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Contents

Summary	Robin Wilson	3
Storm clouds gather	Robin Wilson	4
Devolved government	Robin Wilson	
	Liz Fawcett	10
The assembly	Rick Wilford	17
The media	Greg McLaughlin	28
Public attitudes and identity	(Nil return)	
Intergovernmental relations	John Coakley	
	Graham Walker	32
Relations with the EU	Elizabeth Meehan	43
Relations with local government	(Nil return)	
Finance	Robin Wilson	47
Devolution disputes	(Nil return)	
Political parties and elections	Duncan Morrow	
	Rick Wilford	49
Public policies	Duncan Morrow	55

Summary

It was the best, but also the worst, of times in Northern Ireland during this quarter.

The four-party executive finally agreed in October what it would substantively do after 30 months of high- (or, perhaps, low-) political manoeuvring between the ethno-nationalist protagonists. Here, at last, was a draft Programme for Government. One, indeed, with a confidence-building message of ‘making a difference’; one, too, with some ‘joined-up’ sophistication and the capacity thus to cement the partisan ministerial fiefdoms. Here, also, was a draft budget, for the first time reflecting regional priorities. Meanwhile, there was patient work in the assembly—if criticism of its lack of transparency—and the Civic Forum met.

But a poll showed confidence in the agreement falling—sharply amongst Catholics, to rock-bottom amongst Protestants. And the institutions of the agreement—their interdependence meaning shocks destabilise the whole baroque architecture—came under increasing strain.

The failure of the policing commission to generate a consensual report led to a Police Bill both unionists and nationalists opposed. Ethnic hurt mobilised (or, perhaps, exploited) in the Protestant community over the loss of the Royal Ulster Constabulary name (symbolising its 302 victims) struck a body-blow to David Trimble as Ulster Unionist Party leader and first minister, as the Democratic Unionists—undermining the executive by their absence—won a hitherto safe UUP seat. But republicans presented the bill as a cave-in before British ‘securocrats’ and thus a reason (or, perhaps, excuse) for not engaging with the decommissioning commission, though they did allow a second arms inspection.

That, in turn, stimulated (enabled?) an embattled Mr Trimble to harden his defences against his internal challenger, Jeffrey Donaldson, insisting not only that policing reform should be halted but also that he would not allow Sinn Féin ministers to attend the North/South Ministerial Council. Mr Trimble survived, narrowly, once more but his deputy, Séamus Mallon, was thereby pushed (elected?) to display ethnic solidarity with his SF colleagues.

All this against a backdrop of rising paramilitary violence, with nine deaths in the quarter caused by three ‘cease-fired’ organisations—one represented in government, another in the assembly. An extraordinary attempt was made by the US administration to stop a programme about IRA gun-running in the States. And the British government appeared to reach a limit on non-reciprocated ‘demilitarisation’ measures.

A review of the whole agreement began openly to be discussed. It was a prospect no one could countenance with equanimity.

Storm clouds gather

Introduction

The period of this report (mid-August to mid-November 2000) was marked by three important gains for the Belfast agreement. The Executive Committee of the Northern Ireland Assembly agreed both a draft Programme for Government and a draft budget within its frame. And the last piece of the institutional architecture of the agreement, the Civic Forum, was put in place and held its first meeting in Belfast. Here was devolution working, ‘making a difference’ in the new mantra of the first and deputy first minister; and here, finally, was recognition of the underestimated civic voices underpinning the accord.

And yet there was continuing, indeed growing, anxiety about the whole project. The assembly was working in building relationships across parties and in getting business done. Agreement on the draft programme, given the four-party nature of the executive, was a remarkable feat. But if the collective head of the Northern Ireland body politic was applying its mind to the task in hand, more visceral emotions were swirling around uncontrollably.

Unionists queasy

The evidence was not hard to see. The vicious feud between the two main ‘loyalist’ paramilitary groups, the Ulster Defence Association and the Ulster Volunteer Force, represented—among many other factors—an inchoate thrashing around in a situation where plebeian Protestantism had lost the power to influence events. More ‘respectable’ Protestant opinion, meanwhile, was becoming increasingly queasy in the face of political developments governed by government *Realpolitik*—such as the release of the last batch of IRA prisoners from the Maze in July, with the associated party-time celebration outside.

That increasingly resentful mood was reflected in a shock by-election defeat of the Ulster Unionist Party by in what had formerly been the UUP’s second safest Westminster seat of South Antrim on September 21st (see parties and elections section). The Democratic Unionist Party—its reassuring message of ‘traditional’ unionism embodied in a clerical, gospel-singing candidate—mobilised the unionist faithful, while many UUP voters sat, disengaged, on their hands.

As the northern editor of the *Irish Times* explained the result (September 23rd 2000), ‘the biggest factor of all was that unionists are growing increasingly disillusioned with the agreement, and it’s for emotional rather than practical reasons. Many unionists, including those in the moderate camp, are alienated by what they see as an assault on their identity.’ The moderate-unionist *Belfast Telegraph* agreed,

editorialising (September 22nd 2000): ‘Broad unionist opinion has swung, over two dispiriting years, from a positive to a negative view of the Good Friday deal.’

Nor was unionist resentment eased when, in another concession to republican demands, the Northern Ireland secretary announced the week after the by-election that the extradition of 21 convicted fugitive republicans would no longer be sought (*Guardian*, September 30th 2000). The Northern Ireland secretary, Peter Mandelson, admitted himself, in an article in the *Times* (October 5th 2000), that ‘unionism is becoming disillusioned with the agreement’.

A key factor on the doorsteps in South Antrim was the progress of the Police (Northern Ireland) Bill through Parliament. The DUP could easily exploit Protestant insecurities that the name of the Royal Ulster Constabulary—the latter having, in unionist parlance, ‘held the line’ against the IRA for 30 years—was now being dumped in history’s rubbish bin while ‘terrorists’ were in government.

Nor was such sectarian bitterness assuaged by a rising tide of paramilitary violence. At the time of writing, 18 people had been killed in Ireland by paramilitaries during 2000—almost exactly the same number as had been murdered in the Basque Country by ETA, but minus the huge peace demonstrations. Half of the Northern Ireland fatalities came in the last quarter alone—seven murders by the two parties to the loyalist feud, two by the Provisional IRA. None was held by government to be in breach of the three organisations’ ceasefires: the official formula is that these are to be judged ‘in the round’.

Moreover, ‘punishment shootings’ were being carried out by both loyalist and republican paramilitaries with impunity (these had been replaced by beatings after the 1994 ceasefires, on the grisly calculus that beatings would be officially tolerated while shootings would not). Police figures indicated that as of the end of October 236 people had been shot in such attacks since the agreement, and the Alliance leader, Sean Neeson, warned that ‘they are causing great disillusionment in the unionist community and that is increasing the pressure on David Trimble’ (*Belfast Telegraph*, October 6th 2000).

A further destabilising factor came in the bizarre partitionism evident in the debate about whether Sinn Féin might join government in the Republic of Ireland, should Fianna Fáil (as anticipated) fail again to secure an overall majority in the next Dáil election. In an *Irish Times* article (September 28th 2000) headed ‘Ahern positive on coalition option except when it comes to Sinn Fein’, the taoiseach was reported as saying that for SF to enter government in Dublin it would have to ‘resolve its relationship with the IRA, as Fianna Fáil did in the past at the time of its formation’. This would require, by implication, a split between SF (or its majority) and the IRA, as Eamon de Valera had executed at the foundation of the party in 1926. Yet the Adams leadership of the republican movement founded its ‘peace strategy’ on the avoidance of such a major breach.

This was grist to the ‘no’ unionist mill. In an interview with a Dublin newspaper the following weekend, the leading UUP rebel and MP for Lagan Valley, Jeffrey Donaldson, asked (*Sunday Business Post*, October 1st 2000): ‘If that is the standard set in Dublin, why should it not apply in Belfast?’ The deputy leader of the party, John Taylor, often semi-detached from the leader, Mr Trimble, said of the agreement: ‘Its days are numbered.’

Indeed, following claims from ‘senior security sources’ in the anti-agreement *Daily Telegraph* (October 2nd 2000) that IRA leaders had told volunteers there would be no decommissioning until ‘a united Ireland is a certainty’, Mr Trimble wrote in the same paper (October 3rd 2000) that ‘this is not the agreement I and my party endorsed in 1998’. Mr Donaldson had walked out of the talks on Good Friday, Mr Taylor had privately expressed several reservations about the final draft of the agreement and Mr Trimble had endorsed it triumphantly—now even he was sounding like a sceptic. A day later he told the Tory party conference in Bournemouth there was no longer confidence in the ‘peace process’ (*Irish Times*, October 5th 2000).

Matters were made no easier for Mr Trimble when in a UTV interview Mr Mandelson warned—threatened, unionists inevitably said—that more involvement by the republic’s government in the affairs of Northern Ireland would follow a collapse of devolution (*Guardian*, October 6th 2000). Mr Donaldson called it ‘a huge mistake’ (*Guardian*, October 27th 2000).

Some comfort for the embattled UUP leader came, however, in a *Belfast Telegraph* poll (see media section) on the eve of yet another knife-edge meeting of his ruling Ulster Unionist Council called by the ‘no’ camp. Understood to have been inspired by one of Mr Trimble’s advisers, the poll showed that, whatever the extent of their disillusionment, most Protestants realised nihilism was no basis for practical politics and rejected the idea that unionists should collapse the institutions or that Mr Trimble should be deposed.

And indeed, the leader survived the latest *rendez-vous* with his bitterly divided party on October 28th. He was able to stave off pressure from Mr Donaldson to withdraw from the executive—forcing its collapse—in the absence, as it surely would be, of IRA decommissioning by the end of November. But the *Belfast Telegraph* poll also revealed diminishing Protestant optimism about the agreement, with only one quarter of Protestant respondents expressing confidence in its future. And Mr Trimble shored up his position only by moving, in part, into the ‘no’ camp.

The motion for which he secured majority support called on the government to put police reform on hold—a wholly impossibilist claim—given the rising violence. And it demanded that the IRA substantially re-engage with the de Chastelain arms decommissioning body, with SF ministers being excluded from meetings of the North/South Ministerial Council until this had taken place. This was in theory not impossible, but the IRA’s May statement speaking of arms being put ‘beyond use’ was heavily conditional on irreversible political developments favourable to

republicans being set in train, and unilateral action by the first minister was not one of them. The motion, finally, looked to a review of the situation in January, so a further bruising UUC meeting may then be in prospect—with one more, the agm, to follow in March.

The Trimble strategy in one sense failed. A planned meeting of the NSMC in sectoral format on health went ahead, redefined as a ‘bilateral’ between the northern health minister, Bairbre de Brún of SF, and her southern counterpart, Micheal Martin—and the deputy first minister, Séamus Mallon, turned up for good measure in a show of ethnic solidarity. But the Catholic community had been sent a terrible signal, reinforcing communal suspicions that unionists were unwilling to accept arrangements based on intercommunal mutuality where they no longer enjoyed a veto.

This signal was underscored by an extraordinary comment by Mr Trimble at a conference in Valencia, two days after the UUC, on the subject of regional government and devolution. There he referred to the pre-1969 Stormont *ancien régime* as ‘something of a market leader’ in terms of the conference theme (Executive Information Service, October 30th 2000).

Cracking institutions

Now two institutions of the Belfast agreement—the other being the Executive Committee, given the continuing DUP boycott of meetings—were not functioning as planned. Moreover, Ms de Brún had boycotted a UK-wide meeting of the Joint Ministerial Committee on health in Belfast, in the run-up to October 28th, seeing it as a ‘stunt’ to secure Mr Trimble’s position (*Irish Times*, October 27th 2000).

As to the two key commissions established by the agreement, the implementation of the report of the policing commission remained hugely polarising. As the bill completed its Westminster stages, it was clear it would satisfy neither unionists nor nationalists. SF was indicating it would discourage Catholics from joining the new Police Service of Northern Ireland; since it was meanwhile refusing to condemn paramilitary actions by ‘dissident’ republicans in response to internal unease (*Irish Times*, November 11th 2000), this had the potential to cause further tensions within the executive as violence continued. Unionists were demanding that implementation of police reform be put on hold against this violent background. Yet the Social Democratic and Labour Party was withholding judgment on whether it might join the new Policing Board until it saw the colour of the implementation plan following on from the bill.

Meanwhile, the IRA, while allowing a second inspection of its arms dumps before the critical UUC meeting, made plain it would not re-engage with the decommissioning commission unless it believed this would advance the ‘peace process’ (*Irish Times*, October 26th 2000). The vice-president of SF, Pat Doherty—one of the four leading

SF members on the IRA army council—complained that the government had, by its handling of the policing issue, ‘ruined the context’ for his party to ask the IRA to re-engage with Gen de Chastelain (*Observer*, November 19th 2000).

It is also understood that the British government was resisting republican demands for further ‘demilitarisation’, believing previous gestures in this regard to have gone unrecognised. At the end of September, a significant programme of reduction had been announced, including the demolition of six military bases on the Fermanagh border and a plan to cut the army presence by 5,500 personnel to 8,000, the security situation permitting (*Irish Times*, September 30th 2000). It was reported (*Sunday Tribune*, October 1st 2000) that this had been approved by the prime minister, Mr Blair, against the advice of army and RUC chiefs, the latter arguing that such closures would be irreversible and that the threat from the dissident ‘Real IRA’ was growing.

The small size of the dissident republican groups should not encourage complacency, and not just because they are incrementally growing. A ‘small missile’ attack by the Real IRA on the offices of MI6 on September 20th (*Financial Times*, September 21st 2000) was the sort of ‘spectacular’ the Provisionals would once have relished for its propaganda value. An IRA source told the *Irish Times* (October 21st 2000): ‘We work at Stormont and the dissidents bomb MI6 headquarters in London. What seems more exciting?’

An atmosphere of recrimination developed as confidence, in both main religious communities, weakened. The UUP minister for enterprise, trade and industry, Sir Reg Empey, said (*Guardian*, October 31st 2000): ‘The unionist community is turning against this agreement because it has not been implemented fairly.’ The SF leader, Gerry Adams, warned that nationalist confidence in the capacity of the agreement to bring change had been ‘dramatically eroded’ (*Belfast Telegraph*, October 31st 2000). Mr Mandelson admitted in the Commons that reserves of confidence and goodwill were ‘dangerously low’ (*Belfast Telegraph*, November 9th 2000).

