

FOURTEENTH REPORT OF THE INDEPENDENT MONITORING COMMISSION

Presented to the Houses of Parliament by the Secretary of State for
Northern Ireland in accordance with the Northern Ireland
(Monitoring Commission etc) Act 2003

Ordered by the House of Commons to be printed 12th March 2007

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1. INTRODUCTION

- 1.1 We submit this report under Article 5(1) of the International Agreement establishing the Independent Monitoring Commission¹.
- 1.2 Article 5(1) came into force when the British Government published its two year programme of security normalisation on 1 August 2005. It obliges the IMC to monitor whether, in the light of its own assessment of the paramilitary threat and of the British Government's obligation to ensure community safety and security, the commitments the British Government made in the programme are being fulfilled to the agreed timescale, and it lists the things the Commission is obliged to monitor. The Commission is required to report its findings to the British and Irish Governments at six monthly intervals.
- 1.3 This is our third report under Article 5(1) and covers the period 1 August 2006 to 31 January 2007. Our first such report, covering 1 August 2005 to 31 January 2006, was published in March 2006 and our second covering 1 February to 31 July 2006 was published in September 2006². We will report once more, on the final six month period which runs through to the end of the programme on 31 July 2007.
- 1.4 In preparing this report, as our other ones, we have been guided by two things:
- The objective of the Commission set out in Article 3 of the International Agreement

¹ The full text of Article 5 is in Annex I.

² Respectively the IMC Ninth Report, published March 2006, and the IMC Eleventh Report, published September 2006. We also presented a report under Article 5(2) which was published as our Second Report in July 2004. That report, which was made at the request of the British Government, reviewed the position on normalisation at that time although because there was then no published programme there were no specific measures to monitor.

The objective of the Commission is to carry out [its functions] with a view to promoting the transition to a peaceful society and stable and inclusive devolved Government in Northern Ireland.

- The principles about the rule of law and about democratic government which we enunciated in March 2004 and which are set out in full in Annex II.

2. THE SCOPE OF THIS REPORT AND THE SECURITY NORMALISATION PROGRAMME

The Scope of this Report

2.1 Article 5(1) requires us to undertake our monitoring in the light of two considerations:

- Our own assessment of the paramilitary threat;
- The British Government’s obligation to ensure the safety and security of the community as a whole.

These are crucial considerations. They mean that reports under Article 5(1) do not simply involve the monitoring of changes to security arrangements and law against a published programme, which would be a matter of reporting only on the facts and on whether the commitments in the programme were being met. They require us to make our independent assessment of the circumstances and allow us to comment on progress in the light of that.

2.2 Article 5(1) also requires us to monitor the following:

- The demolition of towers and observation posts in Northern Ireland;
- The withdrawal of troops from police stations in Northern Ireland;
- The closure and dismantling of military bases and installations in Northern Ireland;
- Troop deployments and withdrawals from Northern Ireland and levels of British Army helicopter use;
- The repeal of counter-terrorist legislation particular to Northern Ireland.

It is our function to monitor the normalisation programme as a whole; these are simply the specific items we are formally obliged to include in our monitoring of the programme.

- 2.3 Because we think that our Article 5(1) reports should be documents of record which progressively cover the implementation of the whole normalisation programme we include in this report some factual data on the first two six month periods as well as on the third such period presently under review. We intend to continue this practice in our fourth and final Article 5(1) report, which we will submit in September 2007.
- 2.4 In Section 3 below we set out our approach to this report and give our assessment of the threat. Sections 4, 5, 6 and 7 contain the information on the various parts of our remit. We then set out our conclusions in Section 8.

The Security Normalisation Programme

- 2.5 We set out the letter of notification of August 2005 from the Secretary of State in Annex III and the full security normalisation programme in Annex IV.
- 2.6 There are a number of points about the programme to which it is important to draw attention:
- Everything in the programme is subject to the overriding requirement that an “enabling environment” exists. This term is used in the Joint Declaration of April 2003 to describe the circumstances in which it would be possible to implement normalisation. It is related to the assessment we are required to make of the threat and to the British Government’s obligation to ensure public safety;
 - The twenty four month programme is divided into periods of 8, 12 and 4 months whereas we are required to report at six monthly intervals. This report covers the fifth to the tenth months of the second (12 month) period;
 - Some aspects of the programme do not specify the required action in detail. In the period covered in this report, for example, the programme refers to the

“progressive development of and extension of” varying patterns of police patrolling;

- While the police estate and patterns of police patrolling are not specified in Article 5(1) as matters we are obliged to monitor, because they feature in the programme they are part of our monitoring;
- Article 5(1)(a) requires us to monitor the levels of British Army helicopter use. There is no specific reference to helicopters in the normalisation programme, although flying is influenced by important features of the programme such as the number of troops and of observation towers. We have followed the requirements of Article 5(1)(a)(iv) and cover British Army helicopter use in this Report.

3. OUR APPROACH TO THIS REPORT AND THREAT ASSESSMENT

Our Approach

- 3.1 On all aspects of our remit we consider it essential to take account of as wide a range of opinions and information as possible. We continue to receive communications from members of the public, all of which we take into account, and we monitor media reporting and discussion. But as we have mentioned before, there is a relatively low level of political and public interest in the implementation of most parts of the security normalisation programme. This may be because its fulfilment is largely taken for granted and because the changed security profile seems sufficiently in tune with the circumstances for it no longer to be a matter of significant public concern.
- 3.2 We have made further visits to satisfy ourselves that the objectives of the programme are being met.

Threat Assessment

- 3.3 We have to take two things into account in this report: first, our own assessment of the paramilitary threat; and second, the obligations of the British Government to ensure the safety and security of the community as a whole.
- 3.4 It is important to repeat one point about our assessment of the paramilitary threat. We deal in this report with that threat only in so far as it bears directly on the implementation of the security normalisation programme. In broad terms, this means the actions of paramilitaries which require special security measures, for example military intervention or counter-terrorist legislation. It does not mean those activities of paramilitaries for which such measures are not necessary, even if those activities are serious. We believe that organised crime involving paramilitaries falls into this category. Such crime is different from terrorism or insurgency of the kind these measures are designed to combat and is a matter for the PSNI, AGS and other law enforcement agencies North and South. Accordingly, the assessment we make in the following paragraphs is necessarily narrower than it is in the reports we make on paramilitary activity as a whole under Article 4 of our remit.

