



# Developments in Northern Ireland Since April 2008

Standard Note: SN/PC/04858

Last updated: 13 October 2008

Author: Diana Douse and Oonagh Gay

Parliament and Constitution Centre

---

This note aims to give an update on the political events in Northern Ireland since April 2008. It includes a summary of the 18<sup>th</sup> and 19<sup>th</sup> Independent Monitoring Commission Reports as well as looking to the recent failure of the Northern Ireland Executive to meet.

## Contents

<b>1</b>	<b>Background</b>	<b>2</b>
<b>2</b>	<b>New First Minister for Northern Ireland</b>	<b>2</b>
<b>3</b>	<b>Victims and Survivors Commission Established</b>	<b>3</b>
<b>4</b>	<b>The postponement of Executive meetings</b>	<b>5</b>
<b>5</b>	<b>Conservative Party and Ulster Unionist Party merger considered</b>	<b>11</b>
<b>6</b>	<b>Independent Monitoring Commission Reports</b>	<b>12</b>
6.1	Independent Monitoring Commission 18 <sup>th</sup> Report	12
6.2	Independent Monitoring Commission 19 <sup>th</sup> Report	14

## 1 Background

In July 1998 the Northern Ireland Assembly was elected for the first time but by 14 October 2002 devolution had been suspended under the terms of the *Northern Ireland Act 2000*. A number of attempts were made by the UK and Irish Governments and Northern Irish parties to restore devolution. On 26 March 2007 the two main party leaders in Northern Ireland accepted a settlement and the House of Commons passed emergency legislation which allowed that agreement to take effect. This Standard Note deals with events since April 2008. For further details see Library Standard Note 4689 *Political Developments in Northern Ireland since November 2007* and House of Commons Research Paper 07/32 *The Northern Ireland (St Andrews Agreement) (No. 2) Bill*.

The 10<sup>th</sup> Anniversary of the Good Friday Agreement was marked on 10 April 2008 by a conference hosted by the US-Ireland Alliance. The Good Friday Agreement was reached in Belfast in 1998 and set out a plan for devolved government in Northern Ireland. The Agreements participants, in the document, describe what they had negotiated as offering “a truly historic opportunity for a new beginning”.<sup>1</sup>

On 16 June George Bush, visited Stormont for talks also being attended by Gordon Brown and new Taoiseach Brian Cowen. Several subjects were discussed including the devolution of policing and justice powers to Northern Ireland. During the visit George Bush choose to invite the First and Deputy First Minister to the White House before January 2009 when he leaves office.<sup>2</sup> Another aspect of the visit was highlighted by Junior Minister Jeffrey Donaldson who stated “[t]his is a great opportunity for Northern Ireland to press home the case for investment [from the USA]”.<sup>3</sup>

The *Financial Times* reported on 4 August 2008 that the planned cabinet reshuffle in autumn would involve the creation of a new position called the Secretary of State for the Nations which would combine the roles of Secretary of state for Northern Ireland, Scotland and Wales.<sup>4</sup> In the event Shaun Woodward retained his position as Secretary of State in the Cabinet reshuffle on 3 October.<sup>5</sup>

## 2 New First Minister for Northern Ireland

The Rev Ian Paisley stood down as First Minister on 5 June 2008 after first announcing his intention to step down as First Minister and leader of the Democratic Unionist Party on 4 March. In April the decision for Peter Robinson the take over as both leader of the DUP and

---

<sup>1</sup> <http://www.nio.gov.uk/agreement.pdf>

<sup>2</sup> ‘Bush invites Northern Ireland leaders to White House’, *Guardian*, 16 June 2008, <http://www.guardian.co.uk/politics/2008/jun/16/northernireland.foreignpolicy>

<sup>3</sup> ‘Bush arrives for Stormont visit’, *Scotsman*, 16.06.2008, <http://news.scotsman.com/politics/Bush-arrives-for-Stormont-visit.4189626.jp>

<sup>4</sup> ‘PM set to axe ‘part-time’ Scottish role’, *Financial Times*, 04 August 2008, <http://www.ft.com/cms/s/0/a66f0d98-61a9-11dd-af94-000077b07658.html>

<sup>5</sup> For further information see <http://www.number10.gov.uk/Page17065>

as First Minister was ratified by the 120 members of the party's executive. Rev Ian Paisley passed on leadership of the DUP to Peter Robinson on 14 April but was not due to resign as First Minister until after the US Investment conference in Northern Ireland in May. However tensions between the DUP and Sinn Fein delayed Rev Ian Paisley's departure until on 4 June when an agreement was reached between the DUP and Sinn Fein on a mechanism for discussing a number of contentious political issues.<sup>6</sup> The agreement is believed to have been reached after the intervention of the UK, Irish and US governments.<sup>7</sup> It meant that a special sitting of the Assembly could go ahead the next day where the new First Minister Peter Robinson could be appointed and Deputy First Minister Martin McGuinness reappointed. First and Deputy First Minister are linked positions so if Sinn Fein had declined to nominate a Deputy First Minister, it would not have been possible to appoint Mr Robinson, despite the fact that following the St Andrews Agreement the actual process of appointment was rejigged.