Increasingly, calls for intervention and legal action were taking the place of dialogue to resolve political problems. Nationalists demanded that Mr Mandelson act to restrain Mr Trimble. SF ministers pursued a judicial review of his action. Mr Mandelson had himself intervened to establish new regulations requiring the flying of the Union flag over the Stormont departments, including those with SF ministers, following the failure of the assembly parties to agree an accommodation (*Irish Times*, October 25th 2000). SF duly sought judicial review of that, too (*Irish Times*, November 11th 2000).

Mr Trimble was now understood to be seeking a review of the agreement, though with the institutions left in place. His deputy, Mr Taylor, was openly calling for one. That was also a demand—given the republican movement would suspect a review would mean *renegotiation* (the agenda of Mr Donaldson)—that the republic’s government in particular would be unlikely to countenance. The Northern Ireland

Office was being reported, however, as not ruling out a review—as long as that was not what it was called (*Belfast Telegraph*, November 2nd 2000).

A sinister element was added to this troubling political equation at the end of the quarter when a further meeting of the NSMC in sectoral format, which should have involved the SF education minister, Martin McGuinness, was cancelled. This was perceived by republicans as a snub in a quite different league from that visited upon Ms de Brún. As the BBC Northern Ireland political editor, Stephen Grimason, explained in remarkably laconic fashion on the airwaves, this was because of Mr McGuinness' role as leader of the IRA in Derry (Ms de Brún has no such 'form').

A 'senior Sinn Féin politician' expatiated shortly afterwards to the *Irish Times* (November 23rd 2000) on the attitude of the IRA to recent developments—a matter on which SF leaders normally profess to have no inside track. 'I think we are in a huge crisis, the biggest crisis we have seen within the process,' he said, suggesting that the leadership of Gerry Adams and Mr McGuinness was under potential threat. (Mr McGuinness, actually, holds no formal office in SF but the duo have dominated the republican movement for many years, Mr Adams in Belfast, Mr McGuinness in Derry.) As the paper reported the comments of the source, 'In the current circumstances it would be difficult for Sinn Féin leaders to defend their political strategy in support of the Belfast Agreement to the broad republican movement'.

All in all, therefore, while the substantive work of the Northern Ireland Assembly during the quarter was a fillip to confidence in the devolution project, Mr Grimason again summed up the mood. Speaking from Stormont in the darkness of evening, he warned that events outside that grandiloquent building were closing in upon it.

Devolved government

Programmed response

The long-awaited draft Programme for Government of the Executive Committee was finally launched on October 24th 2000. It was, said the prime minister, Tony Blair, ‘a remarkable document’ (*Irish Times*, October 27th 2000).

The 87-page document (Northern Ireland Executive, 2000) set out 230 actions which the executive intended to pursue. The programme is subject to annual iteration, and most of these actions fell within the 2001-02 financial year of its effect, but others were promised in 2002-03—elections are due in 2003 if the assembly survives that long. Indeed, officials in the Office of the First and Deputy First Minister who worked on the drafting anticipated that much of the change devolution would make would not be apparent until year two. The process has been compared to the painting of the Forth rail bridge and, indeed, work on the 2002-03 programme should in theory start as soon as year one is agreed.

Much of the document has thus an aspirational character. There are many promises that strategies will be developed and reviews carried out. Where substantive developments might have been expected—for example in the areas of childcare and the social economy, to address Northern Ireland’s huge problems of social exclusion—only limited commitments are made.

But the agreement of the document was itself a significant achievement. Again on the equality issue, for example, there are tensions within the OFMDFM between UUP and SDLP ministers and advisors on the philosophical underpinnings of policy (unionists have tended over the years to attribute sectarian inequalities to attributes of the Catholic community, nationalists to discrimination). And generally, ministers have—as it has remarkably been expressed—sought to ‘keep politics out of the executive’, to hold the four parties together against the buffeting pressures outside. This has required them to adopt a technocratic approach to avoid divisive ideological arguments.

Moreover, a hugely positive aspect of the draft programme is its emphasis on ‘joined-up’ government. It had originally been envisaged that the draft would conclude with objectives for particular departments. But in fact this has been postponed to the new year, when these will be set down in public-service agreements.

An odd piece of intra-UK cross-pollination has taken place here. Whereas the Scottish executive’s programme is organised entirely around departments, as Graham Leicester told a Democratic Dialogue round-table on the Programme for Government in September, the Northern Ireland draft is organised entirely around policy goals. The irony is that the latter idea was developed by Leicester and Mackay (1998) but resisted by the Scottish executive (as the secretary to the latter indicated to this

author). But it was transmitted across the Irish Sea by DD (2000) and accepted by the Northern Ireland executive.

Five goals, or priorities, are designated:

- growing as a community;
- working for healthier people;
- investing in education and skills;
- securing a competitive economy; and
- developing north/south, east/west and international relations.

The first of these, while the most vague, is the most important in terms of content. For it addresses the key forces of sectarianism and social exclusion which have scarred Northern Ireland and where the executive's capacity to 'make a difference' will be most critical. And it sets out measures, albeit many aspirational as indicated, under the headings of:

- the promotion of equality and human rights;
- tackling poverty and social disadvantage;
- the renewal of the most disadvantaged neighbourhoods;
- sustaining and enhancing local communities, particularly in the most disadvantaged urban and rural areas; and
- improving community relations and tackling the divisions in our society.

Everyone with experience of public administration knows that 'joined-up' government can itself be dangerously aspirational. Ministers and officials often approach interdepartmental committees with jealous regard for their own fiefdoms and a disinclination to be distracted by others' priorities. In that regard, a remarkable innovation in the draft programme is a major incentive to make such interdepartmental co-operation effective: budgets. 'Executive Programme Funds' are to be established to assist cross-departmental activity. Those designated are:

- social inclusion / community regeneration,
- service modernisation,
- new directions [for policy innovation],
- infrastructure / capital renewal, and
- children's.

While only £16 million is to be attached to these funds *in toto* in 2001-2002, this is budgeted to rise to £200m million by 2003-2004, a not insignificant proportion of the Northern Ireland block.

Problems will, of course, also remain for as long as the DUP retains its policy of refusing to attend executive meetings. This has already caused difficulties for the executive, for example, in addressing drug abuse. The first meeting of ministers on the issue, in October, chaired by the SF health minister, Bairbre de Brún, was boycotted by the minister for social development, Maurice Morrow (DUP) (*Irish Times*, October 12th 2000). Similar co-ordination difficulties arose over dealing with an outbreak of the *cryptosporidium* bacterium, mainly in west Belfast, arising from

pollution of the water supply—for which the DUP minister for regional development, Gregory Campbell, was departmentally responsible.

If the draft programme recognises (Northern Ireland Executive, 2000: 61) the need for ‘a more joined up and strategic approach to policy making than Northern Ireland has had in the past’, it also recognises, in the concluding chapter on governance, the need for government to ‘operate in partnership with the other key stakeholders in society—the private, the voluntary and the community sectors’, such as are represented in the Civic Forum.

It promises a review of public administration: it is widely accepted that the region is over-governed, with 26 district councils below the assembly and a host of non-departmental public bodies. The long-flagged review has led to suspicions among Northern Ireland’s electorally rising parties (by the evidence of recent by-elections), the DUP and SF, that the UUP and SDLP would prefer to postpone local-government elections due in May 2001 on the premise—or pretext—that it would be pointless to elect councillors to bodies shortly to be rationalised. The SDLP has repeatedly denied such an objective, though the UUP has been more reticent on the matter.

The draft also indicates that private finance will be explored to address the dilemma that direct rule has left a massive need for infrastructural investment but the absence of tax-varying powers in the agreement leaves very little leeway to raise the money. There is considerable official concern about the squeeze the Barnett formula effects in this regard (see finance section). The acceptance by the formerly ‘socialist’ SF minister of education, Mr McGuinness, of resort to PFI—wholly pragmatic, by insider account—has received virtually no comment (*Sunday Tribune*, September 17th 2000).

In principle, the draft does not have to be agreed until the end of the 2000-01 financial year. But the executive’s intention would be that the draft programme, sent to the committees for consultation, be agreed by the end of the year, so that the financial numbers can be finalised well in advance of the onset of next April. (Hence only four weeks were allowed for public responses.) The draft was meant, according to the agreement, to ‘incorporate’ a draft budget. In practice, the budget was released a week earlier but the minister for finance, Mark Durkan, insisted it had indeed been framed in the context of the draft programme (see finance).

Approval is to be sought from the assembly in the new year for a more detailed draft, including the public-service agreements. Major changes are unlikely. Officials, rather than ministers, have played the driving role throughout. And since ministers represent the four main parties in the assembly, significant opposition from the assembly is unlikely. Indeed, the only strong reservations about the draft were expressed by the Alliance party—the nearest thing to an Opposition—which criticised as inadequate the commitments on tackling sectarian division, notably in following through on the agreement’s pledges on integrated education and housing (*Belfast Telegraph*, November 13th 2000).

Part of the difficulty has been muted media attention. The ‘policy deficit’ in Northern Ireland under direct rule has been mirrored by a hypertrophy of politics defined in constitutional and security terms, and that has been reflected in a largely uncritical media. Thus, in the debate on the programme in the assembly on November 13th, the deputy first minister, Séamus Mallon, noted with some weariness (Executive Information Service, November 13th 2000): ‘I must admit to a certain disappointment that to date there has been a relative absence of analysis and discussion in the media about the programme.’

Must try harder

In September, the assembly was shaken by publication of results by Dr Liz Fawcett of research she had conducted into its interface with the media. ‘Behind closed doors’ was one headline (*Belfast Telegraph*, September 11th 2000), and the story was sub-headed ‘Unease at “appalling” level of Stormont secrecy’.

Before devolution, there was much talk of the ‘democratic deficit’ caused by the years of direct rule. Devolution, it was suggested, would bring genuine democracy. Two important aspects of democracy are transparency and accountability in political decision-making and debate. It is fair to say that the assembly has thus far proved disappointing when compared with its Welsh and, especially, its Scottish counterpart.

True, the assembly has had a stop-start existence. It is therefore perhaps unfair to make too harsh a judgement about its approach to the communication of its proceedings. But it does diverge significantly from the principles and practices adopted by the Scottish Parliament and the Welsh National Assembly.

At Holyrood, the Media Relations Office forms part of the parliament’s Communications Directorate. The office acts as a spokesperson for the parliament and the presiding officer, Sir David Steel, and it comments on such issues as the running costs of the parliament. As well as providing the media with information, the office is tasked with trying to ensure that the parliament enjoys positive coverage.

The Northern Ireland Assembly, on the other hand, sees the role of its equivalent department as more limited. Media relations are handled by the Public Information and Events Co-ordination Office, which has a number of other responsibilities. When it comes to dealing with the media, its role is seen as press *liaison* rather than acting as an actual press *office*.

In some respects, the office does provide the same service as its Scottish counterpart. It answers queries from the media and facilitates access for journalists and cameras. The person in charge, the assembly information officer, is seen by the assembly both as its official spokesperson and as spokesperson for the presiding officer, Lord Alderdice. But the office does not issue any press releases—let alone try to promote

the assembly positively through the media. Thus, its role is much more reactive and circumscribed than the promotional, proactive role bestowed on its Media Relations Office by the Scottish Parliament.

This difference is reflected in the contrasting stances taken by the two presiding officers. Lord Alderdice gives no interviews and no press releases are issued in his name. He has taken this decision because he wishes to be—and to be seen to be—apolitical and he believes that that position would be compromised if he made public comment. Sir David, on the other hand, clearly regards giving interviews and issuing press releases as an important part of his job; he frequently does both. Nevertheless, according to the parliament's Media Relations Office, he is very careful to avoid commenting on any issues which may call into question his impartiality in carrying out his duties.

But perhaps the most glaring disparity between the parliament and the assembly in terms of openness relates to the committees of each institution. In the assembly, 55 per cent of all committee meetings were held behind closed doors in the period to September 8th 2000. Out of 173 departmental committee meetings, 96 were completely closed to the media and public, a further 66 were partially closed, and just 11 meetings were actually fully open to the public.¹

The initial reason given (back in January) by the assembly information officer for the high proportion of closed meetings was twofold. First, many committees were receiving briefings from departments and officials. Moreover, many had not agreed their programmes of work. At the time, it was emphasised by the officer that, once these briefings were completed and work programmes agreed, most committee meetings would be open unless there was a very good reason to the contrary. Yet, clearly, that has not been happening.

By contrast, around 90 per cent of Scottish parliamentary committee meetings are open.² Meetings are only held in private when a committee is considering a draft report. Similarly, almost all committee meetings in the Welsh National Assembly have been open from the start.³ Neither had the committees in the parliament or the Welsh assembly seen it necessary to have a round of briefings by officials before beginning work.

Moreover, at the Scottish Parliament, every effort is made to encourage the public to attend committee meetings. The weekly list of business on the parliament's website contains a prominent statement that the public is welcome and gives details of how people can attend parliament and committee meetings—and of an (optional) advance

¹ These figures were supplied in an assembly written answer to Ian Paisley MLA on September 29th. They cover all meetings of the statutory committees between December 2nd 1999 and September 8th 2000.

² This figure is an estimate provided by the parliament's Media Relations Office.

³ This information was provided by a spokesperson for the Welsh National Assembly Committee Secretariat.

bookings service. Click on any of the committees listed and one finds a full agenda.⁴ On the Northern Ireland list of committee meetings, by contrast, very few agendas are available.⁵

But permitting the public and media to attend meetings is not the only point on which practice differs. Turning to the official records of these meetings, one discovers further disparities. In Scotland, a full transcript is available of all public committee meetings, usually within two or three days and always by the time the committee next meets. In Northern Ireland, it is a much more complex and constrained picture. First, no official record of the proceedings of any committee is published until it next meets and approves that record. And when the minutes are eventually published, they are not always terribly illuminating.

An analysis of departmental committee minutes conducted in early September 2000 found that in half the cases the minutes generally did little more than state who attended and—in a few sentences—what they discussed. The main point of interest was the meticulously recorded detailing of the comings and goings of members: each arrival and departure was recorded, even if the member only left the room for a minute or two.⁶ The other committees did provide fuller summaries, with varying levels of information, but not what could be called transcripts or complete records.

Assembly committees are obliged to publish transcripts of sessions where witnesses provide evidence to a committee enquiry. The committee can choose to publish that evidence as soon as its next meeting, but it can also wait until it has completed its report—which could mean a long wait. But no committee is obliged to publish details of other, ‘deliberative’, sessions.

