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See the above. See draft. as per 12.11. The revised text, however, placed new and different on the original. For the in obs. 29/10.

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Observations on draft "Security: Return to Normality"

1. The Government welcomes the presentational improvements in the draft paper on the normalisation of security arrangements and the inclusion of the specific date of May 2000 as the British Government's firm objective for complete normalisation. However, aside from the date specific, the paper fails to provide any further details on the sequence of events that will lead to the accomplishment of normalisation in May 2000. Since the realisation of complete normalisation must necessarily involve a sequential closure of military bases, troop withdrawals and other developments - provision for which must already be in train - it seems unnecessarily minimalist not to refer in some way to this sequence. Indeed, the value of the paper overall suffers from this absence of detail. There is no apparent obvious or counterbalancing advantage to withholding this information. It is the Government's firm belief that some indication of the major steps which will take place toward the achievement of complete normalisation by May 2000 should be added to the current draft if the paper is to achieve the confidence building implicit in the commitment to publication.

2. With the addition of this information, the final sentence in paragraph 1 may therefore allude to what is proposed as opposed to simply what has been done and why.

3. The Government wishes to remind the British side that the text of the Good Friday Agreement on Security specifically avoided references to “the rest of the United Kingdom” in favour of the more generic “normalisation in the context of a peaceful environment” or “appropriate to and compatible with a normal peaceful society”. The reason for this was and is obvious to most ie, that nationalists do not by definition find comfort in the context of the United Kingdom but rather in the context of the island of Ireland as a whole. That is why they are nationalists. We would also like to remind the authors of the draft that the Good Friday Agreement was a very delicate exercise in the definition of constitutional status and that consequently any references in documents arising from the provisions of the Agreement should adhere to the sensitivities and nuances of expression achieved in the text of the Agreement. We strongly recommend therefore that the draft excise references to the “rest of the United Kingdom” in paras 1 and 3 in favour of the terms used in the Agreement. The phrase “in the rest of the United Kingdom” should therefore be replaced by “in a normal peaceful society”.
4. Paragraphs 2 and 10 contain a reference to paramilitary “capability” as one of the key factors in determining the timescale for normalisation. There is no reference to capability in the text of the Good Friday Agreement. By this inclusion, there is a suggestion that normalisation is dependent in part on decommissioning since “capability” in strict military terms is a factor of resources. If this is an inadvertent connection by the authors, it can be rectified by deleting the reference to capability. If it is a deliberate one, we would be grateful for a clarification and further discussion on this before the draft paper is taken any further.

5. The reference to "potential for public order" raises further questions. It is outside the parameters on normalisation established by the Agreement which the published security strategy is meant to clarify, not change. Any normal society makes provision for the potential for public disorder without recourse to the kind of security arrangements in place in Northern Ireland. It would seem unusual to deploy the argument that the potential for public disorder would be used to defend the maintenance of a security apparatus specifically designed to counter the activities of paramilitaries. It would suggest, somewhat bizarrely, that the potential for serious public disorder in Portadown, for example, in future years be used a factor in delaying the dismantling of the observation towers in South Armagh as part of overall normalisation. The prospect of serious public disorder in Portadown in July 1998 was met by the addition of extra troops specifically trained, we understand, in riot control. Such a contingent provision of extra resources does not depend on the maintenance of the current security apparatus. The reference to potential for public order should therefore be dropped.
6. Paragraph 3 of the draft paper illustrates our concerns about the vagueness of the commitments compared to the date specific. It would surely not be difficult to be more specific about times and locations for the developments referred to in the text. The response to the announcement of the Whiterock base illustrates the potential for very positive local reaction. The potential for the published security strategy to elicit a similarly positive but more profound widespread response is lost by the lack of any detail.

