



## Political Developments in Northern Ireland since March 2009

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Author: David Foster

Section Parliament and Constitution Centre

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## 1 Background

The Northern Ireland Assembly was first elected in July 1998. Devolution, however, was suspended on 14 October 2002 under the terms of the *Northern Ireland Act 2000*. Following a number of attempts to do so, devolution was restored on 8 May 2007 after emergency legislation was passed in the House of Commons giving effect to a settlement reached between Sinn Fein and the DUP on 26 March 2007.

At the most recent Assembly elections, held on 7 March 2007, no single party won a majority of seats. The DUP, with 36 seats, and Sinn Fein, with 28 seats, returned the greatest number of MLAs. The four-party executive formed following the election, using the d'Hondt system<sup>1</sup>, is headed by First Minister Peter Robinson, of the DUP, and Deputy First Minister Martin McGuinness, of Sinn Fein.

In November 2008 the First and Deputy First Ministers announced that they had come to an agreement that would facilitate the devolution of policing and justice powers to Northern Ireland. Despite this, a great deal of work, including gaining cross-community support for a financial package for the transfer, remained to be done. As Northern Ireland entered April 2009 it remained to be seen if progress would continue or if disagreements between the parties, which had contributed to the Executive failing to meet between June and November 2008, would resurface.<sup>2</sup>

On 7 March 2009 two British soldiers were shot and killed outside Massereene Barracks in County Antrim. The Real IRA claimed responsibility for the shootings. On 10 March policeman Stephen Carroll was killed in Craigavon, County Armagh. Responsibility was claimed by a group calling themselves the Continuity IRA. At the end of March it remained to be seen what impact these events would have on politics in Northern Ireland. Crucially, the effect they would have on preparations for loyalist decommissioning, which were reported to have begun, were, as yet, unknown.

## 2 The Assembly and the Executive

The Assembly has continued to function since March 2009, although the difficulties experienced previously, which led to the suspension of the Assembly between June and November 2008, have continued to have an effect. The *Belfast Telegraph* reported that the Assembly passed less legislation in the 2008/2009 session than it had in 2007/2008, passing eight Bills.<sup>3</sup>

In June, First Minister Peter Robinson carried out a reshuffle of DUP ministers. Sammy Wilson moved from Environment to replace Nigel Dodds as Finance Minister. Gregory Campbell was replaced as Culture Minister by Nelson McCausland and Robin Newton replaced Jeffrey Donaldson as Junior Minister. Edwin Poots returned to the front bench as Environment Minister. Arlene Foster remained as Economy Minister.<sup>4</sup> The full list of Executive postholders can be found on the website of the Executive.<sup>5</sup>

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<sup>1</sup> An explanation of the d'Hondt system is available on the Northern Ireland Assembly website at <http://www.niassembly.gov.uk/io/summary/d'hondt.htm>

<sup>2</sup> For more information on the progress of the devolution of policing and justice powers prior to March 2009 see Library Standard Notes, [SN/PC5029](#) and [SN/PC/4858](#) and Library Research Paper 09/18, [The Northern Ireland Bill](#)

<sup>3</sup> "MLAs only manage eight Bills this year" 3 July 2009 *Belfast Telegraph*

<sup>4</sup> "DUP reshuffle Stormont ministers" 22 June 2009 *Belfast News Letter*

<sup>5</sup> [http://www.northernireland.gov.uk/index/your\\_government/devolved-government.htm](http://www.northernireland.gov.uk/index/your_government/devolved-government.htm)

Relations between the First Minister and Deputy First Minister are reported as having become increasingly strained, Mr McGuinness stating that he did not get on with Peter Robinson either as a working partner or on a personal basis.<sup>6</sup> Press speculation suggested that Sinn Fein may use the strained relationship, coupled with their frustration at the hesitance of the DUP to devolve policing and justice powers to Stormont (see below), to force an early election to the Assembly.<sup>7</sup>