3.5 In our recent report on paramilitary activity³ we gave our assessment of what the various groups were doing and of the threat they presented, particularly over the period 1 September to 30 November 2006. We also gave an assessment in our preceding such report, which had focused on the period 1 March to 31 August 2006⁴. In the light of these assessments, and of the nature of our present task as we describe it in the preceding paragraph, the following are the key points about the paramilitary threat which seem to us to apply to security normalisation at the present time:

- We remain of the same view as we expressed six months ago about PIRA. We believe that it is firmly committed to the political path. It is not engaged in terrorist activity; nor in our view does it contemplate any return to it. Its operational structures have been disbanded and, in the absence of activity, the deterioration of terrorist capability continues. The organisation does not engage in acts of violence and has instructed its members not to do so. The leadership continues to encourage members to undertake political or community activities. We have no reason to think that it will be diverted from continuing along this path and we note the decision of the Sinn Féin Ard Fheis on 28 January 2007 to support policing and the criminal justice system and subsequent positive statements to that effect. We therefore conclude that terrorism and violence have been abandoned and that PIRA does not pose a threat relevant to security normalisation;
- Dissident republicans remain a threat, both to the security forces in particular and the community more widely. They remain committed to terrorism and continue to engage in terrorist activity. They continue to take steps to reinforce their capacity as paramilitary organisations. During the period covered by this report the Real Irish Republican Army (RIRA) has at times been more dangerously active than at the time of our previous security normalisation report six months ago, as has been the case with Óglaigh na

³ IMC Thirteenth Report, January 2007.

⁴ IMC Twelfth Report, October 2006.

hÉireann (ONH), though at a much lower level. The Continuity Irish Republican Army (CIRA) too continued to be active, including by firing shots at a police station. Although we do not believe that any of the dissident republican organisations have the capacity to mount a sustained and serious terrorist campaign, and there have been law enforcement successes against them, they therefore pose a continuing threat;

- Although loyalist paramilitaries are actively engaged in violence and other forms of serious crime, and in our view have decided against early decommissioning, we do not believe that they pose a present threat to the security forces. There is evidence of senior figures seeking to lead the organisations away from crime although their impact so far has been limited and patchy. Their threat is therefore not at present a problem for security normalisation.

3.6 As we say above, we are also obliged by Article 5 to undertake our monitoring “in the light of ... the British Government’s obligation to ensure the safety and security of the community as a whole”, and we have accordingly considered its assessment of that obligation. In our Ninth Report we published a letter from the Secretary of State for Northern Ireland in which he set out his views on this point and in our Eleventh Report we included a further letter from him. We again asked him for his views so that we could take them into account in this report⁵.

3.7 The Secretary of State has told us he has examined his two previous letters and that he believes his earlier assessment of the Government’s obligations still stands. He concludes that “the current normalisation programme remains appropriate and manageable”. In saying this he has taken into account the decision of the Sinn Féin Ard Fheis on 28 January to support policing and the criminal justice system, and he refers to practical indications of change in the period since then. He has also taken into account the threat from dissident republicans and the actions of loyalists. We are aware from the Secretary of State’s earlier communications on this matter that

⁵ The full texts of all three letters are in Annex V.

he considers the Government's over-riding priority to be the safety and security of the people of Northern Ireland; that the continuation of the normalisation programme depends on the continued existence of what the Joint Declaration called an enabling environment⁶; and that if he felt this environment no longer existed he would halt the programme and reinstate any measures which the new circumstances might require.

⁶ See paragraph 2.6 above.

4. SECURITY NORMALISATION: THE USE OF THE MILITARY IN SUPPORT OF THE POLICE SERVICE OF NORTHERN IRELAND

- 4.1 We set out here the factual position under the various heads of Article 5(1) dealing with military support to the police, and (for the first time) on the disposal of vacated sites, to which the normalisation programme refers.
- 4.2 In respect of the heads of Article 5(1) we set out the position on 31 July 2005 (the day before the start of the normalisation programme), that on 31 January and 31 July 2006 (at the end of the first and the second six month periods of the programme) and that on 31 January 2007 (at the end of the third six months, and the period specifically under review in this report).
- 4.3 We necessarily use figures on the use of the military provided by the British Government.

The Demolition of Towers and Observations Posts in Northern Ireland – Article 5(1)(a)(i)

- 4.4 The International Agreement refers to “towers and observation posts”. As in our earlier reports, we have taken the term in its natural sense, namely sites used solely or primarily for observation, whether for the purposes of protection or to gather information. We have taken it to cover both ground level and elevated sites. Annex VI explains the types of military sites we have included.

- 4.5 The position is as follows:

–	31 July 2005	10 sites
–	31 January 2006	5 sites
–	31 July 2006	2 sites
–	31 January 2007	2 sites

The full details are in Annex VII.

4.6 The normalisation programme required the following work to have been completed by 31 January 2006:

- removal of Tower Romeo 12 in South Armagh;
- dismantling the “supersangar” in Newtownhamilton;
- removal of the observation post at Divis Tower in Belfast;
- the successive removal of two towers in South Armagh, G10 at Creevekeeran and G20 at Drummuckavall with the sites returned to green field status as soon as possible.

The programme also required the removal of two observation towers at Masonic in Londonderry by 31 January 2006. These towers were part of a base which continues in operation for the time being (see paragraphs 4.13-4.15 below and Annex X).

4.7 All this work was completed on schedule, and neither the programme nor the structured plan for troop reduction made any other reference to the demolition of towers or observation posts during the rest of the first 8 month period (i.e. to 31 March 2006).

