on the BIC website (to be launched this spring). This is intended to promote networking and to engage communities in the programme of work on social inclusion.

Social inclusion features across the board, including in transport. Transport is the responsibility of Northern Ireland and the first meeting of the council in this format was held in Belfast on December 19th 2000. The spill-over from DUP policy on north-south co-operation has forced the first and deputy first minister to manage Northern Ireland’s role in this regard (see above and EU section). Future work includes strategies for dealing with integrated transport. This will also involve exchanges of information about appropriate means of funding, such as private finance⁴⁷.

Jersey takes the lead on the knowledge economy and chaired a meeting in November 2000. That identified as a key problem a lack of IT skills amongst significant groups, especially those living in remote areas. The ‘digital divide’ was seen as an acute problem, acting as a barrier to strategies to increase social inclusion. A project on mapping member administrations’ initiatives to improve access will be the topic of a conference in April 2002.

New responsibilities agreed at this council were tourism, to be taken on by Guernsey, and health (in particular tele-medicine), by the Isle of Man.

In responding to the assembly statement on the second plenary, an MLA asked the deputy first minister, Mr Durkan, to agree that there should be more activity. This was accepted and, indeed, the decisions of the plenary should help. A programme for future plenary meetings was set out: the third will be in April 2002 in Jersey (the month also of the IT conference), the fourth in September in an unspecified place (but hosted by Scotland and Wales) and a fifth in Northern Ireland in early 2003. It was also reported to the assembly that the council had agreed to consider creating a secretariat that would be better suited to a more active BIC. Hitherto it has been provided by the London and Dublin governments, seen by some as not particularly enthusiastic about the forum.

A month later, in his statement on the meeting of the NSMC in institutional format on December 17th 2001, the first minister, Mr Trimble, claimed in connection with both the NSMC and BIC that the British-Irish Interparliamentary Body—legacy of the, for unionists, detested Anglo-Irish Agreement of 1985—had been allowed to seize the initiative in links among the legislatures⁴⁸. He said that the two councils should examine such links, in a ‘constructive and coherent way’, so as to bring them under their aegis—as, he claimed, the Belfast agreement had foreshadowed. He said this had been touched upon at the institutional-format meeting and would be re-examined.

⁴⁷ *Official Report*, December 10th 2001

⁴⁸ *Official Report*, January 15th 2002

Ironically, the terrible events of September 11th, in combination with an overlap of interests between the NSMC and BIC, may contribute to a growing presence for the latter *vis-à-vis* the transport role on which Northern Ireland leads. In the debate on the NSMC institutional-format meeting, the deputy first minister, Mr Durkan, referred to the impact of September 11th on air links, business, tourism and market access—to all of which transport is central. He said that the BIC, as well as the NSMC, would make the most of its responsibilities to deal with the aftermath.

September 11th is also relevant to a second issue that is raising the profile of the BIC. On December 4th, the assembly passed a resolution calling for the withdrawal of the license issued by the UK government to British Nuclear Fuels in respect of the mixed oxide plant at Sellafield. During the debate (see assembly section), there were calls on the UK government to close Sellafield altogether. The calls invoked EU standards on emissions and referred to the far greater plausibility, post-September 11th, of a disaster at the site. The minister, Sam Foster, said he was seeking assurances from the government in London and that the matter would be discussed by the BIC—as, indeed, it was at the meeting discussed above.

Reporting back to the house⁴⁹, Mr Durkan said he had drawn the council's attention to Northern Ireland's worries about Sellafield and that concerns—reinforced by the legal proceedings between the republic and the UK—had also been expressed by others. He said that London had 'seemed' to acknowledge these concerns and he 'hoped' Northern Ireland would be 'more directly in the loop' in the future. The issue would be discussed again at the next BIC environmental meeting.

MLAs felt that there had been 'scant' response from the prime minister, Tony Blair. The deputy first minister's response—that, without such a novel institution as the BIC, there would be no opportunity for such serious issues to be discussed—implies, perhaps, an unexpected significance for the council in a highly contentious area.

⁴⁹ *Official Report*, December 10th 2001

7. Relations with the EU

Elizabeth Meehan

7.1 Introduction

The most dramatic aspect of the EU dimension in this quarter was the advent of the euro in the republic from January 1st 2002 and its spill-over into the north. On EU support, the issues reported in previous quarters continued to feature: 'gap funding' in the transition from 'Peace 1' to 'Peace 2', partnership, cross-border labour mobility (which seems to be moving up the agenda) and Northern Ireland's efforts to become 'a forward and outward-looking region'⁵⁰. As will be seen below, one aspect of the latter may be as important as Northern Ireland's reaction to the euro's circulation in the republic.

7.2 Parallel currencies?

'You can keep the UK out of the euro, but it seems you can't keep the euro out of the UK,' wrote the Dublin-based journalist Nicola Byrne⁵¹. The arrival of the euro in everyone's pocket in the republic was rapidly followed by its use in the north as a parallel currency. This is particularly evident in border areas, where previously punts as well as pounds circulated among traders. Now, ATMs dispense both euros and sterling. But it is also more widespread than that: at least one bank quickly realised it did not have enough euros in its branches throughout Northern Ireland, and major business associations have described the dual approach as the way forward⁵².