Peter Robinson has been promoting debate on plans to reform the voting rules in the Assembly. Presently, key votes have to receive the approval of a majority of MLAs from both the nationalist and unionist communities. The DUP prefer a 65 per cent weighted majority system. The First Minister has stated that DUP MLAs will bring forward the proposals to the Assembly and Executive Review Committee, which examines the way that Stormont functions. Sinn Fein do not support the proposals, Martin McGuinness stating that:

People need to be clear about what Peter Robinson is proposing. It is not a good thing. It will not enhance or expedite decision making. It will only promote exclusion and delay in decision making. It will not help us deal with the issues people want us to deal with.<sup>8</sup>

Commentators suggest that the current session of the Assembly is likely to be dominated by the positioning of the parties in readiness for a general election in the UK in 2010 with point scoring and policy clashes likely to dominate.<sup>9</sup>

## 2.1 MLAs allowances

Following the release of details of MPs' expenses claims by the *Daily Telegraph* in May, the issue of Assembly Members' allowances gained prominence. On 26 May the Assembly Commission launched a review of MLAs' expenses. This is to include an examination of the Financial Services Handbook, which contains guidance on what Assembly Members can claim expenses for. In announcing the review Speaker William Hay stated:

We want to ensure that the Assembly is open, transparent and demonstrates value for public money. Our goal is to have in place a model of best practice which is effective in supporting MLAs in their important work on behalf of the community and which commands public confidence.<sup>10</sup>

At a meeting chaired by Mr Hay, the leaders of all the political parties represented in the Assembly agreed to 'a set of ten guiding principles which should underpin' the review. The ten agreed principles are:

1. MLAs have a duty to observe the seven Nolan principles of public life in all aspects of incurring expenditure and claiming expenses.
2. MLAs have a right to be properly supported in carrying out their Assembly duties.
3. Any expenses claimed must be in respect of expenditure that has been wholly, exclusively and necessarily incurred in respect of a Member's Assembly duties.

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<sup>6</sup> "Deputy First Minister Martin McGuinness says he doesn't get on with First Minister Peter Robinson, either as a working partner or on a personal basis" 5 October 2009 *Belfast Telegraph*

<sup>7</sup> "Will Sinn Fein force early election as cracks widen?" 5 October 2009 *Belfast Telegraph*

<sup>8</sup> "DUP to press on with plan to overhaul voting rules" 10 September 2009 *Belfast Telegraph*

<sup>9</sup> "Petty point-scoring likely to dominate new Stormont term" 14 September 2009 *Belfast Telegraph*

<sup>10</sup> "Stormont orders an expenses overhaul" 26 May 2009 *Belfast Telegraph*

4. The system for claiming expenses incurred by MLAs in performing their Assembly duties should be based on the recovery of actual expenditure, not on an entitlement to allowances.
5. Openness and transparency about expenditure incurred by Members will predominate, subject only to data protection, security considerations and inordinate or disproportionate costs.
6. Resources provided to enable MLAs to undertake their Assembly duties must not, directly or indirectly, benefit party political funding or be used for party political activities.
7. Arrangements should be avoided which may give rise to an accusation that an MLA – or someone close to an MLA – is obtaining an element of profit from public funds; or that public money is being diverted for the benefit of a political organisation.
8. MLAs will seek to ensure that any expenditure incurred provides value for money for the tax-payer.
9. MLAs will take personal responsibility for ensuring that any claims made in the name for expenses incurred in respect of their Assembly duties are correct and proper.
10. For all expenses claims, MLAs must act within the spirit of the rules as well as within the letter of the rules. The Assembly Commission will publish the rules and detailed guidance on the system for claiming expenses, and Assembly officials will provide any further guidance that may be required by Members.<sup>11</sup>

Proposals on a revised handbook, along with recommendations on salaries and allowances are expected to be tabled for debate in the Assembly before Christmas 2009.<sup>12</sup>

