



The **Constitution** Unit



# Nations and Regions: The Dynamics of Devolution

Quarterly Monitoring Programme

**Northern Ireland**

Quarterly Report  
November 2001



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## **Devolution monitoring programme**

### **Northern Ireland report 9**

**November 2001**

- Reid suspends, repeatedly, to avoid elections
- September 11<sup>th</sup> eases break in arms impasse
- Some IRA arms put ‘beyond use’
- David Trimble reinstated as first minister
- Mark Durkan becomes deputy first minister
- Fisticuffs in assembly foyer after elections
- Continued sectarian clashes in north Belfast
- Protestant opinion remains jittery
- New police service inaugurated

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## 1. Summary

Robin Wilson

The events of September 11<sup>th</sup> had dramatic reverberations in Northern Ireland. Combined with reports of IRA suspects allegedly training FARC guerrillas in Colombia, they changed the terms of trade of the arcane argument over arms decommissioning, the proverbial ‘logjam’ preventing the stabilisation of the devolved administration since the Belfast agreement. The delegitimation of ‘terrorism’ precipitated—or at least accelerated, in time to save the beleaguered Ulster Unionist leader, David Trimble—an ‘event’ in late October, witnessed by the head of the decommissioning commission, where some IRA arms were put ‘beyond use’.

Mr Trimble, who had resigned as first minister in July, was subsequently reinstated, along with his (briefly) resigned UUP ministerial colleagues, and accompanied by a new deputy first minister, Mark Durkan, the minister of finance. But given the continuing suspicion in the Protestant community as to what ‘event’ had actually eventuated, Mr Trimble could only secure re-election, under the ‘parallel consent’ requirement, by MLAs from the non-sectarian Women’s Coalition and Alliance temporarily redesignating as ‘unionists’. Anti-agreement anger at this ruse boiled over into fisticuffs.

Mr Durkan replaced at a stroke the outgoing SDLP leadership of John Hume and Séamus Mallon, in a wind of change following the party’s poor showing in the June elections. Indeed fear that further assembly elections would lead to unworkable gains for Sinn Féin and the Democratic Unionist Party had persuaded the Northern Ireland secretary, John Reid, to pursue successive, restarting-the-clock, one-day suspensions in the hope some IRA arms would turn up (or, rather, be destroyed). In return for its redesignation favour, he was obliged by Alliance, which had fared even worse in June, to agree to a ‘strand one’ review, to revisit the communal registration by which it had been squeezed.

Amidst all these alarms, a second draft Programme for Government was promulgated, and a draft budget. The latter took some pressure off the health minister, facing a mounting crisis over waiting lists. Her colleague at education received the long-awaited review of Northern Ireland’s ‘11+’ examination. And, despite Mr Trimble’s ban on SF ministerial engagement, on the north-south axis progress continued quietly to be made.

But this business-as-usual activity was counterpointed by continuing sectarian clashes in north Belfast—their nadir when tearful schoolchildren were forced, day after day, to endure sectarian abuse and worse. And Dr Reid could no longer avoid declaring the threadbare ceasefire of the main loyalist paramilitary organisation null and void.

## 2. Devolved government

Robin Wilson

### 2.1 Introduction

With Northern Ireland lacking a first and deputy first minister until early November, and with Executive Committee meetings noticeably rare, there was again little to report this quarter on the work of the devolved administration—with the notable, and important, exceptions of the promulgation of the second draft Programme for Government (see below) and the draft budget for the corresponding period, the financial year 2002-03 (see finance section).

### 2.2 The executive

During the quarter, the Executive Committee met just three times: on September 13<sup>th</sup> and 20<sup>th</sup> and, after the re-election of the Ulster Unionist first minister, David Trimble, and the reinstatement of his unionist ministerial colleagues, on November 14<sup>th</sup>. The two September meetings were occasioned by the need to meet the annual timetable on the Programme for Government and budget: the second agreed the drafts of both,<sup>1</sup> for presentation to the assembly in subsequent days.

Taking place as it did two days after the attacks in New York and Washington, the September 13<sup>th</sup> meeting began with a minute's silence. It was noted that the two executing the functions of the first and deputy first ministers, Sir Reg Empey (UUP) and Séamus Mallon (SDLP), had written to the US president, George W Bush, expressing sympathy. The attacks, of course, had wider ramifications—symbolised by the extraordinary coincidence of the arrival in Ireland on September 11<sup>th</sup> of Mr Bush's Northern Ireland envoy, Richard Haass, for meetings north and south (see political parties section).

Closer to home, the executive unavoidably addressed the bitter intercommunal clashes in north Belfast. It agreed 'to establish an official-level Inter-departmental Liaison Group' (including the Northern Ireland Office) and to appoint a 'Senior Liaison Officer' in the area. The aspiration to a joined-up response was a noble one; the absence of any substantive proposals was equally disturbing.<sup>2</sup> Two months on, the executive noted that the first and deputy first minister would be 'arranging further meetings' with the MLAs in the area.<sup>3</sup>

As previously reported (August 2001), the Office of the First Minister and Deputy First Minister has allocated to a retiring civil servant, Jeremy Harbison, the task of reviewing community-relations strategy. This commitment, arising from the first Programme for Government, was itself a reflection of the inability of the four executive parties—themselves almost entirely communalist in make-up—to present any substantive measures to tackle sectarianism. (Indeed, the principal non-sectarian party, Alliance, criticised the programme for its pusillanimity in this regard.) Dr

Harbison, who has consulted widely, is on target to report to the OFMDFM in December.

While the September executive meetings addressed the big issues—the 2002-03 PfG and budget—as required, other decisions had to be taken in the absence of collective ministerial engagement. A reallocation of 2001-02 expenditures between departments, for example, was agreed by correspondence—effectively a generalisation of the relationship between the two semi-detached Democratic Unionist Party ministers and their executive colleagues.<sup>4</sup>

With Northern Ireland's nearest approximation to normality restored, the executive was able to lift its head to considering initial allocations to the 2003-04 budget. At its November 14<sup>th</sup> meeting it also received a 'detailed analysis' of the economic impact of September 11<sup>th</sup> and addressed 'contingency planning arrangements' in that context. As so often with the terse post-executive releases, neither the former nor the later was elaborated upon. Finally, the long-awaited review of public administration got under way at this meeting, with an (unpublished) discussion paper from the first and deputy first minister. The review is due to begin in the spring.<sup>5</sup>

### **2.3 The programme**

The formal approval of the second draft PfG<sup>6</sup>—as indeed the fact it was discussed at just two meetings would suggest—did not connote strong executive political involvement. At the time of preparation of the first programme, during the spring and summer of 2000, senior officials in the OFMDFM expressed concern that they were not receiving the political steer they required. As one put it then, ministers seemed simultaneously to believe two contradictory things—that the Programme for Government was a really good idea, and that somebody else should write it.

This reflected the culture of dependency and oppositionalism inherited from direct rule, as well as the ideologically- rather than policy-driven nature of Northern Ireland's political system. That has, however, been slow to change.

Indeed, another senior official said that the level of political engagement with the drafting process had been even poorer this time around. Sinn Féin ministers had complained about the number of references to 'Northern Ireland' in the evolving document (as our Nuffield monitoring reports have demonstrated, the health minister, Bairbre de Brún, goes to hilarious lengths to avoid the dread partitionist usage). A unionist respondent, meanwhile, had been exercised to ensure that every reference to 'equality' (which the SF leader, Gerry Adams, conveniently defines as Catholic 'entitlements') be restricted by the subsequent qualifier 'of opportunity'.

Debate on the draft in the assembly was not hugely sophisticated either. Indeed, it was largely hijacked by the ever-deteriorating hospitals crisis, symbolised by waiting lists in the region being the highest in the UK (see previous Nuffield reports).<sup>7</sup> The

associated pleas for more money (see assembly section)—not matched by enthusiasm for the proposals in the Hayes review for acute-hospital rationalisation (see September Nuffield report)—were as usual given a nationalist spin by SF MLAs demanding more money from the ‘British treasury’ than the ‘inadequate’ Barnett formula allowed.<sup>8</sup>

The draft PfG2 betrayed a perhaps inevitable drift towards inertia and routinism, with a slightly more ‘technocratic’ flavour than PfG1. For example, the emphasis on north-south relationships in Ireland, with all its reconciliatory potential, is attenuated, as is the need for strategic, ‘joined-up’ policy-making. A number of references in the first programme, such as to childcare and the social economy, have been simply discontinued, without explanation. And there has been something of a victory for the roads lobby, with the PfG1 language of ‘maintenance’ upgraded to ‘development’. As before, however, there is a strong implicit preference for private financial solutions.

## **2.4 Policy-making**

The Economic Policy Unit of OFMDFM, responsible for the preparation of the PfG, has also been tasked with producing a ‘Practical Guide to Policy-Making’ for the Northern Ireland civil service as a while. One civil servant involved pointed to the tradition under direct rule of picking up the policy of the government of the day at Westminster and asserted, somewhat understatedly: ‘There is a feeling devolution has been posing quite a challenge for people across the system.’ There was a need to be ‘more geared up to make policy to meet our needs in Northern Ireland’, he said.

The unit began gathering evidence around the beginning of the quarter. The anticipated chapter headings for the guide indicate that it will address the unique regional context, the wider policy environment, what makes for ‘good’ policy-making, ‘modernising’ the process, consultation, procedural issues, finance and accountability, implementation and review.

## **2.5 Criminal justice**

A significant development outside the ambit of the devolved administration—but with important potential consequences for it—was the publication at the end of the quarter of the Northern Ireland Office’s draft bill to implement the post-agreement criminal justice review, which had reported in March 2000.

The proposals include: an independent prosecution service, an attorney general for Northern Ireland, a judicial appointments commission, an oath by new judges to their office rather than the crown and the removal of the latter from symbols within (but not without) courtrooms.<sup>9</sup> While the draft bill was predictably attacked by the DUP as a further hollowing out of the ‘Britishness’ of the region, the UUP remained (as at the

time of the review report) relatively sanguine about proposals which excited notably less excitement than those in the (arguably less nuanced) Patten report on policing.

Of particular interest was a commitment by the NIO that, were the necessary political stability to eventuate, policing and criminal justice would be devolved to the assembly after the elections envisaged in May 2003. It was the abuse of such powers *via* the old Stormont Ministry of Home Affairs which was at the heart of the terminal failure of the *ancien regime*.

Conversely, as the secretary to the executive of 1974, Sir Ken Bloomfield, subsequently attested, the *absence* of devolved control over ‘security’ was to be the Achilles heel of that power-sharing experiment, in the face of the loyalist strike which brought it down. It would indeed be testament to a new stability if in 2003 the devolved government has to be extended from 11 (including the OFMDFM) to 12 departments, to accommodate a ‘minister of justice’.

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<sup>1</sup> Executive Information Service, September 20<sup>th</sup> 2001

<sup>2</sup> Executive Information Service, September 13<sup>th</sup> 2001

<sup>3</sup> Executive Information Service, November 14<sup>th</sup> 2001

<sup>4</sup> *Belfast Telegraph*, November 13<sup>th</sup> 2001

<sup>5</sup> Executive Information Service, November 14<sup>th</sup> 2001

<sup>6</sup> Northern Ireland Executive (2001), *Draft Programme for Government*, Belfast: ODMDFM (Economic Policy Unit)

<sup>7</sup> ‘Concern over health service’, *News Letter*, November 14<sup>th</sup> 2001

<sup>8</sup> *Irish Times*, November 14<sup>th</sup> 2001

<sup>9</sup> *Irish Times*, November 13<sup>th</sup> 2001

## 3. The assembly

Rick Wilford

### 3.1 Introduction

The last quarter was the most eventful yet in the stuttering implementation of devolution in Northern Ireland. A second 24-hour suspension announced by the secretary of state on September 21<sup>st</sup> (the first occurred on August 11<sup>th</sup>) meant the assembly has now been suspended on three occasions, and it veered close to a fourth hiatus on November 3<sup>rd</sup>. The hand of the Northern Ireland secretary, John Reid, was, however, stayed on the basis of legal advice concerning the reasonable prospect of a resolution to the re-election of Mr Trimble as first minister and the election of the finance minister, Mark Durkan (SDLP), as deputy first minister, on the joint ticket required by the Northern Ireland Act 1998.

The quarter also saw the first act of arms decommissioning by the IRA, confirmed by the Independent International Commission on Decommissioning. On October 23<sup>rd</sup> the IICD reported that John de Chastelain and his two colleagues had ‘witnessed an event which we regard as significant in which the IRA has put a quantity of arms beyond use. The material in question includes arms, ammunition and explosives.’ It was, in effect, the implementation of the scheme to put weapons ‘completely and verifiably beyond use’, agreed with the decommissioning body on August 6<sup>th</sup> but withdrawn following the second 24-hour suspension five days later. The ‘unprecedented’ and ‘historic’ move by the IRA was, according to its leadership, motivated to ‘save the peace process’.<sup>1</sup>

Many, of course, understood the prime motivating force behind the IRA move to have been US pressure, articulated by the president’s special envoy, Richard Haass, in the wake of the events of September 11<sup>th</sup>—including the prospect of the proscription of SF in the US. Coincidentally, Mr Haass was in Ireland on the very day of the attacks.

Whatever the motive, the act was however welcomed by pro-agreement parties and the London and Dublin governments, and paved the way for the reinstatement of the UUP’s ministers—who had resigned shortly beforehand pending indication that just such an act had taken place. In the wake of those resignations, the DUP’s two ministers had also resigned, leaving a depleted ‘executive’ consisting of three SDLP and two SF ministers. However, the DUP also reclaimed its places following the reinstatement of the UUP team, though for the second time it rotated its nominees, reverting to the original pairing, Nigel Dodds MP (Social Development) and Peter Robinson MP (Regional Development). This left one matter to be resolved—the election of the first and deputy first ministers.

There was considerable change within the SDLP leadership during the period. Mr Durkan was returned unopposed as the party’s new leader, following the retirement of John Hume. He also became the party’s candidate for deputy first minister, Séamus Mallon having indicated he was standing down (and relinquishing the deputy

leadership of the SDLP). Mr Durkan—a talented individual—intends to retain his finance portfolio until the current negotiations over the 2002-03 budget are concluded and agreed. Thus, he will be wearing at least three hats—SDLP leader, deputy first minister and finance minister—for some months, now that the OFMDFM is once again fully functioning.

