

To: All Assembly Members

17 November 2025

Dear Member

You will be aware that a valid petition was tabled under section 28B of the Northern Ireland Act 1998 on 21 October 2025. The petition, which was signed by 31 Members, expressed concern that a decision taken by the Minister for the Economy may have been taken in contravention of section 28A(1) of the 1998 Act; and that it related to a matter of public importance.

The petition related to a decision taken by the Minister to instruct officials to prepare additional measures to eliminate any risk of public funds being used to support the manufacture of arms or components that are used for genocide. The decision was communicated to the Assembly by means of a written ministerial statement on 16 October 2025.

In line with the requirements of Standing Order 29 and the 1998 Act, I have now undertaken the duties placed on me to reach a decision on this matter and announced my decision to the House today.

This is a procedure which has been rarely used – this is the first such valid petition to be received in more than ten years. Therefore, it is worth me briefly recording some key points. The fact that the petition was supported by more than 30 Members did not in itself refer this matter to the Executive. Rather, the receipt of 30 signatures required me to do two things.

Firstly, to consult the political parties in the Assembly. Secondly, it was then for me to decide ONLY whether the decision referenced in the petition was of public importance – in which case it is required to be referred to the Executive.

I wrote to all the parties and independent Members in the Assembly seeking their views on whether the subject of the petition was one of public importance. I am placing those responses from parties in the library.

Two parties did not provide a response but amongst the contributions that were received, there were a range of opinions. However, I need to record that many of those contributions focussed on the view of parties as to whether the Minister had the power to make this decision herself rather than on whether the decision related to a matter of public importance. The Act is clear that the only matter for me consider is whether the Minister's decision relates to a matter of public importance. Whether this was something that should have been decided by the Executive is not a matter for me to take into account.

Over the past few weeks, I have given this matter detailed consideration and I want to thank Assembly officials for the work they have done to provide me with advice. In doing so, I have reviewed the background to this matter and the responses from the parties. I have also considered the frequency with which Members have raised matters regarding relations with Israel in the Assembly. Finally, I have also taken legal advice.

Having taken account of all of these different elements, I have concluded that the only credible position for me to take is that the Minister's decision did relate to a matter of public importance. I have therefore written to the First Minister and deputy First Minister today to refer this matter to the Executive. The next steps are therefore now for the Executive and are not for me.

I return to the point that this is a procedure which is rarely used. However, it is clear that there are some aspects of this procedure which would benefit from greater clarification, particularly in relation to timelines. Therefore, I intend to make a ruling on the operation of this procedure in the next few weeks.

I have informed the Assembly of my decision as I am required to do and it is now for the Executive to consider and to inform the Assembly of the outcome within 7 sitting days.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Edwin Poots', written in a cursive style.

**EDWIN POOTS MLA
SPEAKER**

Names of Members who signed Petition to refer Ministerial Decision to the Executive

Trevor Clarke
Phillip Brett
Alan Robinson
Paul Frew
Stephen Dunne
Brian Kingston
Pam Cameron
Cheryl Brownlee
Diane Forsythe
Harry Harvey
Tom Buchanan
William Irwin
Gary Middleton
Keith Buchanan
Peter Martin
Emma Little-Pengelly
Gordon Lyons
David Brooks
Michelle McIlveen
Timothy Gaston
Diane Dodds
Steve Aiken
Joanne Bunting
Deborah Erskine
Jonathan Buckley
Andy Allen
Paul Givan
John Stewart
Doug Beattie
Alan Chambers
Maurice Bradley

Written Ministerial Statement – Minister for the Economy

Published on Thursday 16

October 2025

Dr Archibald (The Minister for the Economy): Since October 2023 Israel has killed more than 67,000 men, women, and children. The United Nations Human Rights Council Commission of Inquiry has confirmed the Israeli state's involvement in genocide against the Palestinian people. The British Government carries primary responsibility for ending arms sales to Israel. However all of us in wider society have a moral duty to do what we can to end the illegal occupation of Palestine, the imposition of apartheid, and the arming of genocide.

As Economy Minister I have oversight of Invest NI. Invest NI has provided an assurance that it does not support projects that manufacture arms or their components for supply to Israel. I asked Invest NI to review its investments to make sure that this is the case. The review is categorical - Invest NI does not support the manufacture of arms or their components for Israel. I welcome this finding.

I have also instructed my officials to prepare additional measures to eliminate any risk of public funds being used to support the manufacture of arms or components that are used for genocide. To that end my Department:

- Is developing a new Ethical Investment Framework, based on the UN Guiding Principles on Business and Human Rights.
- Expects companies seeking grant support to confirm that they are not manufacturing arms or components for countries committing genocide
- Will not engage in the British Government's trade talks with Israel while it continues to illegally occupy and impose apartheid on Palestine.