4.8 The programme requires the vacation and demolition of the remaining towers in South Armagh, and the return of sites to green field status as rapidly as possible thereafter, during the following 12 month period, that is to say by 31 March 2007. Neither the programme nor the structured plan for troop reductions⁷ specify a precise date within that period by which that must be done but the three remaining hilltop sites in South Armagh were in fact closed in April 2006⁸.

4.9 Neither of the 2 towers or observation posts which remain – Rosemount in Derry and Musgrave Park Hospital – are scheduled for closure during the period covered

⁷ See paragraphs 4.17-4.19 below.

⁸ Of these 3 sites, 2 have been passed to Defence Estates for disposal and 1 to the Policing Board for Northern Ireland following its conversion as planned to a communications site for the emergency services. See Annex VII for further details.

by this report, or in the rest of the second period of the programme through to 31 March 2007, though both will close by 31 July 2007.

The Withdrawal of Troops from Police Stations in Northern Ireland – Article 5(1)(a)(ii)

4.10 The Army was jointly based with the PSNI as follows:

- On 31 July 2005 at 10 police stations
- On 31 January 2006 at 5 police stations
- On 31 July 2006 at 3 police stations
- On 31 January 2007 at 1 police station

The full details are in Annex IX.

4.11 Although the normalisation programme made no specific reference to the withdrawal of troops from police stations during its first 8 month period we noted in our first report that there was a reduction of 50% from 10 bases to 5 between 1 August 2005 and 31 January 2006 and Forkhill Base was closed as the programme required. The first specific reference in the programme to the withdrawal of troops is in the following 12 month period, namely from 1 April 2006 until 31 March 2007. Over these 12 months the military base at PSNI Maydown has to be removed and troops have to be withdrawn from the sites at which they were co-located with the police in Armagh (at Crossmaglen, Newtownhamilton and Middletown) and in Fermanagh and Tyrone. There are no specific dates in the programme for these withdrawals.

4.12 The closure at Maydown was made ahead of schedule, in December 2005⁹. Troops were withdrawn from PSNI Middletown and PSNI Newtownbutler in March and June 2006 respectively¹⁰. So far as the period under review in this report is

⁹ A military bomb disposal team remains co-located with the police at PSNI Maydown.

¹⁰ The structured plan gives dates for a number of individual events. It makes clear that they are “current planning dates” (i.e. current when the plan was published in March 2006) and that there may be some variation on these dates within the timetable set in the full normalisation programme. In the event, the withdrawal at Middletown took place slightly ahead of the date indicated in the structured plan and that at Newtownbutler some 2 months later. In the case of Keady, the date for withdrawal in the structured plan was August 2006; in the event the troops withdrew in September 2006.

concerned, troops were withdrawn from PSNI Keady and PSNI Newtownhamilton in September 2006, leaving troops only at PSNI Crossmaglen.

The Closure and dismantling of Military Bases and Installations in Northern Ireland – Article 5(1)(a)(iii)¹¹.

4.13 The following was the number of military bases and installations:

–	31 July 2005	24 sites
–	31 January 2006	22 sites
–	31 July 2006	22 sites
–	31 January 2007	20 sites

The full details are in Annex X.

4.14 The normalisation programme envisages that there will be no more than 14 sites by the end of the programme in 2007. Two bases were closed – Killymeal House, Dungannon, in October 2005 and Girdwood Park, Belfast in November 2005. During the period under review Mahon Barracks, Portadown, closed in October 2006 (3 months ahead of the date envisaged in the structured plan) and Grosvenor Barracks, Enniskillen closed in December 2006 (the date envisaged in the plan).

4.15 The British Government have since announced that, in the light of further consideration of its overall defence commitments, 4 of the “no more than 14 locations” mentioned in the Joint Declaration are also not now needed in the longer term. While not part of the security normalisation programme, it is planned to close these 4 sites, one by 31 July 2007, one in August 2007, and 2 the following year. Of the 10 bases which will remain, 2 are open training areas with accommodation only for troops whilst they are there on exercise. The details are also in Annex X. We note that at the height of the Troubles there were somewhat over 100 bases.

¹¹ For the purposes of this report we have taken vacation and closure to mean that the Army have left the base and that it is closed for all purposes to do with military operations.

Troop Deployments and Withdrawals from Northern Ireland – Article 5(1)(a)(iv)

4.16 The number of troops in Northern Ireland and rearbased¹² but available to the GOC for deployment in Northern Ireland was as follows¹³:

– August 2005	10,028
– January 2006	9,209
– July 2006	8,300
– January 2007	7,535

The full details, set out month by month, are in Annex XI¹⁴.

4.17 The normalisation programme required the publication of a structured plan for the phased reduction of troops to peacetime levels – namely a permanent garrison of no more than 5,000 – during the first 8 month period. It did not require any actual reduction in the number of troops during this period. The reductions have to be in line with the structured plan during the subsequent periods. This eventual number contrasts with that at the height of the Troubles – some 30,000.

4.18 The British Government published the structured plan on 28 March 2006, within the specified period. In addition to giving the planned number of troops on 31 March 2006, 31 March 2007 and 31 July 2007 (i.e. the end dates of the three periods in the programme) it specifies which units are to be withdrawn, disbanded, reduced or re-organised during these three periods and it gives details of changes to be made to military sites.

4.19 The structured plan recorded the withdrawal of the roulement Battalion¹⁵ in January 2006, which we covered in our first report. It said that by 31 March 2006 there

¹² Rearbased means those troops normally based outside Northern Ireland but available to the GOC to deploy within Northern Ireland as he determines from time to time according to the level of support required by police.

¹³ These figures and those given in the following paragraphs and associated annex, include members of all the regular armed services in Northern Ireland in support of the police or rearbased. They include full-time and part-time Home Service members of the Royal Irish Regiment; in the case of the part-time members, they are counted on a per capita base, not as full-time equivalents. They do not include members of the Territorial Army, who are not available for deployment in support of the police in Northern Ireland (see paragraph 4.19 for further comment on the Home Service members of the Royal Irish Regiment).

¹⁴ The monthly figures in Annex XI, unless otherwise specified, represent a snapshot of manning levels on the last day of the month; they are not averages.