On 21 May the Assembly Commission agreed to publish details of all MLAs' transactions for the 2009-10 financial year from September 2009 onwards. Additionally, in June, the Commission announced that the details of MLAs' expenses from April 2003 onwards would be made available online by the end of November 2009.<sup>13</sup> These were published on 23 October.<sup>14</sup>

There have been moves within the Assembly to remove from Assembly Members the power to set their own salary and expenses. Party leaders are reported as supporting an independent mechanism for determining Members' pay and allowances. Speaker William Hay has held an 'initial meeting' with Northern Ireland Office Minister Paul Goggins to explore the possibility of making the necessary changes to legislation.<sup>15</sup>

## **2.2 New code of conduct for MLAs**

In June the Committee for Standards and Privileges agreed to changes in the Code of Conduct for Members.<sup>16</sup> The new code addresses, among other things, the issue of Assembly Members employing relatives, which had gained prominence alongside the expenses issue. The Assembly press release on the new code states the main changes:

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<sup>11</sup> Northern Ireland Assembly press release, available at <http://www.niassembly.gov.uk/commission/2007mandate/press/ac060809.htm>

<sup>12</sup> Northern Ireland Assembly press release, available at <http://www.niassembly.gov.uk/commission/2007mandate/press/ac040809.htm>

<sup>13</sup> Northern Ireland Assembly press release, available at <http://www.niassembly.gov.uk/commission/2007mandate/press/ac070809.htm>

<sup>14</sup> "More assembly expenses revealed" 23 October 2009 BBC News

<sup>15</sup> "MLAs may give up pay-setting powers" 7 October 2009 *Belfast Telegraph*

<sup>16</sup> "Why it won't be a quiet summer at Stormont" 3 July *Belfast Telegraph*

The most significant changes passed by the Assembly are that MLAs will be required to register all outside earnings and the time they spend on these activities. They will also need to register family members who benefit from any Members' Allowance, for example a family member who is employed through the Office Cost Allowance. The Assembly will also be able to suspend Members without pay if they are found to have breached the new Code.

The new code came into effect on 12 October 2009 and replaces the versions that were agreed in 1999 and amended in 2001.<sup>17</sup> The first publication of details of MLAs employing family members is expected in November.<sup>18</sup>

### 2.3 Dual mandate Members

The issue of dual mandate Members has continued to receive a considerable level of press attention.<sup>19</sup> Several MLAs are also Members of the Westminster Parliament and receive a full Westminster salary in addition to one third of an Assembly Member's salary. They can claim allowances from both bodies. It is not uncommon for individuals to be an MLA, an MP and also a local councillor. David Cameron has indicated that a Conservative Government would legislate to end dual mandates if all parties in the Assembly do not take unilateral action by the 2011 Assembly elections.<sup>20</sup> The report from the Committee on Standards in Public Life into MPs allowances, due to be published in November, is also expected to address the issue.<sup>21</sup>

Following a campaign against such 'double-jobbing' by the *Belfast Telegraph* and other commentators the DUP announced plans to phase out the practice. In May, Peter Robinson stated that DUP MPs will have to choose between their Westminster posts and roles in the Northern Ireland Executive, describing this as a 'prelude to the end of double-jobbing'.<sup>22</sup> In the DUP ministerial reshuffle in June (see above) ministers who were also MPs were replaced. Peter Robinson himself and Finance Minister Sammy Wilson, who also serves as East Antrim MP, are the only remaining DUP dual mandate ministers.<sup>23</sup> Three DUP MPs, Iris Robinson, William McCrea and David Simpson, were also replaced in their roles as Stormont committee chairs.<sup>24</sup>

Despite the moves taken by the DUP, a spokesperson for the party stated that it would be some time before all DUP politicians had only a single job and that multiple mandates will be phased out 'over a three year window'.<sup>25</sup> In addition, Peter Robinson announced, in an interview in October with the *Belfast Telegraph*, that senior party figures will be able to hold dual mandates for up to another six years. In the interview Mr Robinson stated that DUP MPs could stay at Stormont beyond both the UK general election and the Assembly elections in 2011, but would have to give up their Stormont salaries should they do so.<sup>26</sup> The First Minister also hinted, earlier in September, that he may defend his own East Belfast seat in Westminster, saying that:

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<sup>17</sup> Northern Ireland Assembly press notice, available at [http://www.niassembly.gov.uk/standards/2007mandate/press/sp01\\_08\\_09.htm](http://www.niassembly.gov.uk/standards/2007mandate/press/sp01_08_09.htm)

<sup>18</sup> "The high-profile expenses issues that just won't go away" 16 October 2009 *Belfast Telegraph*

<sup>19</sup> See "Dim view of double-jobbing MLAs" 24 June 2009 *Belfast Telegraph*

<sup>20</sup> "Cameron vows to end double-jobbing" 21 May 2009 *Belfast Telegraph*

<sup>21</sup> "The high-profile expenses issues that just won't go away" 16 October 2009 *Belfast Telegraph*

<sup>22</sup> "DUP reshuffle sets deadline" 23 May 2009 *Irish News*

<sup>23</sup> "DUP reshuffle Stormont ministers" 22 June 2009 *Belfast News Letter*

<sup>24</sup> "DUP trio replaced as 'double-jobbing' is ended" 25 June 2009 *Belfast Telegraph*

<sup>25</sup> "DUP reshuffle sets deadline" 23 May 2009 *The Irish News*

<sup>26</sup> "DUP comes out fighting over double-jobbing 'U-turn' jibes" 27 October 2009 *Belfast Telegraph*

My preference would be for one man, one job but I do accept there are people who feel there is a very good reason for us to have a voice both in the Assembly and Westminster.<sup>27</sup>

Rival unionist parties attacked the DUP following these announcements; the UUP Assembly deputy leader Danny Kennedy arguing that:

This represents another amazing U-turn by the DUP after they officially said they would abandon double-jobbing within hours of Conservative Leader David Cameron's statement that he would ban it if he became Prime Minister, and following the DUP's bad result in the European election.<sup>28</sup>

### **3 Transfer of Policing and Justice Powers**

#### **3.1 Background**

Under the *Northern Ireland Act 1998* responsibility for policing and justice was reserved, meaning that it remained at Westminster, to be devolved at a later date. The 2006 St Andrews Agreement included commitments to press on with the transfer. On 18 November 2008 the Northern Ireland First and Deputy First Ministers announced that they had agreed on a process to complete the devolution by proposing initial arrangements for ministerial oversight of a policing and justice department. The *Northern Ireland Act 2009* added to the options contained within the *Northern Ireland Act 1998* for the method of appointing the Minister to head the department. For further information on the background to the devolution of policing and justice powers see earlier versions of this note and Library Research Paper 09/18 *The Northern Ireland Bill*.<sup>29</sup>

For the transfer to be completed the Northern Ireland Assembly firstly has to pass legislation setting up a Department of Justice. The details of the transfer must then be agreed to and a resolution transferring the powers must be passed in the Assembly by means of a cross-community vote. Devolution is then subject to final approval from Westminster.

#### **3.2 Developments since March 2009**

On 14 September the *Department of Justice Bill* was introduced to the Northern Ireland Assembly. The Bill is of a preparatory nature, establishing a Department of Justice in Northern Ireland to oversee policing and justice and setting out the arrangements for the appointment of a minister to head that department. The Bill passed its second reading on 22 September and the committee stage is due to conclude by 10 November 2009. A full text of the Bill is available at

[http://www.niassembly.gov.uk/legislation/primary/2009/nia1\\_09.htm](http://www.niassembly.gov.uk/legislation/primary/2009/nia1_09.htm).

