

290/96

ASST 2756
SEC 14 FEB 1997
CENT

"WINTER WORKSHOP" ON NATIONAL DEFENCE MANAGEMENT AND INTERNATIONAL SECURITY, KOMORNI HRADEK, 20-29 JANUARY 1997

MILITARY ASSISTANCE TO THE CIVIL POWER: HANDLING OF CIVIL EMERGENCIES
NORTHERN IRELAND - A WESTERN EUROPEAN CASE STUDY

1. Introduction - what this paper is about

1.1 A tradition of political violence deeply rooted in the fabric of society has probably bedevilled Northern Ireland longer than anywhere else in Western Europe. What follows offers a short introduction to one central aspect of British policy in Northern Ireland: how successive administrations have tried to establish a just and lasting peace in that part of the United Kingdom, and how the Security Forces in general, and the Armed Forces (chiefly the Army) in particular, contribute to that objective.

1.2. This paper also suggests lessons of wider application, while recognising that the problems faced by the British Government in Northern Ireland are the product of very particular historical circumstances: Northern Ireland is not, after all, the Basque country, still less the former Yugoslavia or Chechnya. Moreover, the British tradition of law, public administration, and policing is distinctive and sets the United Kingdom in some ways apart from the different traditions of continental Europe. To understand how successive British administrations have, and are addressing the problems of political violence in Northern Ireland (our continuing "civil emergency") let alone understand the special contribution made by British Policemen and Soldiers (of both sexes), one first needs therefore to be clear about:

- the wider aims of British policy in Northern Ireland;
- the problems facing the British Government in Northern Ireland; and

- the complex relationships between them.

These are dealt with in turn below.

2. The wider aims of British policy

2.1 Begin with constitutional basics. The British Government is committed to the democratic principle that Northern Ireland will not cease to be a part of the United Kingdom without the consent of a majority of the people who live there. Thus, Northern Ireland remains part of the United Kingdom because that is what most of its inhabitants want. It will remain so unless that changes. Such a majority desire for a change in status, as shown in successive free and democratic elections, clearly does not exist. There is, moreover, no reason to expect it to change in the foreseeable future. However, if it does, and if a majority of people clearly wish for and formally consent to the establishment of a United Ireland, the British and Irish Governments are committed, under the 1985 Anglo-Irish Agreement, to introduce and support in their respective Parliaments legislation to give effect to that wish.

2.2 Against that constitutional background, the present Government has sought, like its predecessors since Westminster resumed direct responsibility for government in Northern Ireland in 1972, to provide Northern Ireland with good administration. But "Direct Rule" from London was never intended to be a permanent arrangement. The Government's objective is, accordingly, to secure a comprehensive political settlement, transferring substantial power and responsibility to locally elected politicians on a widely acceptable basis, that would guarantee peace, stability and prosperity in Northern Ireland within a framework of harmonious relations with the rest of the United Kingdom, with the Republic of Ireland, and within the context of our membership of the European Union. It is achieving these

objectives, including frustrating those who seek to promote their political agenda by violence or the threat of violence, that creates the challenge. What follows explains why.

3. The divided community and its implications for Government policy

- 3.1 One should neither overstate, nor regard all the problems of Northern Ireland as wholly exceptional. They are, in large measure, those of many other "peripheral regions" of the European Union or of the rest of the United Kingdom. But there is one special problem which only has the palest political shadow in modern times in the rest of the United Kingdom: a community divided, roughly speaking, on sectarian lines.
- 3.2 Northern Ireland's political, social and economic and security difficulties have, at their root, deep, often extremely bitter and even murderous divisions of allegiance within the community. These go back to the "plantation" of Scottish and English settlers in the North East of Ireland in the early 17th century. These divisions are reinforced and reflected in economic and social disparities, real or imagined, and by the fact that both sections of the community see themselves as potentially threatened minorities: Unionists/Protestants within the island of Ireland as a whole; Nationalists/Catholics within the North.
- 3.3 The nature of this division, and the corresponding absence of any clear Northern Ireland identity - with many in the minority (Catholic) community arguing that their interests can only be protected in a United Ireland or by giving the Irish Government a formal role in relation to Northern Ireland - raises issues of constitutional status in an acute form, and gives the problem an international as well as a domestic character. It can also call into question the legitimacy of the State and its agencies - including, crucially, of the Security Forces and the system of criminal

justice who are in the forefront of the fight against terrorism.