¹⁵ Northern Ireland Battalion 1, known as NIBAT 1, consisting of approximately 500 soldiers.

should be approximately 9,200 troops. In fact, as we note in paragraph 4.16 above, that number was achieved in January 2006 and in March 2006 it was 9,086. We also noted in our previous report that in July 2006 the number of troops was 200 less than the 8,500 envisaged in the structured plan for 8 months later, in 31 March 2007. In the six months under review in this report the number of troops has declined from 8,127 in August 2006 to 7,535 in January 2007, that is to say to virtually 1,000 less than the number envisaged for March 2007. There is one important point to make in respect of these latest figures. The Home Service members of the Royal Irish Regiment remain under the command of the GOC and are included in them. But the 3 Home Service battalions of the Regiment, with over 2,000 personnel, were declared non-operational on 1 September 2006 to allow them to focus on the run-down and on ceremonial and resettlement activity, and they are not therefore engaged in supporting the PSNI. The resulting figure can be compared with the 5,000 planned for the permanent garrison after July 2007.

- 4.20 We deal elsewhere in this Section with the references in the structured plan to the closure of bases and the withdrawal of troops from PSNI stations.

Levels of British Army Helicopter Use – Article 5(1)(a)(iv)

- 4.21 We give details, including a breakdown between hours flown for operational, training and engineering purposes, in Annex XII. We record separately in Annex XII the additional flying necessitated by the implementation of the programme, mainly the demolition of hilltop sites and the removal of material. The same Annex gives a graph showing the hours flown for these various purposes.
- 4.22 It is difficult to draw solid conclusions from the figures on helicopter flying hours. First, neither the normalisation programme nor the structured plan for troop reductions make any reference to the use of helicopters, so we have no requirement against which we can make an assessment. Second, there are considerable seasonal fluctuations, with less flying in the winter than in the summer; this means that it is difficult to make useful comparisons between individual months in different seasons and between the six month periods which we monitor. We believe however that the following points give a realistic picture of what is happening:

- We said in our previous report that comparing the first six month period of the programme, August 2005 to January 2006, with the same six months in 2004-05, and not counting flying for the purpose of demolishing hilltop sites, there was a reduction of 3,479 in the hours flown, from 8,687 to 5,208, or 40%;
- We also said in our previous report that comparing the second six month period, February to July 2006 with the same period in 2005, and again not counting flying for the purposes of demolishing the hilltop sites, there was a reduction of 1,761 hours, from 7,462 to 5,701, or 24%;
- In the third six month period under review in this report, August 2006 to January 2007, there were no flights for the purposes of demolishing hilltop sites. Comparing these six months with the same period in 2005-06 there was a reduction of 1,890 hours, from 5,208 to 3,318, or 36%. Compared with the same period two years before, in 2004-05, there was a reduction of 5,369 hours, from 8,687 to 3,318, or 62%.

4.23 We believe that these comparisons of six month periods in different years give the most realistic indication of the changing pattern of helicopter use because they compare the same seasons of the year. The reductions of 40%, 24% and 36% respectively are substantial, as is the reduction of virtually two thirds between the period under review and the comparable period two years before.

Vacated Sites

4.24 The current period of the programme requires the return of private property on vacated sites. The final period also deals with this subject¹⁶, and we undertook six months ago to cover it in this and in our final Article 5(1) reports¹⁷.

4.25 The arrangements for the disposal of vacated sites vary depending on whether they are owned by the British Government, are leased, or had been requisitioned under emergency powers. Annex XIII explains these arrangements and sets out the present

¹⁶ The reference to this in the final period of the programme is couched in different terms, namely: “The vacation, closure and disposal of all military sites to leave no more than 14 core sites.”

¹⁷ IMC Eleventh Report, page 20, footnote 12.

position in respect of all sites which have been or are due to be vacated under the programme.

4.26 The position in respect of all the sites which the programme requires should be vacated is as follows:

- 7 sites have been disposed of by sale, transfer or return to the landowner;
- 6 sites are in the process of being disposed of;
- 8 sites therefore remain to be closed and disposed of under the terms of the normalisation programme, and 4 further sites will be disposed of as a result of subsequent announcements¹⁸.

Summary

4.27 In the first 6 months of the normalisation programme, 1 August 2005-31 January 2006 (covered in our first report of this kind):

- Five of the ten remaining towers and observation posts were demolished, including all those required by the programme;
- The number of joint PSNI/Army bases was halved from 10 to 5, and Forkhill Base was closed as the programme required. The military base in PSNI Maydown was closed in December 2005, 4 months ahead of schedule;
- The number of military bases and installations came down from 24 to 22;
- The number of troops came down by nearly 900, some 8½%;
- Helicopter flying hours were 40% less than in the same period in 2004-05.

¹⁸ See paragraph 4.15 above.

4.28 In the second 6 months of the normalisation programme, 1 February-31 July 2006 (covered in our previous report):

- The three remaining towers and observation posts in South Armagh were demolished;
- Troops were withdrawn from two PSNI stations;
- The number of military bases was unchanged;
- The number of troops was reduced by over 9% and in July 2006 was 200 less than the number specified for March 2007, 8 months later;
- Helicopter flying hours were 24% less than the same period in 2005.

4.29 In the third 6 months of the normalisation programme, 1 August 2006-31 January 2007 (under review in this report):

- No further towers or observation posts have been demolished, and both the 2 which remain will be removed during the final 6 months of the programme;
- Troops have been withdrawn from 2 further PSNI stations, leaving one from which they must be withdrawn in the final 6 months;
- 2 further bases have been closed, and following further announcements the eventual number of bases will be 10 as distinct from the 14 envisaged in the normalisation programme;
- The number of troops has declined over the 6 month period by about 600 to just over 7,500, which is virtually 1,000 less than the number envisaged for March 2007. This figure of some 7,500 includes over 2,000 in the 3 Home Service battalions of the Royal Irish Regiment which were declared non-operational on 1 September 2006 to allow them to focus on the run-down and on ceremonial and resettlement activity rather than the support of the PSNI.