A new Cabinet was formed on 9 June with new Culture, Environment and Finance Ministers leaving the other 7 Ministers in place. The new Cabinet are as follows:

- Ms Michelle Gildernew (Sinn Fein) - Agriculture and Rural Affairs Minister
- Mr Gregory Campbell (DUP) – Culture, Arts and Leisure Minister (replacing Mr Edwin Poots)
- Ms Caitriona Ruane (Sinn Fein) – Education Minister
- Sir Reg Empey (UUP) – Employment and Learning Minister
- Ms Arlene Foster (DUP) – Enterprise, Trade and Investment Minister (replacing Mr Nigel Dodds)
- Mr Sammy Wilson (DUP) – Environment Minister (replacing Ms Arlene Foster)
- Mr Nigel Dodds (DUP) – Finance and Personnel Minister (replacing Mr Peter Robinson)
- Mr Michael McGimpsey – Health, Social Services and Public Safety Minister
- Mr Conor Murphy (Sinn Fein) – Regional Development Minister
- Ms Margaret Ritchie (SDLP) – Social Development Minister<sup>8</sup>

Mr Robinson said “[t]he DUP has played a very effective role within the Executive and each of our party's ministers have delivered on key manifesto commitments”.<sup>9</sup>

### **3 Victims and Survivors Commission Established**

---

<sup>6</sup> 'End of Stormont impasse as deal is struck', *Financial Times*, 05 June 2008

<sup>7</sup> 'Tensions return to Ulster politics as Paisley says farewell', *Guardian*, 06 June 2008

<sup>8</sup> <http://www.niassembly.gov.uk/members/minister.htm> and <http://www.niassembly.gov.uk/members/membership07.htm>

<sup>9</sup> 'Robinson announces new NI cabinet', *Irish Times*, 09 July 2008, <http://www.irishtimes.com/newspaper/breaking/2008/0609/breaking79.htm>

On 3 June the establishment of the new Commission for Victims and Survivors and the taking of office of the four new commissioners was announced. In January the First and Deputy First Minister had announced the appointment of four Commissioners for the new Commission. However establishment of the Commission required amendments to the *Victim and Survivors Order 2006*. The *Victim and Survivors (Northern Ireland) Act 2008* amended the *Victims and Survivors Order 2006* which was given royal assent on 23 May 2008 so that by 3 June the new Commission could be established. In January the then First Minister Rev Ian Paisley made a ministerial statement that:

Members will be aware that the process for that appointment began under direct rule. They will, moreover, recall that on 8 October 2007, the deputy First Minister and I announced that we had decided to extend the appointment process. Some potential applicants might have been deterred from putting themselves forward under direct rule. We formed the view that by extending the appointment process, the post would be more firmly grounded in the new political environment and the person who was appointed would have broad support.

We are able to announce the outcome of that appointment process. The decision to extend the competition resulted in an additional 38 applicants coming forward. Following interviews, a combined list was drawn up of individuals who were deemed suitable for appointment by both the initial interview panel and by the extended process as announced on 8 October 2007.

...

Our firm belief is that a team of four commissioners working together — in essence, a victims' commission — is the best way forward. Given the significant backlog of urgent work and the range of difficult challenges that face us in this area, these four people will have much more capacity to engage directly with victims and survivors than a single commissioner. To put it simply, they will be much more personally available to victims and survivors than a single commissioner.

For example, a single commissioner would, inevitably, have had to delegate many activities, including consultation and liaison, to a secretariat. It would also have been inevitable that many specific projects would have had to be undertaken by consultants. The four commissioners will be expected to undertake these and other important tasks themselves — although, obviously, administrative support will be provided for them.

...

We anticipate that the commission will have the same functions as the post of Victims' Commissioner described in the *Victims and Survivors (Northern Ireland) Order 2006*. It is our intention to make formal appointments in due course, but we must first introduce the necessary legislation to create the victims' and survivors' commission that I have described today. A Bill to provide for the establishment of the commission will be introduced as soon as possible. Subject, of course, to the decision of the Assembly, we will wish to proceed with the formal appointments as soon as possible thereafter.<sup>10</sup>

The four commissioners appointed were Brendan McAllister, Patricia McBride, Bertha McDougall and Michael Nesbitt. Previously Bertha McDougall had been the Interim Commissioner for Victims and Survivors of the Troubles; she was appointed in October

---

<sup>10</sup> Written ministerial statement, 28 January 2008, <http://www.niassembly.gov.uk/record/reports2007/080128.htm#2>