From July 1<sup>st</sup>, Northern Ireland had staggered on with acting first and deputy first ministers, respectively Sir Reg Empey and Mr Mallon, enabling the institutions to tick over, given Dr Reid's preparedness to employ the expedient of temporary suspensions. With the IRA's arms act in the bag, Mr Trimble's policy of hanging tough was interpreted widely as having reaped dividends—though not, of course, by anti-agreement unionists, including those within his own party, notably MLAs Pauline Armitage and Peter Weir, a troublesome twosome no longer subject to the whip. Their view was that the IRA's act was just that: a one-off event, rather than an initial step in the process of decommissioning. Gen de Chastelain's initial—and terse—statement concerning the modalities of the act did not convince many unionists of the IRA's commitment to disarm. Nor did his subsequent and rather elliptical exchange with Ms Armitage and Mr Weir, during a meeting he held with them at their request on October 31<sup>st</sup>, published in the regional press on the day of the vote.

### **3.2 Back in commission**

In the run-up to November 2<sup>nd</sup>, the anticipated date for the election once more of a first and deputy first minister, the political ether buzzed in anticipation. Owing to a drafting error in the final hurried days of preparation of the agreement, for the duo to be (jointly) elected requires 'parallel consent'—not only an overall majority in the assembly or even a weighted majority (see below), but a majority both of designated 'unionists' and of 'nationalists'. With 58 unionist MLAs, the Trimble/Durkan ticket required the backing of 30 unionists to prevail (there was no nationalist opposition to fear). So speculation mounted that those MLAs self-designated as 'others'—the Alliance Party (with five members) and the Women's Coalition (with two MLAs)—would seek to amend standing orders enabling them to redesignate immediately as 'unionists' for the remainder of the assembly term (until May 2003). Such a procedural wheeze itself required approval by the assembly on a cross-community basis, either by parallel consent or weighted majority (the latter entailing 60 per cent support overall, including at least 40 per cent of both unionists and nationalists).

Standing orders did provide for redesignation, but required 30 days' written notice to the speaker, and permitted of just one change of communal/political identity in the lifetime of an assembly. Thus, on the appointed day the Women's Coalition sought to amend standing orders by tabling a motion allowing an immediate redesignation. In response, the DUP moved an amendment (subject to a simple majority), extending the period of written notice from 30 to 45 days. In her speech moving the motion, Jane Morrice (WC) signalled that if it was successfully carried, she would redesignate as a 'unionist' and that Monica McWilliams, her sister member, would re-designate as a

‘nationalist’—a dual identity change that would at once satisfy its electorate, drawn from both ‘communities’ (and none), and *ceteris paribus*, enable the election of Messrs Trimble and Durkan. The DUP’s amendment was defeated and the WC’s carried by weighted majority, thereby allowing the election to occur. Any lingering hope or suspicion that Alliance would avail itself of the amended standing order and redesignate in whole or in part as ‘unionist’ did not materialise—at least not on November 2<sup>nd</sup>.

In effect, Mr Trimble was now relying on a procedural device which earlier in the week he had described as ‘tacky’. Indeed, it was evident that he much preferred to be ‘re-born’ as first minister through ‘natural childbirth’ rather than an ‘assisted delivery’ through induced change to standing orders. Through gritted teeth, however, he endured the change, only to be thwarted by one vote: 30 unionists voted against the Trimble/Durkan ticket (including Ms Armitage and Mr Weir), with 29 in favour—including the newly defined Ms Morrice. (All nationalists present, SF and SDLP members plus Ms McWilliams, supported the ticket.)

The outcome immediately turned the spotlight on Alliance—and a former party leader, Lord Alderdice, the speaker. Following the vote, he chose to adjourn the sitting rather than suspend it and left for a weekend visit to France. This meant that it would prove impossible to reconvene the assembly on Saturday to rerun the vote.

The situation was high-pressure—not least because at midnight on Saturday, November 3<sup>rd</sup>, the six-week period following the Northern Ireland secretary’s second 24-hour suspension was due to expire. It was assumed that, at that point, he would again have to decide whether to suspend the assembly or dissolve it and set a date for a fresh election. Northern Ireland was on the verge of a political twilight zone. Following intense meetings during Friday and Saturday with Dr Reid, phone calls between the recently elected Alliance leader, David Ford, and the prime minister, Mr Blair, and hastily convened discussions with other pro-agreement parties, the Alliance’s executive agreed that it would redesignate three of its five members as ‘unionists’.

There was, however, a *quid pro quo*—a further amendment to standing orders providing for subsequent redesignation within seven days, and an undertaking from the UK government to review the voting arrangements in the assembly. The latter would require revisiting the Northern Ireland Act 1998, possibly providing for the abandonment of the designation procedure and the adoption of a new, and purely numerical, weighted majority for ‘key decisions’. That, however, would likely upset the SDLP and SF, both of which understand the existing provisions as a safeguard against unionist domination (though in fact they merely assist the unionist ‘no’ camp).

An alternative would require MLAs to register along another axis—for instance, as ‘pro’ or ‘anti-agreement’, and to reapply the current tests (parallel consent or weighted majority) on that basis. One other notional option—simple-majority voting—would be unacceptable to nationalists and republicans.

Alliance and the Women's Coalition do have a point. On all key decisions, the votes of those designated as 'others' do not count in the sense that they are excluded from the tests of cross-community support. On those matters, only unionists and nationalists need apply—or, rather, troop through the division lobbies. The review of the internal 'strand one' of the agreement, including voting procedures in the chamber, was to begin on November 19<sup>th</sup>.

A cloud of uncertainty still hung over what the secretary of state would do at one minute to midnight on November 3<sup>rd</sup>. The decision by Alliance to redesignate created the prospect of a successful election of first and deputy first ministers on the Monday, November 5<sup>th</sup>. In the event he did nothing.

This prompted the DUP to apply to the High Court for a judicial review of Dr Reid's non-decision. In its view, the failure to elect a first and deputy first minister within the six-week period obliged the Northern Ireland secretary, under the 1998 act, to dissolve the assembly and set a date for an election. The DUP's application was, however, rejected on the ground that while the failure to elect did oblige him to call an election, he enjoyed considerable latitude in deciding to do so and in setting a date. In effect, the ruling enables Dr Reid to avoid an election until May 2003, the date envisaged in the Northern Ireland Act 1998.

With that matter temporarily resolved—the DUP having lodged a second request for a judicial review—attention turned on November 5<sup>th</sup> to the rerun of the election of Messrs Trimble and Durkan, prefaced by the further amendment to the standing order, allowing parties to re-redesignate within a week. The amendment was moved by Jim Wilson (UUP chief whip) and, following an acrimonious debate, was passed by weighted majority. Three Alliance MLAs—the former leader, Sean Neeson, and the current leader and deputy leader, respectively Mr Ford and Eileen Bell—duly redesignated themselves as unionists.

The vote was, however, delayed until the next day by a 'petition of concern', requiring that 24 hours should elapse between the debate and the vote as provided by standing orders. Procedural wrangling—or shenanigans—continued to the last. Eventually, on the morning of November 6<sup>th</sup>, care of four newly baptised unionists, Ms Morrice plus the (temporarily ex-)Alliance trio, Messrs Trimble and Durkan were elected as first and deputy first ministers: 31 unionists voted in support, 29 against, and all 38 nationalists supported the joint slate. Devolution was, once more, back on track.

Cries of 'fix', 'cheat', 'gerrymandering' and worse were hurled around the chamber over the three sitting days and scuffles between pro- and anti-agreement MLAs broke out in the foyer of Parliament Buildings—an episode dubbed 'the brawl in the hall'—following the eventual election. Both proponents and opponents of the amendments to standing orders scrambled to occupy the moral high ground. The former spoke of 'saving the agreement' and pointed to the massive (if simple) pro-agreement majority

in the chamber; the latter claimed to want to ‘let the people speak’ through ‘real democracy’, namely a fresh assembly election. Pragmatism, however, prevailed, and for the first time since October 2000, all three ‘strands’ of the agreement—including north-south bodies and the British-Irish Council—should now operate concurrently.

But the road ahead looks extremely bumpy for the UUP, and for its leader in particular. The prospect of a further challenge to Mr Trimble should not be discounted, nor should defections by district councillors, or MLAs, to anti-agreement parties. And Dr Reid’s enhanced sensitivity to ‘no’ unionism reflects the destabilising effect of a majority of ‘real’ unionists formally withdrawing their support from an agreement whose legitimacy hangs heavily on ‘inclusiveness’. In that light, a remark by Mr Blair in the wake of the FM/DFM election—‘The people of Northern Ireland can now look forward to a sustained period of stable government’—rings distinctly hollow.

Yet the region retains an immanent capacity to amaze even the most cynical observers. What then has the assembly achieved over the past three months—apart, that is, from survival?

### **3.3 Debates**

Between September 10<sup>th</sup> and November 6<sup>th</sup> there were 14 plenary sessions, including a special session convened on September 13<sup>th</sup> to send a message of condolence to the United States following the events in Washington, New York and Pennsylvania two days earlier. The debate coincided with the first official visit to the assembly by the new US consul-general, Barbara Stephenson, adding a poignant note to proceedings. There was due solemnity throughout, except that anti-agreement unionists rounded on the benches of SF MLAs—in their eyes, no different from the perpetrators of the enormities of September 11<sup>th</sup>.

The DUP leader, Rev Ian Paisley, led the assault. After recording the sympathy of his party (and the fringe, three-member United Unionist Assembly Party), he addressed his remarks to (Northern Ireland) republicans: ‘There are those in this House whose organisation is part of the international organisation that brought about those awful crimes ... I will not give my presence or credence to crocodile tears, or to an impious demonstration of a conviction of guilt, a guilt that should be properly expressed by handing in the weapons that they have, which are used for the same type of killings in our country.’<sup>2</sup>

So saying, Mr Paisley left the chamber, followed by the ranks of anti-agreement unionists—save Robert McCartney (UKUP)—to avoid listening to the contribution of the SF president, who rose immediately afterwards. Mr Adams voiced his ‘unequivocal condemnation’ of those who had carried out the attacks and undertook to reaffirm his party’s ‘total commitment to the peace process’ and to ‘rededicate’ himself and his colleagues ‘to do our best to resolve the problems that confront us’.

Seeking to strike a statesmanlike note, he continued: '[L]et us realise that our duty is to make peace with each other and that our response to the atrocity is to build democracy and justice here and to resist all the factional urges that divide us.'<sup>3</sup>

Mr McCartney was underwhelmed. His consistent position has been that there can be no compromise between the democrat and the terrorist, a view he restated. He had no difficulty in drawing a parallel between those responsible for the events visited upon the US and 'Sinn Féin/IRA', whose 'contribution to terrorism in the twentieth and twenty-first centuries has been the car bomb'. Winding up, he encapsulated the thoughts of many on the (depopulated) unionist benches: 'Mr Adams held a position in the Belfast brigade of the IRA when it blew apart the bodies of 11 people on Bloody Friday. I treat his words of consolation with contempt.'<sup>4</sup>

Antipathy towards SF re-emerged on October 8<sup>th</sup>, when the assembly debated two motions, one moved by Mr Trimble, the other by Mr Paisley, to exclude the two republican ministers, Bairbre de Brún and Martin McGuinness, from office. Such motions require cross-community support—in practice the endorsement of the SDLP—which all were aware would not be forthcoming. The failure to accrue bi-communal support led to the resignation of the UUP and DUP ministers, thereby plunging devolution deep into crisis, a situation only retrieved a fortnight later when the IRA for the first time put some weapons 'beyond use'.

Prior to this development, the assembly had debated other symptoms of Northern Ireland's political pathology, including (on September 10<sup>th</sup>) the Holy Cross Primary School stand-off, where Catholic primary pupils, accompanied by their parents, ran the gauntlet of verbal and, occasionally, physical abuse by 'loyalist' residents of this area of north Belfast. The barracking had begun before the summer holidays and was renewed a week before the debate was held.

The motion was tabled by Gerry Kelly (SF, North Belfast) and called on the assembly to 'support the right to education of children attending Holy Cross Primary School', but an amendment was laid by Danny Kennedy (UUP), chair of the assembly's education committee. His amendment—which, after a heated debate, was carried—extended the right to education to children 'attending all schools throughout north Belfast'.

Almost two months on, the twice-daily confrontations continued along the interface route, which has the blackly humorous name of Alliance Avenue. Meanwhile, the local 'peace-line' was to be extended.

The generalised assaults on SF by, primarily, anti-agreement unionists during assembly debates were lent a sharper focus on September 18<sup>th</sup> when Eddie McGrady (SDLP) tabled a motion on hospital waiting lists (see September Nuffield report). It gave many members the opportunity to round on the already lowly-regarded SF minister, Ms de Brún. It is perhaps a comment on her reputation that she has attracted

a variety of unflattering sobriquets inspired by neither sexism nor anti-republicanism: her perceived ministerial (in)competence lies at their heart.

Mr McGrady's motion—'This Assembly views with concern the ever-increasing waiting lists for medical and hospital treatment in our local health services, and requires immediate action to remedy this unacceptable and growing problem'—was the opportunity for MLAs of all persuasions to, as Monica McWilliams (WC) put it, 'beat up the Minister'.<sup>5</sup>

Northern Ireland has the highest *per capita* waiting lists in the UK, for in- and out-patient treatment. While Mr McGrady conceded that extra resources were 'essential', he railed against the inefficiencies of health-service management and chided the minister for her belief that 'money is the solution to everything'.<sup>6</sup> Like his party colleague, Dr Joe Hendron, chair of the health committee, he favoured structural reform, as did Paul Berry (DUP), though the latter two also urged further injections of money.

Ms de Brún attributed the current crises to lack of support from her ministerial colleagues for her budgetary bids and underfunding inherited from direct rule, views also articulated by other SF members. 'Blaming the Brits' and attacking the alleged unfairnesses of the Barnett formula are standard weapons in the republican (rhetorical) armoury and were to the fore during the debate. But two SDLP MLAs, Mr McGrady and Carmel Hanna—a member of the health committee—offered the tersest criticisms. Ms Hanna, a former nurse and recovering cancer patient, reminded the assembly that in committee the minister had said that 'she was very concerned at the growth in the number of patients awaiting admission'. Ms Hanna continued: 'I am sure she is but, with respect, she is paid to do much more than that.' While acknowledging the need for more resources, Ms Hanna wanted to know what specific proposals had been put to the executive: 'We need details, chapter and verse.'<sup>7</sup>

Mr McGrady rejected the charge that he was intent 'on bashing the Minister'—before proceeding to do just that. Listing tranches of extra monies that had been ploughed into the health service throughout the current financial year, he observed: '[E]ven with the additional money we still have a spiralling waiting list. We must find out if the cause is inefficient spending, misallocation of funds or a lack of funds.' But he had a provisional conclusion to that inquiry: 'I doubt that it is a lack of funds.'