3.4 The communal divisions have also, in accordance with a long tradition of functional political violence, found expression in, and been exacerbated by terrorism from both sides of the community. This terrorism itself exploits and exacerbates community tension, further damaging the fabric of society and, for instance, weakening the economy. But in intensifying unemployment (or damaging job prospects), it provides a recruiting ground for terrorists and makes it harder to achieve a durable political settlement, leading to instability which in turn In short, Northern Ireland's political, security and economic and social problems are all intimately and inseparably interconnected for both ill and good. (Following the hopes of lasting peace following the IRA and Loyalist ceasefires of 1994, the economy surged forward in ways that the resumption of IRA violence is already dampening eg through the impact on tourism). The British Government have a corresponding need to tackle all these deep seated problems, and the legacy of a long and often unhappy history, together. This creates a particular challenge both for Government, whether politicians or administrators, as well as for the Policemen or the soldiers acting in their support.

4. The Task of Central Government

4.1 Central Government, including here the Security Forces, have therefore, collectively, to:

- implement a coherent strategy across the work of Government as a whole, with complementary and reinforcing policies in the political, security, economic and social fields - and which can both endure temporary setbacks in any particular area of activity as well as being sufficiently flexible to permit tactical adjustment and shifts in priorities between

the main strands of policy; and,

- ensure, at all levels, a high degree of co-ordination across the whole Government machine, having regard also, in the security field to the operational independence, in the British system, of the Chief Constable of the Northern Ireland police service (the Royal Ulster Constabulary (RUC)).

- 4.2 In doing so, they must respect the principles of equality of opportunity, equity of treatment and parity of esteem irrespective of political, cultural or religious affiliation.

Lesson 1:

The Security Forces (including the Armed Forces) are neither operating in a wider policy vacuum nor treating violence in isolation, but as part of a coherent, "holistic" strategy for dealing with the complex, but interrelated problems of the Province.

5. Security policy - "Police Primacy"

- 5.1 Turning specifically to the security policy element within that over-arching policy framework, the British Government is specifically committed to the eradication of terrorism through the even-handed and energetic enforcement of the criminal law. (This is complementary to their efforts, first to induce the IRA to restore unequivocally their ceasefire of August 1994, and to establish a commitment to exclusively peaceful methods and show that they abide by the democratic process - which would win them admission to the Political Talks process; and, second, to eliminate the economic and social discontents which nourish terrorism).

5.2 To this end:

- the police will continue to take primary responsibility for the prevention and investigation of all crime including terrorism. This is the doctrine of Police Primacy. The Armed Forces will act in support of the RUC in tasks allocated to them by the Police.
- wherever and whenever possible, the Police will operate without military support, in accordance with the goal of restoring normality, and with the ultimate aim that all military support to the Police should be dispensed with when the security situation permits. (Thus, during the paramilitary ceasefires of 1994-96, the RUC could, for the first time in many years, operate effectively in virtually all Northern Ireland, responding quickly to public need without direct Army support);
- the Government will provide a legal framework within which the Security Forces can act to defeat terrorism, while providing appropriate safeguards for individuals;
- the British Security Forces will continue to co-operate closely on security with the Government of the Republic of Ireland (whose Government remains, like the British, determined to bring terrorism to a complete and permanent end);
- members of the Police and Armed Forces, like all other citizens, will continue to be subject to the law; and
- the Police and Armed Forces will continue to be governed by the legal principle of using only such force as is reasonable in the circumstances in preventing crime and arresting offenders.

Lesson 2:

The Armed Forces are neither operating autonomously nor in primarily military mode, but are backing up the Police.

Lesson 3:

The Armed Forces, in common with the police, are operating under the rule of law, using the least force necessary to achieve their objective of defeating terrorism under the law.

- 5.3 The Government's strategy for defeating terrorism was set out more fully in a "Statement of Security Policy", issued by the then Secretary of State for Northern Ireland in November 1990, re-issued in 1993. A copy is attached at Annex A. Even though this was published when the terrorist threat was even more intense than at present, the principles that inform it remain valid. It is striking that, while they are unremitting in their determination to deter, interdict, apprehend and successfully prosecute terrorists, they are no less emphatic that policemen and soldiers must operate in a fair and even-handed way, using the minimum force necessary, and in ways most calculated to win public support. There is no suggestion here (or indeed anywhere else in the Government's approach) that there is a "military solution" to the problems of Northern Ireland: the problems, at the risk of repetition, are essentially political, requiring a combination of political, social, economic and (firm, sensitive and widely acceptable) security measures to resolve.