2005.<sup>11</sup> Her appointment was later challenged in the High Court.<sup>12</sup> The new Commissioners appointment also proved controversial. The original advertisement for the new Commission had been for a single Commissioner rather than four equal Commissioners. Dr Marie Breen-Smyth brought a case to the Fair Employment Tribunal in August 2008 because she had applied for the original single position but was later offered one of the four Commissioner posts. Another separate judicial review case was launched by Michelle Williamson requesting that appointment of the four commissioners to be quashed.<sup>13</sup>

The consultation paper brought out by the Office of the First and Deputy First Minister on the new Commission published in August 2008 stated that:

The Commission is designed to:

- promote an awareness of matters relating to the interests of victims and survivors and of the need to safeguard those interests;
- keep under review the adequacy and effectiveness of law and practice affecting the interests of victims and survivors;
- keep under review the adequacy and effectiveness of services provided for victims and survivors;
- advise the Secretary of State, the Executive Committee of the Assembly and any body or person providing services for victims and survivors on matters concerning the interests of victims and survivors;
- take reasonable steps to ensure that the views of victims and survivors are sought concerning the exercise of the Commission's functions;
- make arrangements for a Victims and Survivors Forum.<sup>14</sup>

The Commissions budget is £36 million to be spent over three years.<sup>15</sup>

## 4 The postponement of Executive meetings

The *Northern Ireland (St Andrews Agreement) Act 2006* makes provision for preparations for the restoration of a devolved government in Northern Ireland. It includes an agreement between the British and Irish governments that the target date for the transfer of policing and

---

<sup>11</sup> 'Peter Hain announces Interim Commissioner for Victims', *Northern Ireland Office*, 24 October 2005, <http://www.nio.gov.uk/media-detail.htm?newsID=12419>

<sup>12</sup> 'Fair employment challenge over victims appointments', *Irish News*, 01 August 2008

<sup>13</sup> [http://www.courtsni.gov.uk/NR/rdonlyres/463283BC-8D4F-43C8-A6CC-1C943A6717D7/0/j\\_j\\_GIL7220Final.htm](http://www.courtsni.gov.uk/NR/rdonlyres/463283BC-8D4F-43C8-A6CC-1C943A6717D7/0/j_j_GIL7220Final.htm)

<sup>14</sup> Outline draft strategic approach for Victims and Survivors – Consultation paper, *OFMDFMNI*, August 2008, <http://www.ofmdfmi.gov.uk/outline-draft-strategy-for-victims-and-survivors-consultation-paper.pdf>

<sup>15</sup> Paisley and McGuinness announce establishment of Victims and Survivors Commission, *Northern Ireland Executive*, 3 June 2008, <http://www.northernireland.gov.uk/news-ofmdfm-030608-paisley-and-mcguinness-announce>

justice powers to Northern Ireland was May 2008. The Northern Ireland Executive have not met since 19 June 2008, reportedly due to several issues including the transfer of policing and justice powers, Irish language issues and where to build a new sports stadium<sup>16</sup>. Sinn Fein wants the devolution of policing and justice powers to the Executive whilst the DUP remain reluctant. There are a range of options for selecting a minister to take responsibility for policing and justice, including that set out in Schedule 5 to the Justice and Security Act (Northern Ireland) Act 2007.

In early July efforts were reportedly being made by Northern Ireland Executive ministers to arrange an Executive meeting before the end of July because otherwise they could not meet again until September. A meeting was scheduled for 24 July but it was cancelled a few days before. Sinn Fein wanted a meeting agenda set beforehand otherwise it was stated they would not attend.<sup>17</sup> Over 30 items of business have been delayed by the cancellation of Executive meetings. In late July the Alliance Party offered to take over a new Justice Ministry even temporarily to encourage the Executive meetings to restart but the offer came with stipulations. During the St Andrews agreement negotiations the Alliance Party were offered responsibility for policing and justice however they were not offered voting rights in Executive meetings so they declined the offer.<sup>18</sup> The UCL Constitution Unit reported that:

On the critical issue of devolution of policing and justice, talks continued at Downing Street, at the Northern Ireland Office and involving the republic's government over the summer, as did direct negotiations between the DUP and SF. On 4 August, the first signs of movement emerged when Messrs Robinson and McGuinness wrote jointly to the assembly's Assembly and Executive Review Committee, tasked to report on the matter, indicating proposals on which their two parties were agreed.