Repeatedly in our Nuffield monitoring reports, we have remarked on the minister's obsession with consultation, to the point that decisions are often long delayed—if taken at all. Mr McGrady appears to share that view. Winding up, he criticised the 'absence of decision making', pointing to 'consultation fatigue' and 'paralysis by analysis'. He concluded: 'No decisions have been made and everything is under review ... There is a lack of co-ordination. The situation is ludicrous.'<sup>8</sup>

Immediately after the debate on the motion, agreed without a vote, the assembly moved to debate 'paramilitary activity', on a motion laid by Peter Robinson (DUP).

The debate occurred as the clock ticked down to the expiry of the second six-week period initiated by the Northern Ireland secretary on August 11<sup>th</sup> for the election of the first and deputy first minister. It was another ill-tempered affair, rendered all the more so since it took place exactly a week after the terrorist in the US. Mr Robinson's motion was both broad- and narrow-gauge: it deplored the participation in government of those groups 'allegedly on ceasefire' and 'further determines it is inconsistent and intolerable that any party associated with active terrorism continues to hold Executive positions'.<sup>9</sup>

An amendment was however laid by Alex Attwood (SDLP), to call on 'all parties who profess to be exclusively committed to peaceful and democratic means to unequivocally repudiate any and all such violence and to call on all paramilitary groups to give real effect to the decommissioning provisions of the Good Friday Agreement'. In the event, the amendment was carried, but only after a vituperative debate in which verbal assaults were launched on paramilitaries in general, including loyalists, and the SF benches in particular.

The temper of the chamber throughout the quarter was clear. It surfaced again on September 25<sup>th</sup> when members debated a motion moved by Esmond Birnie (UUP), critical of the Northern Ireland Human Rights Commission. In Dr Birnie's view the commission had failed to discharge its remit as bestowed by the agreement, to 'consult and advise on the scope for defining in Westminster legislation rights supplementary to those in the European Convention on Human Rights to reflect the particular circumstances of Northern Ireland'.

Instead of advising and consulting, he argued, the NIHRC was 'campaigning and dictating', and he cited its booklet on a bill of rights<sup>10</sup> as a case in point. Indeed, at its launch in Belfast earlier in the month, the UUP junior minister in the OFMDFM, Dermot Nesbitt, had denounced the document for failing to balance its commitments to rights with recognition of the state, for example by addressing the flags controversy.<sup>11</sup>

Dr Birnie's speech was long and lawyerly. He pointed to the booklet's prescription of proportional representation for Westminster elections, removal of the debarment of the mentally ill from election candidacy, reduction of the voting age to 16 or 17, the right to positive action (interpreted by the UUP member as teetering towards positive discrimination), access to reproductive health care (translated to imply 'abortion on demand') and equality for long-term partnerships relative to traditional marriage. Warming to his theme, the normally mild-mannered MLA—by no means an illiberal man—was reminded of 'Bentham's dismissal of the French Revolution's Declaration of the Rights of Man and of the Citizen as "imaginary rights, a bastard brood of monsters"'. The commission promoted a 'maximalist human rights culture ... in danger of eclipsing this Assembly'.

Summing up, Dr Birnie insisted that 'we do not criticise human rights *per se*, rather, we criticise the way in which the Commission interprets them ... The problem with

[its] document and, indeed, its record to date, is that it combines undue protection for those who are the ultimate enemies of liberty, with the pursuit of other rights that are both undefinable and undeliverable.’<sup>12</sup>

In response, Alex Attwood (SDLP) moved an amendment to the effect that the commission ‘has been hindered in discharging its remit due to limits on its powers and resources, but congratulates [it] on its substantial contribution to the debate on, and in developing, human rights in Northern Ireland’. The scene was set for a sectarian battle and so it largely proved. Unionists, with the exception of the two Progressive Unionist Party members, supported the main motion, while nationalists and others (plus the PUP), supported the amendment. The latter was defeated and the main motion passed by a simple majority. The outcome was, in the view of Alban Maginness (SDLP), ‘disappointing and dispiriting’.

Thus, the prevailing view in the assembly was that the NIHRC had overstepped its remit—largely because unionists believe it to be chock-full of nationalist sympathisers, with not a decent unionist in sight. A senior commission source has described this as an unfair criticism, claiming that (the minority of) nationalist proponents on the board had been appointed because of their civil-liberties commitments, not their nationalism. But it is a worrisome trend, because, as a member of the commission has suggested, the legitimacy of a Northern Ireland bill of rights—primary Westminster legislation, being a reserved matter—would be greatly enhanced if its thrust were endorsed by cross-communal support in the assembly.

Elsewhere, the assembly began the process of scrutinising the executive’s draft budget proposals and the draft Programme for Government for 2002-03. The latter was unveiled by the acting first and deputy first ministers, respectively Sir Reg and Mr Mallon—dubbed the ‘huffer’ and the ‘puffer’ by Edwin Poots of the DUP.<sup>13</sup>

Presentation of the draft PFG (see public policy section) was prefaced by Sir Reg with a litany of the challenges facing Northern Ireland, coupled with the assurance that ‘we now know that by working together we can—and do—make a real difference’.<sup>14</sup> The document reiterated the five broad priorities established in the first programme: ‘growing as a community’; ‘working for a healthier people’; ‘investing in education and skills’; ‘securing a competitive economy’; and ‘developing North/South, east-west and international relations’. In addition, the draft programme engaged in some redefinition of its ‘sub-priorities’ and introduced a number of new ones—children, accident prevention, and culture and the arts—and published new draft public-service agreements for each department.

Sir Reg couched the ambitions of the programme within the context of available resources—due to be disclosed the following day—noting that the indicative budget for 2002-03 reflected a 3 per cent increase above the general rate of inflation, building on the 5.5 per cent increase earlier in the year. But he advised members that, while welcome, the increase fell short of ‘the amounts necessary to meet all expectations’—the defensive alibi of all ministers with Treasury responsibilities.

Getting his retaliation in first, Sir Reg also adverted to needs and effectiveness reviews under way across major spending programmes and, of course, to the examination of the Barnett formula, the bogey that has haunted all budgetary and programme debates since devolved powers were first transferred. Rehearsing a well-tryed plaint, he remarked: 'It is only fair that expenditure in the UK is distributed in relation to need. The present Barnett formula clearly acts against that principle ... The Minister of Finance and Personnel is engaged in an exercise to ensure that the question of the Barnett formula is drawn to the attention of Treasury colleagues. He is conscious of the need to ensure that where we have genuine need and demand that is greater than that which exists in other areas, it is reflected in the resources that are given to Northern Ireland by the Treasury.'<sup>15</sup>

The draft received a broad welcome, although the DUP railed against the inclusion of the north-south links and, in its view, the inadequate resources directed at victims of the 'troubles'. The debate was renewed the following day, when Mr Durkan announced the executive's public spending plans for 2002-03, before their consideration in the statutory committees alongside the draft PfG. The finance minister had a relatively trouble-free ride, although DUP members were critical of the expenditure increases for the administration of the north-south bodies and the Civic Forum. For Ms de Brún, the debate would have sounded particularly welcome. Coming hot on the heels of that on hospital waiting lists, MLAs of all parties reiterated the need to prioritise spending on health.

Members were also encouraged by Mr Durkan's references to Barnett: 'The Executive remain determined to seek improvements to our position with regard to the Barnett formula.' But he sounded a warning note: 'We must not overlook the most obvious point: the amount spent per person in Northern Ireland is much higher than in England. We need to recognise that the Treasury will point out areas in which our spending is high and that it will argue that we must reprioritise. I feel strongly that we must reprioritise in response to our own views and values, not in response to Treasury constraints ... However, we must be aware of the areas in which relatively high spending weakens our case for help with our most acute difficulties.'<sup>16</sup>

The hour set aside after the statement was restricted to questions, rather than general discussion of the budget proposals. Although a number of members used the opportunity to engage in special pleading, especially on behalf of the health service, there was little to upset Mr Durkan's equanimity—all the more remarkable given the unstable political context at the time. Thereafter, the departmental spending plans were ushered into the committee rooms for scrutiny. The finance and personnel committee was to issue a report on the scrutiny process in mid-November, before the final debate on the budget planned for December 3<sup>rd</sup>.

On November 5<sup>th</sup>, amid the procedural jiggery-pokery surrounding the election of Messrs Trimble and Durkan, the chamber held a take-note debate on the proposed spending allocations, and this gave MLAs an opportunity to lobby for their particular

interests and responsibilities, especially the chairs of the statutory committees. In a sense, it was a remarkable situation—or, perhaps, a welcome intrusion of ‘real’ politics amid the moral jousting over the impromptu changes to standing orders. As James Leslie (UUP), deputy chair of the finance committee, put it in opening the debate, ‘We return to more prosaic matters. If all the huffing and puffing, by some mischance, blows the House down, it would be just as well to leave the books in good order.’<sup>17</sup>

The take-note debate occurred a fortnight earlier than in 2000, a change to the timetable requested by the finance committee in the last session and prefigured in the Executive’s ‘Position Report’ (see August 2001 report). This was published before the summer recess, enabling the statutory committees to be clear about the executive’s developing plans for the budget and the PfG well in advance. These were welcome developments, providing more time for the assembly to get to grips with the details of the spending plans and policy priorities of the 11 devolved departments. Mr Leslie singled out for criticism, however, the procedures relating to the Executive Programme Funds.

The EPFs are worked out the by Department of Finance and Personnel and OFMDFM and are designed to promote ‘joined-up’ government through the elaboration of cross-cutting policies for which the departments bid for resources, preferably on a joint or collective basis. Mr Leslie reported that many committees took the view that they were not given the opportunity ‘to be fully involved, informed or even properly engaged in the process’. There were ‘serious problems identified with the process’ collated by the finance committee in co-ordinating the committees’ responses to the departmental budget bids. Indeed, on October 19<sup>th</sup> the finance committee published a report on the matter that included 16 recommendations designed to improve the process and fully integrate the statutory committees into the EPF bidding round.

The take-note debate itself took the form of members, especially committee chairs, making the case for increased allocations for ‘their’ departments. Equally, it provided another opportunity for MLAs to berate the supposed inadequacies of Barnett. This formula clearly exercises SF members, in particular Dara O’Hagan. In her contribution, epithets such as ‘unfair’ and ‘flawed’ peppered her assault on the ‘British Exchequer’ and the ‘parsimonious British Chancellor’. ‘We need to ask,’ she continued, ‘why the massive British war machine expenditure has not been redeployed to support our transition to a more peaceful, stable, prosperous and outward-looking society.’<sup>18</sup> SF’s apparent remedy to the shortfall in resources is the bestowal of tax-varying powers on the assembly (though it did not press this claim when the agreement was being prepared), and an all-Ireland economy coupled with ‘an onus on the Irish Government to spread the benefits of the Celtic tiger’.

Dr O’Hagan’s remarks indicated how Barnett has generated a fevered debate in the region—as so often in Northern Ireland, very poorly engaged with wider UK realities. Ironically, the foremost expert on the operation of the formula, David Heald, believes a Northern Ireland attack on Barnett could be counter-productive. The region’s lower

percentage *increases* under the formula, compared with the other regions and nations (the ‘Barnett squeeze’), arise from its much higher *absolute* public expenditure per head.

The latter, Northern Ireland’s poor fiscal contribution (with no water charges and rates being much lower than council tax in Great Britain) and the questionable value for money of much public expenditure in the region could easily come under closer Treasury, and wider political, scrutiny as a result of a Barnett review. And while, politically, making the case for Northern Ireland’s higher objective social need is likely to be more effective than mere whingeing, it could never justify an even greater differential in *per capita* expenditure in favour of the region, as Sir Reg’ comments implied.

The big beneficiary of the debate, in political terms, was health. Members lined up to press the case that it should be, in the words of Seamus Close (Alliance), ‘the Assembly’s number one priority’.<sup>19</sup> Mr Close’s remarks were highly emotional, bordering on shroud-waving, but he found ready support from all quarters, including a stirring contribution from the health committee chair, Dr Hendron (SDLP). Such support was welcome to the beleaguered health minister, who would have been cheered that so many members urged the executive to accept collective responsibility for addressing the urgent needs confronting the service. Ms De Brun’s message—voiced on other occasions—that her bids for increased resources were only partially met by her colleagues had clearly got through, letting her somewhat off what others regard as a justifiably sharp hook.

Mr Durkan wound up the debate in somewhat headmasterly style. ‘Improving efficiency and effectiveness’, ‘value for money’, ‘sacrifices’, ‘outcomes focus’, ‘as good as it gets’ and ‘making a real meaning out of priorities’ were some of his stock phrases. And while conceding that the executive was committed to addressing Barnett, he tried to inject some realism into the debate.

The finance minister advised members—anticipating the problems that lie ahead—that ‘the political reality is that the perceived wisdom across the water is that the formula is highly favourable to us ... we must bear in mind that not everyone will automatically move over to see things from our perspective’.<sup>20</sup> Referring to the proposed regional rate increases—3.3 per cent for businesses and 7 per cent for householders—Mr Durkan was resolute: ‘I defend the rate mechanism facility as a way of supplementing ... inadequate resources ... we must find money from elsewhere. There is no point in fighting the end if we do not will the means.’<sup>21</sup>

Earlier, on October 1<sup>st</sup>, the assembly had debated alternatives to private finance and public-partnerships, following a critical report by the finance committee (see August 2001 report). Coming in the midst of the scrutiny of the draft budget, this gave MLAs the opportunity to discuss the revenue-raising side of the fiscal stance—and, of course, to berate Barnett some more. The debate was led by Francie Molloy (SF), chair of the committee and no enthusiast for PFI/PPPs, whose basic position was that

‘public funds and public services should be in the public domain’.<sup>22</sup> For him, PFI and PPP had little to do with partnership, ‘only private finance and profit-making’. Mr Molloy was also opposed to rate increases and to water and sewerage charges—‘back-door taxation’ in his view. Instead, he was attracted by the alternative of bonds—a means of revenue-raising also favoured by his deputy chair, Mr Leslie (UUP)—and tax-varying powers for the assembly.