Lesson 4:

There is no military, or narrowly 'security' solution to the problems of Northern Ireland.

5.4 Terrorists, however, operate under no such constraints. So what follows looks a little more closely at:

- the terrorist threat; and
- the role of the Armed Forces in helping the Police overcome it.

6. The terrorist campaign

6.1 The present terrorist campaign had its immediate origins in the large-scale inter-communal violence which broke out in the summer of 1969, following the emergence of a Civil Rights Movement seeking to improve employment, housing and electoral representation on behalf of the minority, Catholic community against the then (devolved) Government of Northern Ireland. By August of that year, the RUC, then less than 3,000 strong, were exhausted and the Army had to be deployed to assist the Northern Ireland Government in maintaining order. This, together with the implementation of a series of measures designed to remedy the grievances behind the Civil Rights demonstrations, damped down street disorder. But over time, militants in both communities, notably the Provisional IRA (PIRA) on the "Republican" (extreme Nationalist) side and various groups, including the Ulster Volunteer Force (UVF) on the "Loyalist" (extreme Unionist) side, exploited the historical divisions in the community to engage in campaigns of terrorist violence. These have, of course, persisted despite the abolition of the Northern Ireland Government, and the imposition of 'Direct Rule' from London in early 1972 and

the continuation of a wide ranging reform programme, designed to promote a more equitable and democratic society, which in effect still continues. These organisations remain in being.

- 6.2 Between 1969 and 1996, terrorism resulted in over 3,200 deaths (including 950 members of the Security Forces) and nearly 40,000 injuries in Northern Ireland alone, in a population of around 1.6m. This takes no account of further terrorist activity whether in Great Britain or the Continent. The high level of violence experienced in the early 1970s (over 470 died in 1972) was followed by a lower, but relatively constant level of between 60-100 a year throughout the 1980s into the 1990s.
- 6.3 On the Republican side, PIRA remains the most experienced and best equipped terrorist organisation in Northern Ireland. Its present campaign of violence (renewed by a bomb in London in February 1996 following their original "complete" ceasefire of August 1994) remains aimed ultimately at political and constitutional objectives - in the long run, a British withdrawal from Northern Ireland and a United Ireland (confirmed in their statement of 6 January 1997). Its shorter term objectives remain less clear, though they almost certainly include trying to provoke the Loyalist terrorist organisations into abandoning their own ceasefire.
- 6.4 PIRA has shown itself capable of mounting major and sophisticated attacks, in Northern Ireland, Great Britain and on the Continent using both commercial and self manufactured weaponry. It has very significant stocks of weapons and explosives (including SEMTEX from then Communist Czechoslovakia) which were supplied by Libya and has considerably increased IRA firepower in the mid-1980s. Much of this is still thought to be concealed in the Irish Republic. Its targets have included not only Police Officers, Soldiers and Prison Officers, but also building workers and suppliers to police stations and army barracks, Judges, Civil Servants and public figures. The great

majority of the Provisional's victims, however, have been ordinary (unarmed) civilians: these include 11 people killed at a War Memorial Service in Enniskillen, Co. Fermanagh in 1987; 8 workmen killed by a mine at Teebane in 1992; and 9 civilians who died when a shop was bombed on Belfast's Shankill Road in 1993. The weaponry employed in these attacks have varied from massive vehicle borne bombs, through mortars and rocket propelled grenades, to conventional firearms.

6.5 The main "Loyalist" paramilitary groups are the Ulster Defence Association (UDA) and the Ulster Volunteer Force (UVF). Both have been heavily involved in terrorism. Loyalist attacks have usually taken the form of close quarter shooting attacks against Roman Catholics in Northern Ireland, either because the victims were believed to be connected with Republican groups or simply because of their religion. Loyalists have also carried out attacks in the Irish Republic. Very active in the 1970s, the Loyalist groups had become largely moribund by the mid-80s as a result of effective Police action. Their resurgence in the early 1990s reflected the emergence, for various reasons, of a new harder-line leadership, and in 1993-4 they were responsible for more deaths than the Provisional IRA. Their victims include 5 civilians who died in a gun attack on a betting shop in Belfast in 1992; 8 who were killed in a public house when it was machine-gunned at Greysteel, Co. Londonderry in 1993; and 6 more who died in another gun attack on a pub in Loughinisland, Co Down in 1994.