First, there would be a combined policing and justice department headed by a single minister; secondly, the minister would be elected on a cross-community vote in the assembly (ie not by means of the d'Hondt procedure, which would have automatically ceded the post to the SDLP); and, finally and crucially, neither the DUP nor SF would nominate one of its MLAs for the position. This raised but did not resolve the issue of whether there would be an additional member of the executive or whether two existing departments would be merged to keep the number to ten, the limit in the Northern Ireland Act 1998 implementing the Belfast agreement.<sup>21</sup>

The proposals would in effect leave the nomination open to the Alliance Party, the SDLP or the UUP—indeed in theory to any of the three remaining single MLAs belonging to the Green Party, the Progressive Unionist Party or the Independent Health Coalition.<sup>19</sup>

On 30 August the Alliance Party leader, David Ford said that the party would attend talks between the DUP and Sinn Fein over the devolution of policing and justice powers despite his rejection in early August of the idea that an Alliance party member heading a new justice

---

<sup>16</sup> 'It's make your mind up time for MLAs', *Belfast Telegraph*, 16 July 2008

<sup>17</sup> 'Stand-off hits hopes of Executive meeting', *Belfast Telegraph*, 21 July 2008

<sup>18</sup> 'Will Alliance break stalemate?', *Belfast Telegraph*, 29 July 2008

<sup>19</sup> Northern Ireland Devolution Monitoring Report: September 2008, *UCL Constitution Unit*, [http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI\\_Sept08.pdf](http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Sept08.pdf)

ministry.<sup>20</sup> Later in September the Alliance Party did not rule out the possibility of taking on a new Justice Ministry although the party leader did state at the party Annual Conference that “we will not be used to apply a sticking plaster over a serious fault line within the Executive. There must be fundamental reforms”<sup>21</sup>. On 7 October the DUP suggested that a member of the Alliance Party could be placed on a committee to address the issue of the devolution of policing and justice powers.<sup>22</sup>

Although the Northern Ireland Assembly was officially in recess, concerns over the next meeting of the Executive continued over August. In early August the DUP indicated that they were prepared for an autumn election if the Executive stalemate led to one. The DUP claimed to have canvassed a large number of homes in preparation. Social Democratic and Labour Party Leader Mark Durkan also tried to trigger an early recall of the Assembly to discuss concerns of the lack of recent Executive meetings. Thirty signatures were required to initiate a special debate. The SDLP approached the UUP to make up the remaining signatures required but on 22 August it was announced that the UUP had decided not to support the strategy.<sup>23</sup> The situation was further complicated when the Sinn Fein Leader in the Dail, Caoimhghin O Caolain said:

[t]here is now widespread and growing concern among republicans at the failure to transfer policing and justice powers from London to Belfast in due time.

...

When Sinn Féin changed our policy on policing in the North, accepting that a new beginning was being made, it was with the prospect that policing and justice powers would be transferred by May of this year. It is now the end of August and we do not even have a date for transfer. This is totally unacceptable.

...

Our negotiators are doing their utmost. But the DUP, the British government and the Irish government should note that the patience of republicans should not be taken for granted.<sup>24</sup>

UUP leader, Sir Reg Empey requested clarification from the Sinn Fein leadership over the comments. Peter Robinson as Leader of the DUP responded to Caoimhghin O Caolain comments and said that:

[a] leading member of Sinn Fein, last Sunday, threatened that they will withdraw Ministers from the Executive with, I can only conclude, the intention of collapsing the

---

<sup>20</sup> 'Alliance role in stand-off talks', *BBC News*, 30 August 2008, [http://news.bbc.co.uk/1/hi/northern\\_ireland/7589290.stm](http://news.bbc.co.uk/1/hi/northern_ireland/7589290.stm)

<sup>21</sup> 'David Ford's Party Leader's Speech at Conference', *Alliance Party*, 20 September 2008, [http://www.allianceparty.org/news/004001/david\\_fords\\_party\\_leaders\\_speech\\_at\\_conference.html](http://www.allianceparty.org/news/004001/david_fords_party_leaders_speech_at_conference.html)

<sup>22</sup> 'Alliance could sit on policing devolution committee', *Press Association Newswire-Northern Ireland*, 7 October 2008

<sup>23</sup> 'Stormont drama deepens as Executive meeting cancelled', *Belfast Telegraph*, 22 July 2008

<sup>24</sup> 'Growing concern at delay in policing and justice transfer-O Caolain', *Sinn Fein*, 24 August 2008, <http://www.sinnfeinleinsterhouse.com/en/press-centre/entry/1734>



Assembly if everyone does not concede to their demand for the immediate devolution of policing and justice powers. In the absence of any statement of correction from Sinn Fein in the days that have followed I must make a working assumption that this is the official position of their party. I will be pleased if it proves to be otherwise.

...

For some time I have sought to have the Executive called together to deal with important outstanding business. I have cleared Executive papers in order for business to be presented to Ministers – indeed I have approved sufficient work for several Executive meetings. Therefore, let it not be said that it is the DUP who us blocking Executive business.

...