While transcripts of the proceedings of Welsh National Assembly committees are not published, there is an agreed format for minutes. These provide full information as to what was discussed and who said what. Moreover, all committee minutes are published on the web within five days of the relevant meetings.⁷

In the wake of the media spotlight on the ‘behind closed doors’ attitude of Stormont’s committees, it appears an effort is being made to hold more meetings wholly or partly in public. It is also said that the assembly’s approach to communications is under review. However, it is notable that took an academic observer—rather than politicians—to point to Scotland and Wales as models of good practice.⁸ As yet, there seems little real interest among Northern Ireland’s politicians—nationalist or

⁴ www.scottish.parliament.uk/whats_happening/comm-ag.html

⁵ www.niassembly.gov.uk/assemblyweek.htm

⁶ See www.niassembly.gov.uk/regional/ for examples of minutes of one of the committees that falls into this category, regional development.

⁷ The Welsh assembly website is at www.wales.gov.uk.

⁸ These issues first received significant publicity following a paper given by Dr Liz Fawcett at an ESRC seminar on Devolution and Constitutional Change in Northern Ireland in Belfast on September 11th 2000.

unionist—in the notion that the UK’s devolved institutions might have a great deal to learn from each other about how they should operate.

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The assembly

Introduction

Following its summer recess, the assembly reconvened in plenary on September 11th. Though by no means uneventful, the recess was less fraught in terms of public disorder than might have been expected given the now ritualised Garvaghy Road residents/Orange Order stand-off at Drumcree in Co Armagh. The other stand-off—that between the DUP's two (now rotated) ministers and the other members of the Executive Committee—also continued unabated. In fact, the first item of business on the assembly's agenda was the formal reporting of the change in identity of the DUP's two ministers: Maurice Morrow (Social Development) and Gregory Campbell (Regional Development) replaced Nigel Dodds and Peter Robinson, respectively.

In the August 2000 report we noted the publication of the executive's Agenda for Government, intended as a bridging measure as work was renewed on the draft Programme for Government. The returning members could anticipate a busy session: the draft programme, a draft budget, and a more fully developed legislative programme, in addition to those bills already in the legislative pipeline.

Moreover, the simmering discontent within the Protestant community threatened to spill over into the chamber, where there already existed a unionist majority disposed to exclude SF from the executive (see August 2000 report). The by-election in Antrim South threatened to unsettle the UUP even more as its assembly members (MLAs) sought to get to grips with business in the early phase of the new session (see parties and elections section)

Legislative programme

At the end of January 2000, the first minister, Mr Trimble, and his deputy, Mr Mallon, had announced a programme of 12 bills, to be introduced in the initial session of the assembly, and a further six to be brought forward later.⁹ On September 11th they unveiled a further 21 legislative proposals for the 2000-2001 session,¹⁰

⁹ Three of the original 12 pieces of primary legislation were made before the summer recess (two by order in council during the suspension): the Equality (Disability etc) Order; an Appropriation Order; and the Appropriation Bill which received royal assent on July 25th. In June 2000, four bills were introduced to the assembly, *viz* the Ground Rents Bill, Weights and Measures Bill, Dogs (Amendment) Bill and Fisheries Bill, all of which were carried over into the new session. Two of the remaining 12 represented parity measures, their timing dependent on the progress of corresponding bills at Westminster: the Child Support, Pensions and Social Security Bill; and a Health and Personal Social Services Bill. These completed their parliamentary passage on July 28th 2000 and were introduced in the assembly at the end of September. The Adoption (Intercountry Aspects) Bill and the Street Trading Bill were introduced in October and the final measure, a Trustees Bill, is planned to be introduced later in the autumn.

¹⁰ The new measures included: three Appropriation Bills; Resource and Accounting Bill; Defective Premises (Landlords) Bill; Family Law Bill; Audit (Transfer of Staff) Bill; Foyle Fisheries Act 1952

representing a total of 30 bills to be considered by the assembly—not least by the statutory committees charged to take their committee stage.

This represented a hefty workload for the multi-functional committees, each of which was already engaged in at least one inquiry of its own choosing and which were also responsible for examining the policy, expenditure and administration of their ‘target’ departments. In addition, they had to contemplate the scrutiny of the executive’s first home-grown draft budget and its impact on their departments, as well as the implications of the first draft Programme for Government.

During their announcement of the legislative proposals, both Mr Trimble and Mr Mallon referred to the difficulties caused by the non-participation of the DUP’s ministers in the Executive Committee. As the deputy first minister pointed out, the committee’s ‘approval of policy and draft Bill [*sic*] is required’ before legislation is brought to the assembly and ‘if those Ministers continue to absent themselves from the Executive ... the full exploration of the policy issues becomes more difficult’. However, rather than make a difficult situation impossible, Mr Mallon struck an accommodating note: ‘Our priority is to provide good government for all the people in Northern Ireland, and these Bills’—four in all—‘will be incorporated into the legislative programme if the Executive Committee is content with the detail of what is proposed’ (Northern Ireland Assembly Report, September 11th 2000).

One or two SF MLAs were less accommodating, pointing out the apparent inconsistency between the abstentionism of the DUP’s ‘semi-detached’ ministers and the terms of the ministerial Pledge of Office in the agreement. And there does seem to be a *prima facie* case that the DUP is in breach of the latter, although it would be an act of immense political risk—if not electoral *auto da fê*—for the UUP to support a motion to exclude the DUP from the assembly. Mr Mallon studiously avoided the opportunity to score points from the palpable division of unionist opinion, instead pointing to the continuing operational difficulties occasioned by the DUP’s policy (NIAR, September 11th 2000):

[H]aving an Administration of our own in Northern Ireland is something worth nurturing. To have it on the basis of a four-party coalition is very difficult indeed. It is made more difficult when we do not have the opportunity to develop the corporate responsibility that we owe to the people of Northern Ireland and that collectivism which will eventually make it a very fine Administration. The sooner we are all in a position to concentrate our efforts in a collective way then the better this Administration will be.

(Amendment) Bill; Local Government (Best Value) Bill; Local Government (Finance) Bill; Game (Amendment) Bill; Planning (Amendment) Bill; Protection of Children and Vulnerable Adults Bill; Carers and Disabled Children Bill; Children Leaving Care Bill; Health and Personal Social Services Bill; Electronic Communications Bill; Housing Bill; and a further three bills on transport matters from the Department of Regional Development

Devolved, not different

The other salient issue that emerged from the debate on the legislative programme was the ‘parity principle’—the hitherto uncontested adoption of legislation promulgated in Great Britain (now, in effect, England and Wales). A number of MLAs expressed disappointment that the programme was skewed towards parity rather than having a distinctively regional character. The issue resurfaced later in the session in relation to a number of pieces of legislation (see below), but was well signalled by, among others, Seamus Close (Alliance) and Mitchel McLaughlin (SF). Mr Close, deprecating what he described as ‘slavishly following legislation from another place’ (NIAR, September 11th 2000), also commented on the foreshortened timescale for the scrutiny of some of the legislation, particularly the planned Appropriation Bills, one of which had already been passed by means of accelerated passage shortly before the summer recess.

In his reply, Mr Trimble conceded that the assembly in general, and the finance and personnel committee in particular had proven tolerant and understanding in meeting the very tight schedule in relation to appropriation. And he alerted members to the need to expedite the impending draft budget and programme, while acknowledging that the ‘honeymoon period cannot run indefinitely’ (NIAR, September 11th 2000). On parity, he argued that, apart from the draft programme, ‘there will not be any exciting new measures’. Moreover, he observed that ‘due to the neglect we encountered under direct rule ... our statute book is in a bit of a mess’ with important measures dealt with in Britain not paralleled in Northern Ireland. He continued: ‘One of the things that devolution enables us to do is to start to tackle that problem. It may not be particularly spectacular, but it is important.’

The parity principle re-emerged on October 3rd when a motion was laid by Kieran McCarthy (Alliance) calling on the chancellor to institute an immediate increase of £5 per week in the state retirement pension and restore its indexation to average earnings. The motion, approved with all-party support, was an early test for the new minister for social development, Mr Morrow. While social security and pensions are transferred matters, he reminded members that hitherto the parity principle had been observed.

But Mr Morrow conceded that ‘if the House feels sufficiently strongly about this issue ... it is free to consider providing for a different increase for Northern Ireland’s pensioners’. This, of course, would require an amendment to existing law and the minister would be under a statutory duty to consult with his UK counterpart before such a change could be effected. He also pointed out that the proposed increase would cost around £40 million and that it would have to be borne out of the Northern Ireland block. Members proved content to urge Gordon Brown to increase the basic state pension, rather than accrue additional costs to the Northern Ireland exchequer.

Parity was once more at issue on October 9th, during the second stage of the Child Support, Pensions and Social Security Bill, a measure that had earlier been granted accelerated passage by the assembly (*ie* members had agreed to forego the committee stage). The relevant Westminster measure had received royal assent on July 28th and in moving the second stage Mr Morrow again commended the principle (NIAR, October 9th 2000):

There has always been parity in social security legislation between Great Britain and Northern Ireland: that is how it should be. People in Northern Ireland pay the same National Insurance contributions and taxes as people in Great Britain and should receive the same benefits... parity relates not only to the content of the legislation but to the timing of its implementation. New provisions have always been introduced here at the same time as they have been introduced in Great Britain and that arrangement should continue.

Mr Morrow's doughty defence of the *status quo* did not, however, persuade all members. For instance, David Ford (Alliance), in addition to questioning the adoption of the accelerated-passage procedure for such a complex measure, objected to certain of the sanctions introduced by the bill. In particular, he cited the seizure of a driving licence from a parent who defaults on child support—an objection shared by Monica McWilliams (Women's Coalition). Mr Ford also set the debate in the wider context of the parity principle (NIAR, October 9th 2000):

There is no point in our having an Assembly with legislative powers if all we do is slavishly ape everything that is done in Westminster ... It is not true that we have the same tax regime and the same social benefits across the UK ... We still pay rates ... Let us not think that we are all paying the same taxes because we are paying different taxes.

Such strictures, while not preventing the passage of the bill through its second stage, do point to a growing concern among MLAs about the simple adoption of Westminster measures. In time, should the assembly take root, this concern could well lead to more widespread support for the notion that the assembly should enjoy tax-varying powers, already supported by the SDLP and Alliance. It is also clear, however, that unionists are reluctant to abandon the parity principle—fearing the consequences of Northern Ireland drifting politically away from the 'mainland'.

Draft budget

The initial reaction of the assembly in plenary to the budget unveiled by the finance minister, Mark Durkan (SDLP), on October 17th was limited to one hour for questions, anticipating more detailed consideration in the departmental committees. In making his budget statement Mr Durkan stressed that, unlike the first he had made in December 1999, the spending plans were set by the executive, and guided by its priorities as set out in the draft programme published a week later (see devolved government section).

The details of the budget proposals are considered elsewhere (see finance). They were represented by Mr Durkan as a signal achievement by the Executive Committee, despite its operational problems (NIAR, October 17th 2000): ‘The fact that I am today presenting an agreed Budget on behalf of the Executive shows that sharing a wide range of public responsibilities can allow us to reach agreement on priorities and actions for our whole community.’

In line with the convention on ministerial statements adopted in the assembly, the initial reply came from the chair of the statutory committee, Francie Molloy (SF). In welcoming the statement, Mr Molloy noted the inadequacy of the Barnett formula as the means of calculating expenditure allocations, particularly since it ‘does not recognise need within the community’ (NIAR, October 17th 2000). He, like a number of other members, called for a review of Barnett, if not its replacement by another formula—a view that certainly chimed with the minister:

The Executive have already declared their determination to seek significant improvement and change. We need to prepare best cases. It is not enough to just complain about Barnett. We have to identify a better, fairer, formula and to do that we have to take account of a variety of factors, not just here but elsewhere, because obviously other pressures and interests are involved.

Reflecting the truism that the favourite word in a treasury minister’s vocabulary is ‘no’, Mr Durkan did remark that the departmental bids outstripped resources ‘by a considerable margin’. In rather headmasterly tones, he went on: ‘We have to graduate from bidding, which we are all very good at, to making actual decisions and choices.’ Linking this requirement for discipline with the inadequacies of Barnett, he said: ‘It does not matter if we have a lot less or a lot more. Whether or not we are successful in challenging or changing Barnett, there is still going to be a point where we have to make choices based on our priorities.’

There were, of course, some discordant voices. A number of MLAs commented that publishing the draft budget in advance of the draft programme was putting the proverbial cart before the horse. Seamus Close (Alliance) and Billy Hutchinson (PUP) each made this observation, the former employing a rather more imaginative analogy (NIAR, October 17th 2000): ‘We have budget proposals but we have yet to see the Programme ... It is like buying the bricks before the architect has completed the plans

for the house.’ The finance minister’s replies sought to assure members that the draft budget and programme were meshed together. But he did say that in future he would seek to bring the annual spending proposals before the assembly immediately after the summer recess, enabling MLAs better to relate them to the programme.

The other criticisms stemmed from within the ranks of anti-agreement unionists, concerned at the administrative costs of the new departments (Robert McCartney, United Kingdom Unionist Party) and what they have come to style as ‘rampant North-Southery’ (Peter Robinson, DUP). But despite Mr Robinson’s charge of administrative waste caused by ‘having 10 Departments where half a dozen would have done’ (NIAR, October 17th 2000), he congratulated the minister on the presentation of ‘his first home-grown budget’. And he continued: ‘It would be churlish not to do so.’ Indeed, Mr Robinson went further, reflecting the broad and warm reception the proposals received:

I also appreciate his *modus operandi*, because there are great difficulties in operating a system wherein there are major party political difficulties in the ways Departments are being operated. He has managed to stand back from that and take a more clinical and professional approach, which is appreciated by those Ministers who do not form part of the Executive Committee.

Draft Programme for Government

The long awaited joint statement by the first and deputy first ministers on the draft programme was made on October 24th. Like the draft budget it received a broad welcome, although the anti-agreement unionists again sounded a dissonant note. One of the first into the fray was Paddy Roche (Northern Ireland Unionist Party), who dismissed the document as largely ‘aspirational’ in tone and virtually ‘devoid of content’ (NIAR, October 24th 2000), while Nigel Dodds (DUP) rejoined the criticism of ‘North-Southery’:

Will the First Minister accept that there will be deep disappointment, resentment and opposition among the people we represent at the ‘North/Southery’ that is rampant throughout this Programme ... that is designed to implement the all-Ireland aspects of the Belfast Agreement? ... He should remember that every £1m spent on all-Ireland bodies could go towards building 25 new homes for the homeless, adapting 1000 homes for the disabled and installing central heating in 300 homes. Does he accept that many people believe that money would be better spent on those items than on all-Ireland institutions?