6.6 Less well equipped than the IRA, their significant stock of firearms and their increasingly effective explosive devices have proved adequate for the types of attack they favour. The seizure of a major shipment of arms destined for Loyalist organisations at Tees Port, in North East England, in November 1993, demonstrated that they, like PIRA, still have access to arms markets and the finance to complete purchases.

6.7 On 13 October 1994, the Combined Loyalist Military Command (CLMC) representing both the UVF and the UDA, declared that they would "universally cease all operational hostilities". Despite provocation by PIRA, that ceasefire just about still holds (though it is coming under very great strain), and two small political parties with close links to these organisations, the Progressive Unionist Party (PUP) and the Ulster Democratic Party (UDP), are in consequence still able to play a full and constructive role in the political Talks process which was launched in Belfast in June 1996. (As already noted, Sinn Fein - which has itself particularly close and influential links with the IRA - would themselves be able to join that inclusive Talks process in the event of their unequivocal restoration of their own ceasefire of August 1994).

6.8 Loyalists, despite their continuing ceasefire, and the Provisional IRA, while their own ceasefire held, nevertheless continue to conduct training, targeting and arms procurement activities. They have also carried out widespread intimidation within their own communities, particularly through the infliction of brutal "punishment" beatings and shootings. Over the last 16 months, such attacks by Republicans have been running at almost twice the original pre-ceasefire level: Loyalist attacks, however, have fallen by about 20%. Such crime is compounded by extensive racketeering on both sides, in part to buy arms and explosives, to develop their economic and political power in the community - and for self enrichment.

Lesson 5:

The terrorists, in the infamous words, of Sinn Fein President, Mr Gerry Adams, "haven't gone away, you know".

7. The Security Force response - Command and Control

7.1 Faced with a continuing threat of the magnitude sketched above (and which may be set to increase over coming months), it is essential not only that the Police and Armed Forces have the resources - whether in terms of manpower, equipment or the necessary legislation - to do their difficult and dangerous job on behalf of the community as a whole. But their efforts must also be as effectively co-ordinated as possible within the wider framework of Government policy as a whole. Institutional arrangements therefore exist to provide for this, as well as to factor in the vital intelligence contribution to policy making and operational planning.

7.2 For example, at the highest level, the Secretary of State for Northern Ireland, a senior member of the British Government, is ultimately constitutionally responsible for law and order, and for security policy - advised, as necessary, by senior officials of the Northern Ireland Office. This reflects the wider British tradition that the Civil Power remains supreme even in emergency situations.

7.2.2 The Secretary of State is also supported in this responsibility by his chief Security Force and Intelligence advisors, who come together formally at regular and frequent meetings, as well as in response to major developments requiring a high level response. This top level group, known by the acronym of SPM (Security Policy Meeting) is supported by a lower level group, chaired by a senior NIO official, known as SCM (Security Co-ordination Meeting).

7.3 The Chief Constable of the RUC, in accordance with the principle of 'Police Primacy', has overall operational responsibility for the direction and conduct of counter terrorist operations, as well as dealing with all other forms of crime. In common with all other Chief Constables in the British policing system, he is not however subject to

direction by the Secretary of State on operational matters. This is another matter of first importance in the British system, which is often misunderstood. It reflects, however, the fundamental British constitutional principle that the administration of the criminal law should be impartial, and not subject to political considerations. The General Officer Commanding (GOC), a '3 star' General, provides military support to the RUC, from resources allocated to him by the Ministry of Defence. This comprises, in the main, protection for the RUC, logistical support, and also certain specialist services, including, for example, the provision of helicopters and bomb disposal.

- 7.3.2 To assist the Security Force Commanders deploy their resources as effectively as possible across the Province as a whole, there exists a Province Executive Committee (PEC), chaired the Assistant Chief Constable (Operations). This represents, in effect, the most senior level in a 'pyramid' of committees bringing together Security Force Commanders, both Police and Army, at different levels throughout Northern Ireland. Thanks to these arrangements, developed over time, and the good working relationships which have developed between the Police and the Army, it has proved possible to combine the very different skills, disciplines and approaches of Policemen and Soldiers to optimal effect in the long fight against terrorism.

