

Sinn Fein seeks judicial review against Ulster Unionist leader's exclusion order

By Julie Hyland
18 November 2000

Northern Ireland's health minister, Bairbre de Brun, has begun legal proceedings against Ulster Unionist Party leader David Trimble's decision to exclude Sinn Fein ministers from cross-border bodies.

Explaining her decision to lodge judicial review proceedings in the High Court on Thursday afternoon, de Brun said that Trimble, Northern Ireland's first minister, "is in breach of his pledge of office, the ministerial code and the Good Friday Agreement. I have a responsibility to challenge any action, which seeks to prevent me from fulfilling my responsibilities as a minister."

Trimble's decision to exclude Sinn Fein from cross-border meetings unless they "significantly engaged" with the arms decommissioning body was taken to placate opponents of the Good Friday Agreement within the UUP. The UUP leader's pledge, which he has justified on grounds of the IRA's failure to hand-over weapons, enabled him to survive another leadership challenge in the party's ruling council on October 28.

Just days later Trimble announced that he would not authorise de Brun's attendance at a North-South Ministerial Council due November 3. He also threatened that if any government or party attempted to thwart his exclusion decision, UUP ministers would withdraw from selected North-South Ministerial Council and British Irish Council meetings, effectively collapsing the power-sharing bodies established by the Good Friday Agreement.

The move immediately raised questions regarding the legality of Trimble's measures and the extent to which the British government is accommodating Unionist hardliners.

Sinn Fein argue that the IRA has already secured its weapons dumps and allowed them to be inspected in

line with the Agreement's provisions. A party spokesman said that legal advice indicated that Trimble's refusal to nominate its ministers to Council meetings breached the Agreement in a number of areas. "Paragraph 13 of Strand 2 of the Good Friday Agreement states that 'it is understood that the North-South Council and the Northern Ireland Assembly are mutually interdependent and that one cannot successfully function without the other'. David Trimble's action to obstruct the workings of the Council is clearly jeopardising all the institutions," the spokesman said.

A court ruling is unlikely to be made in advance of the planned November 21 meeting involving Martin McGuinness, Sinn Fein's Education Minister. McGuinness has said that if his attendance is not recognised at the meeting, he will also seek legal action against Trimble in his capacity as a minister.

Speaking in America, McGuinness accused the UUP leader of deliberately seeking to undermine the Agreement to prevent a split in his party. It was now up to the British government to make it clear that the First Minister's actions were a "blatant and flagrant breach of the Good Friday Agreement," McGuinness said. British Prime Minister Blair should also make it clear to Northern Ireland Secretary Peter Mandelson, "that his stewardship of this process is effectively a disaster", he went on. Mandelson has "coddled" the Unionists, McGuinness said and "has pandered to the rejectionists...in doing so he has further encouraged them to (block the peace process from moving forward)."

McGuinness' remarks came after a series of meetings between Sinn Fein, the UUP and the British and Irish governments over the past fortnight failed to resolve the issue. Mandelson made clear that Britain would not

take any action against Trimble for his unilateral decision, echoing the UUP leader's line on IRA disarmament. The Agreement faced two problems, Mandelson said—"progress on decommissioning and fully functioning political institution." He went on, "I can't order the unionists to withhold this sanction that they have taken against Sinn Fein ministers any more than the Irish Government can order the republican movement to decommission."

The Northern Ireland's Secretary sideswipe at the Irish Republic is indicative of growing tensions between the two countries. Irish government ministers have continued to meet Sinn Fein ministers at cross-border meetings, in defiance of Trimble's ban, and have made clear that such bilateral meetings will continue. Sinn Fein President Gerry Adams announced authorisation for de Brun's legal proceedings after holding talks with Irish Premier Bertie Ahern in Dublin on November 10.

Adams has also stated that the party is considering taking legal action against Mandelson, as under section 26 of the Northern Ireland Act, the Secretary of State has the power to instruct a minister to take an action that is required to give effect to any international obligations.

Sinn Fein is already involved in legal proceedings against Mandelson's decision to issue regulations requiring the flying of the British Union Jack flag over Assembly buildings on designated dates. Sinn Fein ministers had said that either the Irish tricolour should fly alongside the Union Jack or none would be raised on buildings occupied by their departments. Both the department of health and the department of education agreed to fly the Union Flag on Remembrance Day, November 11, whilst seeking a judicial review of the Flags Order. Sinn Fein allege that Mandelson's regulations were part of a "secret deal" concocted with Trimble in order to secure UUP support for a return to power-sharing in May.

To contact the WSWS and the
Socialist Equality Party visit:

<http://www.wsws.org>