Replying to the debate, Mr Durkan acknowledged the legacy of underfunding of Northern Ireland’s public infrastructure, which he estimated would reach ‘at least £4bn within the next ten years’.<sup>23</sup> Mr Durkan referred to the working group from his department and the OFMDFM reviewing PFI/PPPs and underlined that the executive was committed to a social-partnership approach in this area. One of the first tasks of the working group, he informed members, was to develop a working definition of PPP. In a characteristically colourful way, he remarked: ‘It is not a matter of taking a “karaoke” policy from elsewhere and singing along to it. We intend to develop our own practices and our own approach.’ As to alternatives to PFI/PPPs, he assured the house that ‘nothing is being excluded, no option is taboo’.<sup>24</sup>

As to bonds specifically, the finance minister reminded members of the constraints on borrowing imposed on the devolved assemblies and parliament by the Treasury: ‘we can raise money through bonds, but it will not add to the sum total of our effective expenditure. It will not actually add investment ... If we borrow, the full amount is deducted from our public expenditure block.’ Later he confided that he was not against bonds, but he was at pains to point out that the money raised would have to be paid back at a future date: ‘where does the revenue come from?’<sup>25</sup> This is clearly a tough nut to crack. And all the more so, now that Mr Durkan’s hands will be even fuller as he juggles the finance portfolio along with the manifold functions he inherits as deputy first minister and SDLP leader—too much power for a good man to want and a bad man to have?

During the quarter one plenary debate did see all corners of the house in agreement. On October 1<sup>st</sup> the assembly considered townland names, ancient designations of units of land employed throughout Ireland. There are over 60,000 townlands on the island, about 10,000 in Northern Ireland. Two Alliance members, Kieran McCarthy and David Ford, tabled a motion calling on each department to include townland names on all correspondence and documents as a means of preserving and promoting them.

The debate gave MLAs the opportunity to utter some of these romantic-sounding names, which reverberated around the chamber. A representative sample would have to include Cavanamarra, Derrymeen, Strawletterdallan, Sanaghanroe and Ballywhatticock. Members queued up to mention their favourites, including the junior minister Denis Haughey (SDLP). He began by stating that ‘there were four reasons why the loss of townland names should be resisted: first, Altaglushan; secondly, Munderadoe; thirdly, Munterlevin; and fourthly, Drumballyhugh’.<sup>26</sup>

Besides reciting such names, some members also took the opportunity to wax lyrical in the Irish language and, rather more unusually, Ulster Scots—as in this contribution by Jim Shannon (DUP): ‘Wi the maist fek o fowk, tounlann steidnames nichtna be mukkil o a threip for oor ain Assemlie – whaniver we see yins daein murther an shitin up an doun oor raws an loanins. But the loss o steidnames is mair pruif o the reddin oot o oor kintra fowkgates an heirskip.’<sup>27</sup> The motion was agreed unanimously.

### 3.4 Legislation

Legislatively, the quarter was relatively quiet. Besides the usual raft of secondary legislation, the assembly dealt with a number of primary bills, including the Social Security Fraud Bill (16/00) which passed its final stage on October 15<sup>th</sup>. Other primary legislation reached various stages of the legislative process, including the Game Preservation (Amendment) Bill [committee stage], the Industrial Development Bill [report] and the Local Government (Best Value) Bill [committee]. The assembly has also established an *ad hoc* Committee to examine the Draft Criminal Injuries Compensation (Northern Ireland) Order 2001.

Currently, the procedure committee is examining the assembly’s legislative process and is expected to produce its report, complete with recommendations, before the Christmas recess.

### 3.5 Committees

The major structural development on the committee front occurred on October 9<sup>th</sup>, when the assembly voted to amend standing order 52—not the first time this was to occur during the quarter!—providing for each of the committees to establish sub-committees. Through the monitoring process we have commented on the overload shouldered by the statutory committees and the committee of the centre, given their extensive remits. Conor Murphy (SF), chair of the procedures committee, moved the amendment with the support of the informal chairpersons’ liaison group. It sought to enable each ‘parent’ committee to decide for itself whether and when use might be made of the power to create time-limited sub-committees, to set their quorum and to ensure that as far as was practicable they each represented the balance of party strengths on the ‘parent’ committee. As a ‘key’ decision, the proposed change required cross-community support and this was forthcoming.

While this provision should assist the committees to discharge their responsibilities more effectively, informed sources have suggested that this was not the primary motive. Instead, there was some anxiety—especially among chairs and their deputies—at the non-attendance of members at committee sessions, in some cases rendering them inquorate or leaving witnesses to twiddle their thumbs while clerks were deputed to scurry around the building for absent MLAs. On at least one occasion, witnesses for an oral submission were sent home. Since September, the

business committee has recommended that party whips be supplied with the attendance record of their members—one of whom was required to resign his membership of a statutory committee for persistent non-attendance.

Much of the business of the committees was concerned with the scrutiny of the draft budget and draft PfG, with their views conveyed to the finance committee for collation and report in mid-November. Otherwise, committees continued with their existing inquiries, the committee stage of primary legislation and examination of secondary legislation, as well as holding one-off evidence sessions on matters of topical concern.

Among the latter was the agriculture committee's examination of decommissioning ... of fishing vessels; the culture committee's investigation of the escape of farmed salmon at Glenarm, which led to beachside fights as inhabitants scrambled to capture the fish; and the regional development committee's session on problems with grass-cutting in the north-west. According to Colin James, chief executive of the Roads Service, part of the problem seemed to lie with the wrong type of grass: 'There have been problems with this year's grass cutting, due to the tendering process being delayed, plus the increased winter growth caused by mild, wet weather.'<sup>28</sup>

The key preoccupations of the committees, however, were budgetary matters. Their examination of the draft spending allocations and the EPFs took up much time. Each committee had at least one session with its relevant minister, including the health committee. On October 12<sup>th</sup> it held a long session with Ms de Brún—for whom it was a disquieting experience—before which it had set out its own priorities for discussion. In order, these were: waiting lists/trolley waits, 'bed-blocking' and community care packages, winter pressures, health-service structures, primary care, the regional cancer centre, 'targeting social need' and the ambulance service.

The session was lively as well as lengthy, the minister being left in no doubt as to the committee's view of the urgent need for extra resources and the fact that a number of members found her performance wanting. The committee pressed for the immediate start to a review of the service's delivery structures, rather than waiting for the long-flagged overall review of Northern Ireland's system of public administration. So concerned was the committee with the shortfall of money that it requested a meeting with the first and deputy first minister, 'to impress upon them the urgent need for extra resources'.<sup>29</sup>

The committee's mood of gloom was deepened when on October 16<sup>th</sup> the chair, Dr Hendron (SDLP), and committee member Monica McWilliams (WC) visited the Ulster Hospital on the outskirts of Belfast. They found 22 patients waiting on trolleys and six in chairs waiting to be admitted and 'were shocked at the extent of pressures being exerted on staff and services'.<sup>30</sup> The two MLAs issued a press release saying they 'were horrified to learn that the hospital was very near to closing down in regard to admitting new patients'. The committee resolved that the chair should write to all ministers seeking their support for increased funding for health in the current

budgetary round. This was one example of a committee flexing its collective muscle in support of the minister—if a minister many committee members believe is not up to the job.

During the quarter committee inquiries were taking place into: ‘cultural tourism and the arts’ (culture, arts and leisure committee); ‘aspects of the livestock and meat commission’ (agriculture and rural development); ‘post-primary education’ (education); ‘education and training for industry’ (employment and learning); ‘energy’ (enterprise, trade and investment); ‘delivery of cancer services’ (health); ‘regional development strategy’ and ‘regional transportation strategy’ (regional development committee); and ‘housing inquiry’ (social development).

Besides reports arising from the committee stage of primary bills, a number of inquiry reports emerged, from: the finance and personnel committee on the Executive Committee’s Position Report<sup>31</sup> and Executive Programme Funds<sup>32</sup>; the education committee on post-primary education<sup>33</sup>; the agriculture committee on the livestock and meat commission<sup>34</sup>; the employment and learning committee on education and training for industry<sup>35</sup>; and the environment committee on school transport for children.<sup>36</sup>

When one also adds in the committees’ activities in relation to legislation, their involvement in responding to an array of consultation papers emerging not only from their associated departments but from others as well, plus a variety of briefings on the work programmes of their departments, the provision for sub-committees—whatever its motive—will inevitably help to lighten their workloads. The power to appoint a sub-committee will be particularly welcome for the finance and personnel committee, given its pivotal role in the scrutiny of the budget and draft PfG. Equally, it will be a relief for the committee of the centre, charged with scrutinising many of the wide-ranging responsibilities of the OFMDFM. The mood among its members, however, remains that one committee to oversee the Trimble/Durkan fiefdom is utterly inadequate.

It is highly likely that the assembly will want to revisit this issue in the near future. The committee of the centre is about to embark on ‘an evaluation of the effectiveness of the current approach of the Assembly and the devolved government in the engagement of Northern Ireland within the institutions of the European Union’. Provision for dealing with European matters in the assembly is, currently, a shambles. One outcome of this inquiry is likely to be a renewed demand from MLAs that the procedures and mechanisms for scrutinising the OFMDFM are transformed.

Members will be interested to learn whether the new duo at the top of the executive prove more receptive to change than the Trimble/Mallon ‘partnership’ in December 1999, when they packed the division lobby with their supporters to create just one committee to oversee them, while all other parties voted for initially two—and prospectively three—committees to hold them to account. Perhaps this will prove an early test of the robustness not only of the Trimble/Durkan relationship, but also of

MLAs' capacity to set aside their partisan alignments and cohere around their roles as effective scrutineers of the dual premiership.

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<sup>1</sup> *BBC News Online*, October 23<sup>rd</sup> 2001

<sup>2</sup> *Official Report*, September 13<sup>th</sup> 2001, p4

<sup>3</sup> *ibid*, p6

<sup>4</sup> *ibid*, p8

<sup>5</sup> *Official Report*, September 18<sup>th</sup> 2001, p33

<sup>6</sup> *ibid*, p23

<sup>7</sup> *ibid*, p41

<sup>8</sup> *ibid*, p47

<sup>9</sup> *Official Report*, September 18<sup>th</sup> 2001, p48

<sup>10</sup> Northern Ireland Human Rights Commission (2001), *Making A Bill of Rights for Northern Ireland*, Belfast: NIHRC

<sup>11</sup> *Belfast Telegraph*, September 4<sup>th</sup> 2001

<sup>12</sup> *Official Report*, September 25<sup>th</sup> 2001, p26

<sup>13</sup> *Official Report*, September 24<sup>th</sup> 2001, p72

<sup>14</sup> *ibid*, p59

<sup>15</sup> *ibid*, p61

<sup>16</sup> *Official Report*, September 25<sup>th</sup> 2001, pp3-4

<sup>17</sup> *Official Report*, November 5<sup>th</sup> 2001, p36

<sup>18</sup> *ibid*, p63

<sup>19</sup> *ibid*, p64

<sup>20</sup> *ibid*, p95

<sup>21</sup> *ibid*, p96

<sup>22</sup> *Official Report*, October 1<sup>st</sup> 2001, p68

<sup>23</sup> *ibid*, p83

<sup>24</sup> *ibid*, p84

<sup>25</sup> *ibid*, p86

<sup>26</sup> *Official Report*, October 1<sup>st</sup> 2001, p65

<sup>27</sup> *ibid*, p60

<sup>28</sup> *Minutes of Evidence*, September 26<sup>th</sup> 2001

<sup>29</sup> *Minutes of Evidence*, October 12<sup>th</sup> 2001

<sup>30</sup> *Minutes of Evidence*, October 17<sup>th</sup> 2001

<sup>31</sup> 1/01, September 5<sup>th</sup> 2001

<sup>32</sup> 2/01r, October 16<sup>th</sup> 2001

<sup>33</sup> 1/01r, September 20<sup>th</sup> 2001

<sup>34</sup> 1/01r, September 27<sup>th</sup> 2001

<sup>35</sup> 1/01r, September 20<sup>th</sup> 2001

<sup>36</sup> 2/01r, September 20<sup>th</sup> 2001

## 4. The media

Greg McLaughlin

### 4.1 Introduction

This was an intensive reporting period, with some major news stories set against the background of the attacks on America on September 11<sup>th</sup> and the ‘war on terrorism’. Most significantly in this respect, the IRA announced on October 23<sup>rd</sup> that it had begun to put its weapons ‘beyond use’, renewing hope that the Northern Ireland Assembly could be reconvened. But these events happened amid the continuing loyalist protest against the Holy Cross Primary School in north Belfast, with prolonged sectarian rioting in the area, the official end of the loyalist ceasefires and three murders—including that of a *Sunday World* journalist, Martin O’Hagan.

### 4.2 September 11th and after

The images of passenger planes crashing into the twin towers of the World Trade Centre were seen by a BBC news anchor as ‘the face of war in the 21st century’. They had an immediate and obvious global impact, yet they curiously underlined the way in which regional and local perspectives are sometimes the most most telling in the news media. Northern Ireland’s daily newspapers devoted the bulk of their space to the terrible events, with large dramatic photos and bold headlines dominating front pages. The *News Letter* captured the moment the first tower collapsed with a full page photo headed ‘Hell from the skies’, while the *Irish News*’ front page was dominated by a dramatic low-angle photo of terrified New Yorkers fleeing the huge cloud of dust and debris created by the collapse: ‘The Horror’ was its simple headline.

As well as their general coverage of the attacks, both papers featured a number of items with a local angle: ‘Omagh’s solidarity with US tragedy’ (*News Letter*); ‘Church leaders united in disgust’ (*Irish News*). The *News Letter* remarked in its leader that Northern Ireland would understand what America was going through, while at the same time appreciating the irony that ‘terrorists’ were playing a part in its own democratic future.

The shock and horror of September 11<sup>th</sup> soon gave way to anger and talk of a global ‘war on terrorism’. Curiously, this war also seemed not to apply to Northern Ireland, where images of schoolgirls being physically and verbally terrorised, by blast bombs and insults, had been attracting worldwide media coverage until then (‘Gauntlet of hate’, *Irish News*, September 4<sup>th</sup>; ‘Sheer madness’, *Belfast Telegraph*, September 5<sup>th</sup>).

