



# Political Developments in Northern Ireland since January 2005

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This note offers brief details of developments in Northern Ireland since January 2005. For an earlier chronology of events see Standard Note no 2899 *Political Developments in Northern Ireland since November 2003*. Full details of recent legislation on Northern Ireland is given in Research Paper 03/69 *The Northern Ireland (Monitoring Commission etc) Bill[HL]*.

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## A. A Summary of Political Developments since 1998

On 10 April 1998, the *Belfast Agreement* was finalised. It was endorsed through a referendum held on 22 May 1998 and subsequently given legal force through the *Northern Ireland Act 1998*. The Assembly was elected on 25 June 1998 under the terms of the *Northern Ireland (Elections) Act 1998*.

The Northern Ireland Assembly met for the first time on 1 July 1998 and David Trimble (Ulster Unionist Party) was elected as First Minister with Seamus Mallon (Social Democratic and Labour Party) as the Deputy First Minister. The Assembly met on 29 November 1999 when 10 Ministers were nominated, according to the 'dHondt formula set out in the *Northern Ireland Act 1998*. On 30 November 1999 the Secretary of State made the *Northern Ireland Act 1998 (Commencement Order No 5)* resulting in the devolution of powers to the Northern Ireland Assembly from 2 December 1999.

Continued problems regarding decommissioning led to the re-introduction of direct rule through primary legislation in the form of the *Northern Ireland Act 2000* which allowed for the suspension of the operation of the Assembly and Executive, restoration of devolution by order and for Northern Ireland legislation to be undertaken at Westminster by Orders in Council. Devolution was suspended from 11 February 2000 and 30 May 2000. Devolution was restored to Northern Ireland from June 2000 and there were two further one day suspensions of devolution on 11 August 2001 and 21 September 2001.

Throughout 2002, sectarian violence and allegations that the IRA had broken their ceasefire caused further problems for devolution in Northern Ireland. On 14 October 2002 the then Secretary of State for Northern Ireland, Rt Hon John Reid MP, announced the return of direct rule, following a police raid on Sinn Fein offices at Stormont and the resignation of two Democratic Unionist Party ministers from the executive. The Northern Ireland Office took on the work of the Executive and Assembly Bills were introduced into Parliament as Orders in Council.

Elections to the Assembly originally due on 1 May 2003 were postponed twice, first to 29 May 2003 and then until the autumn on the grounds that outstanding issues about the position of the IRA could not be resolved during an election campaign. The *Northern Ireland Assembly (Elections and Periods of Suspension) Act 2003* postponed the election due on 29 May and gave the Secretary of State power to specify the new date in an order. The Act provided for the temporary suspension of elections until 15 November 2003, but with power for the Secretary of State to continue the suspension for further periods of 6 months maximum.

A *Joint Declaration* was published on 1 May 2003 which stated that the devolved institutions, if restored, could flourish only in a climate of trust, and it stressed the necessity in this context of 'acts of completion' in the full implementation of the *Belfast Agreement*. As part of the package of proposals surrounding the Joint Declaration by the British and Irish Governments, a draft Agreement on Monitoring and Compliance between the British and Irish Governments was published on 1 May 2003. This envisaged the establishment of an Independent Monitoring Commission to monitor the carrying out of various commitments under the Belfast Agreement. The *Northern Ireland (Monitoring Commission etc) Act 2003* was passed to implement this proposal.

On 21 October 2003 negotiations between the Ulster Unionists and Sinn Fein resulted in a new date being announced for elections to the Northern Ireland Assembly. However, the likelihood of devolution being restored immediately after the elections was subsequently cast into doubt when David Trimble announced his dissatisfaction with the level of information disclosed in the latest round of decommissioning. Despite this, elections went ahead as planned on 26 November 2003.

A review of the Belfast Agreement with all the political parties began in early 2004. However efforts were halted after the PUP leader pulled his party out from the review in March. After the European elections in June, review talks resumed in Stormont and then at Leeds Castle where a British/Irish communiqué was issued.<sup>1</sup> Much of the recent issues around decommissioning of IRA weaponry is about the visual confirmation of decommissioning. According to press reports, the DUP insisted that there should be photographic and video evidence of the IRA handing in their weapons.<sup>2</sup>

On 8 December 2004 Ian Paisley confirmed that the negotiations to restore devolution had broken down. That day, Tony Blair and Bertie Ahern held a news conference where the proposals for the agreement were published and made available for public scrutiny.<sup>3</sup>

## B. Disapplication of PPERA

On 31 January 2005, the Lords approved the *Political Parties, Elections and Referendums Act 2000 (Disapplication of Part IV for Northern Ireland Parties, etc) Order 2005* which continues to exempt Northern Ireland from provisions concerning requiring donations to political parties to be registered and controlled. Baroness Amos, Leader of the Lords, said:

**The noble Baroness said:** ....Before I explain the various parts that make up this legislation, I want to say that I fully understand the concerns that many noble Lords have about this legislation, particularly in the light of recent events in Northern Ireland.

As I have already explained to some noble Lords outside the Chamber, it is our intention to introduce funding arrangements for Northern Ireland that are closer to those that exist in Great Britain, while including a facility for donations from Irish citizens in order to remain faithful to the provisions of the Good Friday agreement. We also need to ensure that the system that we introduce takes reasonable account of the very different system of regulation that exists in Ireland. That is why this order is for two further years, and not for four years like the original order.

While we are committed to greater transparency for political donations, it has not been possible, within the current timeframe, to move toward these more transparent arrangements for the following reasons. First, there is still concern across the

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<sup>1</sup> <http://www.nio.gov.uk/index/media-centre/media-detail.htm?newsID=10254>

<sup>2</sup> *Photos the key for DUP to accept IRA arms wipeout, Belfast Telegraph*, 18 November 2004

<sup>3</sup> *Progress but no deal says Blair, BBC News*, 8 December 2004 The *Proposals by the British and Irish Government for a Comprehensive Agreement December 2004* are available at [http://news.bbc.co.uk/nol/shared/bsp/hi/pdfs/08\\_12\\_04\\_british\\_irish\\_proposals.pdf](http://news.bbc.co.uk/nol/shared/bsp/hi/pdfs/08_12_04_british_irish_proposals.pdf)

community in Northern Ireland about an ongoing threat to donors by way of intimidation.