When Ministers were appointed they made public and legally-binding pledges which are not being fulfilled. This cannot continue. A meeting of the Executive has been scheduled for 18th September. If this meeting were not to take place it is self-evident that there would be serious consequences for the good government of Northern Ireland and indeed potentially for those who refuse to fulfil their legal obligations.<sup>25</sup>

On 29 August the Belfast Telegraph reported that Peter Robinson had accused the Regional Development Minister Conor Murphy for breaching his pledge of office by publishing a strategy that was not the one agreed by the Executive.<sup>26</sup>

The 19th Independent Monitoring Commission report was published on 3 September. The report stated that the IRA Army Council had effectively disappeared. The DUP welcomed the report but wanted proof that the IRA Army Council would never be active again. The official position of the DUP with regards to the devolution of policing and justice powers was that it could only be achieved when there was the required community confidence. Therefore the IMC report was seen as a positive step but not sufficient to gain the community confidence required by the DUP. The Executive stalemate therefore continued. Sinn Fein reportedly found the DUP's reluctance to transfer policing and justice powers to Stormont as undermining confidence in the new regime and the DUP argued that the Sinn Fein's refusal to enter into Executive meetings called into question their intentions.<sup>27</sup>

During the recess, the SDLP had tried to produce an early recall of the Assembly however they did not succeed. On 16 September and SDLP motion used a similar motion to the one they were going to use had they successfully caused an early recall of the Assembly.<sup>28</sup> The motion put and agreed to by the Assembly was:

That this Assembly notes with concern that the Executive has not met since June and notes the backlog of papers requiring due consideration by the Executive on important issues such as post-primary education, the Maze and PPS14; calls on the First Minister and deputy First Minister to ensure that the Executive meets to address important papers being brought forward by Ministers, to consider the regional impact of

---

<sup>25</sup> 'SF should stop looking over their shoulders and give leadership', *DUP*, 26.08.2008, <http://www.dup.org.uk/>

<sup>26</sup> 'Will Alliance break stalemate', *Belfast Telegraph*, 29 August 2008

<sup>27</sup> 'Stormont talks begin to end summer stalemate', *Belfast Telegraph*, 04 September 2008,

<sup>28</sup> 'Assembly to call on Executive to convene', *Belfast Telegraph*, 10 September 2008



the economic downturn and measures which might mitigate its impact on households, businesses, employment and the regional economy including expediting the start dates for major public works agreed in the Investment Strategy, rejecting water charges and prioritising interventions against rising fuel poverty; calls on the First Minister and deputy First Minister to table a paper on the devolution of policing and justice matters for consideration by the Executive; and reaffirms the recommendations of the Assembly and Executive Review Committee's Report on the Inquiry into the devolution of policing and justice matters which highlighted issues which needed to be considered, examined or discussed by the Assembly and/or discussed by the political parties before the devolution of policing and justice.<sup>29</sup>

In a speech to the Assembly on 16 September Gordon Brown said:

I can only hope that even this small minority will eventually come to see that completing devolution is not only the right thing to do, but the only thing to do.

I believe it would be wrong to allow this minority to exercise a veto on further progress now.

Yes, let's understand their concerns, but let us also agree that they can not and will not call a halt to progress.

So I urge you to continue your crucial work in this Executive and Assembly, to finish the job - and complete a journey not just of a generation, but of centuries.

...

We pledged in the St Andrew's Agreement that we would be ready to transfer powers one year after the assembly was elected. And we have kept that promise.

So now leaders here in Northern Ireland must reach agreement between themselves and set the date for the transfer of policing and justice from the Secretary of State to a Justice Minister, in and of Northern Ireland.

None of us should doubt the importance of this.

Because in the agreement you reach here among yourselves, in the transfer of these powers back from Westminster, the world will see you affirm that stability is here to stay.<sup>30</sup>

Sinn Fein President Gerry Adams welcomed the comments but Sir Reg Empey disagreed saying that "I felt he was effectively scolding unionists for not getting on with policing and justice where, in fact, it is republicans that have been blockading Stormont".<sup>31</sup> The Executive did not meet as planned on 18 September. Speaking on

---

<sup>29</sup> Private Member's Business, 16 September 2008, <http://www.niassembly.gov.uk/record/reports2008/080916.htm#5>

<sup>30</sup> 'Speech to the Northern Ireland Assembly', *Number 10*, 16 September 2008, <http://www.number10.gov.uk/Page16860>

<sup>31</sup> 'Brown makes justice deadline call', *BBC News*, 16 September 2008, [http://news.bbc.co.uk/1/hi/northern\\_ireland/7617885.stm](http://news.bbc.co.uk/1/hi/northern_ireland/7617885.stm)

21 September at the Labour Party Conference, Northern Ireland Secretary, Shaun Woodward said:

A British Prime Minister, addressing for the first time this elected Assembly. It is a tense period in Northern Ireland. The Executive has not met - since June. It needs to meet. There is business to be agreed. The Parties need to find a way forward. But also tense, because there is work to be done on policing and justice. Gordon's message was clear. Let politics work through your differences. We understand the obstacles. But we can also see the progress. We know for some Unionists, this is a difficult final step. But we believe from polling there is a majority - in each community - to complete devolution within twelve months. You can't demand trust. We know you have to build trust. And through understanding and mutual respect trust is building. We promise to work to build that trust and confidence. And we promise to help ensure that when the Parties agree the transfer we will provide the help to ensure success.<sup>32</sup>