This practice, so readily adopted by the public, contrasts however with majority sentiment in the assembly. On December 4th 2001, a Women's Coalition motion calling on the UK government to allow traders in Northern Ireland voluntarily to recognise the euro as a dual currency, alongside sterling, was defeated by a voice vote (see assembly section). The motion was supported by the SDLP and Alliance but opposed by unionists, with SF abstaining. Actions may, however, speak louder than words.

7.3 Structural funds and community initiatives

The NSMC held its fifth meeting in special EU programmes format on October 30th in Dublin, the southern side being led by the republic's finance minister, Charlie McCreevy. Its deliberations were reported to the assembly by the then minister of

⁵⁰ Outside these more prevalent areas of discussion, the assembly approved a measure giving effect to an EU directive on employment. The then minister for employment and learning, Mr Farren, moved approval (*Official Report*, November 20th 2001) of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2001 (SR 319/2001).

⁵¹ *Scotland on Sunday*, January 13th 2002

⁵² *ibid*

finance and personnel, Mr Durkan, a fortnight later⁵³. He addressed developments in the administrative and financial arrangements for the managing authority, the Special EU Programmes Body (SEUPB); the north-south structural-funds common chapter (also discussed in an NSMC plenary on November 30th); INTERREG and other community initiatives; and Peace 1 and 2.

With respect to the common chapter, it had been agreed to set up a joint steering group to oversee implementation, with special regard to a strategic framework for mutually beneficial north-south cooperation. Satisfactory progress in EQUAL, LEADER and URBAN II was being made. To the concern of the NSMC and the assembly, however, INTERREG III was still being revised to take account of issues raised by the commission and to clarify the role of the three border-corridor groups to ensure that they are not composed exclusively of councillors.

The nature of partnerships—as well as inaccessible language in related documentation—formed the bulk of questions to the minister about Peace 1 and 2. As previously reported, the district partnerships of Peace 1 have become Local Strategy Partnerships under Peace 2 but they are envisaged to become permanent features of public administration. They are to be influential bodies in the strategic development of their respective areas and central to advancing successive Programmes for Government⁵⁴. In response, the minister reiterated previous remarks. This issue, and ‘gap funding’ to cover the hiatus between the two peace programmes, remained on the agenda of Mr Durkan’s successor, Mr Farren.

The new finance minister visited the SEUPB on January 23rd 2002⁵⁵ and used the occasion to deal with the concluding stage of ‘gap funding’ for projects funded under Peace 1 and which, to qualify, should have made early applications under Peace 2. As previously adumbrated by Mr Durkan (but with a slightly longer timescale), most gap arrangements are to be phased out by the end of April. Arrangements for measures 2.3 and 2.11, on the social economy and area-based regeneration, will persist for a little longer. The minister was able to set this timetable because calls for applications under Peace 2 began to open in November 2001, coming more rapidly on stream in January and February of 2002.

The overarching objectives of Peace 2, with which all individual applications must engage if they are to be eligible, are: ‘addressing the legacy of the conflict’, with a view to the establishment of a normal, peaceful and stable society; and ‘taking opportunities arising from peace’, where such a society may allow new developments to be pursued.

⁵³ *Official Report*, November 13th 2001

⁵⁴ See also Department of Finance and Personnel press release, Executive Information Service, January 23rd 2002.

⁵⁵ *ibid*

A few days before his visit to the SEUPB, Mr Farren launched two evaluation reports by the Belfast European Partnership Board on Peace 1⁵⁶. He praised the outgoing district-partnership boards for their achievements, particularly projects supported by the Belfast board in the north of the city which had continued to operate against the recent backdrop of fierce sectarian conflict. He also used the occasion (and his subsequent visit to the body) to underscore his confidence in the partnership reforms brought by his predecessor.

7.4 Cross-border mobility

In a previous quarterly report, it was noted that the Committee of the Regions was concerned about the extent to which the coexistence of different legal and financial systems hindered partnerships and other activities that crossed borders. It was also reported that the NSMC had commissioned a study of obstacles to cross-border mobility in Ireland.

This study was received at the third plenary of the NSMC, in Dublin on November 30th 2001⁵⁷. It was agreed that no comment would be made on its findings and recommendations until interested organisations, including departments and individuals, had had a chance to comment themselves. Public consultation would be arranged by the study's steering group and there would be a report-back to the next plenary (May 2002, in Northern Ireland) on the recommendations, their costs and implementation in that light.

It was noted that, in considering proposals, care should be taken to avoid creating barriers to 'east-west' mobility and creating unjustified advantage for cross-border workers beyond that available in the respective jurisdictions⁵⁸. The general north-south tax difference and particular tax, benefits and qualifications issues differentially affecting health workers were the subject of questions in the assembly when the first minister and deputy first minister reported in December⁵⁹. Mr Durkan explained that all these problems could be raised in the consultation process—though, to the chagrin of at least one MLA, the report upon which the consultation was to be based had still not been published by mid-January 2002⁶⁰.