Secondly, sectarianism is unfortunately still prevalent in Northern Ireland society. If the names of donors were published, there is a danger that business donors could see their businesses being boycotted by customers from the other side of sectarian divide.

Thirdly, parties need some time to adjust to new arrangements that take account of what we still hope will be the ending of paramilitary activity. Finally, there is a need to find a suitable solution to the question of Irish donations that can meet the Irish Government's concerns and be made compatible with our system.

We will be undertaking detailed discussions with the political parties, the Irish Government and the Electoral Commission over the coming months to try to reach agreement on putting in place such new arrangements. My right honourable friend John Spellar has written to all the main political parties asking for their proposals in writing by early March on how a new system might work.<sup>4</sup>

During the debate Lord Smith Clifton raised the issue to introduce much greater transparency into the financing of political parties in Northern Ireland and new proposals to improve the transactions of Northern Ireland business. In response to which The Leader of the House of Lords and the Government Spokesperson for Northern Ireland, Baroness Amos acknowledged need in the current context for proposals to deal with Northern Ireland businesses and said that:

The parties let the Electoral Commission have the figures for the total amount received through donations for the financial year. I recognise that that does not meet the proposals made by the noble Lord, but we feel that introducing our current arrangements for Great Britain would hurt those parties in Northern Ireland which believe in the rule of law.<sup>5</sup>

The order was considered in Commons Standing Committee and approved on Thursday 3rd February 2005. In August 2005 the Northern Ireland Office issued a consultation paper *Political Donations in Northern Ireland*. This contained two options to replace disapplication:

14. In the light of these considerations, and discussions with the Irish Government, the Government has identified two broad options for the system which might operate in Northern Ireland once the existing exemptions from the UK transparency arrangements and restrictions on donations from abroad expire in February 2007. These are:

- i) Full application of the PPERA scheme in relation to transparency from February 2007, with a derogation to permit donations from Irish citizens as well as corporate donations from Irish companies based in Ireland.
- ii) Implementation of the PPERA scheme, but with the information provided by parties held by the Commission on a confidential basis. As under PPERA, the Commission would check the legality of UK donations; but the returns would not be published. All other aspects of the declaration regime would operate as under PPERA. As with

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<sup>4</sup> HL Deb, 31 January 2005, c56-63

<sup>5</sup> HL debate, 31 January 2005, c58

option (i), the Government would legislate to permit donations from Irish citizens as well as corporate donations from Irish companies based in Ireland. The Government believes that, if adopted, this should be a transitional system with Northern Ireland moving to the full PPERA system at a future date specified in the legislation.

15. The Government is in discussions with the Irish Government about the degree to which residency in Ireland or other qualifications (such as appearing on the electoral register) should be required of Irish citizens wishing to donate; and about enforcement.<sup>6</sup>

## **C. Independent Monitoring Commission – Fourth Report, Paramilitary Activities**

The fourth report by the IMC was published on 10 February 2004. As with the first report, it is based on the continuing activities of paramilitary groups under Articles 4 and 7 of the International Agreement. The report examined the robbery at the headquarters of the Northern Bank, Belfast, on 20 December 2004. The Commission believed that given the circumstances and nature of the robbery it was not right to await the next full report on paramilitary activities to express their views.

The Commission took into consideration the comments made by both the Chief Constable and the PSNI about the responsibility for the robbery. However, it has undertaken an independent assessment and analysis on the basis of all the information they are able to acquire, as well as inviting senior representatives of Sinn Fein to make representations to the Commission which was declined:<sup>7</sup>

Sinn Fein have said that while they had no knowledge of who was responsible for the robbery, they did not believe it was the IRA; that Mr Martin McGuinness had asked the IRA if they were involved and had been assured they were not; and that they believed this denial, which has since been made public. In these circumstances, and in the light of their views about the IMC, they said they did not believe a meeting with us at this time would serve a useful purpose. We have taken these statements into account, though we regret that they have felt unable to accept our invitation.

After careful scrutiny of all the material available to them the Commission concluded that robbery was planned and undertaken by the PIRA.<sup>8</sup> They concluded that the Northern Bank robbery and abductions and all other robberies previously, had been conducted with prior knowledge and authorisation of PIRA leadership. The Commission went on to say:<sup>9</sup>

In our view Sinn Fein must bear its share of responsibility for all the incidents. Some of its senior members, who are also senior members of PIRA, were involved in sanctioning the series of robberies. Sinn Fein cannot be regarded as committed to non-violence and exclusively peaceful and democratic means so long as its links to PIRA remain as they are and PIRA continues to be engaged in violence or other crimes.

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<sup>6</sup> [http://www.nio.gov.uk/political\\_donations\\_\\_in\\_northern\\_ireland\\_-\\_consultation\\_paper.pdf](http://www.nio.gov.uk/political_donations__in_northern_ireland_-_consultation_paper.pdf)

<sup>7</sup> Fourth Report of the Independent Monitoring Commission (HC308), paragraph 4

<sup>8</sup> Fourth Report of the Independent Monitoring Commission (HC308), paragraph 9

<sup>9</sup> Fourth Report of the Independent Monitoring Commission (HC308), paragraph 14

The Commission made the following recommendation:<sup>10</sup>

That in the absence of the Assembly the Secretary of State should consider taking action in respect of the salary of Assembly members and/or the funding of Assembly parties so as to impose an appropriate financial measure on both these parties.

The Commission considered that had the Northern Ireland Assembly been sitting they would recommend the full range of measures including exclusion from office. The Commission also recognised that the imposing of financial penalties could be deemed insignificant against the grave nature of the robbery. However, they made clear that they would “recommend that the Secretary of State should consider exercising the power he has in the absence of the Assembly to implement the measures which are presently applicable, namely the financial ones.”<sup>11</sup>

The Commission believed that the Northern Bank robbery emphasised the need for tracing and seizing the financial proceeds of paramilitary crime and they would be addressing the issue in forthcoming reports. They concluded that:<sup>12</sup>

The real issue is not the expression of condemnation through the imposition of particular penalties. It is that the ending of all illegal activity by PIRA and indeed by all paramilitary groups is fully and permanently addressed. Only in that way can trust be restored and the objective set us in Article 3<sup>13</sup>- which we believe all law abiding people share- thereby advanced. Until this happens it is hard to see how further useful progress can be made.

