

Northern Ireland: anti-Agreement unionists take legal action to force Assembly elections

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A judge has ruled that Ian Paisley's Democratic Unionist Party (DUP) can proceed with a legal challenge to a decision not to call elections to the Northern Ireland Assembly before May 2003.

Unionist opponents of the power-sharing Assembly set up under the Good Friday Agreement received last month's announcement by the Irish Republican Army (IRA) that it had begun decommissioning its weapons with predictable coldness. Paisley immediately dismissed the announcement as a stunt.

When the Assembly convened for the election of the first minister—Ulster Unionist Party (UUP) leader David Trimble—and deputy first minister—Mark Durkan of the republican Social Democratic and Labour Party (SDLP)—the DUP made every effort to mount a wrecking operation.

First negotiated in April 1998, the Agreement set out a model for government that enshrined sectarian divisions. Members elected to the Assembly are required to designate themselves as “nationalist”, “unionist” or “other”. Under the rules of the Assembly, major decisions must receive majority support within both the unionist and nationalist camps, effectively rendering useless the opinions and votes of the “others”, i.e. the formally non-sectarian parties.

This provision was justified as ensuring that the wishes of both so-called religious communities in the north were respected. But its real motivation was to guarantee the political domination of the sectarian groupings and to maintain the division of the working class.

In this instance, however, the procedures backfired against their originators. As a result, the DUP and two dissident UUP members were successful in blocking Trimble's re-election in the first vote on Friday November 2 and Trimble and Durkan were only able to take their posts after a second vote Tuesday.

As the man who had committed the UUP, the largest of the unionist parties, to support the new power sharing arrangements, Trimble has become a hate-figure for the anti-Agreement forces. By blocking his re-election as first minister, the Paisleyites hoped to either force fresh elections to the Assembly or a further suspension of the power-sharing executive. Either way, they hoped to undermine Trimble's leadership and weaken support among unionists for the Good Friday Agreement.

The DUP are arguing that because the elections for first and deputy first minister took place after the deadline of midnight Saturday November 3, they are invalid. The anti-Agreement party first appeared before Justice Brian Kerr on Monday with an application for a judicial review. Kerr threw out the application, allowing Tuesday's vote to go ahead.

The DUP returned to the High Court Wednesday and on Thursday Kerr granted the review, but said he had considerable reservations about the viability of the DUP case. He also said that his ruling did not affect the validity of Northern Ireland Secretary John Reid's decision to postpone Assembly elections and go ahead with a second vote for the ministerial posts. The Assembly should continue to function until the hearing, due in two weeks, Kerr said.

In pursuit of their aim of ensuring the continued ascendancy of the Protestant bourgeoisie in the north, the DUP have highlighted the thoroughly undemocratic character of the Northern Ireland Assembly.

The farcical character of the Assembly's voting procedure was demonstrated in the vote on Friday, which was lost despite the fact that 70 percent of Assembly members supported Trimble's re-election. Under the so-called cross-community rule of the Assembly, the defection of just two UUP members thwarted Trimble's re-election and threatened to collapse the Assembly.

This meant that according to the rules, the Northern Ireland Secretary was faced with the unsavoury choice of either calling new elections to the Assembly or putting it into review for what would have been the third time.

In seeking to avoid these outcomes, Reid confirmed that the very measures that had been advanced as ensuring cross-community democracy can be manipulated at will and even dispensed with altogether, should the need arise.

As the deadline of midnight Saturday for the election of first and deputy first minister approached, a deal was struck in which three members of the non-aligned Alliance Party would “redesignate” themselves as “unionists” for the purposes of the vote and therefore secure Trimble's re-election. The Women's Coalition had already redesignated one of their members for Friday's vote, but given the defection of two UUP members it was not enough.

In return for their assistance in securing Trimble's position, the Alliance received a guarantee that Reid would agree to *examine* the current voting arrangements in a review of the Assembly scheduled to begin November 19.

