



Political Developments in Northern Ireland October 2008 to March 2009

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This note aims to give an update on the political events in Northern Ireland from October 2008 to March 2009.

Previous versions of this Note have been published periodically, and are available on the intranet Subject page for the Northern Ireland Assembly.

Research Paper 09/62 *The Northern Ireland Bill* is available at the same location

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Contents

1	Background	2
2	<i>Northern Ireland Act 2009</i>	3
3	Independent Monitoring Commission 20th Report	3
4	Senior Salaries Review Body report into MLAs' pay	4
5	<i>Northern Ireland Arms Decommissioning Act 1997 (Amnesty Period) Order 2009</i>	5
6	<i>Postponement of Local Elections (Northern Ireland) Order 2009</i>	7
7	<i>Northern Ireland Assembly (Elections) (Amendment) Order 2009</i>	8
8	Anonymous registration	10
9	Possible mergers of Ulster/GB parties	10
10	The shootings at Massereene Barracks	11
11	Cost of public inquiries	12
12	Northern Ireland Affairs Select Committee	13

1 Background

The Northern Ireland Executive did not meet from June 2008 until November 2008. On 20 November the first Executive meeting in five months was held.¹ Normal business has been resumed.

Shaun Woodward, the Secretary of State for Northern Ireland, made the following written statement to the House on 19 November 2009:

On 18 November, the First Minister and Deputy First Minister announced their respective parties, the DUP and Sinn Fein, had reached an historic agreement on the process which would facilitate the devolution of policing and justice powers to the Northern Ireland Assembly.

The parties also agreed the Northern Ireland Executive, which has not met since June, will begin meeting again on Thursday 20 November and will continue on a weekly basis until business is up to date, whereupon the Executive will revert to fortnightly meetings.

This breakthrough represents a new chapter for Northern Ireland, marking the beginning of an agreed process that will end in the transfer of policing and justice powers from this House to locally elected politicians in the power-sharing Assembly at Stormont.

¹ 'Executive meeting: what they said', *BBC*, 20 November 2008, http://news.bbc.co.uk/1/hi/northern_ireland/7740689.stm

It sets out the initial structure of a new Department of Justice and the arrangements for the election of a new Justice Minister.

It also provides for responsibility for the appointment and removal of judicial office holders to rest with the Judicial Appointments Commission.

All of these arrangements will be time-limited and the parties have agreed that they will come to an end before May 2012, at which point permanent arrangements will need to be made.

As well as agreeing the steps to transfer these crucial powers, the events of this week mark the maturing of democracy in Northern Ireland. Negotiations that led to the Belfast and St. Andrews Agreements were driven by the British and Irish Governments. Yesterday's agreement was the product of negotiations between the political parties of Northern Ireland; its essential strength will rest in being an agreement made by Belfast and in Belfast for all the people of Northern Ireland.

The British Government remain ready to help the parties continue moving the process forward and will now finish preparations for legislation and the orders for the transfer of powers when the Assembly expresses its wish to effect the transition.²

2 Northern Ireland Act 2009

This Act is designed to assist with the devolution of policing and justice to Northern Ireland by making amendments to the *Northern Ireland Act 1998*. These amendments add to the options for appointing the Policing and Justice Minister already set out in the 1998 Act. It also provides for changes to the *Judicature (Northern Ireland) Act 1978* and the *Justice (Northern Ireland) Act 2002* in respect of judicial appointments and removals. The Bill went through all its Commons stages on 4 March and received royal assent on 12 March. There were no amendments. However, there was some considerable comment about the use of expedited procedures for the legislation. For further details see Library Research Paper 09/18.

3 Independent Monitoring Commission 20th Report

The 20th report by the Independent Monitoring Commission was published on 10 November 2008. The focus of the report was the recent increase in paramilitary activity. It stated that dissident republican groups had been involved in more concentrated attacks than in any previous reporting period (in the last four and half years). The report also noted that:

In the past few months RIRA and CIRA have both been more active at the same time. One possible reason for this may be a perception that the absence of progress on the devolution of justice and policing has created a political vacuum, or may have caused disaffection among republican supporters, which the dissidents think that they are able to exploit. Another may be an attempt to deflect the PSNI from maintaining the Patten approach and to prevent normal policing in certain areas.