On 22 February 2004 the then Secretary of State for Northern Ireland, Mr Paul Murphy, made the following statement to the House of Commons in which he welcomed the findings made by the IMC’s Fourth Report:

The IMC concluded on the basis of its own careful scrutiny that Sinn Fein must bear its share of the responsibility for these incidents. It indicated that, had the Northern Ireland Assembly been sitting, it would have recommended that the full range of measures referred to in the relevant legislation be applied to Sinn Fein, including the exclusion of its members from holding ministerial office. In the context of suspension, it recommended that I should consider exercising the powers that I have to apply financial penalties to Sinn Fein.

The House will recall that following the IMC’s first report in April last year, I issued a direction removing for a period of 12 months the block financial assistance paid to Assembly parties in respect of both Sinn Fein and the Progressive Unionist party. Having reflected on the IMC’s latest report, I have concluded that it would be appropriate for me to issue a further direction removing Sinn Fein’s entitlement to this block financial assistance for a further 12-month period, the maximum permitted under the legislation. I am therefore minded to make a further direction to come into effect on 29 April—the day after the existing direction expires. Before reaching a final

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<sup>10</sup> Fourth Report of the Independent Monitoring Commission (HC308), paragraph 18

<sup>11</sup> Fourth Report of the Independent Monitoring Commission (HC308), paragraph 21

<sup>12</sup> Fourth Report of the Independent Monitoring Commission (HC308), paragraph 23

<sup>13</sup> Article 3 of the International Agreement says:

“The objective of the Commission is to carry out [its functions] with a view to promoting the transition to a peaceful society and stable and inclusive government in Northern Ireland”.

decision, however, I will take into account any representations made to me by Sinn Fein by next Tuesday. I will make a decision on whether to extend the financial penalties imposed on the PUP last April when I receive the next IMC report covering all paramilitary groups, which is expected in April.

The commission's report also refers to other public money that Sinn Fein receives, although recommendations on this are outside its remit. In this context, I am conscious that hon. Members on both sides of the House have raised concerns in the past about the payment of financial allowances to the four Sinn Fein members who decline to take up their seats here. I hope that the House will welcome the opportunity to debate in the very near future a Government motion proposing that these allowances be suspended on a time scale in parallel with the arrangements at Stormont, in recognition of recent events. The debate on that motion is for another day, but I should emphasise to the House, lest anyone accuse us of denying the extent of Sinn Fein's electoral support, that the measures that we are proposing are designed to express the disapproval of all those who are committed to purely democratic politics at the actions of the Provisional IRA. All in this House recognise the degree of support for Sinn Fein, but we also believe that the actions of the republican movement are letting down everyone in Northern Ireland, including those who vote for Sinn Fein.<sup>14</sup>

## **D. Independent Monitoring Commission – Fifth Report, Paramilitary Activities**

The fifth report by the IMC was published on 24 May 2005. As with the First Report, it is based on the continuing activities of paramilitary groups under Articles 4 and 7 of the International Agreement.

The IMC published an ad hoc report on the 10 February 2005 specifically on the Northern Bank robbery in Belfast on 20 December 2005 and on some other incidents.

The report makes a fresh assessment of all the paramilitary groups' activities from the period of 1 September 2004 until 28 February 2005. These paramilitary groups were initially examined in the first IMC report.

The report found that during the period after the last IMC report the level of paramilitary violence while still high had continued the downward trend apparent in the two preceding six month periods. There were 2 paramilitary murder victims in the period from 1 September 2004 to 28 February 2005. Averaged out there were 2 victims of shooting a week than 1, and about 2 victims of assault a week over the same period.

The report compared the Loyalist and Republican groups in terms of shootings and assaults. It found that Loyalist continued to commit more violence than republicans, over four times as many shooting victims and 25% more victims of assault.<sup>15</sup> The report also said that exiling continued to be an "ugly feature" of paramilitary crime and had found no indication that its

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<sup>14</sup> <http://www.publications.parliament.uk/pa/cm200405/cmstand/deleg4/st050203/50203s01.htm>

<sup>15</sup> Fifth Report of the Independent Monitoring Commission, paragraph 3.10

extent had declined. The IMC report also found that the IRA was still recruiting training and gathering intelligence. The reports concluded that:<sup>16</sup>

We conclude therefore the PIRA remains a highly active organisation. We note that in November 2004 two men were convicted of PIRA membership at the Special Criminal Court in Dublin, and a further five in February of this year. We believe that PIRA is at present determined to maintain its effectiveness, both in terms of organised crime, control in republican areas, and the potential for terrorism. We have no present evidence that it intends to resume a campaign of violence despite the collapse of political talks in December 2004, but it's capacity remains should that become the intention.

Referring to the involvement of IRA in the murder of Robert McCartney, the report said:<sup>17</sup>

We do not believe that the central PIRA leadership sanctioned it in advance, but those concerned may have believed they were acting at the direction of a local senior PIRA members at the scene.

In addition to paramilitary activity the report looked into the activities of prisoners released under the Belfast Agreement, organised crime, taxes, assets recovery and charities:

Paramilitary groups continue to be active in violent and other crime and none have materially wound down their capability to commit violent or other crime. It continues to be the case that dissident republican groups are the most committed to continuing terrorism.

We dislike the use of the word "punishment" in connection with the vicious assaults and shootings which paramilitary groups inflict on their victims, and believe that the time has come to stop giving it currency, though we recognise the obligation of the media to report accurately those public figures who themselves use the term.

For the most part the downward trend in paramilitary violence has continued though the number of paramilitary murders was comparable to that in the previous two six month periods. Loyalist groups remain responsible for more violence than republican ones.

There is no sign that paramilitary groups have reduced their use of exiling, and none we have found that they are agreeing to the general return of those they have exiled or that they are considering doing so.

While we know that ex-prisoners have been amongst those who work to promote peace and to develop communities, there are indications that a considerable proportion of the prisoners released under the terms of the Belfast Agreement have re-engaged in paramilitary activities or have become involved in organised crime, or both.

We remain concerned by the extent and nature of the involvement of paramilitary groups in organised crime and are struck by the range of criminal activities of some groups.