The Assembly and Executive Review Committee are working on the detail of the transfer of powers. Its forward programme is viewable at

[http://www.niassembly.gov.uk/assem\\_exec/2007mandate/assem\\_exec\\_fwp.htm](http://www.niassembly.gov.uk/assem_exec/2007mandate/assem_exec_fwp.htm)

First Minister Peter Robinson and Deputy First Minister Martin McGuinness are working to find a formula for the transfer that will receive cross-community backing. Talks were held between the two and the Prime Minister in early October and again on 20 October. On 21

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<sup>27</sup> "Robinson hints at defence of Commons seat" 30 September 2009 *Belfast Telegraph*

<sup>28</sup> "DUP comes out fighting over double-jobbing 'U-turn' jibes" 27 October 2009 *Belfast Telegraph*

<sup>29</sup> All available at [http://www.parliament.uk/works/notes\\_on\\_parliament\\_and\\_constitution.cfm#devolution](http://www.parliament.uk/works/notes_on_parliament_and_constitution.cfm#devolution)



October the Prime Minister published details of a financial offer which Mr Robinson and Mr McGuinness have agreed to present to their parties. In the letter to the First and Deputy First Ministers, the Prime Minister stated:

I promised to write to you setting out the elements of the financial settlement that you agreed to present to your respective parties. Our discussions on the finances have been careful, detailed and considered and I am grateful to you for the time you have given to them. Together we have, I believe, achieved an outcome in which we each have confidence and which will ensure that when policing and justice powers are transferred, the Northern Ireland Justice Department will have a secure financial foundation which we all recognise is important in ensuring confidence in the policing and justice services across the community. I believe the settlement which is outlined below is a good settlement which will meet the needs of a devolved Justice Department.<sup>30</sup>

Sinn Fein had already announced, following the talks earlier in October, that they accepted the details of the package offered by the Prime Minister. Following the additional talks on 20 October Martin McGuinness stated that devolution was achievable by Christmas. However, it is thought that the DUP require further clarification on aspects of the deal before they will accept it. Following the publication of the details of the offer, Mr Robinson stated he would discuss the financial deal with his political colleagues and interested parties.<sup>31</sup> However, the First Minister has commented that the transfer would not happen before the end of 2009 even if he were to agree to a deal immediately.<sup>32</sup>

It is also thought that the DUP want an assurance that a future Conservative Government will stand by any funding agreement agreed with Gordon Brown. However, David Cameron has stated that, despite supporting the transfer of policing and justice powers as part of the devolution process, he cannot promise a blank cheque on the issue.<sup>33</sup>

#### **4 Paramilitary Developments and Decommissioning**

Following the shootings at Massereene Barracks and of Constable Stephen Carroll in March dissident republican groups are reported as having remained particularly active. The new head of the Police Service of Northern Ireland, Matt Baggott, stated in September that the dissident terror threat was both 'real' and 'a priority.'<sup>34</sup> On the other hand, in October, the Irish National Liberation Army renounced violence and committed to achieving its aims through peaceful political means.<sup>35</sup>

The *Northern Ireland Arms Decommissioning Act 1997 (Amnesty Period) Order 2009* came into force on 13 February 2009. The Act extended the deadline for decommissioning without prosecution to 9 February 2010.<sup>36</sup> In December 2008 Shaun Woodward, Secretary of State for Northern Ireland, announced that this would be the last extension of the amnesty period

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<sup>30</sup> <http://www.number10.gov.uk/Page21059>

<sup>31</sup> "Brown to publish NI police budget" Wednesday 21 October 2009 BBC News

<sup>32</sup> "Sinn Fein accepts policing offer" 13 October 2009 BBC News

<sup>33</sup> "No blank Tory cheque for policing and justice" 3 October *Belfast Telegraph*

<sup>34</sup> "Terror threat is real, says new NI police chief" 23 September 2009 *The Guardian*

<sup>35</sup> "Full statement on behalf of the leadership of the Irish Republican Socialist Movement", 12 October *Belfast Telegraph*

<sup>36</sup> [http://www.opsi.gov.uk/si/si2009/uksi\\_20090281\\_en\\_1](http://www.opsi.gov.uk/si/si2009/uksi_20090281_en_1)



and stated that the deadline would be brought forward if significant progress was not being made.<sup>37</sup>