7.5 A forward and outward looking region?

In November 2001, a sub-committee of the CoR met in Belfast. The TransEuropean Networks, Transport and Information Society Committee had been invited by Denis

⁵⁶ Executive Information Service, January 16th 2002

⁵⁷ NSMC communiqué, Executive Information Service, November 30th 2001

⁵⁸ The jurisprudence of the European Court of Justice shows that it is not always possible to arrive at situations where migrant workers are, simultaneously, no better or worse off than compatriots who remained at home and fellow-workers of the host state.

⁵⁹ *Official Report*, December 10th 2001

⁶⁰ *Official Report*, January 15th 2002

Haughey, MLA, a member of both and a junior minister in OFMDFM. In addition to addressing substantive business, Mr Haughey took the opportunity to reiterate themes previously reported: the opportunities provided by devolution for a stronger role in the EU and the need for Northern Ireland to show its gratitude for EU support by actively participating in its business⁶¹.

Another way of contributing to the EU agenda was initiated by the NSMC at its first meeting in institutional format, on December 17th 2001 in Belfast⁶². As in plenary format, the southern side of this version of the council is led by the minister for foreign affairs, Brian Cowen. In institutional format, the NSMC takes stock of the workings of the council as a whole, of all the issues relating to north-south bodies, and of north-south co-operation over areas outside the remit of those bodies⁶³. In addition, ministers had a preliminary discussion of an aspect of the Belfast agreement not previously addressed by the NSMC—how best to advance in the Council of Ministers the EU dimension of north-south cooperation.

The council agreed to set up a working party to report to its second meeting in institutional format⁶⁴, taking account of Northern Ireland's route to the EU through the UK government and the Memorandum of Understanding between the latter and the devolved administrations⁶⁵. This is a development with a potential for the constitution as intriguing as the spill-over of the euro into at least one part of the UK.

⁶¹ Executive Information Service, November 22nd & 23rd 2001

⁶² Executive Information Service, December 17th 2001

⁶³ These were developed before and during direct rule and inherited by OFMDFM (*Official Report*, January 15th 2002). In making this point clear, the first minister again gave an implied rebuke to the DUP for its handling of the topic of north-south co-operation by saying that its members 'fail[ed] signally to understand' the distinction between issues which were in the category of joint administration and those which were interdepartmental. They, therefore, failed to see that bringing the latter under the ambit of the NSMC improved transparency and accountability.

⁶⁴ Executive Information Service, December 17th 2001

⁶⁵ *Official Report*, January 15th 2002

8. Relations with local government

Robin Wilson

The long-awaited review of public administration finally took off—sort of—at the close of the quarter. Through a letter to the speaker, Lord Alderdice, the first and deputy first ministers, Messrs Trimble and Durkan, initiated a consultation exercise about its terms of reference⁶⁶.

The review has long been a concern of Mr Trimble, who shares the general unionist disdain for the ‘quangocrats’ who dominated the governance of Northern Ireland under direct rule, and would prefer more powers to be in the hands of elected representatives. Yet haste has been made slowly since the transfer of power in December 1999—partly because of the distractions of decommissioning, suspensions and so on; partly because of the general sluggishness of the cumbersome, four-party, devolved administration; but partly also because there are delicate political interests involved.

In particular, any review that conferred greater power upon local government—unless it did so by inserting an extra tier between district councils and regional assembly—would likely require an increase in the scale of the current councils and thus, in turn, a reduction of their number from 26. A cull of the quangoes could take many councillors in its wake. These turkeys will not willingly vote for Christmas.

Moreover—as one expert analyst had feared—the structure of the 11 departments in Northern Ireland agreed in December 1998 is not, according to the letter, to be included. Cynical councillors will see this as the civil service looking after its own and be even less inclined to support change.

A major opportunity thus looks likely to be lost, on three counts. First, the review will not address the barriers to ‘joined-up’ government unnecessarily added by increasing the number of departments, post-devolution, from six to 11 (including OFMDFM)—a decision taken purely to ensure SF would have two ministerial seats under the d’Hondt allocation, given the outcome of the 1998 assembly election, with no consideration of governmental effectiveness. One effect of this, according to the public-expenditure expert David Heald, has been to damage the capacity of departments to spend their allocations, as evidenced by significant savings against plans (see Leverhulme/ESRC November 2001 report)—ironic when the first minister, Mr Trimble, so consistently pleads the poverty of his administration in the face of the ‘Barnett squeeze’.

Secondly, even though the ‘proposed characteristics’ of public administration—accountability, subsidiarity and so on—are set out by the first and deputy first minister⁶⁷, again the independent analyst’s view was that issues of boundary reallocation would likely dominate. A previous review of local government

⁶⁶ <http://www.nics.gov.uk/press/ofmdfm/020212ea-ofmdfm.htm>

⁶⁷ <http://www.rpani.gov.uk/proposed.htm>

boundaries which sought merely to remove the smallest of the district councils, Moyle, was nullified by political opposition.

Thirdly, an issue which concerned the retiring senior official who completed in January a review of community-relations policy for OFMDFM was the substantial, yet never quantified, costs of the extensive over-provision of public services arising from sectarian segregation, formal or informal. For example, spending per head on Northern Ireland's divided education system in 1999-2000 was £935, as against a UK average of £685⁶⁸, yet the minister, Martin McGuinness, was appalled by the state of the schools estate when he assumed office in late 1999. Though 'efficiency and effectiveness' are included among the proposed characteristics, no reference is made under this heading to the deleterious effects of sectarianism on good governance.