A similar attack was launched by Sammy Wilson (DUP), who argued that the £11 million cited by the first minister as the cost of north-south co-operation (out of a total budget of almost £6 billion) could be better spent elsewhere within the region. Mr Wilson also cast his net further in asserting that ‘a great deal of money has been announced for politically correct causes—the promotion of the Irish language, the equality industry, cultural diversity and so on’.

Such ‘little Ulsterism’ received short shrift from Messrs Trimble and Mallon as they commended an historic document, likened by the former to ‘the equivalent of the Queen’s Speech and multi-party manifesto rolled into one’. Mr Mallon caught its significance thus: ‘The hand over of the draft Programme is a defining moment in the life of our institutions. Let us not waste the opportunity we have been given to write our own script and to truly serve the people who have elected us.’

The draft initiated a process of consultation between the executive and the assembly, largely *via* its statutory committees, although a major debate was scheduled for mid-November after the committees had had the opportunity to examine it in more detail—and there is much detail to grasp. The draft programme sets out 230 actions over 30 separate sections which will need to be meshed with the draft budget for final agreement—on a cross-community basis—by the assembly early in the new year. The stop-start nature of discussions on the programme, interrupted by the suspension, placed the executive under enormous time pressure, a fact readily acknowledged by members from all parties. Designed to promote social inclusion and ‘proofed’ in terms of equality and ‘targeting social need’, its generally cordial reception augured well for its progress within the assembly.

Wicked issues

The warm-ish glow that greeted the draft programme and budget extended only so far, of course. On the day the assembly reconvened a motion was laid by the business committee to appoint an *ad hoc* committee to consider draft regulations laid by the secretary of state (the Flags (Northern Ireland) Order 2000) on the flying of the Union flag on government buildings. The committee reported to the assembly on October 17th, with a conspectus of views from each of the parties represented on it, *ie* all bar the dissident UKUP and the NIUP (formed from dissension in the former).

Predictably, there was no consensus, the unionist members endorsing the proposal by the Northern Ireland secretary, Peter Mandelson, to fly the flag on the same footing as in the rest of the UK—that is, on government buildings on 17 designated days—with nationalists and republicans opposing.

Nor did such unionist unity extend to support for Mr Trimble as first minister. On October 9th the DUP moved a motion of no confidence in the incumbent, providing a test of the cohesiveness of the UUP’s assembly party. On July 7th, when the DUP had moved a petition of concern to exclude SF from the executive for 12 months, four UUP MLAs had gone into the division lobbies with the anti-agreement unionists in

support of the motion. On this occasion, however, the party cohered: no UUP member supported the motion, which was lost by 52 votes to 26. Coming close on the heels of the UUP's defeat in the Antrim South by-election and amid rumours of another leadership challenge by anti-agreement forces within his own party, this was a considerable morale boost for Mr Trimble—although his troubles were by no means over, as the subsequent UUC meeting was to show (see section on parties and elections).

Among the other difficult issues considered in some measure by the assembly there was a take-note debate on the research report on selection at 11 (NIAR, October 17th 2000; see section on public policies). Commissioned by the Department of Education in 1998, it set out a number of alternatives to the transfer test for 11 year-olds and sparked off a lively debate in the chamber.

The report is currently undergoing a six-month consultation and will no doubt be revisited by the assembly at a future date. Abolition of selection is unlikely to secure cross-community support—crudely, nationalists tend to support an end to selection, unionists the *status quo*. But it is understood that the education minister, Mr McGuinness, an opponent of selection himself, was heartened by the indications that a range of views was emerging within the political blocs.

Civic Forum

On September 25th, Messrs Trimble and Mallon made a statement to the assembly on the Civic Forum, the final pillar of the institutional architecture of the Belfast Agreement. During its 'shadow' period, the assembly had approved proposals set out by the first and deputy first ministers on its establishment (February 16th 1999).

These included that the forum would comprise 60 members, plus a chair. It would be drawn from a variety of civic sectors, *viz* business (7), agriculture/fisheries (3), trade unions (7), voluntary/community (18), churches (5), culture (4), arts and sport (4), victims (2), community relations (2) and education (2). The remaining six would be appointed by Messrs Trimble and Mallon (3 each). The first and deputy first ministers also appointed Chris Gibson, a leading businessman, as the forum's first chair, from a shortlist selected by an interview panel.

The role of the forum is to act as a consultative mechanism to the assembly on social, economic and cultural matters, *via* the OFMDFM which provides its administrative support. Mr Mallon called it 'inclusive democracy' (NIAR, September 25th 2000)—although he and Mr Trimble did approve the nomination procedures adopted by each of the sectors. Yet this was challenged by anti-agreement unionists. Edwin Poots (DUP), who chairs the committee of the centre charged with scrutinising around half of the OFMDFM's functions, asked—in rhetorical vein—whether the Orange Order had made nominations, a point also taken up by two of the assembly's senior Orangemen, Norman Boyd (NIUP) and Dennis Watson (United Unionist Assembly

Party, another fringe unionist grouping). Mr Boyd observed that the Grand Lodge of Ireland had been excluded from the nomination process, a claim echoed by Mr Watson but rebutted by the first and deputy first ministers.

DUP members also criticised what they regarded as ‘an unnecessary layer of bureaucracy’, the cost of administering the forum, the alleged under-representation of victims and the inclusion of ‘cronies, political failures and bomb-makers’ (a reference to a former republican prisoner). Meanwhile, Paddy Roche (NIUP) directed his attack at Mr Trimble’s nomination of Gary McMichael, the leader of the UDP, whose ‘only significant claim to political status is that he gives political analysis ... to a so-called loyalist terror organisation’ (NIAR, September 25th 2000).

In short, there was a decidedly ill-tempered atmosphere in the chamber, recreated a month later when Mr Dodds of the DUP laid a motion urging the first and deputy first ministers to appoint a representative of the Orange Order to the forum. During the debate, the already fraught relationship between the DUP and SF became even more strained. Dara O’Hagan (SF), opposing the motion, was nothing if not frank (NIAR, October 25th 2000):

The Orange Order is a sectarian and racist organisation. This motion is akin to asking the Ku Klux Klan to make a positive contribution to American society. Its *raison d’etre* is to keep Fenians in their place. [It] is founded on hatred of anything Catholic or Irish [and] foments and fosters inequality and division in our society.

These remarks were dismissed as ‘black propaganda’ by Norman Boyd (NIUP). The motion was lost amid much acrimony.

The Civic Forum itself held its first meeting on October 9th in the Waterfront Hall, Belfast, the very day the assembly was debating the DUP motion of no confidence in Mr Trimble. The forum’s inaugural session was launched jointly by the first and deputy first ministers and it met for about 90 minutes to agree the formulation of an initial programme of work. A gingerly feeling of way was evident to those in the public gallery. Scheduled to meet as a plenary body up to six times per year, the forum will also meet in smaller groups to deal with specific issues. It will next meet later in November.

The assembly, in addition to debating the legislative measures laid before it, also debated motions on the New Deal, laid by the higher and further education, training and employment committee (September 25th 2000); the lack of affordable housing (September 26th); community nursing; and a motion by Monica McWilliams (October 24th) proposing that the assembly apply for membership of the Commonwealth Parliamentary Association. This last was endorsed by the SDLP but opposed by SF.

There was one moment of serious embarrassment for the health minister, Ms de Brún. Apart from having to fend off the usual jibes from anti-agreement unionists, especially the DUP, on October 16th she failed to appear in the assembly to open the debate on the second stage of the Health and Personal Social Services Bill. It appears that while in the building she had the annunciator in her office turned off, as did her senior officials who were also on the premises. A rather contrite minister had later to apologise to the house. Sadly, the reason for her absence was that the debate had been brought forward owing to the inability of MLAs to fill the time set aside for tributes to the Scottish first minister, Donald Dewar.

Committed

The already mounting workload of the statutory committees increased significantly when the assembly reconvened. The draft budget and programme were now placed on their agendas as they began to scrutinise the implications of each for the relevant departments. In addition, each committee had inquiries under way and was examining both statutory instruments and the initial legislative programme, to which could be added the new legislation proposed by the Executive Committee.

For perhaps the first time in any significant way the committees emerged into the public eye following the publication of the research by Liz Fawcett (see devolved government section). The bad publicity this attracted stung the committees into holding the majority of their sessions in public, although to date the quality of their published minutes has yet to improve.

The agriculture and rural development committee's first report—*Retailing in Northern Ireland: A Fair Deal for the Farmer?*—was the subject of a debate on September 25th. The report was part of its longer-term inquiry into debt in the agricultural sector, and a motion urging the minister, Brid Rogers (SDLP), to implement the recommendations was agreed by the assembly. There was also a rather public row between the committee and the minister over the 'Accompanying Measures Plan' produced by the department in relation to European Union funding of the sector, especially in regard to less-favoured-area status.

The committee issued a press release which said the plan would 'only result in the destruction of small rural communities' and complained that it had only a week in which to comment (CARD press release, September 18th 2000). In turn, this led the minister to accuse the committee of 'scaremongering'—a charge robustly rejected by its chair, Ian Paisley (DUP). Within three days, the minister acceded to the committee's request for changes to the plan which worked in the interests of small farmers. This episode demonstrated the clear influence that a unanimous committee, led by a redoubtable chair, can exert over public policy.

By and large the 'partnership' meant to animate the relationship between statutory committees and their departments did emerge during the autumn. The requirement

that the committees engage not only in taking the committee stage of relevant legislation but also examine the draft departmental budgets, Comprehensive Spending Review proposals and the draft programme, helped to bolster the close working relationship between these two pillars of the wider consociational design.

There was still some apparent uncertainty about the powers of the statutory committees, though. The health, social services and public safety committee (HSSPSC) sought advice from the standing procedure committee about the capacity of statutory committees to initiate legislation, a power the procedure committee was able to confirm. Another procedural matter raised by the HSSPSC was its concern that the 30 days allotted by standing orders for the committee stage of a bill was inadequate, a matter it took up with the assembly's liaison committee.

The busiest—and the most public—of the statutory committees was higher and further education, training and employment. It published its agreed report on student finance in early October after an intense period of evidence-gathering, including from Andrew Cubie, the author of the Scottish reform of student finance.

The initially ill-starred committee of the centre took on a new lease of life under its new chair, Mr Poots (DUP), who succeeded his party colleague, Gregory Campbell, when the latter became minister for regional development at the end of July. At its first meeting in the new session Mr Poots indicated his intention 'to conduct business in an efficient and open manner' and the committee was able to agree a work programme—largely acquainting itself with the operation of those aspects of the OFMDFM over which it exercises oversight. On September 20th it took evidence for the first time from Mr Trimble and Mr Mallon—in private—on the current and future work of the office. Thus far, the temper of the committee's meetings seems much improved and is an encouraging sign that it is at last embarking on the proper fulfilment of its (albeit constrained) role.

Finally, the standards and privileges committee, another of the assembly's standing committees, embarked on an inquiry to consider the appointment of an 'assembly commissioner for standards' to investigate complaints against MLAs. To date it has taken evidence from members of the committee on standards in public life, members of the Commons committee on standards and privileges, the parliamentary commissioner for standards and the convenor of the Scottish Parliament's standards committee—an instance of multi-layered devolution at work.

The media

Introduction

According to the US journalist Kevin Cullen (*Boston Globe*, October 30th 2000), a ‘cursory computer search of newspaper articles about the Good Friday Agreement ... finds that the words “historic” and “crisis” appear in them with about even frequency.’ Two major media stories of this quarter highlighted his point: the draft Programme for Government and the Finance and Resource Bill and—coming to a head once again in that very same week—the continuing divisions within the Ulster Unionist Party that threatened to depose its leader, Mr Trimble, and bring down the executive.

There were also instances in this period when the media themselves became part of the story. External pressures to stop the BBC *Panorama* investigation into who planted the Omagh bomb, the UTV *Insight* programme on IRA gun-running in the US and Ronan Bennett’s TV drama *Rebel Hearts* highlighted once again that Northern Ireland is still sensitive ground for the media.

Programme news

Coverage of the draft programme and budget was generally positive, reflecting the mood in the assembly. ‘What, no fists?’, asked a rhetorical *Irish News* headline on the Finance Bill. The political correspondent of the mainly Catholic-read newspaper recalled the days of the short-lived power-sharing government in 1974, when ‘there were fisticuffs during a debate on the budget’ (*Irish News*, October 25th 2000). Elsewhere, the paper declared that ‘devolution has arrived’ with the ‘landmark’ programme, signalling ‘the end of “hand-me-down” policies from direct rule and [setting] out key priorities ... in relation to health, education and agriculture’. The paper called the draft programme a ‘big vision document’ about ‘building a peaceful, fair and inclusive community’ (October 24th 2000).

The *News Letter*, predominantly Protestant in readership, called the draft programme ‘The Future—in 230 steps’ and ‘A breathtaking challenge to us all’. This was a challenge particularly to politicians and journalists, ‘who are going to have to work a lot harder in the coming months and years if the [programme] is to achieve its aim of governing “in an open, efficient and accountable way”’. In an editorial dig at the extremely late advance release of the document, the *News Letter* said there would have to be better communication between the executive and the media. It was not, however, calling for ‘a new version of the spin doctor culture’ which would ‘poison the opportunity that now opens up for real politics—and real journalism’ (*News Letter*, October 25th 2000).

The *Belfast Telegraph* headlined the draft programme ‘Our blueprint for the future’ (October 24th 2000) and ‘A route to the future for us all ... joined up government in an executive of many colours’. Now at last, ‘people can see how a local administration intends to improve their everyday lives, virtually from cradle to grave’ (October 25th 2000). The *Irish Times* was similarly upbeat: ‘Trimble and Mallon praise new document’ (October 25th 2000) and ‘Executive providing real hope’ (October 26th 2000). But it also quoted the criticisms of anti-agreement MLAs that the document was ‘vacuous’ and ‘devoid of any real content’ (October 25th 2000). The *Derry Journal* cautioned that the programme was not a ‘panacea for all our ills [but] a direct and commendable example that the structures created by the Agreement offer far more than the way the “no men” want to go’ (27 October 27th 2000).