The sustained sectarian conflict that underscored the Holy Cross protest occasionally erupted into full-scale rioting and eventually provoked the Northern Ireland secretary, John Reid, to declare the loyalist ‘ceasefires’ null and void. In the midst of all this came the murder, on September 28<sup>th</sup>, of Martin O’Hagan—the first journalist to be killed in the long history of the conflict—near his home in Lurgan, Co Armagh, at the

hands of a loyalist assassin. The *Sunday World* reporter had made a career out of uncovering paramilitary racketeering and drug-dealing in the area and it seemed that this was a grudge murder, rather than one with sectarian or ‘political’ motives.

Sadly, but unsurprisingly, it barely registered outside Northern Ireland. The harsh reality is that in every civil conflict—such as in Colombia at present—the most vulnerable journalists are the unsung local reporters who stay around and make themselves a visible target, long after the celebrities have left for the next big story.

### **4.3 The day that would never happen**

When the IRA announced on October 23<sup>rd</sup> that it had begun the process of putting weapons verifiably ‘beyond use’, there was little public surprise—except perhaps that it followed so promptly on the heels of SF’s concerted public-relations drive. The party’s image had taken a mauling after the arrest in Colombia of three IRA suspects (see political parties section). And, in the wake of September 11<sup>th</sup>, it had been under tremendous pressure from the Bush administration to force a start to disarmament or face being blacklisted once again as an active supporter of ‘terrorism’.

It was clear then that the high-profile, synchronised statements by Gerry Adams in Belfast and Martin McGuinness in Washington, on October 22<sup>nd</sup>, signalled their determination to recover the political initiative and repair some of the damage inflicted by the Colombian fiasco (‘IRA faces moment of truth’, *Newsletter*; ‘Preparing the way’, *Irish News*). The next day was heavy with rumour that an IRA statement was imminent. BBC Radio 5 put itself on constant stand-by to take the statement at a moment’s notice, while regional news programmes featured special bulletins and instant analyses, which seemed to miss the significance of what was *in* the statement and highlight instead what was not: specifically, the words ‘the war is over’ (BBC *Newsline* special).

Notably, however, the UUP leader, Mr Trimble, looked relaxed and pleased as he took to the media spotlight, after a short backstage meeting with the head of the decommissioning commission, Gen de Chastelain. He did not gloat or attempt to move the goalposts: it was a day, he said, he never thought would happen. There were, of course, dissidents lurking in the wings, but it appeared that, like Mr Adams and the general, he was keeping faith with the script provided by his producers in London and Dublin.

The IRA statement came too late for the *Belfast Telegraph* that evening but the next day’s issue featured an op-ed piece by a Trimble adviser, Steven King, congratulating Mr Adams on a job well done. The front-page headline in the *Irish News* the next morning, ‘Beyond Use’, framed an authoritative photo of Gen de Chastelain. Its editorial was duly optimistic: ‘From this day on we can bury the painful past’. The *News Letter* led with a front-page stock image of the armalite-toting terrorist anchored by the uncertain headline ‘Farewell to Arms?’.

Perhaps all this was much too long in coming, and the subject of too many false dawns, for it to be the cause for great public rejoicing. But it did have an immediate impact on the political process. With the full backing of the London and Dublin governments, Mr Trimble immediately announced his intention to seek re-election as first minister (see assembly section).

#### **4.4 The brawl in the hall**

When he and his new deputy, Mr Durkan, were eventually elected and came out to face the cameras in the Stormont foyer, they had to endure the embarrassment of a confrontation between unionist and nationalist MLAs behind them—but in front of the international media. The scenes grabbed the headlines and distracted from the first minister's moment: 'Scuffles after leaders elected' (*Belfast Telegraph*, late edition, November 6<sup>th</sup>); 'Shame of Ulster's riotous assembly', 'Dialogue dumped as politicians get down and dirty' (*News Letter*, November 7<sup>th</sup>), 'Police probe into brawl in the hall' (*Irish News*, November 7<sup>th</sup>).

While the *News Letter* made the point that citizens get the politicians they elect, it argued nonetheless that the record of the assembly had been of constructive engagement and 'a heartening degree of sensible and thoughtful debate'. Other commentators struck a more anxious note about the long-term implications. Given the associated redesignations, Gail Walker in the *Belfast Telegraph* called the voting an effective 'gerrymander' (November 6<sup>th</sup>), while Brian Feeney in the *Irish News* sympathised with the DUP view that the Northern Ireland Office was prepared to bend the rules whenever necessary to save the assembly or the agreement. 'Now you might think it's OK when the DUP ... are on the losing side,' he claimed. 'It isn't. If it's wrong, it's wrong. The fools who are presently applauding the British ... for their chicanery and disregard of due process will find they have no case to argue when it happens to them, as assuredly it will.' (*Irish News*, November 7<sup>th</sup>).

#### **4.5 Coda**

This section has only scratched the surface of how the media in Northern Ireland dealt with what was one of the most intense and—despite the 'historic' IRA move—disturbing periods of the 'peace process' thus far. But it is good to maintain a long historical perspective on events, and thereby appreciate some of the rich ironies thrown up. One such was the front-page headline in the *Irish News* on October 31<sup>st</sup>: 'Shankill Butcher caught shoplifting'.

## 5. Public attitudes and identity

Lizanne Dowds

Monitoring public opinion in Northern Ireland is a difficult task at the best of times, but the political twists and turns of the last three months have presented an unusually complicated picture, even by these standards. But two polls provided useful measures of opinion at key points. The first was carried out in early September by PricewaterhouseCoopers for BBC Northern Ireland's *Hearts and Minds* programme—just as the secretary of state was facing the prospect that no first or deputy first minister was likely to be elected by the September 21<sup>st</sup> deadline. The second was an Ulster Marketing Surveys poll for the *Belfast Telegraph*, following the IRA's announcement on decommissioning, but before the furore surrounding David Trimble's re-election as first minister.

The September poll was a significant marker on several counts. First, it suggested that support for the Belfast agreement (running at about 67 per cent of decided voters) did not appear to have slipped since the *Life and Times Survey* reading of autumn 2000 (66 per cent). Secondly, it presented (in retrospect) a most interesting finding on the decommissioning issue. Respondents were asked:

*Under which of the following circumstances would you support David Trimble going back into government as First Minister?*

	Unionists	Nationalists	All
	%	%	%
Under no circumstances	20	23	20
After IRA completes decommissioning	20	3	12
After IRA starts decommissioning	33	9	23
After IRA committed to timetable	16	19	18
Return without preconditions	12	46	27

About 60 per cent of unionists felt they would support Mr Trimble going back into government as first minister, without preconditions, or if the IRA had committed itself to a timetable for decommissioning or if the IRA had started to decommission. As it turns out, real support was conspicuous by its absence following the IRA announcement on decommissioning.

The poll also indicated that public opinion was more in favour of holding fresh elections (41 per cent) than either another temporary suspension (31 per cent) or an indefinite suspension (28 per cent). In the event of course, the Northern Ireland secretary opted again for temporary suspension.

After October 23<sup>rd</sup> and the IRA announcement, things did not get dramatically better for Mr Trimble—and the following week's poll didn't exactly pile on the good news. Perhaps, though, the significant finding was that just over half of Protestant

respondents believed he was ‘justified’ in seeking reinstatement as First Minister, given the IRA move on decommissioning. It was a fairly narrow majority at 52 per cent, but still a majority.

*In view of General de Chastelain’s verification of IRA decommissioning last week, do you think that David Trimble is justified or unjustified in seeking reinstatement as First Minister?*

	Protestants	Catholics	All
	%	%	%
Justified	52	56	54
Unjustified	30	24	27
Don’t know	18	20	19

But when respondents were asked about their preferred ‘best way forward’, the picture was rather more mixed. The most popular choice was indeed for Mr Trimble to be reinstated and the assembly to resume, but at 43 per cent this was not a majority view. If they had a clear choice, a quarter of Protestants would prefer to see the agreement renegotiated, while 8 per cent would be happy for the assembly to resume but would prefer someone other than Mr Trimble as first minister. Overall, there was little enthusiasm for the prospect of fresh elections when other options were brought into the picture.

	Protestants	Catholics	All
	%	%	%
David Trimble should be reinstated as First Minister and the normal operations of the Assembly resumed	40	48	43
Someone else should be elected as First Minister and the normal operations of the Assembly resumed	8	23	15
Fresh elections to the NI Assembly should be held	16	9	13
The Good Friday Agreement should be renegotiated	25	8	17
There should be a return to Direct Rule	7	3	5
Don’t know	5	10	8

The basic problem for the UUP was that unionist opinion did not fall in behind Mr Trimble—even after the perceived triumph of some long-awaited IRA decommissioning. According to the UMS poll, 52 per cent of Protestants did not believe Gen de Chastelain when he said that a significant act of decommissioning had been carried out by the IRA. Further, 59 per cent of Protestants felt that if Mr Trimble were reinstated he should resign again if there was no further IRA decommissioning by February 2002 (the date when the mandate for the de Chastelain commission expires). This was in contrast with the 78 per cent of Catholics who wanted the decommissioning issue left to the general.

*If David Trimble is reinstated as First Minister, should he...?*

	Protestants	Catholics	All
	%	%	%
Resign again if there is no further IRA decommissioning by February 2002	59	10	38
Leave the decommissioning issue to General John de Chastelain	29	78	50
Don't know	12	12	12

Finally, the problems that still face Mr Trimble were underlined in a question on the leadership of his party.

*Who do you believe should lead the Ulster Unionist Party?*

Protestants	
	%
David Trimble	39
Jeffrey Donaldson	34
Martin Smyth	5
John Taylor	3
Reg Empey	1
Other	1
Don't know	18

Mr Trimble remains the most popular choice among Protestants as a whole, but Jeffrey Donaldson—his leading internal dissident—runs a very close second. Clearly, this reflects the views of a significant number of DUP and anti-agreement Protestants who would be likely to favour many of the views held by Mr Donaldson, but it is nonetheless another example of the political knife-edge Mr Trimble seems fated to inhabit.

### 6.1 North-south

Notwithstanding the deep uncertainties besetting the Northern Ireland executive, a good deal of progress continued to be made in expanding the north-south relationship during the quarter. Although DUP gains in the June elections (see political parties and elections section) had given a boost to opponents of the agreement, and the SF electoral advance had further unnerved the UUP, meetings of the North/South Ministerial Council were able to proceed notwithstanding the atmosphere of political uncertainty at Stormont.

Following a flurry of meetings just before the resignation of the first minister, Mr Trimble, took effect on July 1<sup>st</sup>, further sectoral meetings of the NSMC took place even before he was re-elected on November 6<sup>th</sup>. The sequence was unaffected by the short-lived resignation of the other unionist ministers (October 18<sup>th</sup>-24<sup>th</sup>). Conversely, the intense contemporaneous discussions between London and Dublin to end the political impasse focused primarily on bilateral and domestic Northern Ireland matters.

It is now clear that the six autonomous implementation bodies have been proceeding with their work at a rather uneven pace. Progress has been most noteworthy in the case of the two bodies that have significant economic potential.

On September 28<sup>th</sup>, the ministers responsible for trade met for the fifth time to consider the work of the implementation body in this area, *InterTradeIreland* (see list of meetings of the NSMC in the table below). The major item of business was approval of the body's corporate plan for the three years 2002-04 (in respect of which it has a budget of £27 million stg). Its central objective is to develop and disseminate high-quality knowledge about north-south trade as a first step towards encouraging it. It is developing an 'all-island business model', producing an electronic business directory covering the island and otherwise engaging in a range of knowledge-enhancing activities. The body has already produced a useful web page (<http://www.tbdb.org/>).

The work of the *Special EU Programmes Body*, similarly, was reviewed by the fifth sectoral NSMC meeting in this area on October 30<sup>th</sup>. This body has a particularly important function in monitoring and promoting implementation of the 'common chapter'—the strategic framework for development that forms part of the Northern Ireland structural-funds plan and the republic's National Development Plan (2000-06) alike. The body's role in respect of the Peace II and INTERREG III programmes places it in a central position in an area where expenditure exceeds EUR1 billion. Its staffing level has been rising rapidly to match these responsibilities, but is still modest given their range.

Unlike these two areas, where entirely new bodies have been established, in three of the four remaining IB areas an organisation and staff in the north, the south, or both has been inherited. In terms of employees, *Waterways Ireland* is the largest. The most recent review of its work by the NSMC, on June 27<sup>th</sup>, took note of the transfer of 220 professional, technical and industrial staff from the southern Department of Arts, Heritage, Gaeltacht and the Islands to the new body in May, with a further transfer from the northern Rivers Agency to follow (the body will also recruit additional staff itself). One of its major tasks is the marketing of existing waterways; its most ambitious planned project is the restoration of the Ulster canal, a 93km stretch of waterway linking Lough Erne to Lough Neagh.

The most recent meeting of the NSMC to consider the work of the *Foyle, Carlingford and Irish Lights Commission* took place on October 26<sup>th</sup>. One whole section of this body's responsibilities has not yet come on stream: the Commissioners of Irish Lights. This remarkable body, dating from 1786 and operating under its present name since 1867, continues to operate autonomously in maintaining lighthouses right around the the island, as it has done for many decades (see <http://www.cil.ie/>). It will come under the responsibility of the new body only when the necessary legislation has been enacted in the Dáil and at Westminster. Steady progress has been reported on the other part of the body's area of responsibilities, Foyle and Carlingford Loughs, where it is responsible for salmon and inland fisheries, marine tourism and aquaculture and shell fisheries.

In the case of the *Languages body*, no meeting has taken place since December 5<sup>th</sup> 2000; a meeting scheduled for May 11<sup>th</sup> was postponed. Nevertheless, one of its two agencies, Foras na Gaeilge, continues to promote the Irish language and differs from its predecessor, Bord na Gaeilge, in two respects: its range is broader (including publishing and terminology development), and its jurisdiction extends over the whole island rather than being confined to the republic. The other agency, by contrast, the Ulster Scots Agency, began with a blank sheet and has been engaging in a vigorous campaign to promote awareness of Ulster Scots and to develop the language itself (see <http://www.ulsterscotsagency.com/>).

In the case of the last area, *health promotion*, no meeting has taken place since July 4<sup>th</sup> 2000; two planned later meetings had to be postponed due to Mr Trimble's policy of refusing to authorise the attendance of the relevant minister, Ms de Brún of SF.