Former Taoiseach Bertie Ahern also commented on the ongoing Executive situation saying that the IRA should evolve into a commemorative organisation but that devolution of policing and justice were never conditional on the disbandment of the IRA army council.<sup>33</sup>

On 26 September a British-Irish Council Summit meeting was held in Edinburgh. The British-Irish Council was formed in 1998 by the Belfast Agreement. It aims to promote positive and practical relations between its members including the British and Irish Governments, the devolved administrations of Northern Ireland, Scotland, Wales, as well as Jersey, Guernsey and the Isle of Man.<sup>34</sup> Both the First and Deputy First Minister attended the meeting and said they were working to overcome the political stalemate.<sup>35</sup> Then on 1 October the First and Deputy First Minister said that the issues that had prevented the Executive from meeting could be resolved however at the time Martin McGuinness also said he doubted the meeting would still go ahead.<sup>36</sup> The meeting did not go ahead and the Executive are still yet to meet. On 11 October Sir Reg Empey said he believed that Executive might not meet until 2009.<sup>37</sup>

The lack of Executive meetings is significant to Northern Ireland because of the way the Northern Ireland Assembly and Executive work. Tony McCusker a former advisor to Mo Mowlam, David Trimble and Seamus Mallon commented that:

[t]he Agreement provided a series of checks and balances to ensure that a majority could not ride roughshod over a minority. So while there was provision for individual ministerial power, ministers have to operate within the Programme for Government agreed by the Executive Committee and endorsed by the Assembly on a cross

---

<sup>32</sup> 'Shaun Woodward speaks to Labour Party Conference', *Labour Party*, 21 September 2008,

[http://www.labour.org.uk/shaun\\_woodward\\_speech](http://www.labour.org.uk/shaun_woodward_speech)

<sup>33</sup> 'Army council 'no issue'-Ahern', *BBC News*, 25 September 2008,

[http://news.bbc.co.uk/1/hi/northern\\_ireland/7634672.stm](http://news.bbc.co.uk/1/hi/northern_ireland/7634672.stm)

<sup>34</sup> <http://www1.british-irishcouncil.org/>

<sup>35</sup> 'Leaders hope executive will meet', *BBC News*, 26 September 2008,

[http://news.bbc.co.uk/1/hi/northern\\_ireland/7638635.stm](http://news.bbc.co.uk/1/hi/northern_ireland/7638635.stm)

<sup>36</sup> 'Assembly issues 'can be resolved'', *BBC News*, 1 October 2008,

[http://news.bbc.co.uk/1/hi/northern\\_ireland/7645417.stm](http://news.bbc.co.uk/1/hi/northern_ireland/7645417.stm)

<sup>37</sup> 'Stand-off could 'go on to 2009'', *BBC News*, 11 October 2008,

[http://news.bbc.co.uk/1/hi/northern\\_ireland/7664576.stm](http://news.bbc.co.uk/1/hi/northern_ireland/7664576.stm)

community basis. Decisions requiring the approval of more than one minister could be referred to the Executive, so that consensus between nationalists and unionists would almost always be required for controversial decisions. The St Andrews Agreement in fact entrenched the requirement for Executive consensus on difficult issues.<sup>38</sup>

Between 27 May and 1 June 2008 only four Assembly bills received royal assent; these were the Budget (no. 2) Bill, the Child Maintenance Bill, the Mesothelioma Bill and Local Government (Boundaries) Bill.<sup>39</sup> Two of those bills were parity legislation so did not begin in the Assembly. Other bills and parity legislation have yet to complete legislative process due in most cases to the ongoing suspension of Executive meetings.

## 5 Conservative Party and Ulster Unionist Party merger considered

In July the Conservative Party and Ulster Unionist Party were in talks about greater co-operation and possibly a form of merger. The Conservative Party has a historic connection with the UUP. In the 1880's the UUP was considered an important part of the Conservative Party until later tensions and the suspension of Stormont by the then Conservative Prime Minister Edward Heath in 1972 led to a complete split.<sup>40</sup> The new merger talks include the possibility that UUP MPs would be offered posts in any future Conservative government and that they would also take the Tory whip. David Cameron, the Conservative Party Leader commenting in relation to the talks said that:

I would like to see us establish a new political force in Northern Ireland that is both Conservative and Unionist; that can say to people, look, get beyond the politics of constitution or orange or green<sup>41</sup>

Whilst Sir Reg Empey, Leader of the UUP, commented in a Belfast Telegraph article that:

If nothing else, our ongoing talks with the Conservative Party have opened up a possible route to something much more productive than the present stalemate. Politics is about the willingness to explore all options. That is why the Ulster Unionist Party engaged in the Talks process that produced the Belfast Agreement. It is why we are talking to the Conservative Party now.<sup>42</sup>