7. By way of illustration of what we would regard as a paper approaching the satisfactory, we attach a suggested text of a phased approach which could, if incorporated, remit the deficit in the current paper and clarify the evolution of security strategy as it approaches the target of May 2000.
8. What, for example, is the first turet of para 3 (b) meant to convey? It is unquantifiable and without some detail virtually meaningless. Similarly, the value of para 3 (c) is undermined without an indication of the sliding scale of the British Army's presence in Northern Ireland. The caveat alone that such a decrease would necessarily be contingent on a peaceful environment would be sufficient to temper any commitments made now on the basis of a presumption of continuing peaceful environment. The same logic applies to para 3 (d) on legislation.
9. It is our firm belief that the published security strategy only has real value if it is written on the presumption of a sustained peace. If it is written on the presumption that peace will end, it is a largely meaningless - and potentially counterproductive - exercise.
10. The Good Friday Agreement makes specific reference to continuing consultation on firearms regulation and control. At the very least, there should be a reference to this issue and how the British Government is fulfilling that commitment.
11. There is no reference to the commitment in the Agreement to other measures appropriate to and compatible with a normal peaceful society. We recommend that there should be such a reference and that it include specific

proposals on key issues such as plastic bullets, the maintenance of public interest immunity certificates and the role and future of the RIR.

12. The reference to the work of the Patten Commission (para 5) tends to be confusing. It would be wise to avoid any presumptions on what the Patten Commission may recommend. It may not, for example, recommend a smaller RUC. We recommend that any language on policing adhere rigidly to the vocabulary of the Good Friday Agreement, particularly on this highly sensitive issue. Incidentally, the reference to a reduction of one fifth in police overtime compared to 1994 (para 8(c)) does not seem particularly significant for a police force that is at least twice the size required in a peaceful environment. A truer measure would be an index in the reduction of over-time for activities not related to Drumcree.
13. Para 7 refers to issues which are not linked in the Good Friday Agreement to normalisation. Normalisation is contingent solely on a peaceful environment. What precisely is the intention of this paragraph?

Conclusion

14. With the exception of the date of May 2000 and overall presentational improvements, the draft paper is not greatly clearer on what the promised security strategy entails. As it stands, it is likely to lose the advantage of the confidence building which is the reason for its promise in the first place. Furthermore, the general thrust of the text is to review what has already happened - para 9 states "this paper has described the progress now well underway". Yet it is clear from the Good Friday Agreement that the

published overall strategy should prescribe what will happen under four specific headings. Under these headings, the draft paper does not add significantly to the terms of the Good Friday Agreement. To be credible, the paper must add significantly to the public's understanding of what will happen as part of the normalisation process above and beyond the principles adumbrated in the Good Friday Agreement. We strongly recommend that the paper include significant additional details of locations, timings, deployments and resources of the planned de-escalation which is designed to ensure normalisation by May 2000 and that it draw on the annex attached as a structured and logical approach to setting this out.

Annex

I First Phase

1. During this phase the following measures will be implemented:

Armed Forces Numbers: All six roulement battalions will return to their home bases in Britain on a permanent basis. In addition one thousand other soldiers on longer tours will return to their home bases in Britain and not be replaced in Northern Ireland.

Role of Armed Forces: Army support to the RUC will be wound down so that by the end of the phase only in the case of particularly serious security incidents will the RUC be supported by the military. All military patrolling in urban areas will be ended. All Royal Irish Regiment personnel will be withdrawn to barracks and take no further part in patrolling or other security activity outside their barracks. All security forces personnel will operate in "soft hats" and RUC officers will carry sidearms only in all routine operational contexts.

Security Installations: The fifteen remaining Permanent Vehicle Checkpoints, including twelve on the border, will be completely dismantled by the end of this period. Surveillance towers and masts in areas such as West Belfast and Derry will also be dismantled. The British Army will complete a review of their operations on the ground in South Armagh and adjacent areas to prepare for the commencement in the second phase (see below) of the progressive dismantling of the surveillance towers and associated installations in that region. The dismantling of the over 200 security barriers/gates in Belfast and twenty other urban locations throughout Northern Ireland will commence. A sustained programme of defortification of RUC and Army bases and public buildings will commence.