Sink or spin

The *Journal*’s thesis was put to the test the next day, with with yet another ‘make or break’ vote in the Ulster Unionist Council on whether the UUP should stay in government in the absence of IRA decommissioning. David Dunseith, presenter of the popular BBC Radio Ulster phone-in *Talkback*, put the meeting in the context of the Hallowe’en season—‘that time of year when we have sinister plots, ghostly goings-on, whispers, plaintive cries and maybe the occasional damp squib’ (*Irish Times*, October 28th 2000). There certainly appeared to be some advance meddling in the black arts of political spin.

On October 26th, two days before the UUC meeting, the IRA ended months of speculation about its intentions and allowed the reinspection of selected arms dumps by international inspectors. Both parties released statements which, on their own terms, emphasised the IRA’s integrity and its commitment to peace. The next day, the *Irish News* and the *News Letter* featured prominently the endorsement of the inspectors (October 27th 2000).

On the morning of the crucial meeting, the headlines offered two different pictures of what was at issue. Some framed it essentially as an issue of leadership in a deeply divided party: ‘Last minute talks but no surrender’ (*News Letter*), ‘War of Words’ (*Belfast Telegraph*), ‘Warring unionists meet over IRA arms’ (*Daily Telegraph*) and ‘Trimble accuses Donaldson of “waging warfare”’ (*Irish Times*). For others, there was nothing less at stake than the ‘peace process’ itself: ‘Showdown for peace as Trimble faces UUC’ (*Irish News*), ‘High Noon in Ulster: peace is on the line—again’ (*Guardian*).

Mr Trimble made direct appeals for support in the pages of the *Belfast Telegraph* (October 27th 2000) and the *News Letter* (October 28th 2000). His stance in the *News Letter* was particularly tough, giving the impression that he led his party into the Belfast agreement for no other reason than to ‘nail the IRA once and for all’ and box them into ‘a tactical, moral and political cul-de-sac’. This put into context the hardline

motion from Mr Donaldson which would have set an absolute deadline for IRA decommissioning.

Mr Trimble won the day with a compromise: that, as first minister, he would veto SF participation in the north-south bodies until the IRA demonstrated actual decommissioning of weapons. Again, the media offered two different versions of the implications. Some saw it as an heroic achievement by the UUP leader to save the agreement: 'Trimble defeats unionist call to end power-sharing' (*Sunday Telegraph*, October 29th 2000). Others were more downbeat: the *Irish News* feared that the agreement 'came close to collapsing' because of the vote and its columnist Brian Feeney asked (October 30th 2000): 'Is this your exit strategy Mr Trimble?'

Perhaps the most thought-provoking feature item in all this coverage was a *Belfast Telegraph* poll published on the eve of the UUC meeting (October 27th 2000). It showed that 58 per cent of unionists thought the executive should not be suspended in the absence of IRA decommissioning; across the political spectrum the figure was 59 per cent. Popular support for the agreement remained high overall at 69 per cent, but confidence in its future had slipped since 1998, from 55 to 40 per cent. Among Protestants of all shades of opinion, the slippage was from 35 to 25 per cent but, significantly, it was more marked among Catholics. Their confidence had slipped from 82 to 59 per cent in the same period.

What were the reasons for this? Had it anything to do with the continuing crisis coverage that seems to mark the media approach to the 'peace process'? With all eyes on the cloak-and-dagger politics in the UUP, no one appeared to ask such questions.

Sensible or censorable?

Some sections of the media found *themselves* at the centre of controversy. *Panorama*'s investigation into who planted the Omagh bomb (BBC1, October 9th 2000) divided opinion among the relatives and friends of those killed and those who had taken a keen interest in the police investigation. Lawrence Rushe, who lost his wife in the August 1998 bomb in the Co Tyrone town, feared it would impede the course of justice and let the perpetrators off the hook. He failed in a court injunction to have the programme stopped, as did a similar, last-minute appeal by the Northern Ireland Human Rights Commission.

But other relatives, and most sections of the media, welcomed the programme, pointing to the fact that exhaustive police investigation on both sides of the border had not been enough to arrest, never mind convict, the chief suspects ('Omagh broadcast was justified', *Belfast Telegraph*, October 10th 2000). The programme appeared to come to the same impasse as the police: it identified suspects and reviewed forensic evidence but did little in the way of producing the sort of evidence that would stand up in court. Still, the *Irish Times* columnist Mary Holland thought it

a fitting ‘peak-time swan song’ on the eve of *Panorama*’s move to the sidelines of the BBC schedules (November 9th 2000).

There are no longer any peak-time, political current-affairs programmes on either BBC1 or ITV. Northern Ireland is well served with such series as *Spotlight* and *Hearts and Minds* (BBC Northern Ireland) and *Insight* (UTV) but these are not peak-time programmes. Nevertheless, various parties appear to take their impact very seriously. Jane Fort, the US consul in Belfast, contacted the editor of *Insight* to try to stop a programme going out on alleged IRA gun-running in the US. Her opening gambit, according to the *Daily Telegraph* (October 2nd 2000), was pure Hollywood: ‘The President of the United States has asked me to call you—Bill Clinton himself.’

Mr Trimble also registered his misgivings about the programme but claimed later, under pressure from anti-agreement unionists, that a party official had made a call to the US national security advisor, Sandy Berger, ‘simply to ascertain the true facts behind the allegations made in the programme’ (*Irish Times*, October 17th 2000). In a different controversy, the UUP leader wrote to the BBC chair, Christopher Bland, asking him to withdraw the corporation’s support for a forthcoming TV drama, *Rebel Hearts*, written by Ronan Bennett and based around the events of the 1916 rising and partition (*Daily Telegraph*, October 7th 2000).

Summing up media coverage of events perfectly was the October issue of the Belfast-based *Fortnight* magazine. The cover story was Ulster’s role in saving the planet from a cataclysmic cosmic event—a head-on collision with a meteor that could destroy all human life. We have the work of astronomers at Armagh observatory to thank for that. But the same issue featured a story on how the ‘peace dividend’ had led to an investment in Northern Ireland by the US arms manufacturer Raytheon with full backing from the joint Nobel peace prize winners, Mr Trimble and the SDLP leader, John Hume. The company is responsible for the Patriot missile of Gulf war notoriety and develops technology for weapons of mass destruction.

This richly ironic juxtaposition of stories highlighted the ambiguities and contradictions of post-agreement life in the region—not always picked up by the media.

Intergovernmental relations

Introduction

It was clear from the negotiations leading to the Belfast agreement, and of course from the agreement itself, that there were two obvious arenas in which the Republic of Ireland would interact with new institutions in Northern Ireland: that of the island of Ireland (referred to as strand two of the agreement) and that of the two large islands (referred to as strand three, and subsequently extended to include also the smaller islands). The role of the republic in relation to the principal remaining arena (Northern Ireland, referred to as strand one) should not be ignored, but this has been less visible and less formal than in relation to the other two arenas. This report thus focuses on the state of play in three contexts: the north-south institutions, relations between the islands and the specific institutionalisation of British-Irish intergovernmental links.

The formal framework that has defined recent institutional developments in these areas is outlined in the agreement but, from the perspective of the two governments, its legal status derives more specifically from the British-Irish intergovernmental agreement that formed a part of the agreement itself. In article 2, the two governments pledged to establish:

- (i) a North/South Ministerial Council;
- (ii) ‘implementation bodies’ in policy sectors linking north and south;
- (iii) a British-Irish Council; and
- (iv) a British-Irish Intergovernmental Conference.

Provision for giving effect to the international aspects of this blueprint was made by four simple British-Irish agreements—concluded at a meeting between the then foreign minister, David Andrews, and then Northern Ireland Secretary, Mo Mowlam, in Dublin on March 8th 1999—covering each of these areas.¹¹

The north-south bodies

The Belfast agreement provided for the establishment of a North/South Ministerial Council, whose remit would be ‘to develop consultation, co-operation and action within the island of Ireland’. The council would meet in a number of formats. First, it would meet in plenary twice a year (with the Northern Ireland first minister and deputy first minister and the taoiseach leading their respective teams). Secondly, it would meet in sectoral format ‘on a regular and frequent basis’, with each side

¹¹ On October 11th 1999 Peter Mandelson replaced Ms Mowlam, a move especially welcome to unionists and interpreted by the *Irish Times* as an indication that ‘Northern Ireland continues to be a central priority for Mr Tony Blair and his Labour government’. On January 27th 2000 Mr Andrews was replaced by Brian Cowen, described by the *Irish Times* as down-to-earth put possessing a ‘sharp political judgment’.

represented by the appropriate minister. Thirdly, provision was made for other less specific kinds of meeting, to cover contingencies.

The council's work would be funded by the two administrations, its members would be accountable respectively to the assembly and the Dáil, and it would be supported by a joint secretariat, staffed by members of the two civil services. According to the agreement, the NSMC would focus mainly on a number of specific issues. At least 12 policy areas of north-south co-operation were to be identified, and in at least six of these special implementation bodies linking the two jurisdictions were to be established.

Although the target date for identifying areas for co-operation and creation of implementation bodies had initially been set for October 31st 1998, it was not until December 18th that year that agreement was finally reached. But by this date a great deal of progress had been made in giving effect to other aspects of the agreement, and the implementation bodies, like the provisions for areas of co-operation, were by now slotting into a much more complex blueprint.

Translating a blueprint into reality can, of course, be a greater challenge than drawing it up, and so it was with north-south co-operation. Two of the British-Irish agreements concluded on March 8th 1999 covered the establishment of the NSMC and the implementation bodies. It was provided that the NSMC would operate 'in accordance with the provisions of the Multi-Party Agreement', thereby locking it into the mutually dependent components of the latter. This implied that none of the new institutions would come into existence until arrangements for all had been agreed.

Since many more months passed before the executive finally took office (on December 2nd 1999), the first meeting of the NSMC and the formal establishment of the implementation bodies had to wait. Finally, however, on December 13th 1999 the inaugural plenary of the NSMC took place in Armagh and the formal business of north-south co-operation began. Like the other institutions established under the agreement, the north-south bodies were affected by the suspension of devolved government by Mr Mandelson on February 11th 2000; similarly, they came back into full formal existence after the restoration of devolution on May 30th.

North-south developments fall conveniently under four headings. These are political direction through the NSMC, administrative support through the joint secretariat, the functioning of the implementation bodies and steps taken to promote north-south planning in the areas of co-operation.

The North-South Ministerial Council. Power was formally devolved to the council on December 2nd 1999, and its first meeting in Armagh on December 13th was dramatic. The full cabinet of the republic arrived in a convoy of 12 ministerial cars plus a helicopter for the taoiseach and two other senior ministers, and 10 of the 12 members of the northern executive attended. The symbolism was underscored in the comments by the taoiseach and the first minister and deputy first minister, but important formal

business was also conducted. This included an agreement on the locations of the offices of the six implementation bodies and of a north-south tourism company, and a set of appointments to the boards of these bodies. The meeting also considered an outline programme of work in the other areas of co-operation that had been agreed.

The second plenary, in Dublin Castle on September 26th 2000, was less dramatic. It was attended by 12 of the 15 members of the republic's cabinet ministers and two junior ministers, and by all members of the northern executive except DUP ministers, with the taoiseach and first minister acting as co-chairs. The meeting attracted little public notice, and was overshadowed by a bilateral meeting later that day between Mr Ahern and Mr Trimble. The business of this second NSMC meeting was largely formal, but it was nonetheless essential to further progress, since arrangements for the appointment of chief executives to the implementation bodies were among the more important of the matters discussed.

In addition, by November 1st 2000 a total of 14 sectoral meetings of the NSMC had taken place—four before the suspension of the devolved institutions in February, and 10 subsequently. These covered all the areas in which implementation bodies have been established and, indeed, in the case of two bodies (trade, and food safety) two meetings have taken place. Six meetings have been held in the areas for co-operation, but two of these were in one area (education) while none has been held in the area of transport (where the northern minister belongs to the DUP).

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

No.	Date	Place	Ministerial representation		Business
			<i>Republic</i>	<i>Northern Ireland</i>	
1.	24 Jan 00	Newry	Mary Harney (PD)	Reg Empey (UUP) Sean Farren (SDLP)	Trade body
2.	3 Feb 00	Dublin	Michael Woods (FF)	Martin McGuinness (SF) Dermot Nesbitt (UUP)	co-operation in education
3.	4 Feb 00	Belfast	Micheal Martin (FF)	Bairbre de Brun (SF) Reg Empey (UUP)	Food Safety body
4.	9 Feb 00	Derry	Frank Fahey (FF)	Brid Rogers (SDLP) Dermot Nesbitt (UUP)	Loughs and Lights body
5.	16 Jun 00	Dublin	Charlie McCreevy (FF)	Mark Durkan (SDLP) Sam Foster (UUP)	European programmes body
6.	21 Jun 00	Belfast	Sile de Valera (FF)	Michael McGimpsey (UUP) Bairbre de Brun (SF)	Waterways body
7.	21 Jun 00	Belfast	Eamon O Cuiv (FF)	Michael McGimpsey (UUP) Bairbre de Brun (SF)	Languages body
8.	26 Jun 00	Dublin	Joe Walsh (FF)	Brid Rogers (SDLP) Dermot Nesbitt (UUP)	co-operation in agriculture
9.	28 Jun 00	Belfast	Noel Dempsey (FF)	Sam Foster (UUP) Bairbre de Brun (SF)	cooperation on environment
10.	30 Jun 00	Dublin	Mary Harney (PD)	Reg Empey (UUP) Sean Farren (SDLP)	Trade body
11.	3 Jul 00	Cultra	Michael Woods (FF)	Martin McGuinness (SF) Reg Empey (UUP)	co-operation in education
12.	4 Jul 00	Dublin	Micheal Martin (FF)	Bairbre de Brun (SF) Dermot Nesbitt (UUP)	co-operation in health
13.	4 Jul 00	Dublin	Micheal Martin (FF)	Bairbre de Brun (SF) Demot Nesbitt (UUP)	Food Safety body

The joint secretariat. Meetings of the NSMC are served by a standing secretariat, which also monitors north-south co-operation more generally. The secretariat came into existence in December 1999, and by summer 2000 it had reached its establishment of 24. It consists of career civil servants seconded in approximately equal numbers from government departments north and south. The fact that its staff are substantially self-selecting appears to have contributed to an ethos of commitment and enthusiasm in the new body, one that ensures that small size is counterbalanced by high activity. The secretariat is housed in leased buildings in Armagh, the historic ecclesiastical capital of Ireland, about 30 kilometres north of the border.