Lesson 6:

It is essential to forge a harmonious force combining both Policemen and Soldiers into an effective team carrying out what is essentially a policing task.

8. Force levels

- 8.1 Combating terrorism requires very considerable expenditure

and resources. For example, the RUC is the second largest police force in the United Kingdom with a complement of almost 8,500 Regular Officers, 3,200 Full-time Reservists and 1,800 Part-time Reservists who undertake the full range of law and order duties, and not just terrorist related crime.

8.2 To these must be added the Armed Forces who work in their support. In common with other parts of the UK, Northern Ireland has always had troops permanently stationed in Barracks there and even when the present "Troubles" end, there will be a much reduced local role - again as in the rest of the UK. In 1969, the Army who was deployed on the streets at the request of, among others, the Roman Catholic Bishops, to assist the RUC to contain serious public disorder involving both communities (see 6.1). To begin with, the Army was welcomed by the Catholic community, although their presence was soon exploited for propaganda purposes by the IRA.

8.3 Since then, force levels have reflected the terrorist threat, reaching a peak of over 30,000 in 1972. Since 1977, the Police have resumed the lead in maintaining law and order. By 1983/1985, improvements in the security situation and increases in RUC numbers made it possible to reduce force levels significantly. But increased terrorist activity from 1986 led to a corresponding increase in force levels, which peaked at some 18,500 towards the end of 1994. In response to the IRA ceasefire in August 1994, it was possible to return some 1,500 Soldiers to their bases as well as to take, progressively a large number of other measures, commensurate with the residual terrorist threat, to return Northern Ireland to normality. When, tragically, the IRA ended their ceasefire in February 1996, two Battalions, some 1,000 men, had to be returned to Northern Ireland to resume security duties (including, for example - the pattern varies in accordance with the threat in different parts of Northern Ireland - the military accompaniment of more routine RUC patrols, the establishment of more snap "Vehicle Check

Points" (VCPs), or the supplementing of routine patrols by special operations designed to disrupt potential attacks). Current military force levels stand at around 17,000.

9. Training

9.1 Numbers are meaningless in themselves. It is quality that counts. Every major Army unit therefore begins a structured training programme some six months before it deploys to Northern Ireland, assisted by a Specialist Training Team and by the RUC. The aim is to prepare soldiers as fully as possible for the wide variety of situations which they will find in the particular area where they will deploy. The training programme culminates in two weeks exercises testing soldiers in realistic and demanding scenarios. Particular emphasis is given to the soldiers' position under the law and the rules for opening fire. Even in the circumstances of Northern Ireland, a Soldier (or a Policeman) has no greater freedom to use lethal force than any civilian. (In fact, no-one has been shot by a member of the Security Forces since 1992, while no less than 6 soldiers have been convicted of murder in the course of their duty in the civilian Courts in Northern Ireland.) Equally, there are no indemnities for members of the Security Forces' breaking the law.

10. The Law

10.1 UK law knows no concept of a "State of Emergency" (except in relationship to, for instance, natural disasters, e.g. a flood). Still less is there anything corresponding to a "etat de siege". So far as possible, the Government combats terrorism in Northern Ireland through the normal criminal law of the land, modified as little as possible in response to the exigencies of the situation. This is because, in the legal as well as in all other domains, it is fundamental to the Government's approach to the complex and inter-related problems of Northern Ireland to win, and retain public confidence in ways which either draconian legislation, or

excessively severe security measures would prevent. They must avoid creating situations (or grievances) of any kind which terrorists and their political allies can exploit for 'military' or political purposes.