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<sup>16</sup> Fifth Report of the Independent Monitoring Commission, paragraph 2.13

<sup>17</sup> Fifth Report of the Independent Monitoring Commission, paragraph, 4.2



We do not believe that the control and licensing regimes which apply to licensed premises, security firms or taxis sufficiently reflect multi-agency thinking or face the challenge of paramilitary involvement in business of this kind. We think they should do so, as one means of bearing down on paramilitary groups in all possible ways.

The report recommended:

On leadership we recommend that the Secretary of State continues the financial measures in force in respect of the Progressive Unionist Party in the Northern Ireland Assembly.<sup>18</sup>

On 24 May 2005, the new Secretary of State for Northern Ireland, Mr Peter Hain, made a written statement in which he said that he was grateful to the Commission for the submission of the report and that he intended to consider the report's recommendations very carefully:

**The Secretary of State for Northern Ireland (Mr. Peter Hain): ....**

The report recommends that the review of the licensing regime for the security industry should take account of the need to ensure it bears down to the maximum extent possible on paramilitary involvement, in conjunction with other control regimes and other aspects of law enforcement. A review of security licensing arrangements in Northern Ireland is underway and IMC's views will be fully taken into account as part of those deliberations.

The IMC report also recommends that I should continue the financial measures against the Progressive Unionist Party in the Northern Ireland Assembly. I shall now consider carefully the Commission's recommendations and will make a further statement in due course.<sup>19</sup>

During the course of the preparation of the Fifth Report Sinn Fein initiated judicial proceedings in Northern Ireland courts. On 29 June 2004, Sinn Fein's application for the judicial review of the Secretary of State's decision to block financial assistance to its party in the Assembly was granted. On 14 February 2005 this application was dismissed by the High Court in Belfast.<sup>20</sup> The proceedings addressed the IMC's remit and first report, the action taken by the Secretary of State as a result of that report, and the legislation which gives the IMC its statutory foundation in the UK. The proceedings taken by Sinn Fein were found to be unsuccessful on all grounds.

## **E. General Political Developments in Northern Ireland**

On 31 January 2005 a debate took place in the House of Lords on recent developments in Northern Ireland after the robbery of the Northern Bank in Belfast on the 20 December 2004. Baroness Amos echoed concerns made by Paul Murphy Secretary of State for Northern Ireland regarding the serious damage to the political process and the prospects for the early return of devolved governments. However, Baroness Amos made clear that in order for

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<sup>18</sup> Fifth Report of the Independent Monitoring Commission, paragraph, 9.9

<sup>19</sup> HC Hansard 24 May 2005, Written Ministerial Statement, c12 WS

<sup>20</sup> Secretary of State's First Report under section 11(1) of the Northern Ireland (Monitoring Commission etc.) Act 2003, paragraph 3.14. For full report,

improvements already made in Northern Ireland to be secured there had to be an end to all paramilitary and criminal activity:<sup>21</sup>

The Opposition spokesperson Lord Glentoran criticized the Government on its negotiations with Sinn Fein:<sup>22</sup>

**Lord Glentoran:**...As my party has stated on many occasions, the same principles that the Taoiseach applies in Dublin must apply also in Belfast. Sinn Fein must complete the transition from terror to exclusively democratic and peaceful means. By all means, we should let the Secretary of State and his Ministers meet Sinn Fein on the basis of their electoral mandate, but until Sinn Fein clearly demonstrates that it is breaking its links with crime, that should be as far as it goes. Continued high-profile access to the Prime Minister for a party which remains inextricably linked with armed criminals is not only wrong but insulting to those other parties, including democratic nationalists, that are committed to pursuing their objectives by exclusively peaceful means.

Lord Glentoran indicated that his party may be more open to the local government option. He said that regardless of the events at Stormont the Government should press ahead with the reform of the public administration so that the people of Northern Ireland could exercise more control over their affairs at a local level.

The Liberal Democrat Spokesperson in the Lords, Lord Smith of Clifton called for the Assembly to be reconvened as soon as possible. He said a 12 month interim plan was necessary in order to "safeguard the prospect of fully implementing the Belfast agreement in the not too distant future".<sup>23</sup> There were further condemnations of the IRA over the Northern Bank robbery by all parties and Lord Dubs said he did not believe that the process had reached the end of the road and that the majority of people in Northern Ireland believed that life is better. He supported the Prime Ministers meetings with Gerry Adams and Martin McGuinness and said:<sup>24</sup>

It would be awful if the British Government said "We are not going to talk to you again". There is no hope. We are not going to talk any more." That would be a sign of total failure and abdication and it would be letting down the many people of Northern Ireland who expect and hope for better things.

Lord Laird the Ulster Unionist member criticised the Government for not having any "concrete plan" for dealing with those who have been blamed for creating the deadlock in the peace process. He drew attention to the Sunday Independent report that the IRA was preparing to return to war. He went on to say:<sup>25</sup>

That the Government must decide which holds primacy in their policy objectives-keeping Sinn Fein in the process and maintaining the silence of IRA guns at any cost, or moving forward the transition process of establishing devolution as the normal

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<sup>21</sup> HL debate, 31 January 2005, c64-65

<sup>22</sup> HL Debate, 31 January 2005, c66-68

<sup>23</sup> HL Deb, 31 January 2005, c70

<sup>24</sup> HL Deb, 31 January 2005, c74

<sup>25</sup> HL Deb, 31 January 2005, c83

mode of administration in Northern Ireland with or without parties that do not accept and adhere to the principles and practices of parliamentary democracy.

He also made reference to the failure of the cross-Border implementation bodies set up under the Belfast agreement. Lord Laird asked given the lack of devolved government, what was the Governments position on scrapping cross-Border implementation bodies.

## **1. Aftermath of the Northern Bank robbery**

There was considerable speculation about the involvement of the PIRA in the Northern Bank robbery on 20 December 2004, where £26m was stolen. Sinn Fein leaders have come under increasing pressure to dissociate themselves as a political party from illegal activities. The Chief Constable of Northern Ireland has stated that the responsibility for the robbery lay with the Provisional IRA. Paul Murphy made a statement to the Commons on 11 January on the robbery. He then laid the most recent IMC report before the House on 10 February 2005, which concluded that the PIRA has been responsible for the Northern Bank robbery and three other major robberies in 2004.