Emergency Powers: The Government will publish its consultation paper on future UK-wide anti-terrorist legislation. The Secretary of State for Northern Ireland will give active consideration to lapsing provisions of the Emergency Powers Act and, in any case, ensure that jury trial becomes the norm.

Other Measures: Plastic Bullet Rounds will be withdrawn from operational use. Pending their destruction during the next phase, they will only be available in one central stock for use in extreme situations on the direct authority of the Chief Constable.

II Intermediate Phase

2. During this phase the following measures will be implemented:

Armed Forces Numbers: A further one thousand regular British Army troops will be withdrawn on a non-replacement basis to their home bases in Britain.

Role of Armed Forces: Out-of-barracks British Army activity will be wound down completely in all areas with the exception of the South Armagh region where a scaling down of the military presence will commence. Any searches, apart from the South Armagh area, will be conducted by the RUC only.

Security Installations: Five surveillance towers and their associated structures in the South Armagh area will be completely dismantled and the troops required to support them will be withdrawn to barracks. There will be a very substantial reduction in British Army helicopter activity in the South Armagh area during this period as these towers and associated structures are dismantled. The British Army will also withdraw completely from the Crossmaglen Rangers GAA Club and make good all damage to the Club grounds and premises. The dismantling of urban security barriers/gates will be completed. All control zone orders will be lifted.

Emergency Powers: The Emergency Powers Act will not be renewed in any form on its expiry in June 1999 and the Diplock Courts will accordingly cease to exist. All derogations from the European Convention on Human Rights and the International Covenant on Civil and Political Rights will be **withdrawn**. All Holding Centres will be closed.

Other Measures: The existing stock of Plastic Bullet Rounds will be destroyed. The Secretary of State for Northern Ireland will introduce appropriate changes in the use of Public Interest Immunity Certificates, the law on the use of force and in the procedures at Inquests in the context of normalisation and of the Criminal Justice Review to be completed by autumn 1999.

III Final Phase

3. During the final phase the implementation of the proposals of the Independent Commission on Policing for future policing structures and arrangements will obviously be central to the process of normalisation. However, as noted above this paper is not intended to address matters which are before the Independent Commission on Policing and which will be the subject of consultation between the Government and the parties in Northern Ireland and the Irish Government when the Commission reports. Other measures to be implemented in the final phase will include the following:

Armed Forces Numbers: British Army numbers in Northern Ireland, including the Royal Irish Regiment, will be reduced to a maximum of 5,000 through further withdrawals of troops to their home bases in Britain and a restructuring or disbandment of the Royal Irish Regiment.

Role of Armed Forces: The role of the Armed Forces will be confined to normal peace time duty throughout Northern Ireland.

Security Installations: All remaining surveillance towers, masts and associated

military structures throughout the South Armagh area will be completely dismantled and removed. Helicopter flights will be ended in accordance with the general point under Other Measures below. The external and internal structures of police stations will be completely modified to ensure a normal civilianised appearance and appropriate modifications will also be made to remaining military facilities.

Emergency Powers: The Prevention of Terrorism Act will be repealed in the context of any new UK-wide anti-terrorist legislation that may be necessary. If such legislation is introduced it will not refer specifically to Northern Ireland or Ireland.

Other Measures: All military helicopter flights throughout Northern Ireland, apart from those related to specific incidents or normal training and search and rescue missions, will end. New regulations will ensure a substantial reduction in the number of personally-held firearms, with the ultimate aim of withdrawing all such weapons, and stricter controls on and a reduction in the number of firearms held by clubs.

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SECURITY: RETURN TO NORMALITY

THE GOVERNMENT'S APPROACH

A Fresh Start

1. The Good Friday Agreement represents a fresh start. It offers a way out of thirty years of violence, hope for our young people and the chance to build a new and prosperous Northern Ireland. It also reaffirms the Government's commitment to the 'normalisation' of security arrangements in Northern Ireland as quickly as the activities of terrorist organisations and the public order situation allow. We want an early and complete return to the arrangements which apply in the rest of the United Kingdom; to a situation where there is no further need for Northern Ireland-specific counter-terrorist measures or for soldiers to patrol the streets in support of the police. We want to see policing structures and arrangements which have widespread community support. This paper explains the steps required to meet those goals, what we have already done and why.