- 10.2 Nevertheless, experience has demonstrated that some modification to the criminal law is necessary. In general terms, the legislative framework for Security Force action against terrorism has accordingly sought to combine both operational utility and widespread public acceptability, by providing a proportionate response to the security threat and by striking a balance between that and the protection of individuals' rights.
- 10.3 In short, the central principles of British justice apply even in the face of terrorist threat. One example must serve for all: the onus remains on the prosecution to prove guilt, including terrorist guilt, beyond reasonable doubt, and the defendant has the right to be represented at public expense by a lawyer of his or her own choice. Because of intimidation of juries in the past, terrorist-type offences are tried without a jury, but there are powerful compensations for the change. The trial Judge has to set out in a written judgment his reasons for convicting, where that is his decision, and an automatic right of appeal lies against sentence on points of fact as well as of law - in contrast to the situation elsewhere in the UK.
- 10.4 The legislative mechanisms to support the counter-terrorism effort are the Northern Ireland (Emergency Provisions) Act 1996 (EPA) whose provisions are essentially confined to Northern Ireland, and which effectively "tops up" for the Province the Prevention of Terrorism (Temporary Provisions) Act 1989 (PTA) and the Prevention of Terrorism (Additional Powers) Act 1996 which applies to the whole of the United Kingdom. The EPA is time limited - to two years; and the powers in both Acts require renewal by both Houses of Parliament every year. Their Provisions are summarised at Annex B.

11. Community relations

11.1 It is a fundamental principle of the Government's security policy that, to be fully effective, the actions of the Police and Armed Forces against terrorism in Northern Ireland require the support of all sides of the community. Service personnel are, therefore, - specifically required and trained to act with courtesy and consideration towards members of the public - who are in turn entitled to expect the highest standard of behaviour from the Armed Forces. High priority is given to the investigation of complaints: all complaints of criminal misbehaviour for example, are investigated by the RUC and can (and do) lead to prosecution in the Courts. Non criminal complaints are investigated by the security authorities themselves and often lead to disciplinary action. All Army patrols also carry 'Patrol Identification Cards' (PCIs) to assist any member of the public who might wish to make a complaint. In addition, the Independent Assessor of Military Complaints Procedures (established by law) provides an independent element to the oversight of procedures for non criminal complaints.

11.2 In practice, the fact that the Armed Forces act in support of the RUC, while Army patrols likely to come into contact with the public themselves are, wherever possible, accompanied by a Policeman, means that the scope for direct contact between the general public and the Army is reduced to a minimum. (It is also important that nowadays it is the Police, not the Army, who are in the frontline in confronting serious public disorder). This is a direct, and important consequence of the doctrine of Police primacy.

Lesson 7:

The British approach to defeating terrorism in Northern Ireland is a slow process, requiring exceptional discipline, self-control and sensitivity - often in the face of extreme and deliberate provocation - from policemen and soldiers at all levels, and especially for constables and private soldiers whose work brings them into the closest contact with the public.

12. Military aid to the civil power - the future?

12.1 Nearly 300,000 Service personnel have played their part in the provision of Military Aid to the Civil Power in Northern Ireland since 1969, many of them serving several tours of duty. This developed of massive expertise within the British Army not only on the problems of Northern Ireland, but more generally in what General Sir Frank Kitson famously referred to as "low intensity operations". This has proved its worth in "peace-keeping" operations elsewhere. It is, however, a tragedy that it has been and remains necessary for the Armed Forces to have to carry out such duties within a mature, liberal, Western democracy such as the United Kingdom.

12.2 Nevertheless, necessary and invaluable the Armed Forces role has been and remains. As the UK Prime Minister, the Rt Hon Mr John Major, put it in a speech to the Institute of Directors, in Belfast in October 1994:

"... in matters of security, we shall take no risks ... we had to deploy additional troops in Northern Ireland from 1969 in support of the Police because of the level of violence. And the Army has done an outstanding job here. While Northern Ireland remains part of the United Kingdom, there will always be a peacetime role

for some members of the Armed Forces, just as there is in other parts of the United Kingdom. We shall keep as many policemen and troops as we need, for as long as we need to protect the population. But the need for soldiers to patrol the streets will continue to be reviewed in relation to the threat, and it is our firm objective to return to exclusively civilian policing ...".

