



DPI Briefing Note

Political Crisis: Northern Ireland Executive



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Context:

In the past few weeks, the five-party power sharing coalition of the Northern Ireland executive has been threatened with collapse, following the withdrawal of the two unionist parties in the assembly. This follows from their dispute with the Republican Sinn Féin party over the murder of two former IRA members by republican paramilitaries, with unionists claiming that Sinn Féin had gone against the Good Friday Agreement and failed to decommission paramilitary groups. Sinn Féin for their part claim that they had no association with the events, and that they did not sanction or have knowledge of the killings.

The two murdered IRA members were 'Jock' Davison and Kevin McGuigan, two former PIRA members. 'Jock' Davison was shot dead in the Market area of central Belfast on 5th May 2015, with Kevin McGuigan becoming the primary suspect for the murder. McGuigan was then killed himself in August, supposedly as revenge by PIRA individuals for Davison's killing. A subsequent Police Service of Northern Ireland (PSNI) assessment said that the two murders were the results of a "falling-out" within the republican community. Chief Constable Charles Hamilton drew a link between PIRA members involved in inter-factional rivalry, and

¹ This paper was completed on 11 September 2015 and captures events preceding and on this date only.

those suspected of the murder of McGuigan.² Unionists are angry at the murders as they suggest the continuing activity of nationalist paramilitary groups, which were said to have been decommissioned in accordance with the Good Friday Agreement.

The continuing breakdown of the Northern Ireland executive after the murders coincides with continuing difficulty in the power-sharing coalition over the Stormont House Agreement. The Stormont House Agreement was a political agreement between the Northern Ireland executive, and the British and Irish governments. The agreement touched mainly upon issues such as fiscal policy, welfare reform and progress on devolution; welfare reform was a particular point of contestation for the Irish Nationalists, and it underlines the current political crisis.

Effect on Northern Ireland Politics:

The murders of two former IRA members has developed into a political crisis for the Northern Ireland executive, along with the threat of collapse of the power sharing agreement in Stormont House. The threat of withdrawing support for the power-sharing pact by unionist groups follows the assessment made by the Chief Constable of PSNI which stated that former Provisional IRA members, along with a separate group, were involved in the murder of Kevin McGuigan, a former IRA member. A PSNI assessment claimed that McGuigan was targeted because of reportedly [2 http://www.psni.police.uk/chief_constable_s_statement_psni_s_assessment_of_the_current_status_of_the_provisional_ira](http://www.psni.police.uk/chief_constable_s_statement_psni_s_assessment_of_the_current_status_of_the_provisional_ira).

murdering ‘Jock’ Davison, also a former IRA member, a few months earlier.

The murder of McGuigan, according to some unionist groups, shows the continuing existence of the Provisional IRA, despite claims by Sinn Féin to the contrary. Chief Constable Chris Hamilton of the PSNI in his statement on the murder declared that while “some Provisional IRA organisational infrastructure” still exists, the group no longer exists for paramilitary purposes. Unionists however say that one of the components of the power sharing agreement was the demobilisation and decommissioning of groups such as the PIRA, which was deemed to have occurred between 2005 and 2007.³

Within the regional executive this has led to the Ulster Unionist Party, the smaller of the two unionist parties in the current five-party coalition, withdrawing from the coalition in response to the killings. Furthermore, executive meetings between the coalition government have been suspended by First Minister Peter Robinson until the political crisis over the status of the PIRA is resolved. The regional executive cannot function if either of the two largest parties refuse to take part, as these parties are allocated the First Minister and Deputy First Minister positions. This comes amid calls from unionist groups for the Westminster government to go as far as to suspend devolution in Northern Ireland – a demand which was rejected on 8th September.

³ <http://www.theguardian.com/uk-news/2015/sep/08/kevin-mcguigan-family-say-three-members-under-death-threat-in-northern-ireland>

As of 10th September, Peter Robinson and most other DUP ministers in the coalition have resigned, leaving only the nationalist Sinn Féin and SDLP parties, and non-partisan Alliance remaining in the coalition.⁴

All-party talks are now commencing to resolve the crisis, co-chaired by the Northern Ireland secretary, Theresa Villiers, and the Irish foreign minister, Charles Flanagan. They are expected to last about four weeks. Already the UUP have ‘partially walked-out’ from the talks, after stating they will attend only when the agenda is focused on alleged continuing PIRA activity.