The Future

2. As the Chief Constable of the Royal Ulster Constabulary, Ronnie Flanagan, has said: "If we reach a point where the threat of violence faced by my officers and faced by the public is dramatically reduced, people will see a dramatic change in the way we go about our business". The Government's firm objective is to transform the security environment and achieve complete normalisation by May 2000 as part of the implementation of the Agreement as a whole. But to do this we - and the people of Northern Ireland - must be confident that within that timescale the threat from, and capability of, all paramilitary groups

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has been removed, the potential for public disorder has receded and the Agreement has been fully implemented.

3. As we make progress towards this objective, steps to achieve normalisation will be taken across the board and will include:

(a) Security installations

- security barriers and gates left open and eventually completely removed;
- remaining control zone orders lifted;
- a progressive defortification of police and Army bases and public buildings; and
- the phasing out of counter-terrorist military bases and other installations.

(b) Security force operations

- cumulative changes to the nature of security force operations (for example use of protective equipment) in line with the reducing threat;
- continuing reductions in military support to routine police patrols and in operations specifically designed to counter terrorist activity (for example vehicle check points, searches and some helicopter operations); and

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an end to all military operations in support of the police (save where specifically requested, for example for civil emergencies or major public disorder, as in the rest of the United Kingdom).

(c) Army force levels

further withdrawal of battalions posted temporarily to Northern Ireland back to their permanent locations in Great Britain and Germany, where they would remain available to the General Officer Commanding should they be required to return:

a subsequent reduction in the number of troops committed to operations in Northern Ireland and available to the GOC;

for those units remaining in Northern Ireland, a return to normal garrison life as elsewhere in the United Kingdom, with soldiers carrying out their normal peacetime duties, such as training and preparations for operational deployments elsewhere.

(d) Legislation

a continuing decline in the use of the counter-terrorist legislation as the security situation improves;

the suspension of individual powers under the Emergency Provisions Act as the requirement for them ends:

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- an increase in the proportion of jury trials as terrorist-type offences fall away; and
- provision for the removal of all measures specific to Northern Ireland from any future United Kingdom counter-terrorist legislation.

Need to Protect the Community

4. Neither the Government nor the police have any desire to retain special security measures for longer than is necessary. But the Government still has an overriding duty to protect the community from terrorism, from whatever quarter and in whatever form it comes, and to maintain public order. The police and (while still required) the Army must and will have available to them the resources and the legislative powers needed for these tasks. Excellent co-operation between the RUC and the Garda continues and will develop further. Recent legislation has aligned anti-terrorism law in the two jurisdictions even more closely than before.

. . . . Whilst Looking To Normality

5. Progress is well under way. Chris Patten is chairing the independent Commission on Policing, which was established under the Good Friday Agreement and will make recommendations by the Summer of 1999 for future policing arrangements in Northern Ireland, including means of encouraging widespread community support for these arrangements. In looking ahead to normal security arrangements, it is natural to examine the community's requirements for policing in terms of the type of service it needs, how that should be delivered and consequently what size of force is required. One of the changes which the

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Government and the Chief Constable acknowledge as likely in peaceful circumstances is a reduction in the size of the Royal Ulster Constabulary. The Chief Constable has said: "Obviously we hope that we will arrive at a position where we have a true and durable lasting peace. If we arrive at that position then, of course, the RUC will become a significantly smaller organisation". The Government is on record as saying that police officers in these circumstances will be treated with sympathy and generosity.

6. In the light of the Patten Commission's report, we will need to take decisions on the consequent size and shape of the Army in Northern Ireland which go beyond the changes already made.

7. We are also moving forward in other areas. Agreement has been reached on how to pursue decommissioning schemes in both North and South. And the Independent International Commission on Decommissioning is pursuing its task with determination and vigour. The arrangements agreed by the Sentence Review Commission for the release of qualifying prisoners are being implemented. The needs of the victims of violence are being urgently addressed in the light of Sir Kenneth Bloomfield's report We Will Remember Them. Human Rights and Equality Commissions are being established. Consultation on the criminal justice review began in August. A consultation document on the requirement for future counter-terrorist legislation will also soon be published, with views invited from all sides of the community.