The resulting figure can be compared with the 5,000 envisaged as the size of the permanent garrison after July 2007;

- Helicopter flying hours were 36% less than in the same period in 2005-06, and some two thirds less than in the same period in 2004-05;
- 7 vacated sites have been disposed of, and a further 6 are in the process of disposal.

5. SECURITY NORMALISATION: THE REPEAL OF COUNTER-TERRORIST LEGISLATION PARTICULAR TO NORTHERN IRELAND

- 5.1 Article 5(1)(a)(v) requires us to report on the repeal of counter-terrorist legislation particular to Northern Ireland.
- 5.2 The legislation with application only to Northern Ireland is all contained in Part VII of the Terrorism Act 2000. Until early 2006 Part VII was temporary and subject to both regular independent review and annual parliamentary renewal. The Terrorism (Northern Ireland) Act 2006 extended Part VII without need for annual renewal until 31 July 2007, the date scheduled for completion of the security normalisation programme. The same Act also enables the British Parliament to extend the provisions by a further period of not more than one year. The Terrorism Act 2000 and other legislation contain provisions applicable throughout the UK which are not part of our remit.
- 5.3 In our first report under Article 5(1) we summarised the provisions in force, explained the framework within which the legislation is handled and described recent changes¹⁹. All those matters are therefore on the public record and, as six months ago, we see no need to repeat them here. We invite readers to read Section 5 of that report if they wish to pursue those matters further.
- 5.4 The normalisation programme makes only one reference to this counter-terrorist legislation, namely that it should be repealed by the end of the two year period in July 2007. During the passage of the Terrorism (Northern Ireland) Bill in 2006 the Secretary of State said that the British Government intended to allow Part VII to continue for the duration of the normalisation programme, recognising that there would be an opportunity for Parliament to consider its extension beyond that time if the circumstances then made that necessary.
- 5.5 The statutory arrangements for the independent review of the counter-terrorist legislation have continued.

¹⁹ IMC Ninth Report, Section 5, March 2006.

- 5.6 First, the Independent Reviewer of the Terrorism Act 2000, Lord Carlile of Berriew QC, examines the use of and need for the provisions of Part VII. He is expected to publish his report on 2006 shortly²⁰.
- 5.7 Second, the Independent Assessor of Military Complaints Procedures, Mr Jim McDonald CBE, reviews the manner in which the British Army deals with complaints it receives. We took account of his most recent report in our previous report²¹.
- 5.8 In furtherance of the commitment to repeal the specific counter-terrorist legislation by July 2007, the process of change has already started. We have noted that in some respects it is proposed that repeal will be accompanied by the introduction of replacement arrangements. Following a public consultation launched in August 2006 the British Government introduced legislation in November to replace the present arrangements for non-jury courts, which are contained in Part VII²². The Bill also contains provisions to protect jurors and strengthen the jury system. Under the present system trials for certain so-called “scheduled offences” go before a non-jury Diplock Court unless the Attorney General determines otherwise. Scheduled offences include all those which may be committed by paramilitary organisations or are related to the security situation in Northern Ireland, and therefore encompass a large number such as murder, wounding and other serious matters under the general criminal law. Under the proposed new arrangements all trials would be before a jury court unless the Director of Public Prosecutions suspects that one of a number of prescribed conditions is met and is satisfied that in the light of this there is a risk to the administration of justice if the trial were with a jury²³. In that case the trial may be held before the ordinary Crown Court without a jury. These new arrangements reflect the fact that in certain circumstances jurors in Northern Ireland might be exposed to intimidation, and we note the view that these arrangements are designed

²⁰ We referred to Lord Carlile’s report on 2005 in paragraphs 5.6 and 5.13 of our Ninth Report, March 2006, and paragraph 5.5 of our Eleventh Report, September 2006.

²¹ Independent Assessor of Military Complaints Procedures in Northern Ireland, Thirteenth Annual Report, January-December 2005, was published in July 2006.

²² (i) Replacement Arrangements for the Diplock Court System, Northern Ireland Office, August 2006.

(ii) Justice and Security (Northern Ireland) Bill. The Bill is still before Parliament and we understand is expected to complete its passage in May 2007.

²³ These conditions relate to proscribed organisations and to offences involving religious or political hostility.

for exceptional cases. In his report on the operation of Part VII in 2005 Lord Carlile had recognised that there remained a risk of juror intimidation in some circumstances²⁴.

5.9 The same Bill makes provision for the reworking and replacement of the powers in Part VII available to the Army. It might require these powers after July 2007, were it then to be called on to support the PSNI as envisaged in the Patten report, but the powers in the Bill are couched in general terms²⁵. There are specific arrangements for their review and for their repeal without the need for further primary legislation.

5.10 We will cover the repeal of counter-terrorist legislation particular to Northern Ireland in our final security normalisation report this coming September. We will then be able to comment on the overall position as well as on the situation with non-jury trials and the other provisions in the new legislation, following its expected enactment.

²⁴ Report on the Operation in 2005 of Part VII of the Terrorism Act 2000, published February 2006.

²⁵ Some provisions in the Bill also apply to the PSNI.

6. SECURITY NORMALISATION: THE POLICE ESTATE

6.1 The security normalisation programme specifies that:

- In the first (8 month) period, to March 2006, the review of the police estate should continue “with action taken as agreed with the Policing Board following consultation with District Commanders and local communities”. The review is to include “work to defortify some 24 police stations”;
- In the second (12 month) period to March 2007 there should be “further defortification of police stations”.

6.2 For the purposes of this report we are therefore required to monitor the defortification of police stations. We do so against the comments in our previous reports on the review of the police estate as a whole²⁶. In practice these two things are closely aligned. Because the normalisation programme does not specify dates by when individual actions shall be completed we are looking at a process rather than milestones.

6.3 In monitoring any aspect of the police estate we recognise that:

- Action is a matter for the Policing Board and the PSNI rather than directly for the British Government. Both have functions conferred on them in law which they are obliged to undertake. The police estate is vested in the Policing Board;
- Changes to the police estate are a critical factor in the delivery of normal policing in Northern Ireland. We also recognise that a number of measures flow directly from the Patten Report²⁷.