One effect on the Good Friday Agreement that has been raised is the effectiveness of the Disarmament, Demobilisation and Reintegration (DDR) process in Northern Ireland, as the use of a semi-automatic rifle in the murder of Kevin McGuigan suggests that the IRA retained some of its arms after the peace process. Some experts suggest that the use of high-powered rifles in the murder show that the IRA held back weapons from the international decommissioning body during the DDR period.⁵ Unionists have used this to argue for the return of the Independent Monitoring Commission (IMC), which they claim would deter further paramilitary attacks that further destabilise the already fraught peace process.

4 <http://www.theguardian.com/uk-news/2015/sep/10/northern-ireland-government-on-brink-of-collapse>

5 <https://www.irishtimes.com/news/politics/provisional-ira-may-have-left-stage-but-not-theatre-1.2324978>

As of 11th September, it remains to be seen whether David Cameron will go above the authority of Northern Ireland Secretary Theresa Villiers and suspend the assembly, whether Peter Robinson allow elections to be triggered by refusing to nominate new ministers in the seven-day window he has to do so, or whether the Northern Ireland executive will be left governed by almost entirely nationalist parties.

Timeline:

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:

- 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 Ulster Party (DUP), the largest unionist political party in the NI 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 NI Executive.

30th August 2015:

- Northern Ireland's former first minister, Lord Trimble has suggested 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. The DUP want 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 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:

- 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.

DPI Board Members



Kerim Yildiz (Director), Kerim Yildiz is Director of DPI. He is an expert in International Human Rights Law and minority rights, and has written extensively on international Human Rights mechanisms and International Humanitarian Law. Kerim is the recipient of a number of awards, including from the Lawyers Committee for Human Rights for his services to protect human rights and promote the rule of law in 1996, the Sigrid Rausing Trust's Human Rights award for Leadership in Indigenous and Minority Rights in 2005, and the Gruber Prize for Justice in 2011.



Nick Stewart QC (Chair), Barrister and Deputy High Court Judge (Chancery and Queen's Bench Divisions), United Kingdom. Former Chair of the Bar Human Rights Committee of England and Wales and Former President of Union Internationale des Avocats.



Prof. Penny Green (Secretary), Head of Research and Director of the School of Law's Research Programme at King's College London and Director of the International State Crime Initiative (ICSI), United Kingdom (a collaborative enterprise with the Harvard Humanitarian Initiative and the University of Hull, led by King's College London).



Priscilla Hayner: Co-founder of the International Center for Transitional Justice, global expert and author on truth commissions and transitional justice initiatives, consultant to the Ford Foundation, the UN High Commissioner for Human Rights, and numerous other organizations.



Arild Humlen, Lawyer and Director of the Norwegian Bar Association's Legal Committee, Norway. Widely published within a number of jurisdictions, with emphasis on international civil law and human rights. Has lectured at law faculties of several universities in Norway. Awarded the Honor Prize of the Bar Association for Oslo for his work as Chairman of the Bar Association's Litigation Group for Asylum and Immigration law.



Prof. David Petrasek: Associate Professor, Graduate School of Public and International affairs, formerly Special Adviser to the Secretary-General of Amnesty International, he has worked extensively on human rights, humanitarian and conflict resolution issues, including for Amnesty International (1990-96), for the Office of the UN High Commissioner for Human Rights (1997-98), for the International Council on Human Rights Policy (1998-02), and as Director of Policy at the HD Centre (2003-07).



Antonia Potter, Expert in humanitarian, development, peacemaking and peacebuilding issues. Consultant on women, peace and security; and strategic issues to clients including the Centre for Humanitarian Dialogue, the European Peacebuilding Liaison Office, the Global Network of Women Peacemakers, MediatEUR, and Terre des Hommes.



Jacki Muirhead, Practice Director, Cleveland Law Firm. Previously Barristers' Clerk at Counsels' Chambers Limited and Marketing Manager at the Faculty of Advocates. Undertook an International Secondment at New South Wales Bar Association.

DPI Council of Experts



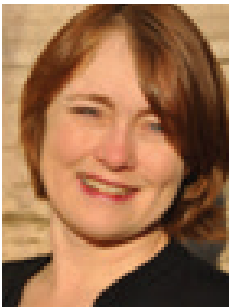
Dermot Ahern

Dermot Ahern is a Former Irish Member of Parliament and Government Minister and was a key figure for more than 20 years in the Irish peace process, including in negotiations for the Good Friday Agreement and the St Andrews Agreement. He also has extensive experience at EU Council level including being a key negotiator and signatory to the Constitutional and Lisbon Treaties. In 2005, he was appointed by the then UN Secretary General Kofi Annan to be a Special Envoy on his behalf on the issue of UN Reform. Previous roles include that of Government Chief Whip, Minister for Social, Community and Family Affairs, Minister for Communications, Marine and Natural Resources, Minister for Foreign Affairs and Minister for Justice and Law Reform. Dermot Ahern also served as Co-Chairman of the British Irish Inter Parliamentary Body 1993 – 1997.



