



DPI Briefing Note

A FRESH START FOR NORTHERN IRELAND



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A Fresh Start for Northern Ireland¹

Context

Since facing the threat of collapse last September (2015), the Executive of Northern Ireland has been restored and is fully functioning again. Late in the summer of 2015, the five-party power-sharing coalition of the Executive found itself in disorder after two unionist parties withdrew from the Assembly following disagreement with the Republican Sinn Féin party. Unionist Parties claimed there had been a failure to decommission republican paramilitary groups, as required by the Belfast Agreement, following news of the murder of two former Irish Republican Army (IRA) members. Sinn Féin denied these accusations and the notion that they sanctioned or had any prior knowledge of the murders.

Events leading to the stalling of the Executive in 2015

Summary

- The investigation into the summer murders of former IRA members confirmed paramilitary acting.
- The unionist parties accused Republican Sinn Féin party of still being connected to paramilitary groups, threatening Executive collapse.
- Secretary of State for Northern Ireland and the Irish Foreign Minister chaired 10 weeks of talks resulting in the 'Fresh Start' Agreement.

In May and August 2015, Gerard "Jock" Davison and Kevin McGuigan, were murdered in Belfast. McGuigan had been the primary suspect in the murder of Davison, and was supposedly killed by Provisional Irish Republican Army (PIRA) members as revenge. The Police Service of Northern Ireland (PSNI) investigated the two murders and confirmed the involvement of PIRA members and continued PIRA activity, prompting the Ulster Unionist

¹ This paper was completed on 02 March 2016 and captures events preceding and on this date only.

Party (UUP) to unanimously vote to withdraw from the Executive. The reports of continued paramilitary activity increased speculation of Sinn Féin involvement with such groups and, under pressure to take a stand against Sinn Féin, the then First Minister Peter Robinson of the Democratic Ulster Party (DUP) announced the suspension of all Executive coalition meetings. In addition, unionist groups began calling for a temporary suspension of the Assembly and a return to direct rule from Westminster. However, the UK government rejected the request on 8 September 2015 and announced emergency talks in a bid to prevent Executive collapse.

On 9 September 2015, three members of the republican movement were arrested and questioned regarding the murder of Kevin McGuigan, including the Northern Chairman of Sinn Féin, Bobby Storey. In response, Peter Robinson, along with most other DUP ministers, resigned shortly after, thereby stalling the emergency talks. Due to the resignations, the then DUP Finance Minister Arlene Foster stepped in as Acting First Minister for a period of six weeks to prevent an early Assembly election. The UUP partially walked out of the talks as well, maintaining they would attend again when the focus is on the continuing paramilitary activity.

All five political parties in the Northern Ireland regional government – the DUP, UUP, Sinn Féin, Alliance Party and the Social Democratic Labour Party (SDLP) – were invited to attend the emergency talks with the Irish and UK Governments. Secretary of State for Northern Ireland, Theresa Villiers and Irish Foreign Minister, Charles Flanagan, co-chaired the discussions, focusing on implementing the Stormont House Agreement and the impact of continuing paramilitary activity. The Stormont House Agreement,² which was signed in December 2014 between the Northern Ireland Executive and the Irish and UK Governments, mainly dealt with fiscal policy, welfare reform and progress on devolution. However, a number of issues had been blocking full implementation including welfare reform and in-year budget pressures. Other key issues for debate involved how to deal with the legacy of the past and whether to re-establish the Independent Monitoring Commission (IMC), an organisation founded to monitor paramilitary activity which was dissolved in 2011. The talks continued for 10 weeks, concluding on 17 November 2015, with the publication of 'A

² The Stormont House Agreement of 23 December 2014 on the structure of the Northern Ireland Regional Government found at <https://www.gov.uk/government/publications/the-stormont-house-agreement>.

Fresh Start: The Stormont Agreement and Implementation Plan.³ After concluding negotiations, the issue of how to deal with the legacy of the past remained unresolved.