The current ceasefire must become permanent and lead to Palestinian statehood and an enduring peace in the region. In the meantime, I will continue working with my officials to ensure that Invest NI procedures for processing financial support are fully future-proofed and comply with the highest human rights standards.

Copy of the [Invest NI Review of Investments Report](#)

Sinn Féin response

Thank you for your correspondence regarding the petition requesting the referral of a decision by the Minister for the Economy to the Executive Committee.

As you correctly state, this decision relates to the minister's instruction to officials 'to prepare additional measures to eliminate any risk of public funds being used to support the manufacture of arms or components that are used for genocide'.

In that context, there is a clear responsibility on public authorities internationally to ensure that public funds or procurement practices play no role in facilitating such crimes against humanity.

The Minister's decision is therefore entirely correct. It is also entirely within her remit as Invest NI are accountable to the Economy Minister who has made clear her expectation regarding the ethical use of public funds.

The Economy Minister determines the work of departmental officials and clearly, she has instructed them not to participate in trade talks that the British Government has with Israel.

Sinn Féin fully support this decision.

Sinead Ennis MLA

DUP Response

Section 2.4 of the Ministerial Code includes a duty on Ministers to bring matters to the attention of the Executive that are significant and controversial. Despite the position of Executive parties in relation to Israel - and the use of public funds to support businesses which manufacture arms, including for Israel - being sharply divided, the Written Ministerial Statement of 16 October 2025 unambiguously reports a decision that the Minister has purported to have taken, without recourse to the Executive as whole. This, in our view, contravenes Section 28A(1) of the Northern Ireland Act 1998 - a key provision of the devolution settlement.

The Aerospace, Defence, Security and Space industries directly employ 9,000 people and 500 apprentices throughout the Northern Ireland. These sectors had a turnover of £2.2bn in 2024 and as such represent a significant contribution, not just to household incomes and prosperity, but to the Northern Ireland economy more generally.

Northern Ireland Partnering for Growth (NIPG) is an ongoing partnership between these industries, Invest NI and a number of Executive departments. The design and delivery of this strategy would be meaningfully impacted by decisions to place new requirements on businesses seeking grant support and to withdraw from talks aimed at providing sectoral trade support to the ADS industry.

The decision to unilaterally alter Invest NI procedures for processing financial support, and the Department for the Economy's relationship with Israel, is likely to create a chill factor for planned foreign direct investment in the local ADS industry.

The recent conflict in Gaza has led to an increase in public protest activity in Northern Ireland, as in the rest of the United Kingdom. It is clear that this Ministerial decision, taken outside of the Executive, which is the forum for discussion and agreement of significant and controversial matters, also fails to acknowledge the need to take account of community relations and widespread, divided public opinion on these issues.

No company in the ADS industry in Northern Ireland manufactures products specifically for the Israeli government. Therefore, this Ministerial decision will have far-reaching consequences for other sectors and supply chains, not least in relation to civil aviation.

Arms export controls, including issues relating to the any requirement for end use certification, are a reserved competence. Yet the Minister - in unambiguously purporting to have made the decision for her Department not to engage with UK trade talks with Israel - has not consulted, or had any engagement with, counterparts in the UK Government in relation to the proposed policy development.

Given that the UK, as well as countries in the EU, have committed to increasing defence spend in the short to medium term, it is possible that Ministerial decision will impact negatively on the confidence and capacity of the ADS sector locally to exploit these opportunities."

Trevor Clarke MLA

UUP Response

This motion clearly and demonstrably relates to a matter of public interest.

The fact that the Minister acted unilaterally in the first place confirms that she herself recognises this issue as one of public significance. She issued directives instructing that Northern Ireland should not engage in the United Kingdom's trade talks with Israel, and that Invest NI should not provide financial assistance to companies supplying arms or components used by Israel. Those are far-reaching policy positions with direct implications for our economy, our governance structures, and our international relationships.

This is not a devolved matter. The Secretary of State for Northern Ireland, in response to a written parliamentary question from Robin Swann MLA on 20 October 2025 (UIN 83659), made this explicitly clear. He confirmed that trade policy is a reserved matter and that the UK Government is responsible for negotiating international trade agreements on behalf of all nations and regions of the United Kingdom. He further noted that trade negotiations with Israel have in any case been suspended since 20 May due to the actions of the Israeli Government in Gaza and the West Bank.

That ministerial clarification underscores the constitutional point at the heart of this motion: the Economy Minister sought to act in an area that is reserved to Westminster and therefore beyond the competence of her Department or of the devolved administration.