It is three decades since the last review of local government in Northern Ireland (completed in 1970 and implemented in 1973) left the single-tier councils it inaugurated with only modest powers. While there have been some enhancements since—additional power to raise a rate for economic development, and the association with the district partnerships established under 'Peace 1'—local authorities lack the critical power of general competence conferred upon their counterparts in England and Wales in the Local Government Act 2000.

Haste will continue to be made slowly, however. The letter from the first and deputy first ministers contains no indication as to who might carry out the review or how it might be done—and, in particular, how independent its 'independent element' will be.

⁶⁸ Bell, David and Alex Christie, A (2001), 'Finance—the Barnett Formula: Nobody's Child?', in Alan Trench (ed), *The State of the Nations 2001: The Second Year of Devolution in the United Kingdom*, Thorverton (Essex): Imprint Academic Press, p140

9. Finance

Robin Wilson

9.1 UK budget

As usual, the Northern Ireland secretary, John Reid, took the opportunity to ‘welcome’ the pre-budget report in November 2001 from his colleague, the chancellor, Gordon Brown—though of course, by self-denying ordinance, there are no votes for Labour in Northern Ireland. Mr Reid claimed 180,000 households in the region would benefit from the £200 winter allowance and 100,000 would gain from the pensioner credits. There would also be an additional £28 million for expenditure on public services, he said⁶⁹. These sentiments were echoed by the first and deputy first minister (the latter still minister of finance), Messrs Trimble and Durkan⁷⁰.

9.2 Northern Ireland budget

A week later, Mr Durkan presented his own revised budget to the assembly⁷¹. Inevitably, in the light of the political salience of the issue (see assembly section), expenditure on the health service (as against expenditure to improve health) dominated the statement. More controversially, he also signalled that roads (as well as schools) were a priority for the executive, foreshadowing the subsequently issued draft transport strategy (see public policies section).

A further £41 million was allocated to the Department of Health, Social Services and Public Safety for 2002-03, bringing the year-on-year increase to £205 million, or 8.9 per cent. The increase since 1998-99, Mr Durkan said, would be 37 per cent. Moreover, a further £8 million would be allocated to the department this year, on top of the £14.3 million reallocation announced in November (NB—wrongly represented as £8 million in the Leverhulme/ESRC November 2001, report due to misinterpretation of a government release). ‘This is a clear signal of the importance we attach to the health service,’ he said.

Mr Durkan did, however, implicitly chide the health minister—who, like Oliver, is always coming back for more: ‘It is not sufficient to just put money into the Health Service. Many here rightly ask questions as to how the resources already provided have been used. As in all public services, there are genuine issues of management and efficiency that need to be addressed. The way the services are organised begs many questions and there are very hard choices to be made which will affect the standard of care and the nature of hospital provision in the region.’ That sounded like a signal to Ms de Brún to get on with the issue of acute-hospital rationalisation (see assembly section).

Of the additional expenditure on health, £12.4 million would go to hospital services, Mr Durkan said, ‘so that more patients can receive urgent and necessary treatment’.

⁶⁹ Northern Ireland Information Service, November 27th 2001

⁷⁰ Executive Information Service, November 27th 2001

⁷¹ Executive Information Service, December 3rd 2001

Spiralling waiting lists—the longest in the UK—have symbolised the health crisis in the media and public mind.

The minister also confirmed that free ‘nursing’ care for the elderly undergoing long-term care would be introduced in 2002-03. But he made no reference to the free ‘personal’ care to which the Scottish Executive has committed itself. Besides the uncertainty as to whether that commitment can be funded over the water, as indicated in earlier reports the youthful profile of SF voters means the majority recommendation of the Sutherland commission has not been high on the health-and-social-services minister’s agenda.

In proportionate terms, an even bigger beneficiary than health from the revised budget was the Department for Regional Development, with a 14.8 per cent increase (£69.6 million). With an extra £9 million for the roads programme, that took capital investment on roads to a greater figure (£50 million) than that allocated (£48 million) for the purchase of new rail rolling stock.

Looking ahead to the next comprehensive spending review, Mr Durkan was keen to dampen expectations, mindful of the ‘Barnett squeeze’ and the expiry in mid-decade of ‘Peace 2’ and ‘Transitional Objective 1’ support from the EU. He said: ‘The devolved administration has had the good fortune of coming into office at a time when spending was rising rapidly. We cannot expect that to continue and we need to be able to adapt our own ways of acting to deal with a different situation.’

Supporting evidence emerged a fortnight later, as the regional affairs editor of the *Guardian* reported⁷² that an investigation, beginning in early 2002 and under the auspices of the Department of Transport, Local Government and the Regions, was to be conducted into the distribution of expenditure between the eight English regions and London. The article claimed this would open a Pandora’s Box: ‘Ministers are moving towards a full review of Whitehall spending throughout the UK, in an attempt to answer criticism that Scotland, Wales and Northern Ireland get more than their fair share at the expense of the English regions.’