To the extent that political attention over the last three years has focused upon the issue of IRA decommissioning, it has served to mask the real extent of the divisions within unionism and the failure of the Good Friday Agreement to overcome sectarian conflict.

This came to the fore following Tuesday's vote as Trimble was jeered with shouts of "traitor" and "cheater" and anti-Agreement unionists physically attacked UUP members. The reaction of the DUP was not accidental and neither was it simply the product of frustration. It was a signal to their supporters that a violent response was necessary to those deemed to have betrayed the loyalist cause to republicans and Catholics.

While the Labour government manoeuvres between the unionists and nationalists, ordinary working people, both Catholic and Protestant continue to live in fear of random sectarian assassinations, pipe bombings and other reminders of the sectarian divide.

Within hours of Trimble's initial election failure, an explosion that has been attributed to the dissidents of the Real IRA rocked the city centre of Britain's second largest city, Birmingham. Remarkably no one was injured in the blast that happened in a car parked close to New Street railway station in a busy part of the city when the public bars were set to close.

There are indications that pro-Agreement politicians, both in Britain and Ireland are far more concerned about opponents from the unionist side of the sectarian divide than a handful of dissident republicans intent on continuing with terror bombings.

In addition to strongly condemning loyalist thugs who threw pipe bombs in the protests outside Holy Cross school, Reid has declared the Ulster Defence Association ceasefire to be over, following weeks of street violence, during which blast bombs and shots were fired at the police. The ceasefire of the Loyalist Volunteer Force (LVF) was also declared over following the murder of a County Armagh investigative journalist, Martin O'Hagan.

Replying to MPs questions in the House of Commons, Northern Ireland's security minister, Jane Kennedy, said loyalist paramilitaries were responsible for three times as many terror attacks this year as republicans. She said republicans were responsible for 223 acts of terrorism since the start of this year. She added, "Over 840 attempts at terrorist activity have taken place over the same period. Of those terrorist attempts, 620 were attributed to loyalist groups," she said.

Speaking on November 8, to the Institute of British and Irish Studies at UCD, Reid directed his remarks towards anti-Agreement unionists:

"Unionism cannot be taken for granted in this process. We

cannot ignore the sincerely held but deeply sceptical wing of unionism. It is a lot to ask, to set aside decades of mistrust, fuelled by terrible violence on both sides," Reid said, adding, "But we have to convince even sceptical unionists that it is in their own self interest to participate in this process... It would be a tragedy—and a needless tragedy—if a disaffected nationalist community was replaced by a disaffected unionist community."

On the same day as Reid was describing unionism as "tolerant", a masked UDA gunman walked up to lorry on Rosstown Drive in the mainly protestant Waterside area of Londonderry. After spraying the vehicle with bullets, smashing the windows of the driver's cab, the gunman lowered his weapon and calmly walked off in the opposite direction. Remarkably the Catholic driver was not hurt.

In another ominous indication of future confrontations, the Protestant Orange Order has withdrawn from talks aimed at resolving the ongoing dispute at Drumcree in County Armagh. The Order has pulled out of discussions with South African lawyer Brian Currin, who has been acting as an independent mediator in efforts to resolve a conflict between the Orange Order and nationalist residents of the Garvaghy Road near Portadown.

The last four years has seen violent confrontations between Orange men and police, as well as between Catholics and Protestants, as the Northern Ireland Parades Commission has barred the Order from marching down Garvaghy Road. Despite the political manoeuvres that pulled the Assembly back once more from the brink, Northern Ireland is again braced for bitter conflicts as the marching season begins next July.

While pro-Agreement politicians jostle for position as the best representative of the interests of the transnational corporations, and those opposed to it seek a return to the days of sectarian violence, no one speaks in the interests of the working class. Only when the working class comes forward as an independent political force, advancing a socialist programme against big business, will the conditions for a resolution of sectarian division be created.



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