- 12.3 The dramatic developments in the political and security situation in Northern Ireland in the latter part of 1994, following the two ceasefires, had major consequences for the way in which the Armed Forces were required to provide support to the RUC. Just as terrorist attacks previously had made it necessary for the Armed Forces to support the RUC extensively and in strength, so the absence of terrorist attacks enabled the RUC to operate with a decreasing level of military support, and to make progress towards the normal civilian policing to which the British Government aspires. It is another tragedy therefore that the resumption of violence by the IRA has, in some measure, thrown that process into reverse. No one deplures more than the UK Government all the consequential inconveniences for the general public that the terrorists have themselves thereby indirectly caused - on top of their own mayhem - but which are inescapable if their violence is to be successfully resisted. However, no one should be in any doubt that, until there is that unequivocal restoration of their ceasefire which the British Government - supported by the Irish and US Governments - are so determinedly seeking, both the present and all foreseeable UK Governments will continue to take all necessary measures, whether in the political, economic or security spheres, necessary to establish a just and lasting peace in the context of a comprehensive and durable political settlement.

Lesson 8:

Tzu-kung asked about government. The Master said, "Give them enough food, give them enough arms, and the common people will have trust in you."

Tzu-kung said, "If one had to give up one of these three, which should one give up first?"

"Give up arms."

Tzu-kung said, "If one had to give up one of the remaining two, which should one give up first?"

"Give up food. Death has always been with us since the beginning of time, but when there is no trust, the common people will have nothing to stand on."

Confucius, The Analects XII.7 trans. Lau.

THE GOVERNMENT'S SECURITY POLICY IN NORTHERN IRELANDConstitutional Position

1. Northern Ireland is part of the United Kingdom because that is the will of a majority of people who live there. It will not cease to be a part of the United Kingdom unless that situation changes. Majority desire for a change in status clearly does not exist at present, nor is there any reason to expect this to alter in the foreseeable future.

Aims and Objectives

2. The Government's aims are:

- (a) to maintain the rule of law;
- (b) to ensure that all the people of Northern Ireland are free to express their political opinions without inhibition, fear of discrimination or reprisal;
- (c) to defend the democratically expressed wishes of the people of Northern Ireland against those who try to promote political objectives, including a change in the status of Northern Ireland, by violence or the threat of violence;
- (d) to create in Northern Ireland the conditions for a just, peaceful and prosperous society in which local people can exercise greater control over their own affairs.

3. So that these aims can be achieved, it is the first priority

of the Government in Northern Ireland to eradicate terrorism, from whichever section of the community it comes. There is no acceptable level of violence and, for so long as violence continues, it will be met with a firm and resolute response.

Strategy

4. To this end, the Government will:

- (a) ensure that the police, supported by the armed forces, have the resources they need to undertake their difficult and dangerous work on behalf of the whole community;
- (b) provide a legal framework within which the security forces can act to defeat terrorism;
- (c) co-operate closely on security with the Government of the Republic of Ireland;
- (d) seek to isolate the terrorists from the communities within which they operate.

5. The Government will implement this strategy with total commitment until terrorism has been defeated in Northern Ireland and the rest of the United Kingdom.

6. In parallel, the Government will implement effective measures in the political, social and economic fields, designed to promote economic well-being and stable democratic institutions, and seek to ensure equality of opportunity and equity of treatment for everyone in Northern Ireland. These measures will help to create a climate in Northern Ireland in which peaceful political development can take place, thereby complementing and reinforcing the Government's security strategy.

7. In accordance with this strategy, which is endorsed by the Chief Constable of the Royal Ulster Constabulary and the General

Officer Commanding the Armed Forces in Northern Ireland:

- (a) The Government are determined that terrorism will be defeated through the evenhanded and energetic enforcement of the criminal law.
- (b) The police will continue to take primary responsibility for the prevention and investigation of crime, and for securing evidence for the prosecution of crime, including terrorist crime. The armed forces will act in support of the police, but only where and when the security situation makes it necessary.
- (c) Wherever and whenever possible, the police will operate without military support, in accordance with the goal of restoring normality, and with the ultimate aim that all military support to the police should be dispensed with when the security situation permits.
- (d) Anti-terrorist legislation will be kept under review, to ensure that it is appropriate to the prevailing security threat. It will continue to strike a balance between providing the police and armed forces with the legal means they need in order to protect the community effectively, and at the same time providing appropriate safeguards for individuals. When the need for a particular provision no longer exists, it will be repealed or allowed to lapse, as a step towards greater reliance on the ordinary criminal law.
- (e) The police and armed forces will continue to be governed by the legal principle of using only such force as is reasonable in the circumstances in preventing crime and arresting offenders.
- (f) Members of the police and armed forces, like all other citizens, will continue to be subject to the law. If members of the security forces break the law they will themselves be liable to prosecution.