On Tuesday 25 January, after a meeting with Gerry Adams, the Taoiseach, Bertie Ahern, said that he supported the Garda assessment that the PIRA was responsible “The Garda authorities which naturally I would look to in the first instance, their assessment is that this robbery was carried out by the provisional movement. It would not have taken place, an operation of the scale of this, without the agreement and sanction of the provisional leadership. That is advice I as Taoiseach have to take.”<sup>26</sup> He added that he would be “opposed to sanctions against any party in the political process”.

A Conservative Party Press Release on 21 February called for the suspension of allowances to SF Members at Westminster. David Lidington, Shadow Secretary of State for Northern Ireland, said:

It is an affront to democracy for taxpayer's money to be given to a party that is inextricably linked to a criminal gang. We have been pressing the Government for a year to rescind the Parliamentary allowances granted to Sinn Fein MPs, following attacks by the IRA in Belfast last February. How much longer will Mr Blair let these people have immunity?<sup>27</sup>

On 16 February 2005 speaking on Spanish radio Mr Adams for the first time indicated that IRA may have been behind the raid on the Northern Bank in December. Mr Adams said: “The IRA has said it was not them. I believe them but maybe I am wrong.”<sup>28</sup>

## **2. Death of Robert McCartney**

This followed the death of Robert McCartney a 33 year old father of two on 30 January 2005. He was found unconscious after a fight broke out in a bar in central Belfast. His family have

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<sup>26</sup> Ahern repeats IRA robbery claim, BBC News, 26 January 2005

<sup>27</sup> 21st February 2005 Ref:0330/05 *Conservatives move to ban Sinn Fein allowances*

<sup>28</sup> BBC News, 17 February 2005, IRA role in bank raid possible

accused Sinn Fein members for the murder. The seven members were suspended pending the outcome of the legal process.

Sinn Fein President Gerry Adams said “All of those involved in this horrific incident must make themselves fully accountable for their actions. Nothing short of this is acceptable.” He went on to say “I have made clear my support for the family in their search for justice and have called upon those involved in the killings and others with information about the killing to bring this information forward.”<sup>29</sup>

A council motion put down by the SDLP councillor Pat McCarthy encouraging people with information to go to the police without fear of repercussion was passed on 1 March 2005. However, Sinn Fein councillors failed to back the motion at Belfast City Council after their amendment “encourages anyone with information or evidence to go to the organisation of their choice” was not passed.<sup>30</sup>

On 3 March 2005 Tony Blair and Bertie Ahern met in Downing Street to discuss security information on December’s Belfast bank robbery. In a speech before the talks Bertie Ahern said “The peace process is a collective responsibility that carries obligations for all of us, the parties as well as the governments,” He went on to say “We are not seeking to humiliate any group or score political points. We fully respect the mandates of all parties. This is an inclusive process and the government will continue to work towards an inclusive, comprehensive peace settlement.” He was also conciliatory towards Gerry Adams and Martin McGuinness:<sup>31</sup>

I think that Gerry Adams and Martin McGuinness have worked enormously hard. I understand what they have been trying to do, to keep everybody with them. I do not think that Gerry Adams and Martin McGuinness have put so much into this process not to see it through. I think they are endeavouring to find a comprehensive solution.

Following the meeting the Prime Minister Official Spokesman said “that both the Prime Minister and the Taoiseach believed that the McCartney family themselves are the most eloquent in terms of putting what they want from Sinn Fein which is that those responsible for their brothers murder should make themselves accountable. In terms of other matters the two remained agreed that what we needed to see was a complete end to IRA activity of all kinds.”<sup>32</sup>

In an IRA statement made on 8 March 2004 the IRA said that they knew the identity of the men involved and that two of the men were members of the IRA who have now been expelled. The statement went on to say “The IRA representatives detailed the outcome of the internal disciplinary proceedings thus far and stated in clear terms that the IRA was prepared to shoot the people directly involved in the killing of Robert McCartney.”<sup>33</sup>

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<sup>29</sup> BBC News, 4 March 2005, Murder shadow over SF conference

<sup>30</sup> BBC news, 2 March 2005, SF rejects McCartney police motion

<sup>31</sup> ePolitix.com 3 March 2005, Blair and Ahern discuss stalled peace process, Daniel Forman

<sup>32</sup> <http://www.pm.gov.uk/output/Page7251.asp>

<sup>33</sup> “IRA statement in full”, Belfast Telegraph, 9 March 2005

In response to the IRA the McCartney family made it clear that they did not want any physical action taken against those involved in a statement on 10 March 2005 they said “The investigation by the IRA in the murder of Robert is a matter for themselves. For this family it would only be in court, where transparency and accountability prevail, that justice will be done.”<sup>34</sup>

There was widespread condemnation of the IRA following the offer to shoot the men involved. The Secretary of State for Northern Ireland Paul Murphy said he was appalled by the offer “There is no place for those who signed up to the Good Friday Agreement for the sort of arbitrary justice and murder that is being suggested here,”<sup>35</sup> and the DUP Leader Ian Paisley called for the arrest of Sinn Fein members following the IRA statement.

The IRA was further condemned by Tony Blair during Prime Ministers question time, when he said “I make it absolutely clear that the IRA’s statement yesterday defies description. It was extraordinary and cannot be justified in any shape or form. There is no way that we can make any progress in Northern Ireland that includes Sinn Fein unless there is a complete end to violence of whatever kind.”<sup>36</sup>

The family of Robert McCartney were invited to meet the President of the United States on St. Patrick’s Day as part of their campaign for justice. The US special envoy to Northern Ireland, Mitchell Reiss said that the US is doing everything in its power to help the family. The family presented Mr Bush with dossier which outlines their claims that the IRA murdered Robert McCartney on 30 January.

The family also held talks with US Senator Ted Kennedy, who has refused to meet Gerry Adams during the St. Patrick’s week celebrations. Mr Kennedy is considered the father figure of Irish America and many believe his refusal to meet with the Sinn Fein leader was more significant than President Bush’s refusal to invite Adams to the White House. Mr Kennedy proposed a resolution, passed by the US Senate, in which he condemned IRA violence and urged Sinn Fein to help the police to catch Mr McCartney’s killers.