Assessment of Paramilitary Groups in Northern Ireland

In accordance with the Belfast ('Good Friday') Agreement of 1998, paramilitary groups were to be fully disarmed and decommissioned, which was officially said to have occurred between 2005 and 2007.⁴ However, the summer murders brought to light the influence and impact these groups continue to have in Northern Ireland, prompting Theresa Villiers, Secretary of State for Northern Ireland, to commission an assessment on paramilitary activity by the Police Service of Northern Ireland (PSNI) and the British Intelligence agency, MI5. The assessment,⁵ released in October 2015, concluded that the main paramilitary groups which were active during the period of the 'Troubles' were still in existence, including the Ulster Volunteer Force (UVF), Red Hand Commando (RHC), Ulster Defence Association (UDA), Provisional Irish Republican Army (PIRA), and the Irish National Liberation Army (INLA). Paramilitary groups are outlawed in Northern Ireland, yet the assessment shows that most still hold a somewhat public profile, continue to recruit new members, and have some type of leadership structure. While these groups continue to use militaristic-style labels and have sub-groups across Northern Ireland, the assessment suggests that it would be unlikely for them to reengage in terroristic activities, and if they did they would not have nearly the same capabilities as they did during the Troubles. Cohesion is varied amongst the different groups, and the leaders do not have complete control over members, leading to unauthorised, or 'breakaway,' actions by members that could well be in violation of leadership orders. This makes it difficult to assess responsibility for actions taken by rogue members.

This assessment did not focus on dissident republican groups which rejected the Belfast Agreement, but suggests that these types of groups pose the most serious terrorist threat to

³ A Fresh Start: The Stormont House Agreement and Implementation Plan of 17 November 2015 on financial support, welfare reform, and responsibilities to deal with the past for the Northern Ireland Executive found at <https://www.gov.uk/government/news/a-fresh-start-for-northern-ireland>.

⁴ McDonald, Henry, "Kevin McGuigan family say three members under death threat in Northern Ireland." *The Guardian*, (published 08 September 2015), at <http://www.theguardian.com/uk-news/2015/sep/08/kevin-mcguigan-family-say-three-members-under-death-threat-in-northern-ireland>.

⁵ Paramilitary Groups in Northern Ireland of 19 October 2015 on the role of paramilitary groups of paramilitary groups which declared ceasefires, at <https://www.gov.uk/government/publications/assessment-on-paramilitary-groups-in-northern-ireland>.

the country. According to the assessment, none of the paramilitary groups are currently planning or conducting terrorist attacks, however some individual members of the INLA support dissident republican activities. The assessment states that dissident republican groups have carried out many paramilitary-style assaults and have conducted between 15 and 40 terrorist attacks each year since 2000. Paramilitary groups have often been directed toward other initiatives by their leaders, such as community engagement, conflict resolution efforts, and involvement in politics. Nevertheless, the assessment asserts that members continue to be involved in other criminal activity, including: 'large-scale smuggling operations, fuel laundering, drug dealing, and extortion of local businesses.' The assessment suggests the leaders of the main paramilitary groups are committed to peaceful measures to advance their political goals, though the criminal activities and violent history of individual members continues to pose a significant threat to national security.

Fresh Start Deal Reached

The most recent conflict resolution process in Northern Ireland took around 10 weeks before an agreement was reached in November 2015. The document titled 'A Fresh Start: The Stormont Agreement and Implementation Plan' is broken down into six sections:

- Ending Paramilitarism and Tackling Organised Crime,
- Northern Ireland Executive Financial Reforms and Context,
- Northern Ireland Executive Welfare and Tax Credits Top-Ups,
- UK Government Financial Support,
- Irish Government Financial Support, and
- Implementation of other aspects of the Stormont House Agreement.

At the conclusion of the talks, the parties had not agreed upon how to establish a new body to deal with the legacy of the past. However, significant advances were made in this area, which continues to be a topic of discussion in Northern Ireland. Key points of the agreement include:

Section A: Ending paramilitarism and tackling organised crime

- Establishment of cross-border task force with Ireland to handle organised crime supervised by a strategic oversight group and an operations coordination group.

Section A: Ending paramilitarism and tackling organised crime (Continued)

- Provisions for criminal justice reforms, support for forensic accounting to look at the proceeds of crime, and support for transition away from paramilitary structures.
- New community engagement programmes for youth paramilitary prevention and to help increase women participation and influence in community development.
- Development of a three-person panel to provide a report to the Executive with strategy recommendations for disbanding paramilitary groups by May 2016 with an action plan from the Executive following by June 2016.
- A new four-person monitoring body to report annually on paramilitary activity and implementation of measures to end paramilitary activity.

Section B: Northern Ireland Executive financial reforms and context

- Reduces the number of Executive departments from 12 to 9 and reduces number of Members of the Legislative Assembly (MLAs) to five per constituency, effective after the election in May 2016.
- Corporation tax rate reduced to 12.5 per cent by April 2018.