9.3 Executive programme funds

On the same day as his revised budget statement, Mr Durkan announced a further allocation of £39 million to the executive programme funds⁷³, on top of £146 million announced in April (see Leverhulme/ESRC May 2001 report). A total of £372 million has been budgeted for the funds over the years 2001-02 to 2003-04 and the minister indicated the new money would be spent in 2002-03. Yet as the earlier allocations included provision for all three financial years, that still leaves just over half the total (£187 million) to be allocated.

Apart from the issue raised earlier (see local-government section) about the capacity of departments to spend, the absence of Executive Committee sub-committees (see

⁷² *Guardian*, December 18th 2001

⁷³ Executive Information Service, December 3rd 2001

devolved-government and assembly sections) continues to militate against multi-departmental bids for what are supposed to be cross-cutting projects. Most of the bids accepted in this round, as evidenced by the ministerial statement, were once again from single departments.

Mr Durkan announced that ministers had concluded ‘it would be sensible to take stock and complete a short review of the arrangements we have put in place to ensure we deliver our priorities and commitments before we make any further calculations’. He promised that the assembly finance committee would be consulted—a sore point in the past.

9.4 Reallocations

The new finance minister, Mr Farren, announced a further round of reallocations in January 2002.⁷⁴ These totalled £59 million and included a yet further £7.8 million for the DHSSPS, ‘to meet urgent cost pressures’.

The same day, however, a respected economic commentator, John Simpson, who has a regular column in the *Belfast Telegraph*, challenged the executive’s capacity to make the hard choices public-expenditure priorities pose, because of the absence of collective responsibility in the d’Hondt-based government. With an eye particularly on the health minister, he wrote⁷⁵: ‘The Executive will not give the best decision making if there is not a stronger form of collective decision making and loyalty. If each spending Minister passes responsibility to the Minister of Finance and the First Ministers, then the Executive will not make a credible team. The Executive has some difficult choices to make. To date, some difficult questions have gone to the “back-burner”.’

⁷⁴ Executive Information Service, January 22nd 2002

⁷⁵ *Belfast Telegraph*, January 22nd 2002

11.1 Introduction

The year 2001 saw the highest level of shootings, bombing and killings in Northern Ireland since the ceasefire year of 1994. In all, 18 civilians lost their lives, a rise of more than 250 per cent in a single year. Bombings increased by a similar percentage, rising to 177⁷⁶. By far the greatest share of this activity was by loyalists, some operating under the banner of established groups while others seemed to have broken loose of any semblance of paramilitary discipline. By comparison, republicans remained relatively inactive.

The absence of republican activism should not, however, be mistaken for growing Catholic satisfaction with the agreement and its workings. The dispute at Holy Cross alone convinced many that unionism was incapable of working any deal based on Catholic participation in power. More than anything else, the steady drip of sectarian death makes sense of the underlying malaise that infected political life in Northern Ireland in 2001.

The drama and confusions of early November (see Leverhulme/ESRC November 2001 report) left the pro-agreement parties looking uneasy. The procedural contortions required to (re-)elect Mr Trimble and Mr Durkan may have been constitutionally proper, but they were seized upon by the DUP as evidence of the depths to which the UUP leadership would sink to cling to power. Among nationalists, there was little sign of any fall in support for SF, while the SDLP completed the difficult ask of generational change in its leadership.

Yet if the omens were not good for the parties at the core of the pro-agreement coalition, the last three months provided some respite. This may seem a strange assessment in the light of renewed rioting in north Belfast, threats to Catholic teachers and the murder of a young Catholic postal worker, all of which led to considerable despondency. But in the spirit of Nietzsche's maxim that 'everything that does not kill me makes me stronger', there are grounds for hope that the widespread revulsion at these events has underpinned the rationale for the 'peace process' as the only alternative to catastrophe.

11.2 Unionist fall-out

The re-establishment of devolved institutions on November 6th critically shaped the politics of the early part of this period. The UUP, in particular, remained split. A party inquiry into the behaviour of Peter Weir (North Down) and Pauline Armitage (Londonderry East), the two UUP MLAs who voted against the (re-)election of

⁷⁶ *Irish Times*, December 21st 2001

Messrs Trimble and Durkan, led to the expulsion of Mr Weir and the suspension of Ms Armitage. But opponents of Mr Trimble gathered a further petition of 60 signatures of Ulster Unionist Council members, the number required to trigger a special meeting of the whole council.

Central to the petition was a demand that further UUP participation in the executive should depend on new deadlines for additional decommissioning⁷⁷. Although Mr Trimble insisted at the party's annual conference that decommissioning had to proceed, he rejected demands for a new round of immovable deadlines⁷⁸. At the special council meeting, a slightly increased proportion (56 per cent) supported the leader's position. By 409-320 votes, delegates rejected a further motion proposed by David Burnside MP, which would have compelled UUP ministers to resign from north-south meetings if the word 'royal' was not restored to the police service⁷⁹.