**Table 1. Recent sectoral meetings of North/South Ministerial Council**

No	Date	Place	Ministerial representation		Business*
			Republic	Northern Ireland	
30	15/6/01	Dundalk	Dan Wallace (FF)	Sam Foster (UUP) Mark Durkan (SDLP)	co-operation: environment (4)
31	20/6/01	Dublin	Charlie McCreevy (FF)	Mark Durkan (SDLP) Dermot Nesbitt (UUP)	EU programmes body (4)
32	22/6/01	Derry	Frank Fahey (FF)	Brid Rodgers (SDLP) Sam Foster (UUP)	Loughs and lights body (5)
33	27/6/01	Enniskillen	Sile de Valera (FF)	Michael McGimpsey (UUP) Sean Farren (SDLP)	Waterways body (3)
34	29/6/01	Coleraine	James McDavid (FF)	Sean Farren (SDLP) Reg Empey (UUP)	cooperation: tourism (3)
35	28/9/01	Newry	Mary Harney (PD)	Mark Durkan (SDLP) Dermot Nesbitt (UUP)	Trade body (5)
36	4/10/01	Dundalk	Joe Walsh (FF)	Brid Rodgers (SDLP) Dermot Nesbitt (UUP)	cooperation: agriculture (4)
37	26/10/01	Bundoran	Frank Fahey (FF)	Brid Rodgers (SDLP) Dermot Nesbitt (UUP)	Loughs and lights body (6)
38	30/10/01	Dublin	Charlie McCreevy (FF)	Mark Durkan (SDLP) Dermot Nesbitt (UUP)	EU programmes body (5)
39	7/11/01	Dublin	James McDavid (FF)	Reg Empey (UUP) Sean Farren (SDLP)	co-operation: tourism (4)

\* figures in brackets refer to the number of the meetings within each sector

Progress has been slower in the six areas designated for co-operation. In the areas of *health* and *education* there have been predictable difficulties, since these are in the charge of SF ministers whose attendance at NSMC meetings had not been sanctioned by the first minister until the resumption of ‘normality’ in early November. Until then, no meetings had taken place in these areas since July 3<sup>rd</sup> and 4<sup>th</sup> 2000 respectively. In *transport*, similarly, the responsibility of the DUP, which has been refusing to co-operate with the NSMC, no meeting has taken place since December 19<sup>th</sup> 2000 (and even then this took advantage of a sectoral meeting of the British-Irish Council, bypassing the DUP minister).

In two other areas there has been more progress. Co-operation on the *environment* continued following the last sectoral NSMC meeting in this area on June 15<sup>th</sup>, covering approaches to water quality in the Erne and Foyle catchment areas, waste recycling, monitoring of new technologies with implications for the environment and the development of information networks. A meeting in the area of *agriculture* on October 4<sup>th</sup> noted significant progress in combating foot-and-mouth disease and other infectious diseases, in promoting cross-border rural development and in commissioning a study of pig-meat processing. The gap between the two jurisdictions was highlighted by another area considered: the probable impact of global agreements and EU policies, following enlargement, on agricultural prices. In this respect, one jurisdiction has a voice, however insignificant, in the relevant decision-making bodies; the other can only hope (but without much optimism, given the different character of the British and Northern Ireland economies) that the UK government will take account of its representations.

It is certainly in the last area, *tourism*, that advances have been most noted; these were reviewed most recently by the relevant sectoral NSMC on November 7<sup>th</sup>. Although this was not an area in which the creation of an implementation body had been planned, institutional co-operation between Bord Fáilte and the Northern Ireland Tourist Board had been proceeding with some intensity since 1996. In accordance with the logic of marketing the island as a single destination, a new body, Tourism Ireland, was finally established on December 11<sup>th</sup> 2000. A new chief executive took up his position on July 16<sup>th</sup> 2001, and work has begun on ‘a comprehensive marketing programme for the 2002 season’. This will be supported by a budget of EUR76 million.

In the meantime, the two bodies that currently market tourism within the two jurisdictions (and which will have a role under the new régime) continue substantially to ignore each other on their attractive web sites. Bord Fáilte seeks to attract visitors to an Ireland that has only 26 counties (see <http://www.ireland.travel.ie/home/>), while the NITB shows a corresponding though less complete indifference to attractions on the other side of the border (see <http://www.nitb.com/> and <http://www.discovernorthernireland.com/>).

## 6.2 ‘East-west’

The affairs of the British-Irish Council, administered by a small staff in the republic’s Department of Foreign Affairs and the Cabinet Office, continued without much political momentum, though recording some progress on sectoral issues. The areas on which co-operation is being pursued include drugs (coordinated by the republic’s government), social inclusion (Scottish executive and Welsh cabinet), environment (British government), transport (Northern Ireland executive) and the knowledge economy (Jersey).

In reality, however, major policy domains even within these sectors are subject to direct horse-trading between individual administrations, outside the framework of the BIC. The designation of environment as a sector for co-operation, for instance, has not prevented Dublin from mounting a legal challenge against the British government over developments at the Sellafield nuclear reprocessing plant. And while the BIC continues to be largely absent from executive and assembly discussions in the north, October 8<sup>th</sup>—when the environment minister, Sam Foster (UUP), was asked a Sellafield-related question—proved an illuminating exception.<sup>1</sup>

Mr Foster pointed out that emissions were regulated by the Environment Service in England and Wales and that there was no direct jurisdiction in Northern Ireland—alone or on a north-south basis. He acknowledged that it had been agreed that Sellafield would be an issue for consideration by the BIC, in environment format, but said its next meeting had not been arranged. This was the responsibility of the Whitehall Department of Environment, Food and Rural Affairs, which chairs the

environment sector of the BIC and provides a secretariat. In responding to specific concerns about toxicity and radioactivity, the minister relied on DEFRA's estimates—rather more comforting than those used by objectors to the continuation of the plant and the extension of its activities.

Some other 'east-west' exchanges took place in the quarter. Road authorities in the republic, Northern Ireland and Britain announced they would work together on two projects.<sup>2</sup> The STREETWISE project will develop information systems about congestion and alternative routes for motorists using Trans European Networks. The second project, INSTANT, will concentrate on the Belfast-Dublin route. On a bilateral basis, the clerk to the Scottish Parliament's EU committee visited the committee of the centre and the latter gave some consideration to the Scottish Parliament's handling of the EU directive on worker consultation.<sup>3</sup>

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<sup>1</sup> *Official Report*, October 8<sup>st</sup> 2001

<sup>2</sup> Executive Information Service, September 12<sup>th</sup> 2001

<sup>3</sup> *Minutes*, October 17<sup>th</sup> 2001

### **7.1 Introduction**

Despite the international situation, the quarter was more one of consolidation than fundamental change, though as will be seen there were again signs of a more consciously strategic approach to EU funding (an approach reported in early quarterly reports as weak).

### **7.2 International and trans-European affairs**

Northern Ireland's European aspirations were not left unscathed by the international fall-out from the attack on the US. While the OFMDFM was setting things in train to put into operation a measure under Peace II to promote Northern Ireland as a 'forward and outward looking region', two continental airlines withdrew direct flights between Belfast and, respectively, Amsterdam and Brussels (Sabena having done so before its bankruptcy). Moreover, the domestic economy was shaken by the impact of the crisis on Bombardier Aerospace (which has a major aircraft factory in Belfast, formerly Short Brothers), British Airways and Aer Lingus. The enterprise, trade and investment minister, Sir Reg Empey, called for a concerted approach by the UK and EU.<sup>1</sup>

The chair (Edwin Poots) and deputy chair (Oliver Gibson) of the committee of the centre attended the third meeting of the EU Liaison Group in Brussels on October 29<sup>th</sup>. The committee also announced an inquiry into the effectiveness of the engagement by the assembly and executive with EU institutions and appointed experts to carry out research in this regard.<sup>2</sup>

### **7.3 Consolidation of current EU funding**

More routine activities during the quarter were confined to launches of projects and initiatives funded by the EU. Examples included: out-of-care childcare places, an integrated bus and rail transport centre in the north-west of the region and a community and economic regeneration project in west Belfast (opened by the director-general for regional policy, Guy Crauser).

On September 25<sup>th</sup>, the finance minister, Mr Durkan, addressed the assembly on the draft budget for 2002-03 (see assembly section). This included an update on the new rounds of Euro-funding. He noted that negotiations on the structural funds and EQUAL were complete (indeed, invitations to submit projects under Peace II and 'Building Sustainable Prosperity' are in train). And negotiations for the remaining community initiatives—INTERREG, URBAN and LEADER—were nearing completion, he said.

#### **7.4 A stronger sense of strategy?**

On more strategic issues, the finance committee carried out a major review of the operationalisation of structural and ‘peace’ funding—a review which came, by and large, to favourable conclusions about the impact of social and political inclusion. The relationship between domestic objectives and EU requirements was developed in the minister’s statement referred to above.

Mr Durkan noted that the proposed budgetary allocations to functions and departments reflected the departments’ responsibilities as implementing and accountable bodies for measures within the various structural-funds operational programmes. The figures in his tables, he suggested, illustrated the scope of the new programmes and how they complemented those of the executive. This, he suggested, highlighted the special contribution made to the region by the EU. And he proposed that the Executive Programme Fund for social inclusion / community regeneration be managed alongside elements of the structural funds and community initiatives, to maximise co-operation between the executive, district councils and the EU.

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<sup>1</sup> Executive Information Service, October 15<sup>th</sup> 2001

<sup>2</sup> *Minutes*, October 17<sup>th</sup> 2001

## 9. Finance

Robin Wilson

### 9.1 Audit review

In September, the finance minister, Mr Durkan, announced a two-month consultation on audit and accountability in the public sector, with a view to assembly legislation next year.

Currently there are three separate audit structures in the region: the Northern Ireland Audit Office (for central government); the Health Audit (part of the Department of Health, Social Services and Public Safety); and the Local Government Audit (part of the Department of the Environment). The assembly is audited by the comptroller and auditor general, head of the NIAO.<sup>1</sup>

### 9.2 Budget 2002

The minister unveiled his draft budget for 2002-03 a few days later,<sup>2</sup> a day after the draft Programme for Government had been published for consultation (see devolved government section).

The biggest beneficiary in the £6.3 billion total—a 7 per cent nominal increase on 2001-02—was, inevitably, health, with the DHSSPS to receive an 8.1 per cent increase to almost £2.5 billion. But Mr Durkan admitted that inflation plus the specific pressures in health meant that a 7-8 per cent rise was needed just to stand still. The health minister, Ms de Brún, will doubtless still be coming back for more.

The budget for the other big spender, education—run by Ms de Brún's party colleague, Mr McGuinness—would rise to £1.4 billion under the proposals. This included a 10 per cent increase in provision for the dilapidated school estate, an issue dear to the minister's heart.

One leading Belfast economist expressed some unease that the pressures for more spending on health and education had been matched by a (small) diminution *vis-à-vis* economic development, in terms of the allocation to the Department of Enterprise, Trade and Investment (£256 million).<sup>3</sup>

The minister said that, as with the draft Programme for Government, there would be eight weeks for consultation, with a view as last year to finalising the budget in December.

### 9.3 Reallocations

Meantime, however, Mr Durkan was able to step in with some additional sweeteners for the current financial year. Towards the end of the quarter, he announced the reallocation of £33 million between departments, out of savings twice that level.

This is not the first time the minister has been able to make such reallocations, suggesting that departments may not actually be capable of spending the resources they have. Health again was the biggest gainer, with an extra £8 million for that department. But Mr Durkan was keen to stress that ‘hard choices’ still lay ahead.<sup>4</sup>

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<sup>1</sup> Executive Information Service, September 21<sup>st</sup> 2001

<sup>2</sup> Executive Information Service, September 25<sup>th</sup> 2001

<sup>3</sup> *Irish Times*, September 26<sup>th</sup> 2001

<sup>4</sup> Executive Information Service, November 12<sup>th</sup> 2001

### 11.1 Introduction

Once described as ‘hectic but hopeless’, the politics of Northern Ireland have too often appeared a dangerous soap opera. Observers now expect a convoluted, indeed far-fetched, plot involving well-established characters, while each episode seems fated to finish with a dramatic tension, where the outcome can only be guessed. At the end of the previous quarter (see August 2001 report), the Northern Ireland secretary had resorted to a previously unsuspected legal device, suspending the operation of the devolved institutions for 24 hours. The parties which did best in the local and general elections in June, SF and the DUP, fumed that failure to agree should necessitate new assembly elections. But the Northern Ireland Office had done its legal homework, and the broad acceptance by the core, mainstream supporters of the agreement—the London and Dublin governments, the UUP and the SDLP—that this was the ‘least bad’ option sufficed to buy six further weeks of negotiation.

Every so often, however, something unforeseen happens which forces a rethink—even in Northern Ireland. The attacks on the World Trade Centre represented such an event: against its scale and impact, the region’s political roller-coaster seemed paltry and self-indulgent. Ground-breaking events took place during this quarter, many flowing from September 11th.

The last three months saw a further one-day suspension<sup>1</sup> and, latterly, a legal challenge seeking to force the Northern Ireland secretary, Dr Reid, to mount elections or a full-scale review of the agreement. In the interim, the SDLP became the first nationalist party since partition formally to endorse policing arrangements in the north, while the IRA took its first step towards decommissioning its weapons—something many observers thought could never happen. On a more mundane level, two parties (SDLP and Alliance) changed their leaderships, while unionism appeared to be hardening into two increasingly irreconcilable blocs premised on fundamental attitudes towards the agreement.

These events took place in the context of escalating sectarian trouble in north Belfast, which led Dr Reid to declare two of the three loyalist ‘ceasefires’ over, and serious international embarrassment for SF following the arrests in Colombia of three well-known republicans suspected of providing advice and support to the militant FARC rebels. All on the way to re-establishing a regional government for 1.7 million people.

### 11.2 A republican Rubicon?

The June elections appeared to establish SF as the dynamic force of northern nationalism and the party reacted angrily to Dr Reid’s suspension in August. The party president, Mr Adams, characterised the move as ‘a capitulation to Unionist

demands' and 'a body blow for the Agreement'.<sup>2</sup> The IRA promptly withdrew its offer to put arms verifiably 'beyond use' (see August 2001 report). There was no indication that decommissioning was possible before the re-establishment of devolved government—if ever. On the other hand, it was abundantly clear that the UUP leader, Mr Trimble, would not be re-elected as first minister without precisely this step. In the absence of even outline agreement on the re-establishment of the institutions and decommissioning, many questioned the rationale behind a six-week extension, apart from the wish to avoid elections that could seriously weaken the UUP and SDLP.

Given SF's apparently effortless rise to nationalist dominance, subsequent events opened up an unexpectedly difficult chapter for republicans. The first challenge lay in the ending of the nationalist consensus on the critical matter of policing.