Some groups did reduce their activity over the reporting period. The Ulster Volunteer Force (UVF) was said to be "running down", although decommissioning is still an issue.

² HC Debates 19 November 2009 c23WS

The 20th report took a particular interest in paramilitary leadership. It reiterated that the RIRA had relinquished its leadership and other military structures. The UVF are also reportedly moving away from criminal activity.

The report justifies the need for the devolution of policing and justice powers to Northern Ireland, on the grounds that devolution allows for greater integration of law enforcement and domestic policy, and that the criminal justice system can adapt to new circumstances:

it is a commonplace that there is no form of crime which the police and criminal justice agencies can defeat on their own. They need the support of the whole community and of public bodies. Criminals – not least continuing and former paramilitaries who remain criminally active – are experienced and resourceful. It is essential in our view that the full weight of public agencies is directed against them. We ask, for example, whether the maximum effort is being made to ensure that they are not able to defraud industrial or agricultural subsidies. Do public agencies direct their full efforts against criminals who fraudulently claim benefits? Where they incur debts with utility companies are any ensuing court orders rigorously pursued? Can the Assembly and Executive play a part in persuading financial institutions not to support businesses which may be a cover for illegal activity?

The full report can be accessed using the link below:

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

4 Senior Salaries Review Body report into MLAs' pay

In 2001 devolved bodies were given direct access to the advice provided by the Senior Salaries Review Body. In the November 2008 the Senior Salaries Review Body published a report entitled the *Northern Ireland Assembly: Review of Pay, Pensions and Allowances 2008*.³ The remit of the report was to look into all members of the Northern Ireland Assembly including Members of the Legislative Assembly (MLAs) who are also MPs, members of the Executive and office holders (e.g. the Speaker).

In the current Assembly there are several Members who are also Members of the Westminster Parliament. These Members are not entitled to receive a full salary from both Westminster and Stormont. MLAs who are also MPs receive a full Westminster salary and one third of an Assembly salary, and claim allowances from both bodies. Sinn Fein politicians who are Members of both bodies refuse to take the parliamentary oath and therefore do not receive a parliamentary salary. As a result, they are entitled to a full MLA salary. They may claim both parliamentary and Assembly allowances.

There was some debate as to the content of the report before it was published.⁴ In February 2008 the Belfast Telegraph published an article which suggested that MLAs' annual salaries would be increased to £52,000.⁵

The report summarised its view on the salary of elected Members:

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<http://www.ome.uk.com/downloads/Northern%20Ireland%20Assembly%20Review%20of%20Pay%20Pensions%20and%20Allowances%202008.pdf>

⁴ http://news.bbc.co.uk/1/hi/northern_ireland/7761972.stm

⁵ <http://www.belfasttelegraph.co.uk/news/politics/proposal-to-increase-mla-salary-to-16352k-13383316.html>

Pay should be neither so low as to deter suitable candidates nor so high as to be the primary attraction of the job. Expenses are not additional remuneration but expenditure properly incurred in carrying out a Member's functions. Since this is public money there must be transparency and accountability in its use. It is right for the press and public to hold their representatives to account but without this becoming an exercise in triviality.

The main recommendation of the report was that MLAs' salaries, which were £43,381 at April 2007, should reach 75 per cent of the level of Westminster MP salaries by 2011. To achieve this, they should be incrementally increased by £500 per year from April 2008 until 2011 over and above the percentage increase received by MPs. At this point salaries should be reviewed again, to take account of further developments. The report also recommended that MLAs' salary be uprated by the same percentage as that of Members of the Westminster Parliament.

The Review acknowledged that not all of the SSRB's recommendations in its previous report were accepted.