While not decisive in any final sense, the result confirmed that the advance of anti-agreement unionists within the party had been temporarily brought to a halt. Given the ambivalence of the Protestant electorate towards the agreement at this point, it seems fair to surmise that a majority within the UUP is anxious to avoid anything that might bring forward the date of the next assembly elections from May 2003. Yet however pragmatic the rationale, this strategy implicitly commits the party to working the devolved administration more-wholeheartedly.

The DUP continued its legal challenge to the (re-)election of the first and deputy first minister and to the decision by the Northern Ireland secretary, Mr Reid, not to call assembly elections at the precise expiry of the last six-week deadline for that event (see Leverhulme/ESRC November 2001 report). Granted leave to seek a judicial review⁸⁰, the party sought to maintain the atmosphere of uncertainty for as long as possible. Confidence in DUP ranks was evidenced at the party's annual conference. Its leader, Mr Paisley, lambasted Mr Trimble for 'running scared of the ballot box' and ridiculed the secrecy surrounding the act of decommissioning witnessed only by Gen de Chastelain's commission. The deputy leader, Peter Robinson, predicted that the DUP would soon emerge as the largest unionist party⁸¹.

As expected, the legal challenge itself soon petered out. Although the case was heard in full⁸², the judge came down firmly on the side of the secretary of state and the first and deputy first ministers⁸³.

The broader case that the agreement was failing to win the support of the wider Protestant 'community' continued to advance, however. Mr Reid made a number of calculated speeches to counter criticism within unionism that the ultimate purpose of

⁷⁷ *Belfast Telegraph*, November 14th 2001

⁷⁸ *Irish Times*, November 17th 2001

⁷⁹ *Sunday Life*, December 2nd 2001

⁸⁰ *Belfast Telegraph*, November 7th 2001

⁸¹ *Irish Times*, November 26th 2001

⁸² *Irish News*, December 3rd 2001

⁸³ *Irish Times*, December 22nd 2001

the agreement was the elimination of ‘Britishness’. In a speech in Dublin, he brought developments in Northern Ireland into the wider framework of devolution within the UK, while drawing attention to those elements of the agreement which brought measurable benefits to unionism⁸⁴. A fortnight later, in a well-flagged speech in Liverpool, Mr Reid called on nationalists to ensure that their advance did not lead to Northern Ireland becoming a ‘cold place for Protestants’⁸⁵.

His words caused some annoyance in nationalist circles, leading some to point out that their ‘community’ was at the receiving end of the vast bulk of sectarian attacks. Such suspicions were not eased when Mr Reid’s words were seized upon by loyalist and anti-agreement politicians as evidence that their claims of Protestant ‘alienation’ were valid⁸⁶.

11.3 Policing the nation?

While unionists feuded over the events of November 6th, nationalism was undergoing its own earthquakes. On November 7th, SDLP politicians joined unionists and independent members on the new Policing Board⁸⁷. With the warm and public endorsement of British, (southern) Irish and US politicians⁸⁸, the successful negotiation of new policing arrangement based on the Patten report counts as one of the most significant changes in the internal arrangements of Northern Ireland since the agreement. The Americans further underlined their support by reopening the FBI academy to PSNI participants⁸⁹.

The changes in policing and the election of Mr Durkan, first as deputy first minister and then as leader of the SDLP⁹⁰, marked the opening of a more combative approach towards SF. SDLP politicians, such as Alex Attwood and Joe Byrne (board members), were determined to use the wide base of international support for their changed position on policing to put electoral pressure on SF for the first time in years⁹¹.

Their position was strengthened by the historic decision of the Gaelic Athletic Association to abandon its controversial rule 21, which has long prevented Catholic police officers from maintaining their connections with this core cultural institution of Irish nationalism. Although only one of the six Northern Ireland counties (Down) supported the decision to abandon the rule, the unanimous decision of the 26 counties of the republic was more than sufficient⁹². While there is unlikely to be any sudden increase in the number of Catholic officers, or of Protestants joining Gaelic clubs, the

⁸⁴ *Irish Times*, November 9th 2001

⁸⁵ *Irish News*, November 22nd 2001

⁸⁶ *Irish Times*, November, 23rd 2001

⁸⁷ *Belfast Telegraph*, November 7th 2001

⁸⁸ *Irish Times*, November 8th 2001

⁸⁹ *Belfast Telegraph*, December 7th 2001

⁹⁰ *Irish News*, November 12th 2001

⁹¹ *Irish Times*, November 11th 2001

⁹² *Observer*, November 18th 2001

decision was an important signal of the depth of change within nationalism more broadly and a vindication of the SDLP's long-term strategy of seeking all-Ireland legitimacy for its engagement within Northern Ireland.

The Policing Board itself had something of a baptism of fire. With little public comment, it dealt smoothly with the long-running sore of policing symbolism. In a remarkable development, the board ignored the Patten recommendation to avoid all associations with the states of the republic and the UK, agreeing a badge which combined the St Patrick's Cross (part of the Union flag), the harp (symbol of the republic and part of the previous RUC badge) and an Irish crown (demanded by unionists) with several other symbols associated with virtues and values⁹³.