Against this background Loyalist paramilitaries have made major steps towards decommissioning, announcing in June that they would disarm.<sup>38</sup> On 27 June Shaun Woodward released a statement welcoming the announcement:

This is an historic day for people in Northern Ireland. The leadership of the UVF and RHC have today taken a bold and courageous decision for peace. For those who have doubted the political process it is proof that the politics works, and that guns have no place in a normal society. I have always kept faith with the peace and political process of which the decommissioning legislation has played a crucial part this is proof that decommissioning works and today's acts of leadership is further testimony to the transformation in Northern Ireland.

When parliament renewed the decommissioning legislation for the final time in February I believed it was possible to achieve the decommissioning of these weapons.

The leadership of the UVF and RHC have engaged with the IICD and completed the process of decommissioning which has removed a deadly arsenal of weapons of the streets on Northern Ireland for good. This will be welcomed across Northern Ireland. Today's announcement is a culmination of a long and difficult process. The leadership of the UVF and RHC have delivered on what they said they would do. In decommissioning their weapons they have clearly signalled that Loyalism has nothing to fear and is confident in the political institutions and wants to play a positive role in the future of Northern Ireland.

I also welcome the movement by the UDA that they have started to decommission their weapons. I would encourage them to continue their engagement with the IICD and complete decommissioning as soon as possible.

Since the announcement there have been reports in the press that not all units of the UDA remain committed to full decommissioning.<sup>39</sup> The International Commission on Decommissioning and the Independent Monitoring Commission continue to monitor progress and report periodically.

#### **4.1 Twenty-First Report of the Independent Monitoring Commission**

The 21<sup>st</sup> report of the Independent Monitoring Commission was published on 7 May 2009. The report noted that in the period under review dissident republican activity had been 'at its most serious level since we started to report.' The Continuity IRA and the Real IRA had been particularly active over the reporting period. The report stated that among the two groups:

...there has been a continuing high level of serious violent activity, often with the express intention of killing, or making possible the killing, of members of the PSNI and other security personnel.

The report noted the aim of this violence was to:

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<sup>37</sup> For more detail see [SN/PC/5029](#), Political developments in Northern Ireland since October 2008

<sup>38</sup> 'Loyalist terrorists lay down their arms: Historic day says Secretary of State' 28 June 2009 *The Observer*

<sup>39</sup> "A key weapon in dealing with the renegades of loyalism" 17 July 2009 *Belfast Telegraph*

...attempt to destroy the peace process and...to deflect the PSNI from maintaining community policing and so disrupt the increasing community acceptance of normal policing.

Nevertheless, the report stated:

In our view however this is a challenge and a testing of the peace process by people who have always been violently opposed to it. It does not represent an unravelling of the peace process.

The information regarding other groups was more positive. The report commented that the 'running down' of the Ulster Volunteer Force noted in the 20<sup>th</sup> report had continued and 'the movement of the UVF towards an end point seems to be managed and cohesive.' The decommissioning of weapons was said to be the 'major outstanding issue' for the UVF.

Decommissioning of weapons was also the reports focus for the other loyalist paramilitary groups. The Ulster Defence Association was said to be now facing the challenge of decommissioning and had made 'some movement towards a point where it might be possible to act.' Nevertheless, the report noted that owing to the 'lack of cohesion within the leadership' it was difficult to see how events will unfold and decommissioning will become 'an increasingly urgent challenge for the leadership' in the future. Similarly, The South East Antrim Group of the UDA were said to have the decommissioning of weapons 'firmly on the group's radar.'

The full report is accessible at:

<http://www.independentmonitoringcommission.org/documents/uploads/Twenty-First%20Report.pdf>

#### **4.2 Report of the Independent International Commission on Decommissioning**

In February 2009 Baroness Royal of Blaisdon stated that the IICD had been asked to prepare a report for the British and Irish Governments, by August 2009, on the extent to which they believed significant progress on decommissioning had been made. This was published on 4 September.

