



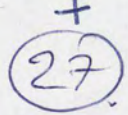
An Chartlann Náisiúnta National Archives

Reference Code: 2021/97/13

Creator(s): Department of the Taoiseach

Accession Conditions: Open

Copyright: National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.



Speech by the Taoiseach

Mr. John Bruton, T.D., for Ending of National Emergency

in Dail Eireann on Tuesday, 7 February, 1995 at 4:30pm

CHECK AGAINST DELIVERY

I move:

"That Dáil Eireann hereby resolves, pursuant to sub-section 3 of section 3 of Article 28 of the Constitution, that the national emergency created by the armed conflict referred to in the Resolutions, pursuant to the said Article, of Dáil Eireann and Seanad Eireann of 1st September, 1976, has ceased to exist".

First I would like to put tonight's motion in its historical context.

This country has been under a state of emergency since 1939. The state of emergency was first initiated by the outbreak of the Second World War, which became euphemistically known here as the "Emergency".

It is worth recalling, in this the 50th anniversary of the end of that war, a war which defeated the most appalling tyranny Europe has ever known, that a total of 46 million people were killed in its six year duration. Six million Poles were

killed under the Nazi occupation, of whom half were Polish Jews. Six million Jews altogether were killed, just because they were Jews. Many sacrifices were made to end this tyranny. Our nearest neighbour - Britain - lost more than a quarter of a million service men and women and an estimated 10,000 people from the island of Ireland made the ultimate sacrifice and were killed in action.

This puts our remaining troubles and disagreements in context. It points, to my mind, to the need to build a single European economy, with each part so inter dependent on the other that war in Europe becomes impossible.

The more immediate cause of the continuation of the state of emergency from 1976 to date was violence associated with the troubles in Northern Ireland. In those troubles, over 3,000 people have lost their lives. We owe an incalculable debt to all those who helped bring that violence to an end. Some have been publicly acknowledged. Others, by choice, remain anonymous. Yet others, who did not take part directly in the peace process, contributed by their silence, by their discretion or by their willingness to accept the good faith of people they would not normally have been inclined to trust.

That is what the peace process now requires from all sides: from Sinn Féin right across to the British Government, from unionists as well as nationalists, - a willingness to trust those one would normally not have been inclined to trust.

The Government are asking both Houses of the Oireachtas, through this motion, to bring to an end the national emergency resolved by the Dáil and Seanad Eireann to exist on the 1st of September, 1976.

The declaration of a national emergency at that time, in accordance with Article 28 of the Constitution, was occasioned by the need to secure public safety, and to preserve the State against the background of the armed conflict then taking place in Northern Ireland. Events that summer, notably explosions at the Special Criminal Court and the murder of the British Ambassador Christopher Ewart-Biggs and Miss Judith Cooke, represented disturbing new developments which were seen by my predecessor, Liam Cosgrave to present a direct challenge to the authority of the institutions of State, and to their continued ability to discharge the functions entrusted to them under the Constitution.

The declaration of the national emergency on September 1st 1976, coincided with the ending, by Dáil and Seanad Eireann, of the national emergency which

had been declared in 1939. The ending of the national emergency now, in 1995, is not without significance, and hopefully opens a new phase in our history when threats to our security, from whatever source, are a thing of the past.

The motion before the House gives effect to the commitment contained in the Government Programme - A Government of Renewal - to expedite the lifting of the State of Emergency with a view to consolidating the peace process. A decision to move such a motion was signalled by the former Government on 25 October last, but had not been acted upon prior to the change of Government.

This Government believe it right to bring this motion before the House at this time. It represents a further positive response to the new situation created by the complete cessation of military operations by the Provisional IRA as and from 31 August 1994 and the decision of the Combined Loyalist Military Command on 13 October 1994 to universally cease all operational hostilities. We believe those developments represent a decisive change and a turning-point in the history of our island.

The ending of the national emergency will signal our confidence in the developing peace process and our continuing determination to harness the opportunities for a just and lasting peace. Declaring the end of that emergency will moreover help underline the return to normality which the developments of recent times represent and the new hope and opportunities which that can mean.

The ending of the national emergency will have more than symbolic meaning. It will have legal consequences as well. The Emergency Powers Act, 1976, enacted immediately following the declaration of the national emergency in 1976 will, in accordance with the provisions of section 3 of that Act, automatically expire on the passing of this resolution by both Houses. Moreover, section 15 of the Criminal Law Act 1976 - which empowers members of the Defence Forces to arrest and search in certain defined circumstances when acting in aid of the civil power - will cease to have effect. This is because that section has effect only as long as the Emergency Powers Act 1976 is in force.

The powers conferred on the security forces of this State by those legislative provisions are, of their nature, exceptional in our legal system. This is evident from the fact that the extended period of detention for up to 7 days, allowed by the Emergency Powers Act, was allowed to lapse in 1977, although the possibility of bringing it back into force was preserved. It is right therefore that these exceptional powers should now go.

The motion has no direct implications for the continued operation of the Offences against the State Acts 1939-85. That legislation is a separate matter and the issues which arise are quite distinct from those arising in connection with the ending of the national emergency. The Government nevertheless intend to review that legislation as well, in line with the commitment contained in its Programme to review all legislation and court arrangements associated with the management of the conflict over the past twenty five years.

I want - as I am sure all Members of the House will want - to take this opportunity to pay tribute to the security forces of the State for their dedication and professionalism in safeguarding our security during what has been a troubled and turbulent period in our history. We owe the men and women of the Garda Síochana and the Defence Forces a great debt for their steadfast and

tireless efforts on behalf of all our people. We remember, at this time in particular, those members of the security forces who have paid the ultimate sacrifice in defending the security of the State: Garda Dick Fallon, Inspector Samuel Donegan, Garda Michael Reynolds, Garda Michael Clerkin, Garda John Morley, Garda Henry Byrne, Garda James Quaid, Garda Patrick Reynolds, Sergeant Patrick McLaughlin, Garda Peter Garry Sheehan, Garda Francis Hand, Sergeant Patrick Morrissey, Prison Officer Brian Stack and Private Kelly of the Defence Forces.

In asking both Houses of the Oireachtas, through this motion, to bring to an end the national emergency, the Government are guided by the desire to consolidate and advance the peace process. The ultimate requirement remains, of course, the achievement of an agreed political settlement that would secure the support and allegiance of both traditions on this island. To that end, the Irish and British Governments are determined to complete as soon as possible our negotiations on the Joint Framework Document, as a basis for the process of dialogue involving the two Governments and the political parties in Northern Ireland. The Document, therefore, will be of immense importance in terms of all our efforts to realise the full potential of this new era of peace. I would

encourage all to be guided in the days ahead by the hopes of so many for a political settlement in an environment of lasting peace.