Section C: Northern Ireland Executive welfare and tax credits top-ups

- Allocates £585m from Executive funds to 'top-up' welfare in NI.
- Approximately £240m will be allocated for tax credits leaving £345m for welfare.

Section D: UK Government financial support

- Additional £500m in funding for unique challenges in Northern Ireland.
- Allows for in-year budget flexibilities.
- Provides £160m for PSNI security funding over five years.
- £25m over five years to aid in tackling paramilitary activity.
- Funds for the new Monitoring and Implementation body of £3m over five years.

Section E: Irish Government financial support

- Provides €110m over four years to help complete the A5 road in the West and finance the cross-border task force.

Section F: Implementation of other aspects of the Stormont Agreement

- Allows measures for parades and flags to move forward.
- Institutional changes to aid devolution: sets a threshold for Petitions of Concern and allows for an official opposition.
- Implementation of outstanding commitments including: engaging in a new model to hear civic views, pledging to the equal treatment of people in Northern Ireland and promoting the advancement of women in community development and public life.
- Ensures monitoring of the implementation of the Agreement and requires review meetings and six-monthly progress updates.

Critics of 'A Fresh Start' are calling the agreement a 'false dawn,'⁶ and point to the failure to agree on a way to deal with the legacy of the Troubles. Furthermore, reports claim there is no evidence that the deadlock over withholding sensitive information from victims' families for 'national security' reasons will end. Parties not involved in the talks have claimed they were not given enough time to review the document and wanted more time to analyse and debate questions they felt needed to be answered. However, leaders in the UK, Ireland, and the US supported the agreement and called on all parties in Northern Ireland to accept and implement the agreement.

Moving Forward: Current Status of the Executive

Having reached an agreement, the Northern Ireland Executive has been restored and is now fully functioning, though not without some changes. Former DUP leader and First Minister Peter Robinson, who temporarily stepped aside as First Minister at the beginning of the talks, fully resigned as First Minister and from the Assembly altogether. In the wake of

⁶ Davenport, Mark, "NI politicians pull back from precipice with 'Fresh Start' deal." *BBC*, (published 17 November 2015), at <<http://www.bbc.co.uk/news/uk-northern-ireland-34852493>>.

Robinson stepping down in September, former DUP Finance Minister Arlene Foster was appointed as acting First Minister and is now replacing Robinson as the first woman to be appointed First Minister. Furthermore, the UUP voluntarily took an official opposition stance, as authorised by provisions of the 'Fresh Start' agreement, withdrawing their only minister from the Executive, a move which has significantly changed the former power sharing structure of the Executive. By December, welfare reform legislation had been implemented and the new Joint Task Force on organised crime was established. Additionally, a three-person panel to research and report on strategies to disband paramilitary groups was appointed and began holding meetings prior to the end of 2015.

The first six-monthly update on the Fresh Start Agreement in January 2016 showed significant advances on the commitments made in the agreement including:

- Northern Ireland Executive approval of the 2016-17 budget,
- Disbursement of approximately £340 million by the UK Government,
- Disbursement of approximately €2.5 million by the Irish Government,
- Introduction of two bills to reduce the number of Executive departments and MLAs,
- Authorisation of enhanced law enforcement co-operation measures.

The Stormont House Agreement calls for new bodies to be established to investigate legacy issues, which the Government says it remains committed to developing.

Organisations to handle issues regarding the legacy of the past:

- *The Historical Investigations Unit (HIU)*: independent body which will investigate cases from the time of the Troubles.
- *The Independent Reporting Commission (IRC)*: responsible for holding the Northern Ireland Executive and the Irish and UK Governments accountable for eliminating paramilitary activity.
- *The Implementation and Reconciliation Group*: charged with overseeing the information recovery process
- *The Independent Commission on Information Retrieval (ICIR)*: allows victims and their next of kin to privately access information about the deaths of their family members.

Establishment of these organisations currently hinges on debate over how to best disclose sensitive documents while still protecting national security. The Northern Ireland Government agrees that documents should be fully disclosed to the HIU without redactions, but whether to allow disclosure of security-related information from the HIU to inquiring families is still in dispute. However, the Government agreed to inform families in cases where information has been withheld for national security reasons and allows them the right to challenge the decision to withhold the information in the High Court.