On 1 June 2005 two men were arrested over the murder of Robert McCartney, four months after he was stabbed to death outside a Belfast bar. The two men were charged and remanded in custody. Terence Davison, 49, and James McCormick, 36, were both from Belfast. Mr Davison was charged with the murder of Robert McCartney and Mr McCormick was accused of attempting to murder Brendan Devine on the same night. Both deny the charges.

Mr McCartney’s family said “We are glad that it has arrive at court because we vehemently believe that everyone is entitled to a fair trial and we hope that that is what is going to happen here.”<sup>37</sup>

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<sup>34</sup> “The family statement in full” , The Daily Telegraph, 10 March 2005

<sup>35</sup> BBC News, Victim’s family reject IRA offer, 9 March 2005

<sup>36</sup> HC Deb 9 March 2005, c1509

<sup>37</sup> BBC News, Two remanded in McCartney killing, 8 June 2005

## F. Allowances for Sinn Fein Members

For full details see Library Standard Note no 1667 *Sinn Fein and access to Commons facilities*. On 10 March 2005 a motion was passed in the name of the Leader of the House, Peter Hain and the Secretary of State for Northern Ireland to suspend the payment of allowances to Sinn Fein MPs.<sup>38</sup>

The Conservatives, who were opposed to the original motion to grant such privileges to Sinn Fein Members, wanted the measures to be taken further and to withdraw access of Sinn Fein to the Palace of Westminster. The then Shadow Leader of the House, Oliver Heald, said "The Official Opposition have always believed that it is simply wrong to allow Members who refused to take their seats to enjoy the same rights as Members who do."<sup>39</sup>

In response to calls to prevent Sinn Fein Members from accessing facilities in the Palace of Westminster the Leader of the House urged Members to "strike a balance" between showing disapproval and "depriving their constituents of the fundamental right of access".<sup>40</sup>

**Mr. Hain:** That is precisely the balance to be struck. My hon. Friend again asserts the primacy of elected Members of Parliament in being able to represent their constituents and the right of those constituents to have their views represented. That is why, under this decision, they will not be barred from access to the House. They and their staff will still be able to use the offices, free post, and telephone facilities, and have access to the Library and to catering, in order to carry out their responsibilities to their constituents, some of whom may have elected them and some of whom may have voted for other parties. I am trying to advance a parliamentary point here.

A further amendment put down by David Trimble and supported by Ian Paisley called for the trial by impeachment of Gerry Adams, Martin McGuinness and Pat Doherty if it could be proven that they were or had been members of the IRA army council. The IMC conclusion that the Sinn Fein leaders were aware on the Northern Bank robbery was prayed in aid of impeachment however, the amendment was not called by the Speaker.

The Secretary of State said in response to Sir Patrick Cormack request for an "absolute assertion" that there would be a free vote on the motion replied:<sup>41</sup>

**The Secretary of State for Northern Ireland (Mr. Paul Murphy):** This has been an informed and interesting debate. Obviously, that has resulted in different points of view being expressed.

Before I make my remarks, I want to reply to the hon. Member for South Staffordshire (Sir Patrick Cormack) with regard to the nature of the whipping on this debate. I can do no better than refer to the points made by the then Leader of the House, my right hon. Friend the Member for Livingston (Mr. Cook), in the previous debate:

"it will be on a one-line Whip. If Labour Back Benchers do not share the view I have expressed, they are perfectly entitled to express theirs. As to other members of the

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<sup>38</sup> HC Deb 10 March 2005, c1704

<sup>39</sup> HC Deb, 10 March 2005, c1712

<sup>40</sup> HC Deb, 10 March 2005, c1706

<sup>41</sup> HC Deb, 10 March 2005, c1745

Government, I shall move the motion on the Government's behalf and of course I shall, not unreasonably, look to the Government for support."—[*Official Report*, 13 December 2001; Vol. 376, c. 1006.]

The Government motion to suspend parliamentary allowances for Sinn Fein Members for a period of 12 months was passed without debate. An amendment to ban Sinn Fein permanently from Westminster Palace was defeated 358 to 170.<sup>42</sup>

## **G. Electoral Registration (Northern Ireland) Act**

On 24 February 2005 the *Electoral Registration (Northern Ireland) Bill* received royal assent.<sup>43</sup> The Act makes provisions for the carry over of electors who did not complete registration forms at the last canvass. Full details are given in Library Research Paper 05/15 *The Electoral Registration (Northern Ireland) Bill*.

The Act consists of four main components:

(i) It gives the chief electoral officer for Northern Ireland the power to register former electors on to the Northern Ireland register by April 1 2005. This will be the register used for the Northern Ireland local elections in May 2005. Former electors are individuals who appeared on the register published on 1 September 2004, but failed to return or complete accurately the annual canvass for that year, and therefore did not appear on the register published on 1 December 2004.

(ii) It will ensure that those 83,000 electors who will be re-registered as a result of this Act will be taken off the register if they do not re-register during this year's annual canvass in the autumn.

(iii) The act also gives the chief electoral officer for Northern Ireland the power to carry forward names of electors who fail to complete the annual canvass form in 2005 on to the register published on 1 December 2005.

(iv) The chief electoral officer for Northern Ireland has been given the power to apply the carry forward only following the annual canvass later this year.

## **H. Delegated legislation affecting Northern Ireland**

### **1. Electoral Law Act (Northern Ireland) 1962 (Amendment no. 1, 2 and 3) order 2005**

On 14 March 2005 the three Northern Ireland electoral orders were debated in Parliament. The first order changes the date of the Northern Ireland local elections from the third Wednesday in May to the first Thursday in May. The change will take effect this year and is intended to be permanent.

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<sup>42</sup> [http://www.publications.parliament.uk/pa/cm200405/cmhansrd/cm050310/debtext/50310-26.htm#50310-26\\_div129](http://www.publications.parliament.uk/pa/cm200405/cmhansrd/cm050310/debtext/50310-26.htm#50310-26_div129)

<sup>43</sup> <http://www.legislation.hmso.gov.uk/acts/acts2005/20050001.htm>

The *Electoral Law Act (Northern Ireland) 1962 (Amendment no. 2) Order 2005* gives access to the polling stations for Electoral Commission observers. Under electoral law, there are strict legal requirements governing who can attend a polling station. Other than those entitled to vote, attendance is restricted to candidates and their election agents, polling agents and poll clerks, police officers and companions of voters with disabilities.