Following years of wrangling, the SDLP became the first party to agree to nominate members to the new Policing Board and to accept the latest British government proposals for the implementation of the Patten report.<sup>3</sup> With the vocal support of many Irish-Americans in Congress, the SDLP announcement was strictly choreographed to follow effectively identical statements by the Catholic bishops and the republic's government.<sup>4</sup> It also became clear that the southern counties of the Gaelic Athletic Association, controlled by people closer to Fianna Fáil than SF, were minded to abolish its controversial rule 21 banning members of 'crown forces' from playing Gaelic games, rather than be 'dictated to' by SF.<sup>5</sup> Previously, the association had tended to defer to the more militant view of the northern counties. For the first time in many months, SF found itself isolated on a crucial issue within the nationalist political family.<sup>6</sup> Although a core of anti-police sentiment remained within the republican electorate, the Patten report had at least achieved the *sine qua non* of nationalist engagement.

The re-emergence of 'clear green water' between the SDLP and SF was reinforced by the unexpected events in Colombia.<sup>7</sup> The involvement of FARC in the drugs trade has turned the organisation into a political untouchable in Washington. Dark mutterings about the alleged role of British intelligence notwithstanding, the political damage to SF among US Republicans was immense. When the Cuban government confirmed that one of the three IRA suspects was SF's accredited representative there, the difficulties only deepened.<sup>8</sup>

A planned visit by Mr Adams to Cuba was (indefinitely) postponed and the republican leadership was notable by its absence from television screens during August. For once, SF appeared in real difficulties countering unionist claims of bad faith on IRA arms.<sup>9</sup> The proposed visit of Richard Haass, special advisor on Northern Ireland to the president, Mr Bush, merely underlined the difficulties.<sup>10</sup> When that visit coincided with the attack on the World Trade Centre,<sup>11</sup> the clear message was that 'terrorism' against America's one solid ally in the 'war *against* terrorism' was no longer a viable strategic option from the point of view of any party in the US. While in Belfast, and after he had met SF leaders, it was put to Mr Haass by a local

academic that the three men arrested in Colombia had been engaged in a ‘freelance’ operation. ‘You’re the first person who has said that,’ came the sceptical response.

Speaking on his return to Washington, Mr Haass removed any possibility of ambiguity, commenting that ‘the failure of the IRA to decommission is deeply troubling’. Decommissioning was not only part of the peace process but ‘central’ to it, he said. No single act would have greater impact on the other actors in Northern Ireland than an act of decommissioning.<sup>12</sup>

In the run-up to the end of the new six-week period of grace, the IRA committed itself to renewed engagement with the decommissioning commission.<sup>13</sup> The seven-member army council, on which four senior SF leaders are represented, also felt obliged to express its abhorrence of terrorism in America, while claiming indeed that it had not sanctioned the visit of the three republicans to Colombia.<sup>14</sup>

In the light of September 11<sup>th</sup>, the governments in London, Dublin and Washington made clear however that reaffirmation by the IRA of the ‘modality’ for putting IRA weapons beyond use, presented and subsequently withdrawn in August, would be insufficient.<sup>15</sup> All of a sudden, it was evident that the diplomatic and strategic calculus within the republican movement was changing in favour of those prepared to countenance actual decommissioning. Even the dissident Real IRA seemed to be coming under pressure to call a renewed ceasefire.<sup>16</sup>

In this heightened atmosphere of expectation, the British government, with the tacit support of Dublin, agreed to a further 24-hour suspension and a new six-week deadline for agreement.<sup>17</sup> While SF went through the motions of condemnation, there was little force in its objections.<sup>18</sup> The main objector this time was the UUP, which announced that it would for the first time table its own motion to exclude SF from the executive, on grounds of failure to comply with the non-violence requirements of the ministerial Pledge of Office. In the event of this motion falling—as, given the absence of the necessary ‘cross-community’ consent it would—the former first minister, Mr Trimble, announced his intention to withdraw the remaining three UUP ministers from the executive, thus triggering a collapse of all institutions and requiring elections or (Mr Trimble’s preference) a review of the workings of the agreement.<sup>19</sup> Given republican resistance to being seen to react to unionist pressure, the prospects for decommissioning remained unpredictable.<sup>20</sup>

In the event, both the DUP and the UUP put down motions to exclude SF and the procedures of the agreement came under intense scrutiny once again. While some, especially the UUP, argued that the withdrawal of unionist ministers would mean the end of the central principle of cross-community consensus and automatically precipitate a review,<sup>21</sup> nationalist commentators suggested that the Northern Ireland secretary should replace resigning unionists with willing nationalists. The British government seemed anxious to signal to Mr Trimble that he should not assume automatic suspension on the basis of what it regarded as an unhelpful tactic. The political scientist Brendan O’Leary argued strongly that the power to suspend was not

contained in the Anglo-Irish Agreement and objected to the view that the Northern Ireland institutions could be abolished by act of Westminster.<sup>22</sup>

The discussion highlighted a critical uncertainty at the heart of the settlement. Are the institutions the product of an international treaty which can only be altered by full and concurrent agreement of Parliament and Dáil Eireann, or are they governed solely by the Northern Ireland Act, the law of 'sovereign' Westminster? Is Northern Ireland a devolved part of the United Kingdom or a special zone governed ultimately by the joint political will of the UK and the republic as defined in international law?

In the event, the UUP leadership sought to avoid confrontation by deciding on a 'slow motion' withdrawal from office.<sup>23</sup> Mr Trimble was clearly anxious to test press speculation that the SF education minister, Martin McGuinness, had been reappointed as IRA chief of staff, a move interpreted as evidence of a shift in favour of the political pragmatists within the republican movement.<sup>24</sup> The incumbent, Brian Keenan, had once famously told a west Belfast audience that the only thing that would be decommissioned was 'the British state in Ireland'. It was nevertheless clear that without an actual act of decommissioning the agreement would collapse within weeks.<sup>25</sup> Ten days after the failure of the UUP motion, all five remaining unionist ministers (including the two DUP members) withdrew from the executive,<sup>26</sup> leaving seven days for the vacancies to be filled.

But within three days, Messrs Adams and McGuinness, in carefully orchestrated speeches in Belfast and New York, called on the IRA to make a 'groundbreaking move' on decommissioning.<sup>27</sup> The spectre of the republican leadership calling on itself to decommission was bizarre, but in the desire to achieve a breakthrough few commented on the absurdity. Both republican and unionist supporters of the agreement may have harboured anxieties, but all felt they were witnessing an event of great significance. The following day, Gen de Chastelain confirmed that he and his colleagues on the decommissioning commission had been present at an act of putting IRA weapons 'beyond use'.<sup>28</sup> With few further details in the public domain, Mr Trimble led a delegation to meet the commission and announced his intention to reappoint the three UUP ministers. The DUP, while protesting loudly, had little choice but to follow suit.<sup>29</sup>

### **11.3 A new beginning?**

The SDLP's decision to join the Policing Board came not without agonising within the party élite. During Peter Mandelson's period as Northern Ireland secretary, relations between the British government and the party entered a deep freeze over SDLP perceptions that Mr Mandelson was redefining the spirit of the Patten report to suit Mr Trimble—the latter having been incandescent with rage at its publication in September 1999. Without the support of the SDLP, the entire Patten project to make policing acceptable to both unionists and nationalists was doomed. During the negotiations at Weston Park in July (see August 2001 report), the government agreed

to most of the SDLP's demands and the party obliged by becoming the first in Northern Ireland formally to agree to join the new board.<sup>30</sup>

While most observers felt that the UUP had little choice but to support the service, the speed of the SDLP's endorsement triggered a belated rearguard action among anti-agreement unionists. It emerged that the DUP leader, Mr Paisley, and the UUP MP for South Belfast and one-time Trimble challenger, Rev Martin Smyth, had discussed inter-party co-operation, while the DUP deputy leader, Mr Robinson, called for a boycott of the new policing arrangements.<sup>31</sup> The UUP young pretender Jeffrey Donaldson signalled his support for the strategy, proclaiming that 'I for one wish to see greater unionist unity' and calling the proposals for change unacceptable.<sup>32</sup> And a *Trimbleista* elected representative confided that on Protestant doorsteps in June Patten had been even more difficult than decommissioning. Responding to this pressure, the UUP delayed making nominations to the board.

The SDLP, with more than one eye on the charges of betrayal emanating from SF, was determined to prevent any changes to address unionist concerns, and the British government signalled its unwillingness to make last-minute adjustments.<sup>33</sup> And in spite of genuine unionist worries that the strength of the force had been seriously compromised by loss of morale and personnel resulting from Patten<sup>34</sup>—one senior officer characterised morale as 'appalling'—the UUP was never likely to oppose the police service. Ending weeks of uncertainty, the party finally agreed to nominate its members of the board before the secretary of state's deadline.<sup>35</sup> Despite vocal opposition to the new service, the DUP once again followed suit, rather than forfeit its seats to other parties.

Some difficulties, however, remained: the board will struggle, for example, to arrive at any consensus on the symbols for the new service. Even the nomination of formally 'independent' members proved difficult, with a row over whether a perceived 'unionist' or 'nationalist' from among their number should become chair—reminiscent of that old saw that any Northern Ireland atheist is inevitably asked to clarify whether they are a Protestant or a Catholic one. In the event, the position went to a Protestant former academic, Desmond Rea, while the deputy's post was filled by Denis Bradley, a former Derry priest.<sup>36</sup>

#### **11.4 Changing the guard**

In some senses, the Belfast agreement represented the culmination of the work of the civil-rights movement of the late 60s. Few were as closely identified with this movement as John Hume, the dominant figure of northern nationalism for over two decades. It had been clear for some time, however, that Mr Hume's period as an active regional politician was coming to an end, although he continued to perform on the international stage. Following the SDLP's poor election results in June, there was a widespread feeling that the party leadership had failed to move with the times and, more specifically, with younger voters. When a former party strategist, Tom Kelly,

broke SDLP protocol by calling on Mr Hume to resign, there were many who felt he was speaking for the majority of the party.<sup>37</sup>

The response to the resignation announcement, when it came, confirmed Mr Hume's status as an international and Irish national figure of great standing.<sup>38</sup> It also confirmed the difficulties that confront his successor in reinvigorating the party for renewed political contest with SF. Mr Hume's decision triggered a wider generational shift within the SDLP. A day later, Séamus Mallon, deputy leader as well as (at that point former) deputy first minister, announced he would not seek the party leadership, and nor would he accept renomination as DFM.<sup>39</sup> Mallon's announcement left the way open to the finance minister, Mr Durkan, long heir-apparent to Mr Hume (in whose office he had toiled for many years) both in Derry and in the party.

Although Mr Durkan has enjoyed a higher profile since the setting up of devolved institutions, he is considerably less well known than the current leadership of SF. Without a long period as deputy first minister, Mr Durkan would enter any future elections at a considerable disadvantage.

The Alliance Party also underwent change. Although Alliance has fallen on hard political times in recent years, it too was a significant element of the broader progressive movement of the late 60s, emerging as a liberal challenge to then dominant Unionism in 1970. Sean Neeson had inherited the job of leader largely as a result of a spectacularly public bust-up between the then leader, John Alderdice, and his deputy, Seamus Close, immediately after the assembly elections of 1998.

Though having few enemies, Mr Neeson failed to make any serious impact and presided over the continuing drift of Alliance voters to the UUP, the SDLP and the Women's Coalition, or into abstention.<sup>40</sup> With Eileen Bell installed as deputy leader in early September,<sup>41</sup> the South Antrim MLA David Ford was chosen as party leader at a special party council meeting the following month.<sup>42</sup>

### **11.5 Unholy and cross**

While the political focus continued to be on republican paramilitarism, the most dangerous element of street violence was emerging from within loyalism. Throughout the summer, elements of the Ulster Defence Association—the largest paramilitary organisation—and other loyalist groups attacked Catholic homes with 'pipe-bombs'. North Belfast, with its many sectarian interfaces, was a particular flashpoint.<sup>43</sup> There were widespread calls from nationalist politicians for the UDA 'ceasefire' to be declared formally ended by the Northern Ireland secretary.

Events at Holy Cross school, where angry loyalist protesters had to be held back by police from attacking groups of Catholic children and their parents as they made their way to school through a Protestant residential district, were flashed around the

world—to universal horror.<sup>44</sup> The situation on the ground threatened to spiral out of control when a blast bomb was thrown by a loyalist at police lines.<sup>45</sup>

Throughout the quarter, violence and protest in north Belfast acted as a reminder of the precariousness of community relations in flashpoint areas. The failure of local politicians to mediate, or to engender mediation, at Holy Cross was widely questioned. Yet, for the first time, politicians from all parties appeared on television to discuss the issue and events in north Belfast did not derail the wider political process. While minor comfort to people living in the midst of nightly chaos, these were important indicators of change—even as the clashes highlighted the need to embed the ‘peace process’ more deeply in society, and in particular among alienated Protestant youth in the inner city.

The Northern Ireland secretary, Dr Reid, threatened to ‘specify’ the UDA in September, but stopped short after apparent assurances by loyalist leaders.<sup>46</sup> After the murder of the *Sunday World* journalist Martin O’Hagan,<sup>47</sup> however, and as attacks on the police and Catholic homes continued, he was finally forced to declare the UDA ‘ceasefire’ (and that of the aligned groupuscule, the Loyalist Volunteer Force) over. All paramilitary prisoners allied to ‘ceasefire’ organisations having been released—though two UDA members have been reimprisoned—the absence of any immediate sanction left many sceptical of the efficacy of the move; it was widely applauded by nationalists and republicans nonetheless.<sup>48</sup>

## **11.6 Resurrecting the institutions**

Since it was first suggested that Mr Trimble might resign as first minister, one of the concerns of the ‘yes’ camp was his lack of majority support among designated ‘unionist’ MLAs. Although the UUP and PUP formally command the support of 30, against 28 (mainly DUP) anti-agreement unionist members, it had been clear for some time that two UUP members, Peter Weir (North Down) and Pauline Armitage (Londonderry East) were actively opposed to sharing power with SF while the IRA remained in existence (ironically, the precise position of the taoiseach, Bertie Ahern, with regard to SF participation in a southern coalition).