Moreover, the decision is cross-cutting and potentially controversial. It engages the powers and responsibilities of multiple departments, including the Executive Office, the Department of Finance, and the Department for the Economy, and affects a major industrial sector of public importance. Northern Ireland's aerospace, defence, security and space industries contribute over £2 billion annually to our economy and support thousands of skilled jobs. The Minister's unilateral intervention introduces uncertainty into that supply chain, with potential consequences for employment, investor confidence, and the region's economic reputation.

It is also constitutionally controversial. Under the Ministerial Code and the Northern Ireland Act, a decision that is both significant and controversial, or which cuts across departmental boundaries, must be referred to the Executive for collective agreement.

That safeguard exists precisely to prevent one minister from taking unilateral action on sensitive policy issues such as this. The Minister did not do so, which is why this motion has been tabled. This matter further involves the use of public funds, as the Minister has publicly directed officials to prepare "additional measures to eliminate any risk of public money being used to support the manufacture of arms or components used for genocide." Whether or not one supports that moral stance, the fact remains that this involves taxpayer resources, grant eligibility, and procurement standards, all of which have clear public interest implications.

Finally, a call-in request under section 28B of the Northern Ireland Act, which confirms that it raises questions of competence and public accountability.

Taken together, these factors demonstrate that the motion unquestionably deals with a matter of public interest constitutionally, economically, and ethically.

Robbie Butler MLA

SDLP Response

Thank you for your letter of 23 October regarding the petition to refer the Minister for the Economy's decision of 16 October to the Executive Committee under section 28B of the Northern Ireland Act 1998.

The SDLP does not consider this to be a matter requiring referral to the Executive Committee as a matter of public importance.

We believe the decisions outlined in the Minister's written statement to ensure that public investment does not support companies implicated in human rights abuses or genocide and to refrain from participation in specific trade discussions fall properly within the Department for the Economy's remit to manage economic development and investment in an ethical manner. Ensuring that public funds are not used in ways that could contribute, directly or indirectly, to human rights violations or breaches of international law is a legitimate focus of a Department. The development of an Ethical Investment Framework, aligned with recognised international standards such as the UN Guiding Principles on Business and Human Rights, is a proportionate mechanism for strengthening that oversight.

In the same vein, decisions regarding a department's participation in trade engagement including the decision not to engage in particular trade talks - can reasonably be viewed as aligning with the Ministerial Code's requirement that Ministers act in accordance with the rule of law, in this case, international law. These actions are consistent with the principles set out in the Pledge of Office and do not, in themselves, create a new or cross-cutting matter warranting referral to the Executive Committee.

For these reasons, the SDLP does not consider the decision to be a matter of public importance requiring referral to the Executive Committee.

Colin McGrath MLA

TUV Response

I write in response to your letter of 24th October 2025 relating to the petition which carries my name along with others following a statement by the Minister for Economy.

You asked if I could detail why I regard the announcement to be one of public importance. This matter is, in my view, one of clear public importance and warrants the attention of the Assembly for the following reasons:

Ministerial Accountability and Executive Process

The statement announced substantive policy changes concerning Invest NI's engagement in international trade discussions and the development of a new "Ethical Investment Framework." These are not minor administrative measures but significant policy departures. Such matters should properly be brought before the Northern Ireland Executive for collective approval under the terms of the Ministerial Code.

The absence of Executive consideration raises questions about whether due process and the principles of collective responsibility have been observed.

Economic Implications for Northern Ireland

The Minister's direction that Invest NI will not engage in the Government's trade talks with Israel has potentially serious economic consequences for Northern Ireland businesses. It could restrict trade opportunities, affect existing commercial relationships, and damage Northern Ireland's reputation as a reliable trading partner within the United Kingdom. My colleague Councillor Ron McDowell is in Israel as I write seeking to build relationships yet the Minister is seeking to trash them.

Constitutional and Legal Significance

Foreign affairs and international trade policy are reserved matters under the Northern Ireland Act 1998. The Minister's announcement strays into areas well beyond devolved competence, setting a precedent for unilateral ministerial action on matters constitutionally outside the Assembly's remit. Such an overreach is a legitimate concern of public importance that the Assembly must be able to scrutinise.

Public Interest and Transparency

Given the sensitivities involved in international trade and the moral language used in the statement, there is a strong public interest in ensuring that departmental pronouncements of this kind are subject to open Assembly debate and not made unilaterally. The public deserves assurance that economic decisions are taken on lawful, accountable, and collectively agreed terms.

For these reasons, I respectfully submit that the petition concerns an issue of significant public importance, engaging both the proper functioning of devolved government and the economic wellbeing of Northern Ireland.

Timothy Gaston MLA

Claire Sugden Response

Yes I agree, it's a matter of public importance.

Claire Sugden MLA

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