The third order sets out new limits for candidates' expenses in local elections, and forms one of a series of orders up rating expense limits in time for the general election in 2005<sup>44</sup>. Northern Ireland electoral expense limits differ for local elections from the rest of the UK, to take into account the STV system used. There has been little controversy about these limits in the past.

## **2. Northern Ireland Act 2000 (Modification)(No.2)Order 2005<sup>45</sup>**

The *Northern Ireland Act 2000 (Modification) (No.2) Order 2005*, extends the power to legislate on Northern Ireland matters by Order in Council for a further six months until 14 April 2006. This power originally set out in the *Northern Ireland Act 2000* had already been extended five times since the suspension of devolution in October 2002. The motion was agreed to.

### **I. General Election 2005**

On 5 April 2005 the Prime Minister, Tony Blair announced that a general election would take place on the 5 May 2005.

Following the announcement of the general election the main political parties in Northern Ireland issued their manifestos. The DUP stressed that the Party wants devolution but also a final settlement. They believed that the disbandment of the IRA was key to being able to work with the republicans and that only parties committed to peaceful means should be part of the democratic institutions. They also called for the Northern Ireland Executive to be more accountable to the people.<sup>46</sup>

The Ulster Unionist Party also expressed a commitment to the devolved assembly under the Good Friday Agreement but demanded an end to the IRA as a price for power sharing with republicans. The also called for the assembly and the executive to be restored without Sinn Fein and stressed that Northern Ireland must remain British.<sup>47</sup>

Sinn Fein's manifesto called for return to government but said it wouldn't submit republicans to "humiliation". Sinn Fein wanted "causes of conflict" to be removed such as distrust in policing and justice and made clear that all police and justice issues should be devolved to ministers in Belfast. Sinn Fein urged the IRA to "fully embrace" political alternatives to

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<sup>44</sup> See Library Standard Note no 3414 Election Expense Limits  
<http://hcl1.hclibrary.parliament.uk/notes/pcc/snpc-03413.pdf>

<sup>45</sup> HL Debate, 7 July 2005, GC81-88

<sup>46</sup> <http://www.dup.org.uk/pdf/DUPManifesto05.pdf>

<sup>47</sup> [http://www.uup.org/uup\\_manifesto2005.pdf](http://www.uup.org/uup_manifesto2005.pdf)



violence but said that it would not be excluded from the political process because of the IRA.<sup>48</sup>

The general election took place on 5 May 2005. Turnout in Northern Ireland was 68.6%, the highest of all UK regions. The Democratic Unionists won nine seats, half of the Northern Ireland total. They gained four seats from the Ulster Unionists: East Antrim, Lagan Valley, South Antrim and including the seat of the Ulster Unionists leader David Trimble's in Upper Ban. The Ulster Unionist lost five of their six seats and their vote share fell by 9.0% points.<sup>49</sup>

Following the loss of his seat in the General Election Mr Trimble resigned from his post as leader of the Ulster Unionist. In a statement he said:<sup>50</sup>

At a private meeting with the president and chairman of the Ulster Unionist Party this morning, I indicated to them that I do not wish to continue as leader.

I want to thank all the members of the party for all the support and help they have given me over the last 10 years.

There have been difficult times, but also times when we have been able to make a difference.

I have no doubt that Northern Ireland is a much better place and unionism greatly advantaged because of our efforts.

I am pleased to have had the privilege of leading of what I regard as the best and most democratic political grouping in Ulster.

The party chairman will be arranging for a meeting of the party executive to make the arrangements for a special meeting of the Ulster Unionist Council to elect a new leader, at which point I shall formally resign.

Sir Reg Empey became the next UUP leader, but he does not have a seat in the Commons. The DUP received more votes than any other party in Northern Ireland for the first time at a General Election. Their share of the vote increased by 11.2% points to 33.7%.

Sinn Fein also increased their share of the vote, and took Newry & Armagh from the SDLP. They came second in Northern Ireland in terms of both seats and votes won, both for the first time at a General Election. The SDLP gained South Belfast from the Ulster Unionists, leaving them unchanged in total seat numbers. Their share of the vote fell and they came fourth in terms of votes received. Full details are given in Library Research Paper 05/03.

## **J. Commentary on the peace process from July 2005**

On 28 July 2005 the IRA formally ordered an end to its armed campaign and said it would pursue exclusively peaceful means. The decision was made after internal debates, prompted by the Sinn Fein President Gerry Adams. In their statement the IRA said:

The leadership of Oglai gh na hEireann has formally ordered an end to the armed campaign.

This will take effect from 4pm [1600 BST] this afternoon.

All IRA units have been ordered to dump arms.

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<sup>48</sup> <http://www.sfwestminsterelection.com/media/westminster05manifesto.pdf>

<sup>49</sup> Research paper 05/03, General Election 2005, p17

<sup>50</sup> BBC News, 7 May 2005, Trimble resigns: full statement

All Volunteers have been instructed to assist the development of purely political and democratic programmes through exclusively peaceful means.

Volunteers must not engage in any other activities whatsoever.

The IRA leadership has also authorised our representative to engage with the IICD [Independent International Commission on Decommissioning] to complete the process to verifiably put its arms beyond use in a way which will further enhance public confidence and to conclude this as quickly as possible.

We have invited two independent witnesses, from the Protestant and Catholic churches, to testify to this.

The Army Council took these decisions following an unprecedented internal discussion and consultation process with IRA units and Volunteers.

We appreciate the honest and forthright way in which the consultation process was carried out and the depth and content of the submissions.

We are proud of the comradely way in which this truly historic discussion was conducted. The outcome of our consultations shows very strong support among IRA Volunteers for the Sinn Fein peace strategy.<sup>51</sup>

The IRA statement was welcomed by the British and Irish Governments on 28 July. Sean Kelly, the former IRA terrorist, was released under temporary licence.<sup>52</sup> Mr Hain stated in a letter to MPs that the IMC had been asked to prepare an additional report in January 2006 to check on progress with decommissioning.<sup>53</sup> On 1 August the Northern Ireland Secretary, Peter Hain issued a written statement in which he set out a 2 year plan for de-militarisation, contingent on the security situation:

In April 2003 the government set out proposals to normalise the security profile across Northern Ireland when there was an enabling environment.