The implementation bodies. Although the Belfast agreement had identified 12 areas for possible north-south co-operation, of which it was assumed six would be translated into implementation bodies, only three of the original 12 survived as the focus of the new institutions: inland waterways, aquaculture and marine matters, and EU programmes. Implementation bodies were established to correspond to each of these areas, and three others were created in areas not mentioned in the agreement: food safety, trade and business, and language. The bodies in these areas emerged only after a good deal of horse-trading between the parties, but the plan finally agreed was relatively non-contentious.

In terms of structure, no two of the new bodies are identical (see table 2 for an outline of the major features). Four have boards appointed by the NSMC (the exceptions are the waterways body and the body for special EU programmes). Three of these are made up of 12 members, but the fourth, the board of the language body, is more complex. Of its 24 members, 16 represent Irish-language interests and the remaining eight Ulster-Scots, and for many purposes the two groups function separately. Four of the bodies have a chief executive appointed by the NSMC, but in the two remaining cases the board appoints two chief executives, one to head each of the two agencies into which the body is divided (the Irish language and Ulster-Scots agencies in one case, and the Loughs agency and the Lights agency in the other).

Table 2. Implementation bodies and their structures

Implementation body	Management	Headquarters	Staff
Waterways Ireland	CE	Enniskillen (NI)	362
Food safety promotion board	CE, advisory board (12)	Cork (RI)	30
Trade and business development	CE, board (12)	Newry (NI)	42
Special EU programmes	CE	Belfast (NI)	25
Language	2 CEs, board (16+8)	Dublin (RI) / Belfast (NI)	77
Foyle, Carlingford and Irish Lights	2 CEs, board (12)	Derry (NI)	43

Note: The details above are projected, and not necessarily currently operational. ‘CE’ refers to a chief executive.

The structures described in table 2 represent the long-term shape of the new bodies. In many cases, chief executives have not yet been appointed, nor have the bodies themselves had time to make their imprint within their areas of responsibility. In the longer term, the headquarters of four will be located in Northern Ireland, one will be in the republic, and one (the language body) will maintain offices in the two capitals.

Waterways Ireland. This body absorbed many of the functions of the Waterways Service of the republic's Department of Arts, Heritage, Gaeltacht and the Islands and the Rivers Agency of the Department of Agriculture in the north, and it has assumed responsibility for the country's inland navigable waterway system. Because of the extent to which it has inherited existing staff, its personnel complement is by far the largest. Its domain is essentially recreational, and one where all-Ireland planning clearly makes sense.

Food Safety Body. Although island-level planning is also sensible in the area of responsibility of this body, it has come into existence alongside two food-safety agencies whose work in the respective jurisdictions is well developed. Not surprisingly, its small staff are required to work closely with the agencies north and south to promote food safety and encourage research. It is also responsible for the communication of food alerts, surveillance of food-borne diseases, promotion of scientific co-operation and linkages between laboratories, and development of cost-effective facilities for specialised laboratory-testing.

Trade and Business Development Body. This has been established in a relatively clear field, and promotes economic development, especially by encouraging north-south trade. Given the extent to which the two economies have followed different paths and trade links have weakened after 80 years of partition, the scope for this body is considerable.

Special EU Programmes Body. Since the EU has been especially anxious to encourage north-south co-operation, many of its programmes have been organised on a cross-border basis. The purpose of the new body is provide institutionalised direction to programmes of this kind—to assist in co-ordinating existing programmes, advise the governments on further applications under EU programmes, prepare detailed applications and assist in the administration of existing programmes at a range of levels.

Language Body. Unlike the other bodies, whose remit is largely economic and social, the language body covers the much more sensitive area of culture; the very fact that political agreement on its establishment could be reached was surprising to many. The body is divided into two agencies. One, largely constructed out of an existing body in the republic whose objective is to promote the use of Irish, now has an all-Ireland mandate. The other, an entirely new agency, is intended to promote awareness of Ulster-Scots. The latter development—surprising given the relatively muted efforts of linguistic nationalists in the Scottish lowlands even after devolution—is no doubt in part a reaction to the burgeoning cultural self-confidence of northern nationalists.

Foyle, Carlingford and Irish Lights Body. This body represents in many respects a re-packaging of existing bodies. It absorbs most importantly an unusual all-Ireland body, the Commissioners of Irish Lights, which for long had responsibility for the management of Ireland's lighthouses. But the issue of fisheries in the River Foyle (which separates Northern Ireland from the republic in the north-west) was also highly unusual, in that it was one of the very few areas where institutionalised co-operation predated the Belfast agreement. Responsibility for aquaculture, marine tourism and fisheries in the Foyle and in Carlingford Lough (on the south-eastern boundary between Northern Ireland and the republic) was given to a new Loughs agency, while the Commissioners of Irish Lights were replaced by a Lights agency.

The areas of co-operation. Unlike the areas in which implementation bodies have been established—where formal arrangements have been practically completed and day-to-day work has already begun—the pattern in the areas designated for north-south 'co-operation' has been more uneven. Agreement was reached on co-operation in six of the 12 areas mentioned in the Belfast agreement: transport, agriculture, education, health, environment and tourism.

In agriculture, education and tourism, programmes of co-operation were agreed relatively quickly. Sectoral meetings of the NSMC took place in the first two of these at an early stage, and similar meetings took place in respect of health and the environment. In the case of tourism, ambitious plans were made for the creation of an all-Ireland tourism agency—a development that would in effect constitute a seventh implementation body.

But progress was more difficult in the sixth area, notwithstanding the obvious case for island-level planning: the domain of transport. The relevant northern ministry is in the hands of the DUP, and a formal meeting within this area is unlikely for the foreseeable future. To this has been added the difficulty posed by the fact that the first minister has been refusing, since the meeting of the UUC on October 28th, to permit SF ministers to attend meetings of the NSMC.

The east-west bodies

The British-Irish Council. One of the more innovative (and, in the longer view, least expected) features of the agreement was the proposed establishment of a British-Irish Council, designed to promote 'the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands'. The BIC was to comprise representatives of the London and Dublin governments, devolved institutions in Northern Ireland, Scotland and Wales, and the Isle of Man, Jersey and Guernsey. As with the NSMC, it would meet in three formats: at summit level, twice per year; in sectoral (inter-ministerial) formats, on 'a regular basis'; and in other formats, as appropriate.

The procedures for funding the new council were not specified, but the two governments were to make arrangements for a secretariat 'in co-ordination with officials of each of the other members'. The council would operate normally by consensus, exchanging information and promoting co-operation in policy areas of common interest. Bilateral or multilateral arrangements between two or more members of the council were permitted, but would be regarded as falling outside the sphere of responsibility of the BIC.

Like the NSMC, the stages in the establishment of the BIC depended on political developments, mainly but not exclusively within Northern Ireland. Although legal standing for the establishment of this body, too, was provided by one of the four British-Irish agreements on March 8th 1999, it was not until December 2nd 1999, when the Northern Ireland executive took office, that the BIC came into formal existence. Like the other bodies, it did not operate during the suspension.

The first meeting of the BIC took place in London on December 17th 1999. It was a unique event, bringing together eight delegations headed respectively by the prime minister, the taoiseach, the first ministers of Scotland, Wales and Northern Ireland, the chief minister of the Isle of Man, and representatives of the governments of Jersey and Guernsey. Although much of the impact of the meeting again lay in its symbolism, it also agreed a programme of work. A list of matters that might be addressed in the long term was agreed, and five issues were identified as deserving of more urgent attention. In each case, responsibility for co-ordinating planning was given to a particular administration: drugs (Irish government), social inclusion (Scottish Executive and Welsh National Assembly cabinet), environment (British government), transport (Northern Ireland executive) and the knowledge economy (Jersey). The secretariat of the body is provided by the republic's Department of Foreign Affairs and the British Cabinet Office.

Since the first meeting, progress has been modest. A second summit planned for summer 2000 has not yet taken place, largely because of difficulties in co-ordinating the diaries of so complex a body; a planned meeting in Dublin on October 18th had to be cancelled because of the funeral of the Scottish first minister, Donald Dewar. A sectoral meeting to discuss environmental issues nevertheless took place in London on October 2nd and a range of further sectoral meetings is expected.

So far, however, the only material produced from the BIC sectoral groups is a communiqué issued after the first meeting of the environment group. All participants in the BIC were represented at this meeting, which was chaired by the British environment minister, Michael Meacher. The Northern Ireland deputation comprised the minister of the environment, Sam Foster, the minister of education, Mr McGuinness, and relevant officials.

The communiqué said the group had agreed on the range of issues to be taken forward and on the formation of officer level sub-groups to progress the selected subjects, reporting back to the group and the BIC summit. The group had considered a paper by

the British government reviewing the conclusions of the OSPAR regional quality status report on the Celtic Seas, and the arrangements in place for intergovernmental action to follow up those conclusions. It was agreed that a high level of liaison should continue between officials of the administrations involved, to facilitate implementation of all appropriate measures and identification of any new initiatives.

The BIC's future role has been a reference point in recent political controversies in Ireland, north and south. In August the special adviser to the taoiseach, Martin Mansergh, intervened in newspaper correspondence about the legacy of Patrick Pearse to counsel against 'unrealistic ambitions' for the BIC in terms of British and Irish political alliances (*Irish Times*, August 30th 2000). In October the Scottish Conservative leader, David McLetchie, urged Ulster Unionists to help develop a new network of relationships and urged closer UUP links with the Scottish Tories to balance the high profile of the republic's government in Edinburgh (*Sunday Herald*, October 8th 2000). Following the Ulster Unionist Council meeting in Belfast on October 28th the UUP, among other measures directed against republicans, threatened to terminate the work of selected categories of the BIC, as well as the NSMC, if the London and Dublin governments and other parties interfered with unionist sanctions.

The BIC and the British-Irish Inter-Governmental Conference (see below) were highlighted in the Northern Ireland Executive's draft Programme for Government (Northern Ireland Executive, 2000: 58). It was said that the executive would lead work in the BIC on transport, and participate in the other sectoral areas, pursue the fuel-tax issue and other matters of importance to Northern Ireland in the BIIGC, and ensure coherence between developments in these bodies and the programme.

The British-Irish Intergovernmental Conference. Under the Belfast agreement, the Anglo-Irish Agreement of 1985 was to be replaced, and certain existing institutions, including the Anglo-Irish Intergovernmental Council and the Intergovernmental Conference, were to be subsumed by the British-Irish Inter-Governmental Conference. Under new terms of reference, this body was to promote 'bilateral co-operation at all levels on all matters of mutual interest within the competence of both governments'. It was to meet at summit level and at ministerial level as appropriate.

It was clear that, given its broad mandate, the new body's responsibility over Northern Ireland affairs would be considerable, and the areas of rights, justice, prisons and policing were specifically identified as requiring attention. When meeting on non-devolved Northern Ireland matters, 'relevant' members of the Northern Ireland executive would be involved in the BIIGC. The BIIGC's interest in these matters was to be serviced by a standing joint secretariat comprising British and Irish officials.

The fourth of the four British-Irish treaties of March 8th 1999 finalised its legal standing. Once again, this body was locked into the Belfast Agreement, and would replace the existing institutions only when the agreement was finally implemented.

This date duly arrived in December 1999 and the first meeting of the BIIGC took place in London on December 17th. Chaired jointly by Mr Blair and Mr Ahern, it was attended by Mr Mandelson, and by three senior Irish ministers: the tanaiste (deputy prime minister), Mary Harney; the foreign minister, Mr Andrews; and the justice minister, John O'Donoghue. In a sharp divergence from the practice at the body it substantially replaced, the Anglo-Irish Intergovernmental Conference, the meeting was also attended by the two most senior Northern Ireland office-holders, Messrs Trimble and Mallon.

This first summit mapped out two sets of issues to be addressed subsequently. One covered general matters of common interest to the two governments, such as immigration, social security, education, drugs and the EU. The other related to matters not devolved to Northern Ireland, including policing, criminal justice, and security. Although the summit agreed there would be 'regular and frequent' meetings of the BIIGC, and a further summit was planned for the first half of 2000, it is striking that no subsequent meeting within this formal structure has taken place, either at summit or ministerial level.

One obvious explanation lies in the sheer complexity of the institutions that now link the two jurisdictions. There are several other fora in which the two sides meet, ranging from international or EU-related meetings (at prime-ministerial level) to the frequent ministerial contacts that arise in other circumstances; matters of common interest can be formally or informally discussed alongside these meetings. And the relative simplicity of bilateral meetings outside the BIIGC structure may not be unattractive. The alternative might well be essentially quadripartite meetings (on the assumption that two Belfast perspectives would be added to those of Dublin and London)—raising a range of practical, and possibly political, difficulties.

Notwithstanding limited formal political contact in this domain, however, the volume of official activity remains impressive. Although the Anglo-Irish joint secretariat established at Maryfield near Stormont in 1985 was wound up in December 1999, it was replaced by a new British-Irish joint secretariat. Though similar in composition to the earlier body (comprising a small group of officials drawn from the two civil services), its terms of reference are derived from the Belfast agreement. As a body whose image is now largely removed from the world of political controversy, it operates from offices in downtown Belfast, and has added to its routine administrative functions some significant social ones—a transition that marks the emergence of a more 'normal' atmosphere in which these innovative institutions may have the capacity to thrive.

Joint Ministerial Committee. The full annual meeting of the Joint Ministerial Committee took place on September 1st 2000 in Edinburgh. Northern Ireland was represented by the first minister, Mr Trimble, and the finance minister, Mr Durkan. The main outcome was three agreed action points.

The committee, first, instituted formal stock-takes of the Memorandum of Understanding between the administrations, and the bilateral agreements on working relations between the UK government departments and the devolved administrations. Secondly, it recognised the importance of management of the relationship between the UK and devolved legislative programmes: more effort was urged to ensure that legitimate interest in one another's programmes was fully built into the preparation of legislation—not treated as an optional extra. The meeting also stressed early sharing of information between administrations and consultation on policy options and common interests, as envisaged in the memorandum. Thirdly, the committee recognised that formal agreements can only do so much and that continuing informal dialogue between ministers and officials was important to promote understanding. Mr Durkan referred to the benefits of the BIC (*Belfast Telegraph*, September 1st 2000), while claims were made for the success of devolution in each of those parts of the UK enjoying it.