5 Northern Ireland Arms Decommissioning Act 1997 (Amnesty Period) Order 2009

The Northern Ireland Arms Decommissioning Act 1997 (Amnesty Period) Order 2009 revokes the previous order and extends the deadline for decommissioning to 9th February 2010.⁶

In December 2008 Shaun Woodward, Secretary of State for Northern Ireland, announced that this would be the last extension of the decommissioning period and stated that "[w]e have hit the end of the track for those who still hold illegal weapons. The recent political progress towards devolution of justice and policing is a further clear demonstration that society in Northern Ireland has moved on".

During discussion of the Order by the Fourth Delegated Legislation Committee, the Government's resolution was questioned:

Mr. Laurence Robertson (Tewkesbury) (Con): Those of us experienced in Northern Ireland matters will remember two absolutely immovable deadlines in the run-up to the re-establishment of the Assembly. I am going back almost two years now. The then Secretary of State insisted in the House of Commons that the deadlines were absolutely immovable, yet both were moved. How can we accept that this deadline will not be extended, even by primary legislation, because on those occasions primary legislation was needed to extend those deadlines?

Paul Goggins: During difficult negotiations and discussions, it has sometimes been necessary to set deadlines, and to mean them, to get Northern Ireland to where it is today. Circumstances change and, in pursuit of the greater good and progress, it has sometimes been necessary to be flexible. However, in this case, there is absolutely no room for flexibility. Why do I say that? As we move towards complete devolution and normality in Northern Ireland, a free democracy experiencing peace and prosperity has no place for such artificial arrangements to remove guns from the communities.

A practical consideration is that, if we brought forward such primary legislation, we would have to get it through the House of Commons and the House of

⁶ http://www.opsi.gov.uk/si/si2009/uksi_20090281_en_1

Lords, which would be a difficult passage indeed, as I am sure Opposition Members will make abundantly clear later in our discussions. I hope that the hon. Member for Tewkesbury accepts my assurance that we will not seek to bring such legislation forward. He knows how difficult it would be if we changed our mind, but we have no intention of doing so.⁷

On 11 February 2009 the House of Lords debated the Order. Baroness Royall of Blaisdon stated that:

The Independent International Commission on Decommissioning has been asked to make a report to the British and Irish Governments in August 2009 and to report the extent to which they believe significant progress has been made. We do not consider significant progress to be about words or meaningful discussions. While these may be necessary steps, they are not now sufficient. We have established and watched with admiration the work of the IICD. The commission will be looking to secure progress on multiple fronts and we need to be able to reach a reasoned judgment based on the IICD's advice in the autumn.

Let me also be clear how we would proceed if the IICD [Independent International Commission on Decommissioning] advised us that the threshold for substantial progress had not been made. We would bring before the House a new statutory instrument which would set a new date for the closure of the amnesty scheme, much sooner than the February date provided for in this order. We would do that as soon as is practicable after the return of the House from the Summer Recess. These are practical and workable measures to ensure that this House can be assured that we will not take our eyes off the decommissioning ball. I understand that there may be Members who are asking why we believe that things will be different as a result of this extension, given previous disappointments. In response, I make it clear that progress is already being made, that the IICD is working to secure positive outcomes, and that while we know that nothing can be assured, it has told us that in its view the engagement taking place currently is of a different order and nature to that which has been the case hitherto.⁸

Lord Bew stated:

My Lords, I thank the noble Baroness for the consultation on this issue that she has offered many noble Lords and for the explanation she has given tonight. She might wryly reflect that it is not usual for her to find such agreement to her proposals on all sides of the House, but for that agreement to be given so reluctantly and through gritted teeth. I wish to explain from my own point of view why the support that we give to the Government is given so reluctantly. As, I believe, did other noble Lords throughout the 1990s and the early part of this century, I vigorously argued that firm limits should be set for the IRA to decommission, and that these should be held to by the Government. Therefore, I find it very difficult to come to this House and accept that after 11 years we can find another year for loyalist paramilitaries. That sticks in my throat and I think that it sticks in the throats of other noble Lords. We accept the arguments that have been advanced tonight but our reluctance is based, at least in part, on that feeling.⁹

⁷ <http://www.publications.parliament.uk/pa/cm200809/cmgeneral/deleg4/090205/90205s01.htm>

⁸ HL Deb c1214

⁹ HL Deb c1220

The Order was agreed to by the House of Lords.