The UK Parliament at Westminster received the bill to implement some of the major terms decided in the 'Fresh Start' agreement on 10 February 2016, and as of 24 February 2016 was heading to a committee, which had not yet been assigned at the time of this writing.⁷ The legislation provides for

- Measures to establish the Independent Reporting Commission,
- Provisions to encourage fiscal transparency, and
- Modifications to the pledge of office for NI Ministers to include commitments to rid society of paramilitary activity.

In a speech on 11 February 2016, Theresa Villiers indicated that she was optimistic that the legislation would greatly benefit Northern Ireland and ensured the public of the stability of Northern Ireland institutions. During a visit to the United States on 16 February 2016, Villiers met with US Administration officials to emphasise the achievements made by the Northern Ireland Executive since November and to promote US investment in Northern Ireland. Stating that while there are still challenges to addressing legacy issues, a very significant area which remains to be fully addressed in Northern Ireland, Villiers said she believes Northern Ireland devolution is now on a 'more secure and stable footing' than before.⁸

⁷ This information is current as of the time of this writing on 24 February 2016.

⁸ Villiers, Theresa, "Villiers: A way forward for legacy of the past in Northern Ireland." *Northern Ireland Office at gov.uk*, (published 11 February 2016), at <https://www.gov.uk/government/speeches/villiers-a-way-forward-for-legacy-of-the-past-in-northern-ireland>.

Timeline of Events:**5th May 2015:**

- Gerard 'Jock' Davison, a former senior IRA figure is shot dead in the early morning in Belfast city centre.

12th August 2015:

- Former IRA Assassin Kevin McGuigan, chief suspect into the murder investigation of 'Jock' Davison, is shot dead outside his home in East Belfast.

20th August 2015:

- Police Services of Northern Ireland (PSNI) state that members of the Provisional IRA, under the cover name of Action Against Drugs (AAD), were behind the murder of Kevin McGuigan.
- Unionists claim that Sinn Féin risk exclusion from the Northern Ireland Assembly if they are found to have established links between them and the PIRA.

22nd August 2015:

- PSNI chief constable Charles Hamilton confirms that individual PIRA members were involved in killing McGuigan, but that the act was not sanctioned by PIRA leadership.

26th August 2015:

- UUP leader Mike Nesbitt says that his party will pull out of the five-party coalition at Stormont in response to the report that the PIRA is still active.

27th August 2015:

- The Democratic Unionist Party (DUP), the largest unionist political party in the Northern Ireland Executive, faces internal pressure to either exclude Sinn Féin from government or to resign from the administration.

29th August 2015:

- Up to 90 members of the Executive of the UUP unanimously vote to leave the Northern Ireland Executive.

30th August 2015:

- Northern Ireland's former First Minister, Lord Trimble suggests the revival of the Independent Monitoring Commission (IMC) to help restore unionist confidence in the political process.

1st September 2015:

- First Minister Peter Robinson suggests suspending the Stormont Assembly for four weeks in Northern Ireland, bringing back non-devolved direct rule from Westminster, claiming that the DUP wants this in order to hold urgent talks in order to solve the political crisis facing the future of the power-sharing agreement and the peace process.
- Deputy First Minister and Sinn Féin politician Martin McGuinness urges British Prime Minister David Cameron not to suspend the Assembly.
- UK and Ireland ministers indicate support for the revival of the Independent Monitoring Commission.

3rd September 2015:

- Prime Minister David Cameron and Taoiseach (Irish Prime Minister) Enda Kenny announce emergency talks aimed at preventing the collapse of power-sharing in Northern Ireland. All five parties in the regional government will be asked to attend, including the UUP.

9th September 2015:

- Three senior republicans, including former head of intelligence for the IRA Bobby Storey are arrested and questioned in connection to the murder of Kevin McGuigan.

10th September 2015:

- First minister Peter Robinson resigns from the Executive, alongside almost all other DUP ministers. Only the Finance Minister, Arlene Foster, remains. Talks are stalled as a result.
- Arlene Foster is appointed by Robinson as Acting First Minister to keep the regional government alive while emergency talks recommence.
- Bobby Storey is unconditionally released from arrest and questioning by detectives.

11th September 2015:

- Secretary of State, Theresa Villiers, outlines that the two issues of still active paramilitary groups and the implementation of the Stormont House Agreement will be on the agenda when talks continue on Monday 14th September.