On October 26th 2000 in Belfast the prime minister chaired a meeting of the JMC on health. The executive was represented by the first and deputy first ministers; the health minister, Ms de Brún, declined to attend, claiming that it had been arranged with too little notice. The meeting focused on two key aspects: winter planning and modernisation.

In the draft programme the work of the JMC was also highlighted (Northern Ireland Executive, 2000: 87). In the coming year, it was said, the executive would take forward work in the JMCs and other UK committees on issues involving health, poverty and the knowledge economy.

The future

Notwithstanding rapid progress in the establishment and consolidation of the new institutions during the year, storm clouds continue to hover above the horizon. The potentially devastating effect of some has already been noted: political difficulties led to the suspension of the new institutions in the spring of 2000.

The factors that led to this suspension of course continue to operate. In an effort to stave off probable defeat at the UUC meeting on October 28th, Mr Trimble moved towards his opponents and narrowly secured approval for a new policy that would put pressure on the north-south bodies. He committed himself to refusing to sign the authorisation enabling SF ministers to attend meetings of the NSMC until such time as the IRA was prepared to 'engage meaningfully with the Independent International Commission on Decommissioning'.

This formula had immediate effect, in that a sectoral meeting of the NSMC in the area of health scheduled for November 3rd had to be cancelled. Although the republic's health minister and his northern counterpart, Ms de Brun, went ahead with a bilateral meeting—in which they were joined by Mr Mallon—all sides accepted that the status

of the meeting had been changed, in that it could not be classified as a sectoral NSMC meeting. What the longer-term effect of the UUC time-bomb may be has yet to be seen, but there can be little doubt that it places all the fledgling institutions under enormous pressure.

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Relations with the EU

Introduction

The August 2000 report recorded the European Commission's approval in principle of Northern Ireland's Community Support Framework (CSF). It was expected then that approval would have been finalised by the end of that month. But this is now unlikely until the end of November. Nevertheless, negotiations over the operational programmes for 'Transitional Objective I' and 'Peace II' are in train. The structure of the two monitoring committees for these programmes, and a third for community initiatives, has been agreed by the Executive Committee and nominations solicited. The names are due to be announced before the end of the year (NIAR, October 25th 2000).

It was noted in the report that concerns arising from the original Transitional Objective I and Peace II programmes remained as questions to ministers about their revised submissions. These focused on the absence of a strategic framework (internally and for external co-operation), the potential dilution of civic participation and defects in understandings (and the lack of a north-south common understanding) of reconciliation, as distinct from social inclusion and economic regeneration.

While at time of writing there is a potential governmental crisis (with particular impact on the NSMC), major policy developments seem to have the capacity to address at least some of the previous criticisms. These are: the draft budget and the draft programme. Other related events in this quarter were the visit of the Committee of the Regions on October 2nd-3rd and the launch on October 23rd by the Northern Ireland Council of the European Movement of a debate about the euro.

Fresh drafts

In presenting his budget, the finance minister, Mark Durkan, highlighted the EU, along with the new departments and north-south and east-west structures, claiming that a more integrated pattern of expenditure would demonstrate 'just how fundamental the change in the governance of this region is through the implementation of the Agreement' (NIAR, October 17th 2000). In presenting his spending proposals in this way, including showing the links between the use of EU funds and other resources, the minister adumbrated the character of the draft programme.

The latter (Northern Ireland Executive, 2000) is based on three themes familiar in the EU lexicon: cohesion, inclusion and justice. It places the EU in part of one of the executive's five priorities (*ibid*: 14) and states (*ibid*: 13):

Our future depends crucially on the development of our neighbours

and the European Union. Therefore, we intend to give particular emphasis to developing Northern Ireland's external relations, within the Belfast Agreement and within the European Union, to secure the maximum benefit and to contribute to the development of our neighbours.

In addition to referring to specific directives on equality and the environment, the draft programme highlights the harnessing of structural funds and community initiatives such as LEADER + and URBAN II to policy priorities—for example, social inclusion and community and neighbourhood regeneration, education and the securing of a competitive economy. The draft programme also includes a commitment to supporting the bid from Belfast to be the European City of Culture in 2008.

The draft budget and programme also integrate internal objectives and spending with north-south and east-west initiatives. For example, aspects of the rural economy and society are to be addressed in co-operation with the republic's government, using the rural regeneration measure in INTERREG III. The latter will also be deployed on a north-south and east-west basis to develop co-operation in strategic communications and transport networks.¹²

The executive intends to develop a specific framework for the co-operation set out in the CSF's north-south common chapter. The EU Special Programmes Body is to develop a co-ordinated approach to community initiatives such as INTERREG and others—LEADER +, URBAN II—with cross-border elements. The latter two are to be used in conjunction with Peace II to assist cross-border networks.

With respect to civic participation, the draft programme undertakes to build on the district partnerships created under Peace I—bringing together locally elected councillors, the voluntary sector and the social partners—and suggests that Peace II funds will play an important role. This outlook was evident during the presentation of the draft programme to the assembly (NIAR, October 24th 2000) and reinforced the following day in the statement by the finance minister on the establishment of the new monitoring committees. He said district partnerships would evolve into 'strategic development partnerships', which would have a role outlasting EU funding 'in our own long-term plans' and 'our own measures'. There is also a north-south dimension to participation: the Peace II monitoring committee is to have an equal number of members from the south and it is hoped its composition will be announced jointly.

¹² At a recent conference at Queen's University Belfast and in evidence to the Committee of the Regions (see later in the text), a senior advisor to the taoiseach and senior officials from both administrations noted that what had been the hardest part of the agreement to negotiate had produced an institution, the NSMC, that was working extraordinarily well. The exception to this is that the DUP minister for regional development—with a transport remit—has consistently refused to deal with the NSMC. The minister has not chosen to find a way round the constraints of his political position by meeting his southern counterparts on a departmental basis (as did the health minister after Mr Trimble's challenge in his party and consequent refusal to approve a sectoral meeting of the NSMC at the beginning of November). Nor has he met his counterparts in England, Scotland and Wales. So transport, regarded by the executive as a crucial matter for both axes of relationships, has had to be taken over by the first and deputy first ministers (NIAR, October 2nd 2000).

While there is no detailed discussion in the draft programme of reconciliation, there are signs that it is beginning to be seen an objective in its own right. Partnerships to enhance reconciliation, as well as to reduce disadvantage, are to be in place by 2001. The cross-border aspect of reconciliation is also acknowledged in that 15 per cent of Peace II money is allocated to it.

Fact-finders

On October 2nd-3rd, the Committee of the Regions undertook a fact-finding mission on cross-border and inter-regional co-operation. Hearings were held in Armagh, the home of the north-south institutions. Evidence was taken from representatives of industry, local government, administration, the voluntary sector and this author. Meetings were held in Belfast with relevant ministers. A major concern of the CoR is that ways must be found to overcome obstacles to cross-border and inter-regional co-operation in the context of the 'legal vacuum' of non-harmonised laws and rules.¹³

It was explained to the committee that legal co-ordination of matters under the remit of the NSMC would take place as with EU directives. Decisions reached in the NSMC would be referred to the two legislatures for enforcement in the respective jurisdictions. But it was also pointed out to the CoR that its concerns were relevant to situations where there was no specific legal co-ordination. For example, individuals engaged in spontaneous, 'bottom-up' joint actions find that apparently simple questions—for example, where to locate headquarters—are problematic where there are different jurisdictions and currency systems (McCall and Williamson, 2000; NIVT *et al*, 1999). Even among the most enthusiastic activists, this can reintroduce the tensions the EU's 'neutrality' as an umbrella had been thought to eliminate. Such difficulties have been acknowledged by the NSMC and its secretariat has been asked to develop ideas on how to make things more practicable.

A second pressure may emerge from a Northern Ireland branch of the 'Britain in the Euro' campaign. All the business speakers who followed the former Northern Ireland Office minister Richard Needham in the inaugural debate held by the regional council of the European Movement on October 23rd said their interests as actors in an all-Ireland economy and as exporters further afield pointed to accession to EMU. Even large companies did not want to have to divert resources to having a 'treasury management' department. This is even truer for voluntary organisations employing people on both sides of the border and for individuals whose vocations and professions take place in a situation where, in the words of Seamus Heaney, they 'live in two places at the one time'.

¹³ See Committee of the Regions, Draft Opinion of Commission 1, Regional Policy, Structural Funds, Economic and Social Cohesion and Cross-border and Inter-regional Cooperation on 'Strategies for promoting cross-border and inter-regional cooperation in an enlarged EU'—a basic document setting out guidelines for the future. Prepared for meeting of Commission 1 meeting on September 13th-14th, 2000. Rapporteur: Anton Rombouts (mayor of 's-Hertogenbosch, NL/PPE). Brussels.

The draft programme emphasises that a Northern Ireland office to assist ministers and their departments will be set up soon in Brussels and that interests in Strasbourg will also be attended to. It is intended to establish a policy forum which, for the purpose of reviewing priorities, will bring together all major organisations in Northern Ireland involved in EU issues, the three MEPs, regional representatives on the CoR and appointees to the Economic and Social Committee.

The Executive Committee also takes part in the UK Ministerial Group for European Co-ordination (MINECOR). A meeting of this group took place on October 11th, attended by the first minister, Mr Trimble, and the junior SDLP minister Denis Haughey, but no details were forthcoming.

Conclusion

A headline in the *Irish Times* on September 15th 2000 read: ‘The Peace Process: EU’s little reported yet significant contribution’. In this quarter, it seemed that the EU had been given a pretty central place by the Executive Committee—even if journalists failed to notice it.

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Finance

Sound money and soundbites

The SDLP minister for finance, Mark Durkan, presented his first self-crafted budget to the assembly on October 17th, to run for the next financial year (Executive Information Service, October 17th 2000). As ever, ‘making a difference’ was the theme—in terms both, the minister said, of substantive allocations and new ways of working, such as the Executive Programme Funds (see devolved government section).

A range of detailed adjustments meant the departmental expenditure limit set in July of £5667 million had risen to £5733 million. Departments would have at their disposal 7.3 per cent more in 2001-02 than the current financial year—a real increase of almost 5 per cent. This was the good news. The bad news was out of Mr Durkan’s hands.

The latter is the so-called ‘Barnett squeeze’. Northern Ireland’s historically high public-expenditure levels mean its new ministers are discovering that percentage increases in comparable programmes in Great Britain represent a lower proportion of expenditure in the region, thereby threatening a gradual process of downward convergence towards the GB average. Mr Durkan said he was ‘disappointed’: ‘We find the Barnett formula increasingly unsatisfactory and are determined to work for a better and fairer system for distributing resources.’

Mr Durkan focused on the innovative Executive Programme Funds (see devolved government section) before turning to the departmental spenders. The lion’s share inevitably went to the two big departments under SF control: Health, Social Services and Public Safety (£2,284 million) and Education (£1,332 million), though the increases were around the average in each case. There were higher percentage gains for Agriculture and Rural Development (9.6 per cent), Regional Development (10 per cent) and Environment (14 per cent).

The budget was predictably attacked by ‘no’ unionists for its (modest) allocations for north-south co-operation. A more serious grievance was over the revenue side—including an 8 per cent increase in the ‘regional rate’ (*Irish Times*, October 24th 2000). Under Northern Ireland’s odd mixture of largely powerless local government and direct rule, a ‘district’ rate was struck by the councils and a ‘regional’ rate specified by the old Department of Environment notionally to cover other services.

In the absence of tax-varying powers for the assembly, public-finance experts had predicted that the regional rate—not a progressive tax—would inappropriately bear the burden of easing fiscal constraints (Barnett and Hutchinson, 1998: 54) as Northern Ireland suffered from the Barnett squeeze. But since only the SDLP itself of the major parties (supported by Alliance) is committed to tax-varying powers for the assembly, Mr Durkan was able to see off the complainants about the regional-rate hike in an assembly

debate with the claim that services would otherwise have to be cut (*Belfast Telegraph*, November 15th 2000).

More ‘good news for Northern Ireland’—as the NIO minister of state Adam Ingram described it (Northern Ireland Information Service, November 8th 2000)—came with the chancellor’s pre-budget statement. The minister said this underlined the government’s commitment to ‘balanced economic development right across the United Kingdom’.

And Mr Durkan had some more largesse of his own to distribute shortly afterwards. Unanticipated receipts, notably from public-housing sales, and unused allocations had left him with a further £75 million to spare. Health was again the biggest beneficiary, partly to deal with the looming winter pressures. Social Development also benefited, partly to meet the housing costs of the hundreds left homeless in Belfast due to the loyalist feud (*Irish Times*, November 21st 2000).

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Political parties and elections

The (never-ending) travails of Ulster Unionism

On August 12th, devolution in Northern Ireland passed a milestone of sorts. By merely surviving for seven weeks and two days, the power-sharing executive had lasted longer in its second incarnation than on its first outing the previous winter. Nobody, however, was mistaking this relative longevity for a guarantee of permanent security—least of all the UUP.

In early August, the party lost one of its last landowner grandees, when the chair, Josias Cunningham, was killed in a road accident (*News Letter*, August 11th 2000). Although Sir Josias was largely unknown to the public, he played an important role in keeping relative order between the bitterly opposed wings of unionism.

Tension and insecurity within the Protestant community went much wider than the UUP itself. For a week in August, violence on the Shankill Road in Belfast—between two supposedly pro-agreement paramilitary groups—revisited levels unseen since the 70s. A ‘show of strength’ by the Ulster Defence Association, complete with balaclavas, political demands and automatic weapons, was attended by the deputy mayor of Belfast, Frank McCoubrey, of the UDA-spawned Ulster Democratic Party. A week later, the UDA attacked the homes of leading figures in the rival Ulster Volunteer Force, which itself promptly retaliated by shooting two leading UDA figures. In the unfolding events, 200 families fled or were forced from their homes (*Belfast Telegraph*, September 20th 2000).

The local UDA commander, Johnny Adair, was rearrested and charged with breaking the conditions of the licence under which he had been freed under the agreement’s prisoner release scheme. Meanwhile, the local MLA for the UVF-linked Progressive Unionist Party, Billy Hutchinson, appeared to condone and even incite UVF retaliation against UDA targets (*Irish Times*, August 24th 2000). Reversing the previous policy of removing the army from the streets, troops were deployed on the Shankill and later in Carrickfergus, Co Antrim, to maintain order (*Belfast Telegraph*, August 22nd and 31st 2000).