²⁶ The final period of the programme, from 1 April-31 July 2007 refers again to the review of the estate, and we will cover this in our next report.

²⁷ In addition to the defortification of existing police buildings, other Patten recommendations on the estate were that new stations should as far as possible have the appearance of ordinary buildings, the installation of CCTV in custody suites, the building of a new Police College and the closure of the three holding centres at Castlereagh, Gough Barracks and Strand Road.

- 6.4 The Patten recommendations on the estate, as the other Patten recommendations, fall within the remit of the Oversight Commissioner²⁸. Accordingly, this aspect of the normalisation programme remains under continuing separate detailed review in addition to the monitoring which it is our function to undertake.
- 6.5 Since our previous Article 5 report we have held discussions about the police estate and visited police stations.
- 6.6 In our two previous reports we concluded that the commitments in the security normalisation programme about the police estate had been met: the review of the estate had continued, including formally by the Policing Board; there had been consultations within the PSNI and with the community; and the plans included the specified number of defortifications. We said this recognising the complexity of the plans and the fact they were bound to evolve in the light of changing circumstances. In our previous report we also said we had no reason to disagree with the comments of the Oversight Commissioner on the need to make more progress in improving the estate and on the delays in the building programme which would result from the review of public administration. The implementation of Patten-related building work is dependent on funding made available for the purpose by the Northern Ireland Office and can proceed only at the pace which that funding allows.
- 6.7 We have again examined the implementation of the changes to the police estate and the plans for defortification. We note that:
- PSNI conducted an audit of the entire estate in 2005 which identified potential defortification schemes, depending on differing security situations. The audit was undertaken in conjunction with local police commanders. Work programmes for 2006-07 and 2007-08 were developed in the light of the audit;
 - The present plans include 35 defortification schemes in 2006-07. By the summer of this year 59 defortifications will have been completed;

²⁸ The Oversight Commissioner commented on the police estate in his 16th Report (June 2006). We referred to his comments in our previous report. In his 18th Report (December 2006), which reviewed progress on all the Patten recommendations, he noted that (a) the recommendations on the appearance of new police stations had been implemented (b) there had been moderate progress on the renovation of police station reception areas. As regards the need which Patten had identified to make existing stations less forbidding in appearance, he did not add to his comments of June 2006.

- PSNI is developing proposals for an additional 12 defortification schemes in 2007-08. It will also undertake a further audit over the 6 months October 2007 to March 2008 which is expected to identify further such schemes;
- PSNI has acquired 3 mobile police stations for use in rural areas and is creating two police “surgeries” to be located in third party premises;
- More generally, the PSNI is continuing its programme of building new police stations in line with the Patten recommendations²⁹;
- The PSNI is also undertaking building works directly related to the Army’s security normalisation measures. These works are associated with other operational changes in the places in question. For example in the Newry and Mourne policing district there is a substantial building programme to allow for the full implementation of community based policing³⁰.

Annex VIII contains photographs of two police stations before and after defortification.

6.8 We have seen the report on the police estate by the UK Comptroller and Auditor General (CAG) published in December 2006³¹. The report examined the rationale for the programme of work, its progress to date, the impact on it of, among other things, the review of public administration and the sensitivity over closing police stations, and it made a number of recommendations about the future of management of the work. It noted the positive impact of the programme, though it is not as far advanced as had been originally hoped. As regards “defortification” and other work related to the security normalisation programme, it identified the funding, which for these purposes had been made available by the Northern Ireland Office. We wish to emphasize that implementation of the review of the police estate and defortification requires the maintenance of sufficient funding for these purposes.

²⁹ The locations are Coleraine, Magherafelt, Omagh, Musgrave Street in Belfast, Downpatrick, Cookstown, Ballymoney, Ballymena and Craigavon. The relevant Patten recommendation requires that the stations be less forbidding in appearance, more accessible to public callers and more congenial for those working in them.

³⁰ The main building works are at Crossmaglen, Newtownhamilton, Warrenpoint, Bessbrook and Kilkeel. They are planned for completion by the end of March 2007.

³¹ The Estate Strategy of the Police Service of Northern Ireland, National Audit Office, HC101 2006-2007, December 2006.

7. SECURITY NORMALISATION: PATTERNS OF POLICE PATROLLING

- 7.1 The normalisation programme refers to the “progressive development of and extension of varying patrol patterns: e.g. single beat officers, bicycle patrols and opening of police shops.” In contrast to most of the rest of the programme this is fairly unspecific. There is no starting point against which to measure progress and there are neither targets nor timings. We have therefore taken our task to be the assessment of whether PSNI is continuing to introduce different patterns of police patrolling from those it had previously been mainly accustomed to. We have interpreted the references to types of patrolling as being examples rather than exclusive.
- 7.2 Police patrolling patterns are an important element of the Patten changes, in conjunction with other matters to do with police relations with the community, and are therefore subject to the continuing scrutiny of the Oversight Commissioner. This means that, in common with the police estate³² there is a continuing and independent review quite separate from our periodic monitoring in relation to the security normalisation programme. We noted in our previous report that the Oversight Commissioner had recorded the Patten recommendation on foot patrolling as having been implemented³³. He did the same in his latest report³⁴.
- 7.3 It is important to repeat one point we made in our previous report. Patrolling patterns are complex and various. Patrolling necessarily varies from place to place, according to the time of day, and to reflect particular circumstances. In no police service is there a single rigid pattern and we would not expect there to be one in the PSNI. This means that there are bound to be circumstances in which single officer patrolling, or the use of bicycles, is entirely unsuitable, both because it would expose officers to unacceptable risk and because it would fail to deliver to the public the service to which they are entitled. Moreover, because of the continuing threat from dissident republicans to which we refer above³⁵ we think it inevitable that there will continue to be differences in patrolling patterns from place to place. The

³² See Section 6 above.

³³ Oversight Commissioner, Report 16, June 2006.

³⁴ Oversight Commissioner, Report 18, December 2006.