When Mr Trimble did resign, in July, there was therefore a requirement to rebuild his support. In the delight among pro-agreement unionists about IRA decommissioning, little thought was given to the difficulties of resurrecting him as first minister. When it emerged that no details of the IRA’s act of decommissioning would be made public by Gen de Chastelain, the DUP launched a damaging attack on the credibility of the general in person and the act in particular (see public attitudes section).<sup>49</sup> A source close to the UUP leader expressed frustration at Gen de Chastelain’s inept public presentation. And although 80 per cent of the executive of the UUP endorsed Mr Trimble’s decision to re-enter the executive, it was clear Mr Weir and Ms Armitage remained unconvinced.<sup>50</sup>

The Women's Coalition, with its two MLAs, announced its intention to seek the right to redesignate—one as a unionist, the other as a nationalist—to augment Mr Trimble's troops. Although it was suggested this would weaken his claim to speak for unionism,<sup>51</sup> the assembly arithmetic dictated a less doctrinaire position. As it turned out, Alliance redesignations were also required for him to prevail, with both rebels refusing to budge (see assembly section), and events culminating in the unseemly 'brawl in the hall'—captured on television for an incredulous international audience.

The DUP made clear that it would continue to lodge legal challenges, although most observers felt these had little chance of success.<sup>52</sup> Nonetheless, the procedural shenanigans were widely regarded as unfortunate, if not downright dishonourable, within the Protestant community<sup>53</sup>—a reaction not eased by the images of MLAs apparently engaged in a fist fight. Perhaps more significantly, the emergence of a bloc of 30 anti-agreement MLAs presents the prospect of many 'petitions of concern' being raised in the assembly at critical moments in the future. This, among other things, may motivate change in the assembly's rules on cross-community consent in the 'strand one' review.

## 11.7 Conclusion

As in other reports, the final act of party politics in this quarter left a cliff-hanger. Decommissioning, like the IRA, has not 'gone away', as Mr Paisley's successful mobilisation of anti-agreement unionist opinion against Gen de Chastelain showed. If decommissioning does not advance before February, there may be another crisis in the devolved institutions. Furthermore, there is still a serious prospect of turmoil within the UUP. Nonetheless, both the UUP and the SDLP have a strong interest in making the institutions work well until the anticipated assembly elections in May 2003. Without such a period of calm, both parties face difficult tests at the ballot box.

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<sup>1</sup> *Irish Times*, September 22<sup>nd</sup> 2001

<sup>2</sup> *Irish Times*, August 11<sup>th</sup> 2001

<sup>3</sup> *Irish Times*, August 22<sup>nd</sup> 2001

<sup>4</sup> *Belfast Telegraph*, August 20<sup>th</sup> 2001

<sup>5</sup> *Irish Times*, August 24<sup>th</sup> 2001

<sup>6</sup> *Irish Times*, August 29<sup>th</sup> 2001

<sup>7</sup> *News Letter*, August 20<sup>th</sup>; *Irish Times*, August 22<sup>nd</sup> 2001

<sup>8</sup> *Belfast Telegraph*, August 24<sup>th</sup> 2001

<sup>9</sup> *Belfast Telegraph*, August 31<sup>st</sup> 2001

<sup>10</sup> *Belfast Telegraph*, September 7<sup>th</sup> 2001

<sup>11</sup> *Irish Times*, September 13<sup>th</sup> 2001

<sup>12</sup> *Irish Times*, September 18<sup>th</sup> 2001

<sup>13</sup> *Sunday Tribune*, September 19<sup>th</sup> 2001

<sup>14</sup> *An Phoblacht*, September 20<sup>th</sup> 2001

<sup>15</sup> *Irish Times*, September 20<sup>th</sup> 2001

<sup>16</sup> *Irish Times*, September 20<sup>th</sup> and 21<sup>st</sup> 2001

<sup>17</sup> *Belfast Telegraph*, September 22<sup>nd</sup> 2001

<sup>18</sup> *Irish Times*, September 22<sup>nd</sup> 2001

<sup>19</sup> *Irish Times*, September 23<sup>rd</sup> 2001

<sup>20</sup> *Irish News*, September 25<sup>th</sup> 2001

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- <sup>21</sup> *Irish Times*, October 4<sup>th</sup> 2001
- <sup>22</sup> *Irish Times*, October 11<sup>th</sup> 2001
- <sup>23</sup> *Belfast Telegraph*, October 8<sup>th</sup> 2001
- <sup>24</sup> *Daily Telegraph*, October 6<sup>th</sup> 2001
- <sup>25</sup> *Belfast Telegraph*, October 10<sup>th</sup> 2001
- <sup>26</sup> *Belfast Telegraph*, October 19<sup>th</sup> 2001
- <sup>27</sup> *Irish News*, October 23<sup>rd</sup> 2001
- <sup>28</sup> *Irish Times*, October 24<sup>th</sup> 2001
- <sup>29</sup> *Irish News*, October 24<sup>th</sup> 2001
- <sup>30</sup> *Irish Times*, August 25<sup>th</sup> 2001
- <sup>31</sup> *Irish Times*, August 24<sup>th</sup> 2001
- <sup>32</sup> *Irish Times*, August 26<sup>th</sup> 2001
- <sup>33</sup> *Belfast Telegraph*, September 4<sup>th</sup> 2001
- <sup>34</sup> *Belfast Telegraph*, September 10<sup>th</sup> 2001
- <sup>35</sup> *Irish News*, September 21<sup>st</sup> 2001
- <sup>36</sup> *Belfast Telegraph*, September 25<sup>th</sup> 2001
- <sup>37</sup> *Irish News*, June 7<sup>th</sup> 2001
- <sup>38</sup> *Belfast Telegraph*, September 17<sup>th</sup> 2001; *Irish Times*, September 18<sup>th</sup> 2001
- <sup>39</sup> *Irish Times*, September 19<sup>th</sup> 2001
- <sup>40</sup> *Irish Times*, September 7<sup>th</sup> 2001
- <sup>41</sup> *Belfast Telegraph*, September 3<sup>rd</sup> 2001
- <sup>42</sup> *Belfast Telegraph*, October 8<sup>th</sup> 2001
- <sup>43</sup> *Belfast Telegraph*, August 22<sup>nd</sup> 2001; *Irish Times*, August 25<sup>th</sup> 2001
- <sup>44</sup> *Irish Times*, September 4<sup>th</sup> 2001
- <sup>45</sup> *Belfast Telegraph*, September 5<sup>th</sup> 2001
- <sup>46</sup> *Irish Times*, September 29<sup>th</sup> 2001
- <sup>47</sup> *Irish Times*, September 29<sup>th</sup> 2001
- <sup>48</sup> *Belfast Telegraph*, October 15<sup>th</sup> 2001
- <sup>49</sup> *Belfast Telegraph*, October 24<sup>th</sup> 2001
- <sup>50</sup> *Irish Times*, October 31<sup>st</sup> 2001
- <sup>51</sup> *Belfast Telegraph*, November 1<sup>st</sup> 2001
- <sup>52</sup> *Irish Times*, November 8<sup>th</sup> 2001
- <sup>53</sup> *News Letter*, November 7<sup>th</sup> 2001

## 12. Public policies

Robin Wilson

### 12.1 Selection in education

The biggest public-policy event of the quarter was in an area where Northern Ireland, like Scotland, has long been autonomous—education. Unlike Scotland, Northern Ireland has never abolished its ‘11+’ selection system, conducted through ‘transfer tests’ in the last year of primary schooling. Effective middle-class capture of the Department of Education in the past always ensured the grammar schools were unchallengeable. The SF education minister and, *inter alia*, some-time butcher’s apprentice, Mr McGuinness, has no such hostages to fortune and made clear from the devolution of power in December 1999 his desire to see the abolition of selection.

In fact, the system was already under pressure, owing to evidence of the arbitrary nature of the transfer tests at the margin and research commissioned by the department on the (mostly negative) effects of the ‘11+’, arising from the victory of New Labour in 1997.<sup>1</sup> As a logical sequel to the latter, Mr McGuinness announced at its launch in September 2000 a review of selection itself.

In October 2001, the Review Body on Post-Primary Education, chaired by a former ombudsman, Gerry Burns, reported after an extensive consultation which attracted widespread participation. Indeed the weighty report runs to 330 pages.<sup>2</sup>

The report concludes from all this evidence: ‘We have been left in no doubt that the Eleven-Plus Transfer Tests are socially divisive, damage self-esteem, place unreasonable pressures on pupils, primary teachers and parents, disrupt teaching and learning at an important stage in the primary curriculum and reinforce inequality of opportunity.’<sup>3</sup> And while it recognises the academic achievements of the Northern Ireland system, it suggests a broader and more flexible curriculum is required, including in recognition of modern research on multiple intelligences.

The report recommends abolition of the transfer tests ‘at the earliest possible opportunity’.<sup>4</sup> Welcoming the report, the minister announced that there would be a further consultation on its recommendations until May 2002, and the transfer tests would go ahead this year and in autumn 2002.<sup>5</sup> Few expect they will be repeated in 2003. The grammar-school lobby had long resolved not to die in that ditch.

The report favours instead the elaboration of a diagnostic ‘Pupil Profile’ during key stage two, on the basis of which an ‘informed parental preference’ can be made as to the most appropriate post-primary school.<sup>6</sup> Northern Ireland is a socially conservative region, and the radical alternative model in play—comprehensive education with pupil self-selection at 14 for a diverse subsequent curriculum—as proposed by the statutory Council on the Curriculum, Examinations and Assessment, was not endorsed.

But in saving the grammar schools and in treating ‘parental choice’ as sacrosanct, two obvious questions remained. First, how would over-subscribed schools avoid selection? And what, apart from shifting power from objective if arbitrary tests to parents, would be done to address the ‘socially divisive’ post-primary system?

The report’s answer to the first question is unpersuasive: admissions would favour siblings or the eldest child of a family, children of staff at the school, ‘compelling individual circumstances’ and those living nearby.<sup>7</sup> The first three would be unlikely to be sufficient to determine the bulk of admissions for a school like Methodist College in south Belfast, apogee of aspiration of the urban middle-class—regardless of religion. Expect, as in England, that ‘postcode selection’ would take place, and house prices rise accordingly in the university area.

The answer to the second question is what the report trumpets as a ‘unique’ one: existing post-primaries would be aggregated locally into some 20 ‘Collegiates’.<sup>8</sup> Straddling denominational as well as the current grammar/secondary divide, these would, it is envisaged, provide *in tandem* a wider range of curricular options and a more generally collaborative atmosphere. But this unprecedented proposal has no evidential basis and the report does not convincingly demonstrate how go-it-alone behaviour by schools—given Northern Ireland’s religiously mistrustful and socially stratified character—will be effectively curbed.

## 12.2 Green or brown?

Another major development during the quarter was the agreement by the assembly of the Regional Development Strategy. This planning document in its original version was one of a number of policy items teed up by the direct-rule *régime* for the devolved administration to pursue.<sup>9</sup>

Much debate on the RDS centred on the issue of the proportion of brownfield development envisaged, as against further greenfield sprawl—especially around Belfast, which already dominates the region. A panel of ‘independent experts’ charged with conducting a public examination subsequently recommended that the target should be 60 per cent greenfield development.

The regional development committee of the assembly, however—pressed, in particular, by the suburban Belfast Metropolitan Residents’ Group—called for this ratio to be reversed, so that brownfield would comprise 60 per cent of new development. Presenting the revised version of the strategy<sup>10</sup> to the assembly in September, the then DUP minister for regional development, Gregory Campbell, said he had accepted the committee’s proposed amendment. The revised version was endorsed.

The committee chair, Alban McGuinness, said the strategy would send a ‘clear message’ to developers.<sup>11</sup> Mr Campbell said the brownfield target was ‘challenging’.

He preferred to say that his and other departments would ‘engage positively’ with developers and builders ‘in whatever forum is more appropriate to them’.<sup>12</sup>

Three days later, the minister told the assembly he was setting up an ‘inter-departmental steering group’, which he would chair, to manage progress. He also said the consequent regional transportation strategy would be published in draft ‘in the Autumn’.<sup>13</sup> As of mid-November, winter had evidently not been deemed to have arrived.

Meantime, however, Mr Campbell was able to announce the introduction of the free-fares policy for the elderly. As envisaged, this took effect on October 1<sup>st</sup>.<sup>14</sup>

### 12.3 Rural development

In November the Department of Agriculture and Rural Development launched the latest version of its rural-development programme.<sup>15</sup> The change in the department’s title during the devolution process, with the addition of ‘and rural development’, reflects a shift in emphasis over the last decade, assisted by European Union funding via the LEADER programme, from a department with essentially a farmer-sponsoring role to a broader rural brief. That change had also been institutionally stimulated by the establishment in 1991 of the Rural Development Council (to deliver the programme) and the Rural Community Network (as an umbrella body for rural NGOs).

In her foreword to the current programme, the minister, Bríd Rodgers, trumpets the increase in the budget for rural development from £1 million a year ten years earlier to £80 million today.<sup>16</sup> There has been tension within the programme over the years between economic and social priorities. The document finesses this by saying that while business projects are ‘important’, social projects are ‘equally vital’.<sup>17</sup>

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<sup>1</sup> Gallagher, A M and Smith, A (2000), *The Effects of the Selective System of Secondary Education in Northern Ireland: Main Report*, Bangor (Co Down): Department of Education

<sup>2</sup> Department of Education (2001), *Education for the 21<sup>st</sup> Century: Report by the Post Primary Review Body*, Bangor: DE

<sup>3</sup> *ibid*, p7

<sup>4</sup> *ibid*, p19

<sup>5</sup> Executive Information Service, October 24<sup>th</sup> 2001

<sup>6</sup> *loc cit*

<sup>7</sup> Department of Education (2001), p20

<sup>8</sup> *ibid*, pp22, 135

<sup>9</sup> Department of the Environment for Northern Ireland (1998), *Shaping our Future: Towards a Strategy for the Development of the Region*, Belfast: DoE

<sup>10</sup> Department for Regional Development (2001), *Shaping our Future: Regional Development Strategy for Northern Ireland 2025*, Belfast: DRD

<sup>11</sup> *News Letter*, September 18<sup>th</sup> 2001

<sup>12</sup> Executive Information Service, September 17<sup>th</sup> 2001

<sup>13</sup> Executive Information Service, September 20<sup>th</sup> 2001

<sup>14</sup> Executive Information Service, October 1<sup>st</sup> 2001

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<sup>15</sup> Department of Agriculture and Rural Development (2001), *The Rural Development Programme 2001-2006*, Belfast: DARD

<sup>16</sup> *ibid*, pp2-3

<sup>17</sup> *ibid*, p11