20th October 2015:

- Secretary of State, Theresa Villiers, publishes a factual assessment of paramilitary groups in Northern Ireland, completed by the PSNI and MI5.⁹

29th October 2015:

- Secretary of State urges parties to reach an agreement quickly and fully implement the Stormont House Agreement. Without an agreement, it is said that funding for government programmes could run out.

17th November 2015:

- 'A Fresh Start' Agreement is reached on implementing the Stormont House Agreement and how to deal with paramilitary activity and organised crime.¹⁰

25th November 2015

- Northern Ireland Welfare Reform Bill is approved by Parliament.

17th December 2015

- Arlene Foster is appointed as the new leader of the DUP following the resignation of Peter Robinson.

21st December 2015

- The new Joint Agency Task Force is established at a trilateral meeting between the UK and Irish governments and the Northern Ireland Executive Ministers.

⁹ Paramilitary Groups in Northern Ireland of 19 October 2015 on the role of paramilitary groups of paramilitary groups which declared ceasefires.

¹⁰ A Fresh Start: The Stormont House Agreement and Implementation Plan of 17 November 2015 on financial support, welfare reform, and responsibilities to deal with the past for the Northern Ireland Executive.

11th January 2016

- Arlene Foster is appointed as the new Northern Ireland First Minister and is the first woman to hold the position. Foster had stepped in as Acting First Minister in September 2015 at the beginning of the emergency talks.
- Secretary of State Theresa Villiers congratulates Arlene Foster on her appointment and said in a statement: 'Arlene takes over at a crucial time for Northern Ireland. The economy is recovering with more people in work than in 2010. But there is more to do. The full implementation of the Fresh Start and Stormont House agreements is vital to build a brighter, more secure future for Northern Ireland. We must also find a way forward together to address the legacy of Northern Ireland's past.'¹¹

12th January 2016

- As part of the 'Fresh Start' Agreement, two bills to reduce the number of Executive departments and the number of MLAs were introduced to the Assembly.

14th January 2016

- A six monthly update on the implementation of the 'Fresh Start' Agreement and the Stormont House Agreements is released. Notable achievements include: agreement on the 2016-17 Budget by the Executive, implementation of welfare reform legislation, appointment of the three-person panel to provide a recommended strategy to dissolve paramilitary groups, and partial disbursement of support funds from the UK and Irish governments.

21st January 2016

- In a written statement to Parliament, Theresa Villiers outlines the function of the new Independent Commission on Information Retrieval and announces the treaty signed by the UK and Irish governments to establish the body.

10th February 2016

- The Northern Ireland (Stormont Agreement and Implementation Plan) Bill is introduced to Parliament and given its first reading.

¹¹ Villiers, Theresa, "Villiers welcomes Arlene Foster's appointment as First Minister." *Northern Ireland Office at gov.uk*, (published 11 January 2016), at <https://www.gov.uk/government/news/villiers-welcomes-arlene-fosters-appointment-as-first-minister>.

11th February 2016

- Secretary of State Theresa Villiers speaks at Ulster University, Belfast addressing the government's approach to dealing with the past. Villiers discusses the new bodies that will be established to investigate the Troubles and suggests the most difficult issue moving forward is how to best protect national security during the investigations.
- In her speech, Villiers explains that the parties have agreed to fully disclose all documents relevant to investigations by the Historical Investigations Unit (HIU). However, there is still disagreement over disclosure of sensitive material from the HIU to the families.
- As part of the agreement to disclose sensitive documents to the HIU, families will be informed if there is information withheld for national security reasons and can challenge the decision in the High Court.

16th February 2016

- Secretary of State for Northern Ireland Theresa Villiers visits the US to update the Administration of the progress in Northern Ireland. Villiers says the Northern Ireland institutions are on 'stable footing' and will promote US investment in Northern Ireland.¹²
- Meetings between US security experts and Theresa Villiers will be held to discuss strategies to tackle paramilitary activity and organised crime.

22nd February 2016

- The Northern Ireland (Stormont Agreement and Implementation Plan) Bill passes its second reading and moves on to a Committee of the whole house. As of 24 February 2016, a date for committee hearing had not been announced.

¹² UTV Staff, "Villiers in US to give Stormont progress update." *UTV*, (published 16 February 2016), at <http://www.u.tv/News/2016/02/16/Villiers-in-US-to-give-Stormont-progress-update-54147>.

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