Following the IRA statement of 28 July, we are now moving quickly to begin that process.

Today I am publishing planned normalisation programme agreed with the chief constable and the Army GOC [General Officer Commanding Northern Ireland].

My first and over-riding priority and that of the chief constable and the GOC is the safety and security of the people of Northern Ireland.

We will not do anything that will compromise that.

Provided the enabling environment is established and maintained this programme will be achievable within two years though if the conditions are right to move more quickly in implementing elements of the plan, the government will do so.

The programme published today will see the creation of an environment which will allow the return of conventional policing across Northern Ireland.

#### **Update to Annex 1 of the Joint Declaration**

This paper provides the updated version of the normalisation programme which was promised in the government's statement of 28 July.

The steps which will be undertaken in a normalisation programme assuming an enabling environment is created and maintained will be as follows:

Within the first eight months, in an enabling environment, we would have achieved:

The vacation and closure of Forkhill Base; the removal of Tower Romeo 12 in South Armagh; and dismantling of the super sangar in Newtownhamilton. Work has already started and will be completed within a six-month period

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<sup>51</sup> BBC News, IRA statement in full, 28 July 2005

<sup>52</sup> Press Notice *Northern Ireland Office* 28 July 2005

<sup>53</sup> "Hain responds to IRA statement" *Northern Ireland Office* 28 July 2005

The removal of the observation post at Divis Tower in Belfast and the two observation towers at Masonic in Londonderry. Work is beginning this week and will be completed within a six-month period

The successive removal of two towers in South Armagh G10 (Creevekeeran); G20 (Drummuckavall). Work will start within a few weeks and be completed within a six-month period; with the sites restored to Greenfield status as soon as possible

The publication of a structured plan for phased reduction in troops to peacetime levels

The continuation of the review of the police estate with action taken as agreed with the Policing Board following consultation with district commanders and local communities, including work to defortify some 24 police stations.

Within the next 12 months, in an enabling environment, we would have achieved:

Further defortification of police stations. Progressive development of and extension of varying patrol patterns: eg single beat officers, bicycle patrols and opening of police shops

The vacation and demolition of the remaining South Armagh towers. These sites, with the exception of a Blue Light communications site at Crosleive, would be returned to Greenfield status as rapidly as possible thereafter

Progressive withdrawal of soldiers from sites where co-located with police in Armagh (Crossmaglen, Newtownhamilton, Middletown) and in Fermanagh and Tyrone

The removal of the military base within Maydown police station

A reduction in troop numbers in line with the published plan

The return of private property on vacated sites.

Within the final four months, in an enabling environment, we would have achieved:

Further implementation of the police estate review, as determined by the Policing Board

Additional opportunities for the police to patrol without the use of armoured vehicles

The vacation and demolition of the observation post at Rosemount in Derry

The vacation, closure and disposal of all military sites to leave no more than 14 core sites

The further reduction in Army and other service levels, including the disbandment of the operational brigade headquarters, to a permanent military garrison of no more than 5,000. The size of the longer-term garrison is likely to fluctuate in response to global demands on the Army and its overall complement

Repeal of counter terrorist legislation particular to Northern Ireland<sup>54</sup>

On 4 August Mr Blair held talks in London. After the meeting, the Democratic Unionists said that they would require a "prolonged period of assessment" to determine whether the IRA had given up its armed campaign.<sup>55</sup> David Hanson, the new minister for political development stated on 22 September that he believed that the IRA were beginning to decommission.<sup>56</sup>

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<sup>54</sup> "Northern Ireland Secretary's statement" *BBC News* 1 August 2005

<sup>55</sup> "Blair defends NI military moves" *BBC News* 4 August 2005

<sup>56</sup> "IRA moving towards decommission" *BBC News* 22 September 2005

## K. Sixth report of the Independent Monitoring Commission

This report was published on 22 September and gave details on the violent feud between the Ulster Volunteer Force and the Loyalist Volunteer Force which erupted in Belfast in mid September.<sup>57</sup> The report noted:

17. We have consistently condemned all forms of paramilitarism and will continue to do so. It is not possible to compare different forms in terms of the outrage they cause but in the period since we were established in January 2004 there has been no sustained series of violent incidents which has matched the murders and self-interested violence of the UVF/LVF feud.

It commented as follows on the links between the Progressive Unionist Party and the UVF and recommended that the Secretary of State review the recognition of the UVF ceasefire:

23. We are aware of the view that the PUP is not strong enough to influence the UVF – in effect that it is the UVF rather than the PUP which leads. But two facts remain. First, the PUP is a political party represented at both Assembly and local government levels, and in the case of the latter it stood in the May 2005 elections. Second, it is associated with the UVF. No democratic political party can expect to have it both ways<sup>4</sup>. It can either disassociate itself from the paramilitary group, or it must accept the consequences of its association. The circumstances of the current feud make that all the more important.

24. We believe that there is still an association between the PUP and UVF. We think now, as we have before, that the PUP has not done all that could be done to prevent paramilitary activity and has not credibly voiced or exerted its opposition to paramilitaries, and the UVF in particular. The events we describe in this report reinforce the conclusions we reached in our last report, namely that the removal of block financial assistance from the PUP in the Northern Ireland Assembly for twelve months should be renewed.

25. Moreover, in our first report we urged the community to move on from the narrow debate about whether or not paramilitary organisations were or were not on ceasefire and instead to address the broader question of whether they are engaged in any illegal activity. However, the fact remains that when an organisation concerned in terrorism is recognised as being on ceasefire that has legal consequences such as those in the Northern Ireland (Sentences) Act 1998. For that and other reasons the issue cannot simply be ignored. In view of the ongoing violence and brutal murders committed by the UVF and recorded in this report, we find it difficult to see how the Secretary of State could continue to recognise the UVF ceasefire.

Peter Hain announced on 13 September that he had ceased to recognise the UVF ceasefire as from midnight. The process involves specifying the organisation by order in council under section 3(8) of the *Northern Ireland (Sentences) Act 1998*.

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<sup>57</sup> “US accuses unionists of abdicating responsibility” 13 September 2005 *Financial Times* <http://www.independentmonitoringcommission.org/publications.cfm?id=26>