³⁵ Paragraphs 3.3-3.6 above.

question is whether, taken as a whole and in appropriate circumstances, the PSNI is making greater use of the patterns which are to be found in other services in the UK and in Ireland.

7.4 We note the following:

- All territorial Districts of the PSNI have a senior officer who is designated as the “champion” of single officer patrolling. It is this person’s responsibility to ensure the development of single officer patrolling in appropriate circumstances. The two Regional Assistant Chief Constables, to whom the District Commanders are accountable, examine progress on single officer patrolling during their regular structured accountability and performance meetings with those commanders;
- The best value review of PSNI patrolling in 2006 made recommendations about the development of single officer patrolling. The regional ACCs are responsible for the implementation of those recommendations;
- In the majority of Districts in the PSNI the level of single officer patrolling has continued broadly as it was in the previous six months. The level varies very considerably from place to place, from three quarters or more to none. This is for the kind of reasons outlined above, including the threat from dissident republicans;
- In a number of places the use of single officer patrols has increased. Examples are Ballymoney, where the rate of single officer foot patrols in the second half of 2006 was about three times that of the first half of the year; Banbridge, where the rate of single officer cycle patrols doubled from 4% to 8% over the same period; Cookstown, where all areas now have single officer patrols and where between the two halves of 2006 the rate of single officer foot patrols rose from 20% to 75%, of single officer cycle patrols from 5% to 80% and of motorcycle ones from 2% to 80%; Fermanagh, where the rate of single officer foot patrols rose from 5% to 8% between the two halves of 2006; and in Coleraine all neighbourhood officers undertake single patrols;

- In many parts of Northern Ireland police officers are engaged in developing schemes which enhance their communication with members of the local community, including neighbourhood watch (4 further schemes have been set up in Cookstown in the past 12 months; plans to increase the number in Armagh by a third), additional police community liaison committees, sporting engagements with local youths and work with local groups representing ethnic minorities;
- Districts are making or planning increased use of mobile police stations, often following consultation with the local District Policing Partnership. In Larne, to give one example, a police shop has been opened. In other places police surgeries have been opened or planned over the period under review;
- A further relevant factor on patrolling, announced during the normalisation period, will be the introduction of Police Community Support Officers (PCSO). The first PCSOs are likely to start training in early 2008 and to be deployed on duty in the Spring of 2008.

8. CONCLUSIONS

8.1 We set our conclusions out below. We do so against the background of our remit (Section 2), our assessment of the threat (Section 3), and the material we have presented on the implementation of the security normalisation programme in Sections 4, 5, 6 and 7.

8.2 Our task is to:

- Monitor whether the commitments in the security normalisation programme are being fully implemented; and
- To do so in the light of our own assessment of the paramilitary threat and of the British Government’s obligation to ensure the safety and security of the community as a whole.

8.3 It is relevant to our work, and to public confidence in what is being done, that other independent bodies keep under review a number of matters which are included in the normalisation programme. All the counter-terrorist legislation particular to Northern Ireland is reviewed on an annual basis by Lord Carlile; the police estate and patrolling patterns fall within the remit of the Oversight Commissioner, and the estate was additionally examined by the UK Comptroller and Auditor General in December 2006³⁶. These other reviews examine the issues from different and generally wider perspectives than our focus on what is required by the normalisation programme.

8.4 In our two previous reports we concluded that the commitments in the first twelve months of the programme had been met³⁷. We also noted other signs of progress towards the normalisation of security.

8.5 In respect of the 6 months under review in this report we conclude that the provisions of the programme relating to military support to the police have all been met.

³⁶ We refer to these reviews in more detail, and to the latest reports, in Sections 5, 6 and 7 above.

³⁷ See IMC Ninth Report, paragraphs 7.3-7.8; IMC Eleventh Report, paragraphs 8.5-8.10.

- 8.6 The normalisation programme requires action on counter-terrorist legislation particular to Northern Ireland by July 2007, at the end of the two year period and the process of change has already started in the Bill presently before the British Parliament. We will address this part of the programme in our final normalisation report in September 2007.
- 8.7 On the police estate, we note that the PSNI's present building plans include 35 defortification schemes in 2006-07 and that by the summer of this year 59 such schemes will have been completed. We note also that proposals for a further 12 schemes are being developed for 2007-08 and that there will be another audit of the estate over the Autumn of 2007 to the Spring of 2008 which is expected to identify others. Bearing in mind the comments by the Oversight Commissioner and the UK Comptroller and Auditor General, we believe that the requirements of the programme have been met.
- 8.8 The PSNI continues to make progress in introducing new patrolling patterns. It is also developing a range of other measures which will enhance its communication with the community. We conclude that the requirements of the programme in this regard have been met.
- 8.9 In addition to the formal compliance with the normalisation programme to which we refer above, some other indications of progress are:
- Whereas it had already been announced that the number of military bases in Northern Ireland would be reduced to 11 by April 2008, as distinct from the 14 envisaged in the programme by 31 July 2007, it has now been further announced that the eventual number will be 10;
 - The number of troops in Northern Ireland in January 2007 was about 1,000 less than that envisaged for March 2007. Moreover, the January figure includes over 2,000 in the 3 Home Service battalions of the Royal Irish Regiment which on 1 September 2006 were declared non-operational for the purpose of supporting PSNI. The resulting figure can be compared with the figure of 5,000 envisaged for the permanent garrison after July 2007;

– The continuing decline in helicopter flying hours.

8.10 We will present one further Article 5(1) report in September 2007, 6 months from now and shortly after the completion of the programme. That report will be our final one under this provision and will enable us to review the implementation of the programme as a whole.