8. And major changes have already been made to the security profile:

- (a) Emergency legislation The use of emergency powers has been greatly reduced to reflect changes in the terrorist threat. The power of internment has been removed from the statute book and all

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exclusion orders have been lifted. Between 1994 and 1998 arrests in Northern Ireland under the Prevention of Terrorism Act fell by nearly 70% and extensions of detention by three quarters. Security force searches under the Emergency Provisions Act fell by 85%. The number of juryless trials also declined by 85%, despite the fact that the Provisional IRA's ceasefire was not reinstated until July 1997. But the Government has not hesitated to take firm and carefully calibrated action when the threat requires, for example after the Omagh atrocity. The new Criminal Justice (Terrorism and Conspiracy) Act was a targeted, proportionate response against small unrepresentative groups who were not observing a full and unequivocal ceasefire.

- (b) Physical security measures Since 1995 [twelve - **CHECK BEFORE PUBLICATION**] Army bases have been closed or demolished. The great majority of vehicle control zone orders have been rescinded. Barriers and checkpoints have been opened in Belfast, Londonderry, along the border, at Belfast International Airport and in towns and villages across the Province. 97% of the border roads previously closed have now been re-opened. In several places barriers and other security furniture have been removed completely.
- (c) Policing Already on the ground the Chief Constable is changing the level and nature of policing to reflect the reduced threat. Increasingly the police patrol without Army support, often on foot or in normal police cars and without flak jackets and other protection. Emergency powers to stop cars and people are now much less used. Compared with 1994 (when there were no significant

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Drumcree disturbances) police overtime this year to date (including Drumcree) is one-fifth lower than it was

Recently completed police stations (for example in Belfast and Lisburn) have been designed to fit in better with the local environment. That process will continue as the terrorist threat diminishes.

- (d) Army support to the police. Within months of the 1994 ceasefires, routine military patrolling in support of the police had been reduced by three quarters and a number of infantry battalions had returned to their bases outside Northern Ireland. The ending of the Provisional IRA ceasefire meant that some soldiers had to come back. But within a few weeks of its reinstatement in July 1997 military patrolling had reduced by half. daytime military patrolling in Belfast, Londonderry and many other areas had ended and troop levels had again fallen.

Since the Good Friday Agreement, further significant reductions have been made overall, although the upsurge of violence and public disorder earlier this year necessitated a temporary increase in security activity. For example, helicopter flying has been reduced by a third and routine military patrolling by a further two-thirds. Recently, routine military patrolling in the Greater Belfast and South Derry areas has ended altogether. There are now fewer soldiers in Northern Ireland than at any time since the 1994 ceasefires. Across most of Northern Ireland, the police operate without Army support.

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Conclusion

9. The Good Friday Agreement gives new impetus and direction in all areas, not only security, by shifting the focus to the future and to new ways of resolving old problems. This paper has described the progress now well under way.

10. But the horror of Omagh demonstrates the need to maintain vigilance. The Government's response to that atrocity was targeted and proportionate, demonstrating our determination to safeguard the Agreement from those who seek to undermine it by violence. And it has not prevented the Chief Constable's reductions in Army activity and overall troop levels or closure of security force bases. If, as the Government hopes and expects, the level of terrorist threat and capability continues to diminish and eventually to be removed, so the Chief Constable will move quickly towards creating normal policing arrangements in Northern Ireland, with an end to special security measures. The Government, the police and the Army are pursuing this objective with energy and determination. But the speed with which we can move to implement the steps outlined in this document depends on the actions of those who choose to employ violence - or the threat of it - for political ends.

11. Terrorism serves only to cause pain and suffering in the community and to hold up the achievement of peace and regeneration. So long as the terrorist threat continues to decline and disappear, progress towards complete normalisation will be rapid.

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