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Opinion

Victims' post: a legal battle in waiting for ministers?

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Almost one year on, the wait for a new Victims' Commissioner goes on. Chief Reporter Chris Thornton looks behind the First Ministers' hunt

Thursday, January 03, 2008

With hindsight, Ian Paisley made a puzzling comment in the Assembly last month when the sticky topic of the Victims' Commissioner came up. On December 10, the First Minister assured MLAs that the long-awaited appointment was "almost complete, and we hope to announce the appointment before the end of the year".

Seems straightforward enough, but now the Rev Ian Paisley's officials say he and Deputy First Minister Martin McGuinness will announce the filling of the post first to the Assembly, which doesn't return from its Christmas break until January 14 - two weeks after their latest target date and 353 days after the job was first advertised.

If an announcement to the Assembly was always their intention, when Mr Paisley gave his last assurance there was only one more meeting in which to make the announcement in 2007 - in fact, the very next day.

In which case, was the First Minister in a position to say whether the appointment was going to be made in the next 24 hours or not?

Will there be an explanation of this latest curious episode around what has turned out to be a prolonged recruitment? Probably not. Mr Paisley and Mr McGuinness have said little about the Victims' Commissioners appointment in the seven months it's been in their remit, apart from assurances that they hope to make one soon and their major announcement in October that they were inviting more applications.

They've certainly failed to explain what's taking so long, apart from denying that they disagreed about a suitable candidate in the first part of the process. Some political sources at Stormont believe that is the case, others struggle to come to any other conclusion.

The £65,000-a-year job was advertised on January 26 last year, shortly after the appointment of an interim commissioner, Bertha McDougall, had been declared an illegal political favour to Mr Paisley. That ruling is currently being considered by the Court of Appeal.

The ad yielded 46 applicants, 13 of whom were interviewed. A shortlist of six was agreed by the officials who conducted the interviews, but it was not shown to the NIO Ministers in place at the time. Instead, it was put aside until May 8, the day the First Ministers took up their offices.

They considered it for the next five months. Initially they told Assembly members that they hoped to have the appointment made before their summer recess, which began in early July.

That didn't happen. Well after the summer - in early October - the First Ministers suddenly announced they were seeking new applications. The shortlisted six would still be considered, but, oops - it was reduced to five when former MLA Seamus Close publicly withdrew, saying the process was tainted.

The First Ministers said they were concerned that some potential candidates had been put off because the recruitment started under NIO Ministers. Never mind that it was the same officials running the recruitment - or that the fiasco over the interim commissioner was rooted in the fact that she was Mr Paisley's choice - the implication was that their faces would attract different people.

Since then, Mr Paisley has gone further in explaining his unease. Again on December 10, he told MLAs: "I believe in merit, and I regret that the beginning of the process did not stick to merit." His office has declined to explain where he saw a breach in the merit principle.

That led Alliance's Naomi Long to declare that the appointment had become a lawsuit waiting to happen.

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Possibly. But the First Ministers have refused to say whether they've taken legal advice, because that could lead to "serious distractions" from the business of getting on with the appointment.

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