Dr Mehmet Asutay

Dr Mehmet Asutay is a Reader in Middle Eastern and Islamic Political Economy and Finance at School of Government and International Affairs (SGIA), Durham University, UK. Areas of focus include Turkish and Kurdish political economies, and Islamic political economy. He is the Honorary Treasurer of BRISMES (British Society for Middle East Studies) and of the International Association for Islamic Economics. His research has been published in various journals, magazines and also in book format.



Prof. Christine Bell: Legal expert based in Northern Ireland; expert on transitional justice, peace negotiations, constitutional law and human rights law advice. Trainer for diplomats, mediators and lawyers.



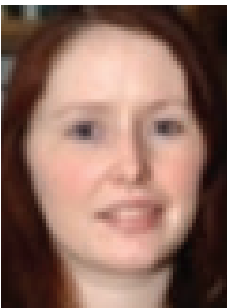
Cengiz Çandar: Senior Journalist and columnist specializing in areas such as The Kurdish Question, former war correspondent. Served as special adviser to Turkish president Turgut Ozal.



Yilmaz Ensaroğlu: SETA Politics Economic and Social Research Foundation. Member of the Executive Board of the Joint Platform for Human Rights, the Human Rights Agenda Association (İHGD) and Human Rights Research Association (İHAD), Chief Editor of the Journal of the Human Rights Dialogue.



Prof. Mervyn Frost: Head of the Department of War Studies, King's College London. Previously served as Chair of Politics and Head of Department at the University of Natal in Durban. Former President of the South African Political Studies Association; expert on human rights in international relations, humanitarian intervention, justice in world politics, democratising global governance, just war tradition in an Era of New Wars and ethics in a globalising world.



Dr. Edel Hughes: Lecturer, University of East London. Expert on international human rights and humanitarian law, with special interest in civil liberties in Ireland, emergency/anti-terrorism law, international criminal law and human rights in Turkey and Turkey's accession to European Union. Previous lecturer with Amnesty International and a founding member of Human Rights for Change.



Dr Salomón Lerner Febres: Former President of the Truth and Reconciliation Commission of Perú; Executive President of the Center for Democracy and Human Rights of the Pontifical Catholic University of Perú.



Martin Griffiths: Former Deputy Head, Kofi Annan's UN Mission to Syria. Founding member and first Executive Director of the Centre for Humanitarian Dialogue, Served in the British Diplomatic Service, and in British NGOs, Ex -Chief Executive of Action Aid. Held posts as United Nations (UN) Director of the Department of Humanitarian Affairs, Geneva and Deputy to the UN Emergency Relief Coordinator, New York. Served as UN Regional Humanitarian Coordinator for the Great Lakes, UN Regional Coordinator in the Balkans and UN Assistant Secretary-General.



Avila Kilmurray: A founder member of the Northern Ireland Women's Coalition and was part of the Coalition's negotiating team for the Good Friday Agreement. She has written extensively on community action, the women's movement and conflict transformation. Serves on the Board of Conciliation Resources (UK); the Global Fund for Community Foundations; Conflict Resolution Services Ireland and the Institute for British Irish Studies. Avila was the first Women's Officer for the Transport & General Workers Union for Ireland (1990-1994) and became Director of the Community Foundation for Northern Ireland in 1994. Avila was awarded the Raymond Georis Prize for Innovative Philanthropy through the European Foundation Centre.



Prof. Ram Manikkalingam: Visiting Professor, Department of Political Science, University of Amsterdam, served as Senior Advisor on the Peace Process to President of Sri Lanka, expert and author on conflict, multiculturalism and democracy, founding board member of the Laksham Kadirgamar Institute for Strategic Studies and International Relations.



Bejan Matur: Renowned Turkey based Author and Poet. She was a columnist for Zaman newspaper, focusing mainly on Kurdish politics, the Armenian issue, daily politics, minority problems, prison literature, and women's issues. Has won several literary prizes and her work has been translated into 17 languages. Former Director of the Diyarbakır Cultural Art Foundation (DKSV).