(9) The public have a right to expect the highest standards of behaviour from police officers and members of Her Majesty's forces. Activity or actions falling short of those standards will never be condoned. The Government hope that anyone who has a genuine cause for complaint about the conduct of a police officer or member of the armed forces will use the procedures which exist for the investigation of such complaints.

8. The Government recognise that, to be fully effective, the actions of the police and armed forces against terrorism in Northern Ireland require the support of all sides of the community. The actions of the security forces must, therefore, at all times be such as to create and maintain confidence in their integrity and professionalism, as well as in their operational effectiveness.

9. The Government call on everyone in Northern Ireland to co-operate with the security forces as they carry out their duty to protect the community. Such co-operation may include accepting the inconvenience which may result from security force operations against terrorists and reporting crime, including terrorist crime, to the police.

10. The Government believe that confidence between the community and the police and armed forces can best be achieved if the whole community is properly represented in the locally recruited forces. Hence the Government believe that all those who recognise the importance of building and retaining that confidence have a duty to encourage the whole community to co-operate with and to join those forces.

SYNOPSIS OF THE CONTENT OF THE NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1996

The 1996 Emergency Provisions Act largely replicates the 1991 Act. It retains:

- the schedule of terrorist offences;
- the mode of trial for such offences ('Diplock Courts' in which a Judge sits alone without a jury) and the associated safeguards (written judgement and automatic right of appeal);
- the additional powers of arrest, search and seizure for the police and army;
- the specific offences against public security and public order (including offences relating to involvement with 'proscribed organisations');
- the regulatory provisions for the private security industry in Northern Ireland;
- the regime for terrorist suspects held under Section 14 PTA (see below) in the Holding Centres and the related safeguards in the Codes of Practice covering detention;
- the appointment of the Independent Assessor of Military Complaints Procedures;
- the powers of executive detention ("internment") although these continue to be suspended.

PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT 1989
(THIS DOES INCLUDE THE ADDITIONAL POWERS ACT 1996)

SYNOPSIS OF THE PROVISIONS OF THE ACT
WITH PARTICULAR RELEVANCE IN THE NI CONTEXT

PART II: EXCLUSION ORDERS

This part of the Act gives the Secretary of State power to exclude any person connected with acts of terrorism from Great Britain, Northern Ireland or the United Kingdom as a whole. It also creates an offence in relation to non-compliance with any exclusion order.

PART III: FINANCIAL ASSISTANCE FOR TERRORISM

This part of the Act creates an offence of giving/receiving money or property towards acts of terrorism or to a proscribed organisation. It applies to Northern Irish and international terrorism. It also creates an offence of 'money laundering' and permits the disclosure of information about terrorist funds. It describes the penalties that exist for offences under this part of the Act and gives the court power to order forfeiture of any money or property intended for use in terrorism or by a proscribed organisation. There are also provisions relating to the implementation of a forfeiture orders and for provision for their enforcement in the UK in respect of orders made by overseas countries.

PART IV: ARREST, DETENTION AND CONTROL OF ENTRY

This part of the Act (as provided by the CJPO) allows the police to arrest without warrant anyone suspected of having committed an offence under the provisions of the Act or who is otherwise involved in terrorism. It also empowers the police to detain a person for up to 48 hours and for the Secretary of State to extend detention up to

7 days in all. Various supplementary provisions are included involving powers for the police to examine passengers at ports. It also empowers the Secretary of State to make provision for the control of persons crossing the land frontier with Northern Ireland and for examining officers to examine and detain any person entering or leaving Great Britain or Northern Ireland to determine their involvement in terrorism or the commission of an offence under the exclusion provisions. Examining officers may also search persons and baggage and detain articles found for up to 7 days.

PREVENTION OF TERRORISM (ADDITIONAL POWERS) ACT 1996

The Act was made to extend the powers of the police, chiefly in England and Wales in connection with acts of terrorism and terrorist investigation.

The only additional power to affect Northern Ireland is as follows:

Part III Schedule 5

To provide powers of search of unaccompanied goods within port areas. This would enable searches to be made of cargo, containers or lorries which may contain explosives. The power allows examining officers at ports to search any ship or aircraft and anything on board it, or anything taken off/about to be taken on board, for material which might be used in the commission or preparation of a terrorist offence.