6 Postponement of Local Elections (Northern Ireland) Order 2009

The Order moves the year of the next local election in Northern Ireland from 2009 to 2011.¹⁰ The date in 2011 is undetermined. The usual practice, set by the Electoral Law Act (Northern Ireland) 1962, is that it be held on the first Thursday in May in an election year.¹¹ The primary reason for the change is that the local government restructuring brought in by the Northern Ireland Executive is soon to be completed. If elections were to be held in 2009 they would be based on the existing 26 district councils, instead of the soon-to-be-implemented 11-council model. Northern Ireland Assembly elections are also due in 2011; both polls could be combined. The request for the delay of the Northern Ireland local elections was made by the then Environment Minister, Arlene Foster, in April 2008, to the Northern Ireland Office.¹²

On 22 January the Order was discussed by the House of Commons Twelfth Delegated Legislation Committee. During the debate Alan Reid, Liberal Democrat Shadow Minister for Northern Ireland and Scotland, stated:

I am opposed in principle to the concept of postponing elections. The councillors were elected four years ago for a four-year term. They have no mandate for that to be extended to a six-year term, or possibly even a term of six years and seven months, because under the terms of the order the next set of elections could be as late as December 2011.

The Minister said that this decision was exceptional and had not been taken lightly. I think the decision should not have been taken. I remind him that in Scotland in the 1990s, when the then Conservative Government were reorganising local government, the original Bill had said that the 1994 regional elections should be cancelled. However, the Labour party and all other Opposition parties in Scotland opposed that proposal and the then Conservative Government yielded and changed the legislation, so that the regional council elections went ahead in 1994. Those elections were to elect councillors for a two-year term, exactly the same term as would have applied if these elections had not been cancelled. They should have gone ahead.

However, I will not seek to divide the Committee today, because I accept that it is far too late to do so and that all the political parties and electoral administrators in Northern Ireland are working under the assumption that the elections will not go ahead.¹³

Paul Goggins, Minister of State at the Northern Ireland Office responded:

The process is taking time—this relates, too, to the comments made by the hon. Member for Argyll and Bute—and it will take considerable time from now. The local government boundaries commissioner, who has begun his work, has the task of setting the district and ward boundaries. That is complicated enough in itself, but the district electoral area commissioner has to group the wards for the purposes of proportional representation. Again, that is a complex area of work that is open to challenge, so all of that will take considerable time. There is added complexity in that the district and ward boundaries are a matter for the

¹⁰ http://www.opsi.gov.uk/si/si2009/draft/ukdsi_9780111471319_en_1

¹¹ http://www.opsi.gov.uk/si/si2009/draft/em/ukdsiem_9780111471319_en.pdf

¹² 'Council elections being postponed', *BBC*, 13 February 2009, http://news.bbc.co.uk/1/hi/northern_ireland/7887408.stm

¹³ <http://www.parliament.the-stationery-office.com/pa/cm200809/cmgeneral/deleg12/090122/90122s01.htm>

Assembly, but the grouping of wards is a matter for Westminster, because that is to do with electoral law. There are further complications, and there will be further legislation on setting those groupings, let alone on setting the date.¹⁴

The Twelfth Delegated Legislation Committee agreed to the Order. On 4 February it was debated in a House of Lord Grand Committee. In Grand Committee Lord Kilclooney commented:

First, it is a blow to local democracy in Northern Ireland to suspend the local elections. It was introduced by the Clerk as a suspension, yet the order refers to the "Postponement". There is a difference between the words "postponement" and "suspension". Postponement implies a fixed date when there will be local elections; suspension could mean that there will not be any elections for a long time.¹⁵

The Order was welcomed by other peers, including Lord Browne of Belmont, who stated:

I thank the noble Baroness for introducing the order. I declare two registered interests that arise in relation to the debate, namely that I am an elected Member of the Northern Ireland Assembly for East Belfast and I am a councillor for the Victoria district electoral area within Belfast City Council.