This success in agreeing a new badge for the service was temporarily overshadowed by the very public row (see media section) which followed the leaking and publication of a report by the police ombudswoman, Nuala O'Loan, into the RUC's conduct of the investigation into the Omagh bomb⁹⁴, in which she accused Sir Ronnie Flanagan, the chief constable, of serious errors. The public attack on Sir Ronnie and his (verbally) violent reaction⁹⁵ had the potential to divide the nascent board along traditional lines. Following a detailed rebuttal of the allegations by the PSNI⁹⁶, the board nonetheless managed to agree a compromise way forward⁹⁷.

These initial successes for the Policing Board have been due in no small part to the converging interests of the SDLP and the DUP. Both parties appear to have decided to make the new arrangements work successfully before SF takes up any places. The result, however, is that policing now appears to be an unexpected, if tentative, area of real change.

Engagement on policing was perhaps the most significant change in the SDLP in this period but there were others too. The agriculture minister, Brid Rodgers, was elected as deputy leader from among five candidates for the post⁹⁸. A disappointed Sean Farren was compensated by promotion within the executive, taking over Mr Durkan's prior portfolio as minister of finance and personnel⁹⁹. Mr Farren's previous post, as minister of education and learning, was unexpectedly given to Carmel Hanna, who had been seriously ill in recent years¹⁰⁰.

While the new leadership of the SDLP has not signalled any major change in policy, there was a widespread expectation that Mr Durkan would seek to strengthen battered relationships with the UUP. Within the inner circles of the SDLP, too, there is a widespread recognition that success in the assembly elections of 2003 will only be

⁹³ *Belfast Telegraph*, December 13th 2001

⁹⁴ *Irish Times*, December 7th & 11th 2001

⁹⁵ *Belfast Telegraph*, December 11th 2001

⁹⁶ *Irish Times*, January 15th 2001

⁹⁷ *Belfast Telegraph*, February 7th 2001

⁹⁸ *Sunday Life*, November 11th 2001

⁹⁹ *Irish Times*, December 13th 2001

¹⁰⁰ *Belfast Telegraph*, December 15th 2001

possible if the axis of the agreement, between the first and deputy first ministers, is seen to be operating successfully. In a first signal, Mr Durkan accepted an invitation to address Sylvia Hermon's North Down Unionist Association¹⁰¹. Lady Hermon herself made a similar journey into uncharted territory when she accepted an invitation to speak to Fianna Fáil members in South Dublin the following month¹⁰².

11.4 Republican challenges

SF's difficult autumn continued after November 6th. Stresses within the republican movement over decommissioning were highlighted when a leading SF councillor in Co Monaghan resigned from the party in protest¹⁰³. The GAA's decision to abandon rule 21 was a clear defeat for SF within the broader coalition of Irish nationalism¹⁰⁴. While there was no evidence of any serious impact on SF's northern voting base, there was little doubt that the party leadership was under considerable diplomatic pressure, especially from the US. Furthermore, the events in north Belfast and the injury of 22 police officers in a protest by the youth movement, Ogra Sinn Féin, against army observation towers in south Armagh continued to underline internal tensions¹⁰⁵.

US interest was most aroused by highly publicised visit to Cuba by the party leader, Mr Adams. Although he was careful to avoid inflammatory rhetoric, the act of meeting Fidel Castro and the unveiling of a Havana memorial to the IRA hunger-striker Bobby Sands risked serious political consequences in Washington¹⁰⁶. The incident drew attention to the difficult balancing act that the SF leadership needs to maintain.

On the one hand, the Cuban visit was designed to underline among militants at home the movement's continued commitment to radical revolution. On the other, a visit to Belfast by President Bush's special envoy, Mr Haass—who repeatedly emphasised the value of the new policing arrangements, referred to suspected IRA activity in Colombia and made an unequivocal statement that 'there is no such thing as good terrorism'—highlighted the danger to SF's strategic international coalition¹⁰⁷.

SF underwent historic changes during this period as well. In spite of bitter Conservative and unionist opposition, the British government pushed through legislation allowing the party's four MPs to take up offices in Westminster without swearing an oath of allegiance to the queen¹⁰⁸. Perhaps most significantly, Mr Adams appeared to move closer than ever to acceptance that 'the war is over' when he

¹⁰¹ *Irish Times*, November 20th 2001

¹⁰² *Irish Times*, December 4th 2001

¹⁰³ *Irish Times*, November 9th 2001

¹⁰⁴ *Irish News*, November 19th 2001

¹⁰⁵ *Irish Times*, December 11th 2001

¹⁰⁶ *Belfast Telegraph*, December 16-19th 2001

¹⁰⁷ *Irish Times*, January 16th 2001

¹⁰⁸ *Irish Times*, December 19th 2001

acknowledged in New York that Irish unity could not be achieved without the consent of unionists¹⁰⁹. While there was speculative comment that this gave unionism an even tighter ‘veto’ than that envisaged in the agreement itself, the significance of the statement lay in Mr Adams’ public acceptance of the primacy of the ballot-box over the armalite.