---

<sup>38</sup> 'Inside the executive', *Fortnight*, September 2008

<sup>39</sup> Northern Ireland Devolution Monitoring Report: September 2008, *UCL Constitution Unit*, [http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI\\_Sept08.pdf](http://www.ucl.ac.uk/constitution-unit/files/research/devolution/dmr/NI_Sept08.pdf)

<sup>40</sup> 'Ulster Unionists in merger talks with Cameron's Tories', *Belfast Telegraph*, 24 July 2008

<sup>41</sup> 'Sir Reg Empey: Our talks with the Tories may open up brand new avenues', *Belfast Telegraph*, 20 July 2008, <http://www.belfasttelegraph.co.uk/opinion/sir-reg-empey-our-talks-with-the-tories-may-open-up-brand-new-avenues-13945898.html>

<sup>42</sup> *Ibid.*

There has been some opposition to the concept of a merger however within the UUP. Writing in the Observer Christopher McGimpsey, a senior UUP member stated:

The mooted merger of Reg Empey's Ulster Unionists and David Cameron's Conservative party may benefit mainland Tories, but would deprive working-class Northern Ireland of an important voice and, as such, it should be resisted.

The Ulster Unionist Party (UUP) is much more than a political party. It can be more accurately described as a movement. It is a coalition of Conservative, Liberal and Labour interests who defend and promote the strategic interests of maintaining and strengthening the Union.<sup>43</sup>

David Cameron also admitted that talks of a union with the UUP were facing difficulties but still believed an agreement could be reached.<sup>44</sup> Speaking at the Conservative Party Conference the former leader of the UUP, Lord Trimble also said that he hoped the UUP would help the Conservatives at the next election.<sup>45</sup> Jeffrey Donaldson DUP MP suggested that UUP coalition with the Conservatives could potential weaken the Unionist vote in Northern Ireland as joint DUP and UUP candidates would be ruled out by the merger.<sup>46</sup> On 9 October it was reported that the UUP Party Conference had been delayed due to disagreement over a coalition with the Conservative Party.<sup>47</sup> Sir Reg Empey however stated that party just needed more time to discuss the issues.

## 6 Independent Monitoring Commission Reports

### 6.1 Independent Monitoring Commission 18<sup>th</sup> Report

On 1 May 2008 the Independent Monitoring Commission published its 18<sup>th</sup> report into the continuing activities of paramilitary groups in Northern Ireland covering the period from 1 September 2007 to 29 February. The report noted that there had been “[v]ery significant steps made on the path to normalisation” in 2007 but that:

Transition cannot continue indefinitely. We have repeatedly said that we understand how difficult change is bound to be for paramilitary groups. But there comes a point where reference to these difficulties starts to look as much an excuse for inaction as an explanation of slow progress. We feel

---

<sup>43</sup> 'A union that adds up for Cameron, but not for the people', *Observer*, 07 September 2008, <http://www.guardian.co.uk/commentisfree/2008/sep/07/northernireland.conservatives>

<sup>44</sup> 'Cameron admits UUP difficulties', *BBC News*, 29 September 2008, [http://news.bbc.co.uk/1/hi/northern\\_ireland/7642197.stm](http://news.bbc.co.uk/1/hi/northern_ireland/7642197.stm)

<sup>45</sup> 'Tories will fight for seats in NI', *BBC News*, 29 September 2008, [http://news.bbc.co.uk/1/hi/northern\\_ireland/7640555.stm](http://news.bbc.co.uk/1/hi/northern_ireland/7640555.stm)

<sup>46</sup> 'Trimble comments raise questions regarding Empey's leadership', *DUP*, 30 September 2008, <http://www.dup.org.uk/>

<sup>47</sup> 'UUP cancels conference amid talk of split over Tory link-up', *Belfast Telegraph*, 09 October 2008, <http://www.belfasttelegraph.co.uk/news/politics/uup-cancels-conference-amid-talk-of-split-over-tory-linkup-13996072.html>

that this point may be approaching in respect of paramilitary groups. The need to look beyond transition bears too on the institutions and mechanisms established to monitor and assist transition – of which we are but one.<sup>48</sup>

In a written ministerial statement to the House of Commons, Shaun Woodward said:

The report confirms the assessment made in previous reports that PIRA continues to be committed to a political path and the belief that they will not be diverted from it. The IMC highlight that the “organisation continues to work with the policing institutions and encourages interaction with PSNI, including reporting crime”.

The report illustrates that the threat from dissident republicans is still prevalent. This includes Oglaiigh na hÉireann (ONH) which the IMC consider to be “more seriously active in the six months under review”, remaining a continuing and serious threat, and the Continuity IRA (CIRA) “remain active, dangerous and determined”. There is also evidence of dissidents having sought to target the homes and places of work of PSNI officers and of members of the public. The IMC recognise that the police and intelligence agencies north and south have maintained a high level of effort against dissident republicans. It is important to note that dissidents have no popular support, and will not be a destabilising force.