I welcome the order as a necessary intervention to extend the term that local councillors will serve from their election in 2005. I hope that it will fit comfortably within the overall provision for the review of public administration in Northern Ireland, which is currently under way. The new boundaries and reconfiguration of councils in the Province will reinvigorate their image, streamline services and offer ratepayers an efficient model of local authorities that should serve them well into the future.¹⁶

The Order was approved by both the Commons and Lords Committees. It was agreed to in Privy Council on 11 February and came into force on 12 February.

7 Northern Ireland Assembly (Elections) (Amendment) Order 2009

The Order was designed to take account of the changes in electoral law in the UK in order to update the *Northern Ireland Assembly (Election) Order 2001*, and to implement proposals from *Improving Administration of Elections to the Northern Ireland Assembly*.¹⁷ According to the Electoral Commission, improvements to the prevention and detection of electoral fraud have allowed the programme of improvements to concentrate on electoral administration.¹⁸

The regulation of Northern Ireland Assembly, European Parliament and district elections are not devolved matters. The *Improving Administration of Elections to the Northern Ireland Assembly* consultation paper was published in July 2008, in accordance with the *Political Parties, Elections and Referendums Act 2000*, which requires the Northern Ireland Office to consult with the Electoral Commission before producing an Order.¹⁹ The response to the consultation was published in October 2008 under the title *Improving the Administration of Elections to the Northern Ireland Assembly: Draft Government Response to consultation*.

¹⁴ <http://www.parliament.the-stationery-office.com/pa/cm200809/cmgeneral/deleg12/090122/90122s01.htm>

¹⁵ <http://www.publications.parliament.uk/pa/ld200809/ldhansrd/text/90204-gc0001.htm#09020487000185>

¹⁶ <http://www.publications.parliament.uk/pa/ld200809/ldhansrd/text/90204-gc0001.htm#09020487000185>

¹⁷ http://www.opsi.gov.uk/si/si2009/em/uksem_20090256_en.pdf

¹⁸ <http://www.electoralcommission.org.uk/document-summary?assetid=13200>

¹⁹ http://www.opsi.gov.uk/si/si2009/em/uksem_20090256_en.pdf

One of the key provisions of the Order was to change the way MLA seats are filled when vacancies arise between elections. Formerly, a list submitted by the outgoing MLA when he or she originally stood for that seat, would be used on their departure to provide a replacement until the next Assembly election. The list contained up to six names, in order of preference.

The NIO consultation found that most of the respondents agreed that this practice needed reform. Nominations for the seat should be made when it became vacant.²⁰ Many respondents also agreed that the nomination should be made by the nomination officer of the party the outgoing MLA belonged to when first elected. This proposal was incorporated into the Order, with the proviso that Independent MLAs could still submit lists of substitutes if they vacated their seats early.

The Order was first put before the House of Commons on 3 December 2008. A division was deferred until 21 January, when the Order was approved.²¹ On 4 February the Order was considered in a House of Lords Grand Committee, and agreed to. In Committee the issue of MLA vacancies was discussed:

Lord Kilclooney: ...On vacancies, I agree entirely that the nominating officer should be the leader of the party that was elected in the first instance. For example, someone could be elected as a member of the Democratic Unionist Party—the largest party in Northern Ireland—and could subsequently leave the Democratic Unionist Party to join some other funny party. If that person were then able to nominate his successor, that successor would no longer represent the views of the electorate in the constituency. It is very wise to change the system to one whereby the leader of the party to which the member was elected at the original election continues to be the nominating officer for a subsequent vacancy to be filled.