Mr Trimble and pro-agreement unionism in general were remarkably silent about the reappearance of loyalist paramilitary violence in Belfast. Anti-agreement unionists argued that the events on the Shankill gave further credence to their demand for actual decommissioning. In general, the Protestant community treated events on the Shankill with disdain and uninterest.

Despite the successful efforts by the loyalist paramilitary parties at the talks to ensure that each of the 18 constituencies for the new assembly would have six (rather than five) STV seats, the UDP still failed to win a single seat and is effectively defunct as a political force. The PUP did win two seats in Belfast, but its association with

paramilitary feuding has not only brought divisions between the two MLAs—Mr Hutchinson, the pugilist, based close to the Shankill, and David Ervine, the mollifier, based in east Belfast—but also undermined, probably terminally, its electoral pretensions.

Political attention was primarily focused on the South Antrim by-election. Although the constituency had always been a safe UUP seat, the agreement split both the party and its voters. The previous MP, Clifford Forsythe, had opposed the agreement from the beginning, and elections to the assembly in 1998 further exposed divisions both within the local party and unionism in general. Occasioned by the death of Mr Forsythe in May, the by-election created the opportunity for the massed ranks of anti-agreement unionists, spearheaded by the DUP, to increase the pressure on Mr Trimble and score a propaganda coup against the agreement itself.

The situation was further complicated by the selection of David Burnside as UUP candidate. An acknowledged admirer of the former South Down MP, Enoch Powell, Mr Burnside supported the agreement during the referendum of 1998, but was now a vocal critic. In particular, he strongly supported demands for actual IRA decommissioning and had made headlines as a defender of the RUC and opponent of the Patten report on its future. Mr Trimble therefore found himself in the position not only of opposing a well-known DUP candidate, in William McCrea, but also of supporting a UUP candidate who was one of his most dangerous internal critics. Pro-agreement unionists in the constituency faced a difficult choice.

Yet this was the UUP's second safest Westminster seat—in 1997 Mr Forsythe took 57 per cent of the total vote—and the prospects for Mr Burnside were not unpromising, not least because during the course of the campaign he declared himself to be on the anti-agreement wing of the party (*Belfast Telegraph*, September 8th 2000). At the general election, however, there had been no DUP candidate and Mr Forsythe had scored a 16,601 majority over the runner-up, Donovan McClelland of the SDLP. At the 1998 election for the Northern Ireland Assembly, the UUP had again topped the poll, taking 29.95 per cent (13,175) of the vote and winning two of the constituency's six seats. On that occasion the DUP had come second with 8,850 votes, equivalent to 20.12 per cent of the poll, winning one assembly seat in the process. Interestingly, the anti-agreement UKUP candidate had also won a seat, polling 4,360 votes (9.91 per cent).

Aggregating the total pro- and anti-agreement votes in 1998, the former had achieved 14,721 to the latter's 13,310, an uncomfortably narrow margin given the mounting disquiet and disaffection within the wider unionist 'family' concerning both the agreement and what many perceived as its asymmetrical implementation. The threat that many former UUP voters would shift to the DUP candidate, William McCrea—MLA for Mid-Ulster and that constituency's former MP—was not an imagined one, nor the prospect that disaffected UUP electors would choose not to vote.

In the event, the DUP won the seat for the first time with a majority of 822 (*Irish Times*, September 23rd 2000). On a low turnout of 43 per cent—58 per cent had been registered in the Westminster election, 64 per cent in the assembly poll—the UUP vote slumped to 10,779. Abstentions by former UUP voters appear to have helped the DUP to win the seat, thereby scoring a blow against its unionist rival, and especially against Mr Trimble.

The South Antrim by-election

Candidate	Party	Votes	%
William McCrea	DUP	11601	37.95
David Burnside	UUP	10779	35.26
Donovan McClelland	SDLP	3496	11.44
Martin Meehan	SF	2611	8.54
David Ford	Alliance	2031	6.64
David Collins	Natural Law	49	0.16

Mr Trimble put the result down partly to the low turn-out but largely to unionist antipathy to the reforms of the RUC bequeathed by the the Patten report. Though ‘disappointed’ he scotched any suggestion he should resign his leadership—as advised by his former leadership challenger, Martin Smyth MP. Mr Trimble’s determination to fight on—‘we’re not quitters’—was echoed by the Northern Ireland secretary, Mr Mandelson, who saw no alternative to his leadership of the UUP, nor indeed to the agreement. The latter sentiment was also voiced by the taoiseach, Mr Ahern: ‘The agreement is far stronger than any by-election anywhere,’ he said, adding that he hoped Mr Trimble would ‘continue with the strength and leadership that he has shown’.

But this response was crowded out, not only by the DUP’s triumphalism, but by siren voices within the UUP itself. Mr Donaldson described the result as a ‘disaster’ and called for the UUP to withdraw from the executive—a proposal described as ‘utter and irresponsible nonsense’ by his party colleague and Fermanagh/South Tyrone MP, Ken Maginnis. Mr Donaldson’s Cassandra-like prognostication that the UUP faced ‘electoral meltdown’ at the next general election unless there was a change in party policy—for which one can read leadership, despite his disavowals—was music to the ears of the DUP. Its leader, Mr Paisley, predicted that eight of the UUP’s remaining nine Westminster seats would be won by his party if the swing in South Antrim was repeated across the region, a view echoed by his fellow MP Peter Robinson: ‘The UUP is today in tatters.’

Through a meeting with Mr Ahern, Mr Trimble re-emphasised the importance of decommissioning (*Irish Times*, September 27th 2000), while Mr Donaldson collected the 60 signatures required to trigger a further meeting of the UUC (*Belfast Telegraph*, September 27th 2000). In a fighting speech to the UUP conference in early October, Mr Trimble won a standing ovation from his supporters, when he accused his critics of refusing to abide by the decisions of the party (*Observer*, October 8th 2000).

Anti-agreement activists nevertheless proceeded with their demand for a further meeting of the UUC, eventually scheduled for October 28th. In the surprisingly low-key run-up, it became clear that Mr Trimble's opponents were themselves divided—between those who opposed the agreement in all respects, and those, like Mr Donaldson, who opposed those aspects of the agreement which involved sharing power with SF before decommissioning.

The week before the UUC meeting was characterised by frantic activity, both within the UUP and beyond. Negotiations between Messrs Donaldson and Trimble broke down over the former's demand that a deadline be set for the beginning of actual IRA decommissioning (*Irish News*, October 28th 2000). The international arms inspectors, Martti Ahtisaari and Cyril Ramaphosa, confirmed a second successful inspection of IRA arms dumps (*Belfast Telegraph*, October 27th 2000). And Mr Mandelson assumed powers to force the flying the Union flag over certain official buildings, including those occupied by the two SF ministers, on specified days. On a flying visit to Belfast, the prime minister, Tony Blair, underlined the official view that there was no alternative to the agreement.

At the UUC meeting, in the Waterfront hall in Belfast, Mr Trimble rejected Mr Donaldson's demand for a deadline. He nonetheless appeared to move towards his critics, by announcing a policy of sanctions against SF. Specifically, he claimed powers as first minister to refuse SF ministers the right to participate in North/South Ministerial Council meetings until the IRA re-engaged with the de Chastelain commission on decommissioning. Given the supreme importance which SF attached to these meetings, the move was widely regarded in nationalist circles as a serious provocation, which might itself undermine the agreement. Thus, while Mr Trimble won the backing of the UUC (54.3-45.7 per cent), and appeared to strengthen his position within the party, he did so by antagonising all shades of Irish nationalism.

By the end of this period, the UUP remained in disarray. The prospect of elections in the spring of 2001 was also beginning to concentrate minds. In part, this accounts for the new toughness over the issue of decommissioning. The defeat in South Antrim underlined the party's electoral fragility, especially in the absence of a single coherent policy on the core matter of the day—the agreement itself. On the other hand, an opinion poll confirmed that Mr Trimble remained by far the most popular UUP leader (*Belfast Telegraph*, October 26th 2000). In the absence of a coherent alternative to Mr Trimble or the agreement, the DUP remains the most likely beneficiary of the turmoil. Its party conference in November was marked by confident assertions that 'traditional unionism' would make sweeping gains at the anticipated 2001 Westminster elections (*Irish Times*, November 20th 2000).

Nationalist disquiet?

Since the referendum which ratified the Belfast Agreement, political commentators have tended to presume nationalist and republican support for the workings of the

institutions. Nevertheless, there is evidence of growing anxiety about the future within nationalism (see the *Belfast Telegraph* poll referred to in the media section above), especially around the twin issues of policing and decommissioning and the unionist response to them.

In August, the SDLP leader, Mr Hume, widely regarded as the most significant architect of the 'peace process', announced his intention to resign from the assembly (*Irish Times*, August 31st 2000). He is to be replaced automatically by Annie Courtney, a former mayor of Derry. Nonetheless, the change highlighted the degree to which the SDLP had become associated with its long-time leader. At its party conference in November, the party debated a new constitution which would forbid assembly members from simultaneously representing the party at Westminster. Although the rule would not affect sitting MPs, it was nonetheless regarded as an attempt by reformers within the party to broaden the base of SDLP representation (*Belfast Telegraph*, August 1st 2000)

Throughout this period, the primary preoccupation of nationalists was with the Police Bill advanced by Mr Mandelson. The SDLP accused the government of secrecy over its implementation (*Belfast Telegraph*, August 4th 2000) and misrepresenting the party's views in the US (*Irish Times*, September 4th 2000). Meanwhile, SF kept up a barrage of attack on the same issues. Both parties refused to recommend that nationalists should apply to join the new Policing Board, saying recruitment was still premature (*Irish Times*, October 6th 2000). They did successfully lobby both Democrats and Republicans in the US Congress to press the British government for further concessions (*Irish Times*, September 7th 2000).

The government remained adamant that it had got the balance right, while nationalists insisted further change be made. The former's case was severely undermined by a newspaper broadside by a member of the Patten commission, Clifford Shearing, accusing the government of having 'guttled' the report (*Guardian*, November 14th 2000).

In addition to perceived failings in the Police Bill, republicans were incensed by unionist insistence that all ministries be forced to fly the Union flag on specified days. Whereas unionists understand the agreement to underpin continuing British 'sovereignty' in Northern Ireland, nationalists understand it to enshrine 'parity of esteem' between British and Irish identities. Questions of state symbolism thus become hugely divisive. Unionists were angered when the education minister, Mr McGuinness, called for the republic's passport office to open a branch in Belfast (*News Letter*, August 30th 2000). The flying of flags on public buildings is even more emotive.

Although the assembly established, at Mr Mandelson's request, a special flags committee to examine the issue (*Belfast Telegraph*, September 9th 2000), the committee divided along traditional partisan lines (*Irish News*, October 12th 2000) and dissolved without agreement. The episode illustrated the limits of devolution as an

antidote to sectarian division. When Mr Mandelson proposed to end the matter by legislating to force all ministries to adopt a uniform policy on specified days, SF declared its refusal to co-operate and set about examining the possibilities of a legal challenge (*Irish Times*, October 26th 2000).

The stresses within republicanism over the agreement were increasingly visible. The ‘Real’ IRA, originally a splinter group from the Provisionals, was increasingly active. A major arms dump was identified in August (*Belfast Telegraph*, August 8th 2000) and an RUC station in Armagh was mortar-bombed (*Irish News*, 14 September 14th 2000). When a Real IRA figure, Joseph O’Connor, was murdered in west Belfast in October, there were widespread rumours—supported by eyewitnesses (*Irish Times*, October 17th 2000)—that the IRA was behind this assassination of a leading dissident. Shots were fired by masked men over the coffin at his funeral in Ballymurphy—itsself a snub to the republican leadership (Gerry Adams is a native of Ballymurphy). And SF was accused of intimidating people with any association with the dissidents (*Belfast Telegraph*, 18 October 2000, *Andersonstown News*, 20 October 2000).

Against this backdrop, nationalists were outraged by the UUC meeting in October. Tampering with the north-south bodies is tantamount to undermining the central plank of nationalist support for the agreement—especially in the context of the associated revision of the republic’s constitution, removing its territorial claim over the north. The SDLP leadership, hitherto unanimously committed to the ‘peace process’, described the situation as ‘very serious’. And the SF chair, Mitchel McLaughlin, claimed (*Irish News*, November 17th 2000): ‘This is the greatest and most politically dangerous crisis in the process to date.’

Although there was no question of immediate withdrawal, the fragility of the devolved institutions was underlined by the continuing tensions between the supposedly pro-agreement parties. Both unionism and nationalism appear obsessed with the pressures on their own constituencies, with very little appreciation of the needs of their partners. The situation remained unsettled.

Public policies

The emergence of real politics?

Parallel to the crises of the ‘peace process’, the establishment of a working executive began to develop a genuine sense of devolved administration for the first time.

For the first time for many years, regional politicians were charged with seeking solutions to core social problems as well as demanding answers. The key spending ministries of health, education and employment were all faced with significant questions in September:

- agitation over increasing waiting lists in the Health Service (*Irish News*, September 13th 2000);
- schools requiring further capital investment (*Belfast Telegraph*, September 16th 2000);
- halving of the workforce at the Harland and Wolff shipyard (*News Letter*, September 22nd 2000);
- proposals for a new system of student funding (*Belfast Telegraph*, September 20th 2000);
- prospective root-and-branch review of quangos and local government (*Irish News*, September 14th 2000); and
- demonstrations over increasing fuel costs by farmers and hauliers (*Belfast Telegraph*, September 20th 2000).

By October, there was evidence of significant policy initiative in a number of areas. A public debate into the so-called 11+ examination was launched by the education minister, Martin McGuinness (SF), following the report of a research team on the effects of selection in Northern Ireland (Department of Education, 2000). This in spite of criticism from some Ulster Unionists that this debate would not be conducted within the assembly but via a ministerially-appointed review group (*Belfast Telegraph*, September 28th 2000).

The minister for enterprise, trade and development, meanwhile, Reg Empey (UUP), issued a paper proposing the rationalisation of the economic development agencies in the region into a single body (DETI, 2000). This was in line with the proposals of a direct-rule review group, *Strategy 2010* (DED, 1999).

And, as recounted above, following considerable negotiation and effort, the executive revealed its proposed Programme for Government (*Irish Times*, October 25th 2000) and budget (*Irish Times*, October 17th 2000).

The impact of the full working of the institutions was difficult to measure. To some extent, however, the actual practice of government has increased the stake of all Northern

Ireland's political parties—including those opposed in principle to the agreement—to the success of devolution.

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