The IICD reported that following an event in which 'substantial quantities of firearms, ammunition, explosives and explosive devices' were decommissioned, representatives of the Ulster Volunteer Force and the Red Hand Commando had informed the Commission that they had now completed the decommissioning process.

In addition, the report stated that The Ulster Defence Association had decommissioned 'a quantity of weapons' in June 2009 and had assured the Commission that, despite reports of the Londonderry/North Antrim brigade refusing or being unable to decommission its arms, there existed no difference of opinion and all brigades remained committed to decommissioning within the time remaining to the Commission. The UDA South East Antrim Group also committed to decommission the remainder of their arms before the end of the Commission's mandate.

The report concluded:

... we feel that substantial practical progress has been made on decommissioning Loyalist paramilitary arms. We believe we have completed the decommissioning of UVF/RHC arms and we have been given a commitment by representatives of the UDA

and the UDA South East Antrim group that they will complete the decommissioning of their arms within the timeframe of the Commission's current and final mandate.<sup>40</sup>

Shaun Woodward welcomed the report's findings:

This is a hugely significant report which confirms substantial practical progress has been made on decommissioning loyalist paramilitary weapons over the past six months.

Confirmation by the IICD that all five brigades of the UDA remain committed to completing decommissioning within the timeframe of the Commission is very welcome.

The IICD report justifies the difficult decision made by Parliament in February to renew the legislation for a final 12 months. I would urge those groups to continue to show leadership and complete the process.

"Northern Ireland has been transformed over the past decade and the work of General John de Chastelain and the IICD has helped society to move away from conflict and towards peace.

The end is in sight for the decommissioning process. So much has been achieved by the IICD since it was established and I would urge all groups to continue to work with the Commission and put their arms beyond use before the scheme comes to an end in February.<sup>41</sup>

In a written statement to the House of Commons on 22 October 2009 Shaun Woodward announced that in light of the progress reported in the IICD report he would allow the amnesty period as set by the *Northern Ireland Arms Decommissioning Act 1997 (Amnesty Period) Order 2009* to run its course. The deadline thus remains as 9 February 2010.<sup>42</sup>

## 5 Saville (Bloody Sunday) Inquiry

In 1998 an inquiry was set up, under the *Tribunal of Inquiry (Evidence) Act 1921*, to examine the events in Derry on 30 January 1972, in which 13 civil rights protesters were killed, along with 13 injured, by soldiers of the British Army.<sup>43</sup> Lord Saville of Newdigate was appointed as the Inquiry's chairman. Formal public hearings began in 2000 and the last witness was heard in January 2005. The final report, postponed on several occasions previously, was expected to be released before Christmas 2009.

In September it was announced that the publication of the Inquiry's final report has been put back again. The most recent delay is believed to be owing to technical difficulties, including proof reading and printing timetables.<sup>44</sup> In a letter to the families of victims, and to other parties, Lord Saville stated that he underestimated the time it would take to print and publish the 4,500 page report.<sup>45</sup> The Northern Ireland Affairs Committee issued an invitation to Lord Saville to explain the delay. The report has cost an estimated £189 million to date.<sup>46</sup> It is now due to be published on 22 March 2010.

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<sup>40</sup> Report of the Independent International Commission on Decommissioning available at [http://www.nio.gov.uk/report\\_of\\_the\\_independent\\_international\\_commission\\_on\\_decommissioning.pdf](http://www.nio.gov.uk/report_of_the_independent_international_commission_on_decommissioning.pdf)

<sup>41</sup> <http://www.nio.gov.uk/iicd-report-hugely-significant-woodward/media-detail.htm?newsID=16175>

<sup>42</sup> HC Deb c77-8WS

<sup>43</sup> One of the 13 injured later died of their injuries

<sup>44</sup> "Shock as Bloody Sunday report is delayed again" 24 September 2009 *Belfast Telegraph*