In relation to loyalism the IMC highlight that loyalist will be judged on delivery, one of the key elements to this being decommissioning. The IMC assessment of the UVF illustrates the organisations continuing efforts to pursue their 3 May 2007 statement. The Commission recognises the UDA statement of 11 November 2007 as an important “statement of intent”.

I welcome the IMC’s analysis of normalisation and the end of transition. It is clear to all that “transition can not continue indefinitely”. This is especially true of decommissioning and as such we all await the completion of devolution.

The IMC also provided an assessment of the killing of Paul Quinn. The IMC reported that this brutal murder was clearly contrary to the instructions and strategy of the leadership of PIRA. It is aware of no evidence linking the leadership of PIRA to the incident.

The Government will look closely at the conclusions reached by the IMC.

Once again, I am grateful to the Commission for the submission of this report and for its careful analysis. The report offers a clear picture of both the extraordinary progress made and the challenges ahead to secure an end to paramilitarism in Northern Ireland.<sup>49</sup>

Further to this in a press statement Shaun Woodward said “Northern Ireland has left these people behind. The experience of the past year shows that devolution works and the

---

<sup>48</sup> Independent Monitoring Commission 18<sup>th</sup> Report, <http://www.independentmonitoringcommission.org/documents/uploads/18.%20Eighteenth%20Report.pdf>

<sup>49</sup> Written ministerial statement, 1 May 2008, HC Deb 15WS, <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080501/wmstext/80501m0001.htm#08050176000003>

completion of devolution, with the Executive taking responsibility for policing and justice, will further marginalise these violent groups".<sup>50</sup>

The full report can be accessed using the link below:

<http://www.independentmonitoringcommission.org/documents/uploads/18.%20Eighteenth%20Report.pdf>

## 6.2 Independent Monitoring Commission 19<sup>th</sup> Report

The 19<sup>th</sup> report by the Independent Monitoring Commission was published on 3 September 2008. The focus of the report was the leadership and transformation of the Provisional IRA (PIRA). It stated that the PIRA was being allowed to "wither away" and that the PIRA would not reappear as a terrorist organisation except as an entirely new organisation. The report concluded that:

We are aware of the questions posed about the public disbandment of PIRA's leadership structures. We believe that PIRA has chosen another method of bringing what it describes as its armed struggle to a final close. Under PIRA's own rules the Army Council was the body that directed its military campaign. Now that that campaign is well and truly over, the Army Council by deliberate choice is no longer operational or functional. This situation has been brought about by a conscious decision to let it fall into disuse rather than through any other mechanism. We now have a context where there are no longer the emotional drivers which caused the IRA to be resurrected in 1969 and the leadership which created and moulded the modern-day PIRA has turned its interest and attention exclusively to politics as the means of furthering its objectives. The mechanism which they have chosen to bring the armed conflict to a complete end has been the standing down of the structures which engaged in the armed campaign and the conscious decision to allow the Army Council to fall into disuse. By taking these steps PIRA has completely relinquished the leadership and other structures appropriate to a time of armed conflict.<sup>51</sup>

It also stated that the PIRA has remained committed to supporting policing and the criminal justice system since the decision of the Sinn Fein Ard Fheis in January 2007 to support it. The only note of uncertainty in the report was that "we are unable to say what has happened to funds which PIRA previously illegally gained".

Shaun Woodward responded to the publication of the report by saying "[t]oday's Report is a major event in this process. PIRA should now not just be judged by what it said it would do, but today by what the IMC tells us it has done".<sup>52</sup> First Minister and DUP Leader, Peter Robinson said it "highlights the very considerable progress that has been achieved to date". However he did add a note of caution that:

---

<sup>50</sup> 'Woodard welcomes latest assessment by IMC', *Northern Ireland Office*, 1 May 2008  
<http://www.nio.gov.uk/woodward-welcomes-latest-assessment-by-imc/media-detail.htm?newsID=15169>

<sup>51</sup> Independent Monitoring Commission 19<sup>th</sup> Report,  
<http://www.independentmonitoringcommission.org/documents/uploads/ACF1599.pdf>

<sup>52</sup> 'Army council is redundant-Woodward', *Northern Ireland Office*, 3 September 2008,  
<http://www.nio.gov.uk/army-council-is-redundant-woodward/media-detail.htm?newsID=15408>

While the IMC indicates that the Army Council is no longer operational or functional an essential part of building confidence in the community is that the Army Council has moved from a body that is not meeting to one that will never meet again.

While it is marked progress that the IRA is no longer “doing business” the Unionist community needs to be convinced by the republican leadership that the IRA is out of business for good.<sup>53</sup>

The full report can be accessed using the link below:

<http://www.independentmonitoringcommission.org/documents/uploads/ACF1599.pdf>

---

<sup>53</sup> ‘DUP Leader responds to IMC report’, *DUP*, 3 September 2008, [http://www.dup.org.uk/articles.asp?Article\\_ID=3688](http://www.dup.org.uk/articles.asp?Article_ID=3688)