Lord Bew: The Northern Ireland Assembly (Elections) (Amendment) Order 2009 is, technically, a very accomplished piece of work. However, we should recognise that the immediate effect of both orders before us is slightly to shift power from the electorate to the political elites and to the political class in the north in a very small way. I do not want to overstate that. Like my noble friend Lord Kilclooney, I want to look again at Article 6: it makes a new provision about the circumstances which will follow when Assembly seats become vacant. When an elected MLA is not a member of a registered political party, they have to provide a list of six persons in rank order to succeed him or her in the event of a vacancy. More importantly, when a vacancy occurs in a registered political party, the nomination is in the hands of the party nominating officer or leader, even if the individual creating the vacancy does not continue to be a party member. My noble friend Lord Kilclooney has just referred to such a possibility.

There is one lacuna in the order: it does not explain the Government's thinking on this point. It may be exactly as my noble friend Lord Kilclooney has expressed it, but there is no actual explanation about why this route has been chosen. In her introduction, the noble Baroness made the point that in PR elections a by-election can distort the balance in a constituency. None the less,

²⁰ Government response to the Consultation on improving the administration of the Northern Ireland Assembly elections, Northern Ireland Office, October 2008, http://www.nio.gov.uk/government_response_to_consultation_on_improving_the_adminstration_of_ni_assembly_elections.pdf

²¹ HC Deb c873

many countries in that circumstance go ahead and hold an election and, as it were, take the risk of consulting the electorate. It is not always the case that the countries operating the PR system choose to say that they will nominate in order to preserve the existing party balance.

I am asking for some clarification of the Government's thinking. It may be the same as that of my noble friend Lord Kilclooney. It is perfectly reasonable to think that it should be done that way, but nothing in the order explains why the Government have come to that conclusion.

Baroness Royall of Blaisdon: ...The noble Lord, Lord Bew, suggested that a certain amount of power was being transferred from the people to the political elite. I can see why he has arrived at that view, but we believe that this process is the best way forward. In some countries, there are by-elections under a system of proportional representation. However, we think that this is the best way forward in Northern Ireland, where it is important to have political balance and where all such things are taken into consideration.²²

8 Anonymous registration

In February 2008, the NIO 'undertook public consultation on proposals to address concerns held by those whose personal safety may be compromised if their details were publicly accessible on the full electoral register'. The Government's response was published in February 2009.²³

As a result, the Government 'will introduce a scheme allowing voters at risk to register anonymously. The Chief Electoral Officer (CEO) will personally consider all applications for anonymous registration.'²⁴

9 Possible mergers of Northern Ireland/GB parties

In July 2008 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 Unionists. Subsequent tensions, and the suspension of Stormont by the then Conservative Prime Minister Edward Heath in 1972, led to a complete split.

The new merger proposals 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 green²⁵

Speaking to the *Newsletter*, North Belfast DUP MLA Nelson McCausland said of the talks:

²² <http://www.publications.parliament.uk/pa/ld200809/ldhansrd/text/90204-gc0002.htm#09020487000186>

²³ http://www.nio.gov.uk/government_response_to_anonymous_registration__protecting_voters_at_risk_in_northern_ireland.pdf

²⁴ Ibid.

²⁵ 41 '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>

"That can't have been comfortable for people inside the UUP with Labour sympathies like Fred Cobain, Michael McGimpsey or Ken Robinson to witness...The great strength of unionism is that it is possible to be a left-wing unionist a right-wing unionist or a centrist unionist.

"Unionism is bigger than left-right politics and is able to encompass all people with all political positions on socio-economic matters. By aligning themselves in a clear and unambiguous way with a centre-right political party, the leadership of the UUP is effectively telling its members with centrist or left-wing political leanings that they are no longer welcome."²⁶

The *Financial Times* reported, on 17 February 2009, that there had been development in relation to the question of the British Labour Party organising in Northern Ireland:

Any decision for Labour to contest elections was a matter for the party at a national level, Mr Black said but he suggested the local elections in 2011 might be the first opportunity.