11.5 Loyalism in turmoil

The dispute surrounding Holy Cross school in north Belfast continued to poison the political atmosphere. Although there was new agreement to suspend the protest in November¹¹⁰, serious rioting flared up again in January¹¹¹. Disquiet within loyalism about the agreement was clearly beginning to boil over on to the streets. The Ulster Democratic Party, the UDA’s political wing, disbanded over unbridgeable disagreements within the latter¹¹² and David Ervine, leader of the PUP (which has an analogous relationship with the Ulster Volunteer Force) warned of serious anger within loyalism over SF¹¹³. Additionally, there was a widespread feeling that government attempts to put a lid on the problem were fire-fighting rather than evincing a long-term strategy. The DUP minister for social development, Nigel Dodds, was widely attacked by SF politicians for directing the lion’s share of new housing investment to Protestant areas of North Belfast, his own constituency¹¹⁴.

Events took a sinister turn with the killing of Daniel McColgan (see assembly and media sections) by elements of the UDA, operating as the ‘Red Hand Defenders’¹¹⁵. In the days leading up to the subsequent mass protests, all unionist and loyalist politicians felt obliged to distance themselves from UDA activity. The organisation was forced to condemn the threats to workers and—farcically—demand that part of itself, the Red Hand Defenders ‘stand down’¹¹⁶. By the end of the week, there was a general sense that loyalist violence had proved counter-productive. Nonetheless, the potentially explosive alienation of large parts of the Protestant working class was now concentrating minds across the political spectrum.

11.6 Conclusion

This period has been a strange and unsettling interlude. On the one hand, events on the street continue to demonstrate that politics remains fragile and volatile. On the other, all parties have made momentous and potentially critical shifts in position: dropping demands for a timetable on decommissioning (UUP), making the police

¹⁰⁹ *Belfast Telegraph*, February 4th 2001

¹¹⁰ *Belfast Telegraph*, November 24th 2001

¹¹¹ *Irish Times*, January 14th 2001

¹¹² *Irish News*, November 29th 2001

¹¹³ *Irish Times*, December 11th 2001

¹¹⁴ *Belfast Telegraph*, November 27th 2001

¹¹⁵ *Belfast Telegraph*, January 12th 2001

¹¹⁶ *Irish Times*, January 17th 2001

board work (DUP and SDLP), engaging in direct dialogue with political enemies (UUP and SDLP), taking up offices in Westminster (SF) and acknowledging that Irish unity can only occur through the electoral process (SF).

No final conclusions can be drawn, but at the end of the period, it remains clear is that the agreement—complete with its manifest flaws—remains the only game in town.

12. Public policies

Robin Wilson

The only significant public-policy development of the quarter was the publication of the draft regional transportation strategy¹¹⁷ (the Americanism is characteristic of how Northern Ireland sometimes seems to have detached itself from the wider Europe), promulgated by the minister for regional development, Peter Robinson of the DUP. It follows on from the agreement by the assembly in September of the revised regional development strategy (see Leverhulme/ESRC November 2001 report), of which it is described as a ‘daughter document’¹¹⁸.

The draft paints a gloomy picture, reflective of the wider ‘infrastructure deficit’ that politicians obsessed with nationalism in opposition under direct rule have discovered in government under devolution. There is a backlog of roads maintenance, trains and buses are antiquated, and public transport and walking are in decline. It calls for an additional £950 million to be spent—with the assumption that £325 million comes from the private sector—over the 10 years of the strategy’s duration (the RDS has a 25-year timescale)¹¹⁹.

Mr Robinson likes to proclaim himself ‘a minister in opposition’¹²⁰ but his draft shows him to be captive of the pro-roads bias of his officials. The proposed spending plan is heavily skewed. Out of an envisaged total of £3.05 billion, 65 per cent is allocated to roads, as compared with 19 per cent to bus travel and just 13 per cent to rail¹²¹. The minister said there would be 10 more bypasses, 30 kilometres of dual carriageway, 30 km of widened carriageway and eight major junction improvements.¹²²

The document’s prioritisation of roads come despite its acknowledgment that Northern Ireland has a far higher rate of traffic deaths than England, Scotland or Wales: while the latter vary marginally around 6 per 100,000, the comparable figure for the former is 10.1¹²³. Northern Ireland already has 2.5 times as much road per head as the UK average¹²⁴ and fully 96 per cent of passenger miles of journey are by car (or taxi).

The draft was thus attacked by public-transport advocates and environmentalists¹²⁵. Liz Fawcett of Transport 2000 said: ‘Traffic levels are rising here at twice the rate being seen in Britain—a radical solution is needed and this strategy doesn’t contain

¹¹⁷ Department for Regional Development (2002), *Proposed Regional Transportation Strategy: A Consultation Paper*, Belfast: DRD

¹¹⁸ *ibid.*, p12

¹¹⁹ *ibid.*, p39

¹²⁰ *Irish Times*, February 13th 2002

¹²¹ *ibid.*, p51

¹²² *Irish News*, February 5th 2002

¹²³ *ibid.*, pp16-17

¹²⁴ *ibid.*, p18

¹²⁵ *Irish News*, February 5th 2002

that.’ And Lisa Fagan of Friends of the Earth said: ‘It is unjust to spend so much money on roads for private cars and so little on public transport.’

It might be added that it flies in the face of the ostensible official commitments to the ‘equality agenda’, ‘targeting social need’ and ‘promoting social inclusion’ discussed above (see devolved government section). Consultation on the document continues until April.