<sup>45</sup> "Blame me for Bloody Sunday report delay, says Saville" 28 September 2009 *Belfast Telegraph*

<sup>46</sup> [http://www.parliament.uk/parliamentary\\_committees/northern\\_ireland\\_affairs/niac0809pn34.cfm](http://www.parliament.uk/parliamentary_committees/northern_ireland_affairs/niac0809pn34.cfm)

## **6 Northern Ireland Affairs Select Committee**

### **6.1 The Omagh bombing: access to intelligence**

A BBC Panorama programme, aired in September 2008, suggested that mobile phone intercept intelligence of the alleged Omagh bombers was not passed from the Government's Communications HQ at Cheltenham to the police 'sufficiently promptly to assist detectives investigating the bombing in bringing the perpetrators to justice.' Following the broadcast the Prime Minister asked Sir Peter Ian Gibson, the Intelligence Services Commissioner, to 'review any intercepted intelligence material available to the security and intelligence agencies in relation to the Omagh bombing and how this intelligence was shared.' A full, classified report was provided for the Prime Minister before Christmas 2008. The publication of a summary report was also announced. On the day of this announcement the Chairman of the Northern Ireland Affairs Committee wrote to the Secretary of State for Northern Ireland requesting permission to read a copy of the full, classified report on behalf of the Committee. This request was refused. In response to this refusal the Committee published a special report, HC 873, entitled *The Omagh Bombing: Access to Intelligence*, in order to record the dissatisfaction of the Committee. The report comments:

We publish this report to highlight our dissatisfaction that the Chairman of the Northern Ireland Affairs Committee has been refused access, on a confidential basis, to one of the most significant documents yet produced in relation to the worst terrorist atrocity of the past 40 years in Northern Ireland.

The full report, published as HC 873, is available at:

<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmniaf/873/873.pdf>

### **6.2 Report on cross border co-operation**

In June, the Northern Ireland Affairs Committee published its report, *Cross-border co-operation between the Governments of the United Kingdom and the Republic of Ireland*. The report notes that relations between the two countries are closer than ever and that 'co-operative arrangements in place in the spheres of policing and law enforcement have never run more smoothly or been more effective in countering crime and bringing its perpetrators to justice.' This development was welcomed:

The fact that individuals from both the United Kingdom and the Republic of Ireland and from all communities can say without fear of contradiction that relationships between the two countries have never been closer or more co-operative is in itself remarkable. Whatever view individuals may take of the constitutional position, warm and effective cross-border relations represent, in themselves, very positive development.

The report goes on to comment that the devolving of policing and justice powers must not be allowed to lead to a weakening of intergovernmental co-operation:

The devolution of criminal justice and policing matters will not diminish the need for close co-operation between London and Dublin. The close intergovernmental relationships built between the Northern Ireland Office and Ministers and officials within the Irish Government must not only be maintained but, where necessary, augmented when responsibility for these matters transfers to a Justice Minister from the Northern Ireland Assembly.

The Government response to the Committee's report was published on 14 October. The Government welcomed the Committee's positive findings regarding cross border co-

operation. The response also re-iterated the importance of maintaining effective cross border co-operation following the transfer of policing and justice powers:

As we move towards the devolution of policing and justice powers the two Governments are working hard to ensure that the necessary structures will be in place to enable continued co-operation in the policing and justice fields between the Irish Government and the devolved administration in Northern Ireland post-devolution. At the same time, the Government is committed to ensuring that the devolution of policing and justice matters to the Northern Ireland Assembly will not diminish the willingness to cooperate between the UK and Irish governments. We will retain common interests and responsibilities', including constitutional matters, security, the economy and Europe and it is in the interests of both countries that the close working relationship that has grown in recent years continues to flourish and advance as we pursue our shared objectives.

A full copy of the Committee's report, published as HC 78, is available at

<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmniaf/78/78.pdf>

with the Government's response, published as HC 1031, at

<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmniaf/1031/1031.pdf>