Monica McWilliams: Professor of Women's Studies, based in the Transitional Justice Institute at the University of Ulster. Was the Chief Commissioner of the Northern Ireland Human Rights Commission from 2005 2011 and responsible for delivering the advice on a Bill of Rights for Northern Ireland. Co-founder of the Northern Ireland Women's Coalition political party and was elected to a seat at the Multi-Party Peace Negotiations, which led to the Belfast (Good Friday) Peace Agreement in 1998. Served as a member of the Northern Ireland Legislative Assembly from 1998-2003 and the Northern Ireland Forum for Dialogue and Understanding from 1996-1998. Publications focus on domestic violence, human security and the role of women in peace processes.



Jonathan Powell: Jonathan Powell is founder and CEO of Inter Mediate, an NGO devoted to conflict resolution working in the Middle East, Latin America, Africa and Asia. Jonathan was Chief of Staff to Tony Blair from 1995 to 2007 and from 1997 was also Chief British Negotiator on Northern Ireland. From 1978-79 he was a broadcast journalist with the BBC and Granada TV and from 1979 to 1994 a British Diplomat.



Sir Kieran Prendergast: Served in the British Foreign Office, including in Cyprus, Turkey, Israel, the Netherlands, Kenya and New York; later head of the Foreign and Commonwealth Office dealing with Apartheid and Namibia; former UN Under-Secretary-General for Political Affairs. Convenor of the SG's Executive Committee on Peace and Security and engaged in peacemaking efforts in Afghanistan, Burundi, Cyprus, the DRC, East Timor, Guatemala, Iraq, the Middle East, Somalia and Sudan.



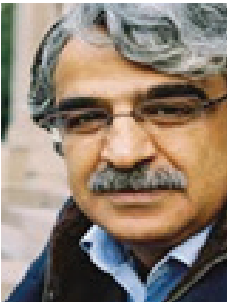
Prof. Naomi Roht-Arriaza: Professor at University of Berkeley, United States, expert and author on transitional justice, human rights violations, international criminal law and global environmental issues.



Rajesh Rai: Rajesh was called to the Bar in 1993. His areas of expertise include Human Rights Law, Immigration and Asylum Law, and Public Law. Rajesh has extensive hands-on experience in humanitarian and environmental issues in his work with NGOs, cooperatives and companies based in the UK and overseas. He is Founding Director of HIC, a Community Centred NGO based in Cameroon, and of Human Energy (Uganda) Ltd, and was previously a Director of The Joint Council for the Welfare of Immigrants (JCWI). Rajesh also lectures on a wide variety of legal issues, both for the Bar Human Rights Council and internationally, in India, Africa, Asia, and the USA.



Prof. Dr. Mithat Sancar: Professor of Law at the University of Ankara, expert and author on constitutional citizenship and transitional justice, columnist for Taraf newspaper.



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Mark Muller QC: Senior advocate at Doughty Street Chambers (London) and the Scottish Faculty of Advocates (Edinburgh) specialised in public international law and human rights. He has many years’ experience of advising on conflict resolution, mediation, ceasefire and power-sharing and first-hand experience of a number of conflict zones, including Afghanistan, Libya, Iraq and Syria. Since 2005 he is Senior Advisor to the Centre for Humanitarian Dialogue, Beyond Conflict and Inter-Mediate. He is also a Harvard Law School Fellow and former Chair of the Bar Human Rights Committee and Head of Rule of Law for the Bar Council. He is the founder of Beyond Borders – a Scottish initiative dedicated to fostering peace and international understanding through cultural dialogue. He currently acts as Senior Mediation Expert for the Standby Team of Mediators of the UN Department of Political Affairs.



Joost Lagendijk: Columnist for the Turkish dailies ‘Zaman’ and ‘Today’s Zaman’, and a lecturer on EU Institutions and Policies at the Suleyman Shah University, Istanbul. He is also the author and editor of a number of books on European border issues, US and EU foreign policy strategies, and modern Turkey. From 1998 – 2009 Mr Lagendijk was a Dutch Green Left Party Member of European Parliament, where he focused on foreign policy and EU enlargement. He has also served as Chair of the Parliament’s Turkey Delegation and the rapporteur for the Parliament on the Balkans and Kosovo. From 2009 to 2012, Mr Lagendijk worked as a senior adviser at the Istanbul Policy Center in Istanbul.



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