Rick Wilford, politics professor at Queen's University in Belfast, said much would depend on the reaction of the Social Democratic and Labour party, with which Labour is informally linked in the European parliament. But he ruled out any possibility that the SDLP would align itself with Labour. "The SDLP is still a nationalist party and its prize is a united Ireland. Aligning itself with a British party goes against that."²⁷

10 The Shootings at Massereene Barracks

On 7 March 2009, two British soldiers, awaiting deployment to Afghanistan from Massereene Barracks, County Antrim, were shot and killed as food they had ordered was delivered. Responsibility was immediately claimed by a group identifying itself as the Real IRA.

The Secretary of State for Northern Ireland, Shaun Woodward, made a Statement to the House on 9 March 2009:

With permission, I would like to make a statement about the horrific attack last Saturday at Massereene Army base in Antrim.

The focus for that sickening crime was civilians and young soldiers of 38 Engineer Regiment, part of 19 Light Brigade. The House will know that Operation Banner—the deployment of troops in Northern Ireland—was brought to an end in July 2007. 38 Engineer Regiment is part of the Northern Ireland garrison. Those men and women are part of the new arrangements in which soldiers are based in Northern Ireland for deployment anywhere in the world. The arrangements are not about a garrison to replace Operation Banner....The House will want to know that all political leaders and political parties in Northern Ireland have condemned this evil act. They are united not only in their condemnation and in their expressions of condolence to the families, but in their demand that anyone who can help should come forward. They join in those expressions with my right hon. Friend the Prime Minister and all the party leaders in this House, and they join today in a statement from all the Churches in Northern Ireland condemning the violence and asking those who can help the police to come forward

²⁶ <http://www.newsletter.co.uk/politics/ToryUUP-merger-talk-sparks-a.4353653.jp>

²⁷ <http://www.ft.com/cms/s/0/5b8a5558-fd3f-11dd-a103-000077b07658.html>

...It may be helpful if I take this opportunity to provide the House with further information about the current levels of security threat in Northern Ireland. As the House will know, both the Chief Constable and I have made public our view that the level of threat posed by dissident republicans has recently been higher than at any time in the last six years. Since 2008 they have mounted 18 attacks, 15 last year and three so far this year.

The House will be aware that last week the Security Service raised the level of threat from Irish-related terrorism from substantial to severe in Northern Ireland.

That was a carefully calibrated decision, based on an overall assessment of the last nine months. That period includes the attempted murder of police officers, including one savage attack on a police officer who had just dropped his child at school. Five bullets were put into the man's chest. There was some uncertainty last week about the wisdom of raising the threat level. I believe this was the right decision and entirely justified.

Policing in Northern Ireland enjoys the highest levels of confidence from the public. In my judgment, it is absolutely essential that the Chief Constable has operational independence. Of course, he is accountable to the Policing Board under the Patten arrangements. He will, if he sees fit, enjoy the same rights as any other chief constable in the UK to request further technical back-up, if so needed; that would be the case in, say, a chief constable dealing with a threat from al-Qaeda and any international terrorism. Indeed, we made that clear at the end of Operation Banner. In a statement to this House on 31 July 2007, the Minister of State for Defence, my right hon. Friend the Member for Coventry, North-East (Mr. Ainsworth), said that after 1 August the vast majority of military support in Northern Ireland will be broadly comparable to the assistance that is currently provided in Great Britain, but tailored for the particular circumstances in Northern Ireland. He also made it clear that the provision of explosive ordnance disposal would continue; this was, of course, used to deal with the car bomb in Castlewellan in January of this year.

I hope that, whatever concerns may have been expressed by hon. Members last week—and it may be appropriate to comment on the serious distortions and misleading reports in some of the media at that time—hon. Members will now feel reassured about the role of any technical support being used to tackle the current threat. This is, as the Chief Constable has repeatedly said, not about the return of troops to the streets, but it is about protecting the public at a proportionate level, and about protecting those who provide that protection, such as police officers and those who work to protect the international community or on international theatre operations.²⁸

On 10 March 2009 a policeman, Constable Stephen Carroll, was shot and killed while on patrol in Craigavon, County Armagh.²⁹ Responsibility was claimed by a group calling themselves the Continuity IRA. He was the first policeman to be killed in Northern Ireland since 1998, and the first representing the Police Service of Northern Ireland.

²⁸ HC Debate, 9th March 2009, Cc 21-24

²⁹ http://news.bbc.co.uk/1/hi/northern_ireland/7933990.stm

11 Cost of public inquiries

A series of Parliamentary Questions answered on 4 March 2009 detail costs accrued by the long-running Bloody Sunday enquiry, and the separate inquiries into the deaths of Rosemary Nelson, Robert Hamill and Billy Wright:

Mr. Woodward: The Bloody Sunday Inquiry is expected to cost a total of £190 million, including costs incurred by the Ministry of Defence. The Hamill, Wright and Nelson Inquiries are expected to cost a combined total of £117 million. The total cost to the end of January 2009 of all four public inquiries is £267 million, of which 70 per cent of those costs relate to the Bloody Sunday Inquiry.³⁰

12 Northern Ireland Affairs Select Committee

The Committee has announced a short inquiry into the recommendations of the Consultative Group on the Past. The Group was established, in June 2007, by the Secretary of State, as an independent body, to make recommendations to the Secretary of State on ways in which the past might be dealt with. The Group reported on 23 January 2009.³¹ One of its recommendations, for an ex-gratia recognition payment of £12,000 to nearest relatives of victims attracted considerable controversy.

On 25 February 2009 the Committee heard evidence from Lord Eames and from Denis Bradley:

Lord Eames: Chairman, if I may, I would like to make a statement on behalf of both myself and Mr Bradley. As Co-Chairs of the Consultative Group on the Past in Northern Ireland, we want to express our appreciation for this opportunity to discuss the report which we issued on 23 January. The Group has met, as you have said, with this Committee on several occasions during our consultation period and we greatly appreciated the opportunity to update you on our work. Ladies and gentlemen, as you know, we were appointed by the Secretary of State for Northern Ireland on 22 June 2007 and we were given two main tasks: one, to consult across the community on how Northern Ireland society could best approach the legacy of the events of the past 40 years; two, to make recommendations as appropriate on any steps which might be taken to support Northern Ireland society in building a shared future which is not overshadowed by the events of the past. After 18 months of extensive consultation we presented the report.....

I want to face up to that recommendation which has so dominated the public perception of our report. I refer, of course, to the recommendation of a recognition grant to the families of those killed during the Troubles. The Secretary of State has stated this morning that this recommendation is not to be furthered at present by the Government....At the root of this question is simply this: who is a victim? Irrespective of the Secretary of State's statement this morning, this will remain a highly contentious issue, but may I remind the Committee of the current legal situation in Northern Ireland regarding who can be classified as a victim? On the statute book the Victims and Survivors (Northern Ireland) Order 2006 states that a victim is someone who has been physically and psychologically injured as a result of or in consequence of a conflict-related incident. That word "someone", Chairman, is repeated

³⁰ HC Debates, 4 March 2009, Cc 1627W-1629W

³¹ *Report of the Consultative Group on the Past*
<http://www.cgpi.org/fs/doc/Consultative%20Group%20on%20the%20Past%20Full%20Report.pdf>

throughout the Order and there is no reference to any hierarchy of victims. That is the law as it stands and sometimes I have to say that there are those who conveniently or otherwise forget the generality of the term and the law. The 2006 Order is on the statute book and any change to the definition of "victim" is a matter for the legislator.³²

The Committee's inquiry into cross-border co-operation continues.³³

³² <http://www.parliament.the-stationery-office.co.uk/pa/cm200809/cmselect/cmniaf/uc287-i/uc28702.htm>

³³ http://www.parliament.uk/parliamentary_committees/northern_ireland_affairs/nicrossborder.cfm