ANNEX I

ARTICLE 5 OF THE INTERNATIONAL AGREEMENT

- (1) In relation to a commitment by the British Government to a package of security normalisation measures, the Commission shall:
 - (a) monitor whether commitments made are being fully implemented within the agreed timescales, in the light of its assessment of the paramilitary threat and the British Government's obligation to ensure the safety and security of the community as a whole. The activities it shall monitor in this regard shall include:
 - i. demolition of towers and observation posts in Northern Ireland;
 - ii. withdrawal of troops from police stations in Northern Ireland;
 - iii. closure and dismantling of military bases and installations in Northern Ireland;
 - iv. troop deployments and withdrawals from Northern Ireland and levels of British Army helicopter use;
 - v. the repeal of counter-terrorist legislation particular to Northern Ireland;
 - (b) report its findings in respect of paragraph (a) of this Article to the two Governments at six-monthly intervals.
- (2) The Commission shall, at the request of the British Government, prepare a report giving an account of security normalisation activity undertaken by the British Government over a specified period. The period to be covered by such a report, and the activities it shall monitor in this regard, shall be notified to the Commission by the British Government.

ANNEX II

THE IMC'S GUIDING PRINCIPLES

These guiding principles were set out in the statement the IMC issued on 9 March 2004.

- The rule of law is fundamental in a democratic society.
- We understand that there are some strongly held views about certain aspects of the legal framework, for example the special provisions applying to terrorism, and that those holding these views will continue to seek changes. But obedience to the law is incumbent on every citizen.
- The law can be legitimately enforced only by duly appointed and accountable law enforcement officers or institutions. Any other forcible imposition of standards is unlawful and undemocratic.
- Violence and the threat of violence can have no part in democratic politics. A society in which they play some role in political or governmental affairs cannot – in the words of Article 3 – be considered either peaceful or stable.
- Political parties in a democratic and peaceful society, and all those working in them, must not in any way benefit from, or be associated with, illegal activity of any kind, whether involving violence or the threat of it, or crime of any kind, or the proceeds of crime. It is incumbent on all those engaged in democratic politics to ensure that their activities are untainted in any of these ways.
- It is not acceptable for any political party, and in particular for the leadership, to express commitment to democratic politics and the rule of law if they do not live up to those statements and do all in their power to ensure that those they are in a position to influence do the same.

ANNEX III

LETTER OF NOTIFICATION FROM THE BRITISH GOVERNMENT

Independent Monitoring Commission
PO Box 709
BELFAST
BT2 8YB

2 August 2005

Dear Sirs

IMC NORMALISATION REMIT

Under Article 5(1) of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing the Independent Monitoring Commission (IMC) signed at Dublin on 25 November 2003 and which entered into force on 7 January 2004, the IMC shall monitor and report on a programme of security normalisation measures undertaken by the British Government. Under Article 15(2), this obligation shall commence from the date on which the British Government formally notifies the Government of Ireland and the IMC of the commencement of such a programme. This notification can only be given once the British Government has consulted with the Irish Government and is satisfied with the commitments that have been given on the end to paramilitary activity.

I have consulted with the Irish Government and we are satisfied with the commitments given on the end to paramilitary activity, contained in the statement issued by the IRA on 28 July 2005. Accordingly, the British Government's normalisation programme has been triggered. I am therefore writing to ask you to formally commence your obligations under Article 5(1) of the Agreement to monitor and report on the programme of security normalisation. I have enclosed a copy of this programme. This obligation shall take effect from today. I am also writing to the Irish Minister for Justice, Equality and Law Reform to notify him of this.

RT HON PETER HAIN MP
Secretary of State for Northern Ireland

ANNEX IV

SECURITY NORMALISATION PROGRAMME

PUBLISHED BY THE BRITISH GOVERNMENT, 1 AUGUST 2005

The steps which will be undertaken in a normalisation programme assuming an enabling environment is created and maintained will be as follows:

Within the first 8 months, in an enabling environment, we would have achieved:

- The vacation and closure of Forkhill Base; the removal of Tower Romeo 12 in South Armagh; and dismantling of the super sanger in Newtownhamilton. Work has already started and will be completed within a 6-month period.
- The removal of the observation post at Divis Tower in Belfast and the two observation towers at Masonic in Londonderry. Work is beginning this week and will be completed within a 6-month period.
- The successive removal of two towers in South Armagh G10 (Creevekeeran); G20 (Drummuckavall). Work will start within a few weeks and be completed within a 6-month period; with the sites restored to greenfield status as soon as possible.
- The publication of a structured plan for phased reduction in troops to peacetime levels.
- The continuation of the review of the police estate with action taken as agreed with the Policing Board following consultation with District Commanders and local communities, including work to defortify some 24 police stations.

Within the next 12 months, in an enabling environment, we would have achieved:

- Further defortification of police stations. Progressive development of and extension of varying patrol patterns: e.g. single beat officers, bicycle patrols and opening of police shops.

- The vacation and demolition of the remaining South Armagh towers. These sites, with the exception of a Blue Light communications site at Crosleive, would be returned to greenfield status as rapidly as possible thereafter.
- Progressive withdrawal of soldiers from sites where co-located with police in Armagh (Crossmaglen, Newtownhamilton, Middletown) and in Fermanagh and Tyrone.
- The removal of the military base within Maydown police station.
- A reduction in troop numbers in line with the published plan.
- The return of private property on vacated sites.

Within the final 4 months, in an enabling environment, we would have achieved:

- Further implementation of the police estate review, as determined by the Policing Board.
- Additional opportunities for the police to patrol without the use of armoured vehicles.
- The vacation and demolition of the observation post at Rosemount in Derry.
- The vacation, closure and disposal of all military sites to leave no more than 14 core sites.
- The further reduction in Army and other service levels, including the disbandment of the operational brigade headquarters, to a permanent military garrison of no more than 5,000. The size of the longer-term garrison is likely to fluctuate in response to global demands on the army and its overall complement.
- Repeal of counter-terrorist legislation particular to Northern Ireland.

ANNEX V

VIEWS OF THE BRITISH GOVERNMENT ON THE THREAT AND ITS OBLIGATION TO ENSURE THE SAFETY AND SECURITY OF THE COMMUNITY AS A WHOLE

The Secretary of State for Northern Ireland has written to us on three occasions to set out the views of the British Government on the threat and its obligation to ensure the safety and security of the community as a whole. His letters were in connection with each of our three Article 5(1) reports. We print all three letters in full below:

- A. Letter of 6 February 2006 for our Ninth Report (March 2006);
- B. Letter of 2 August 2006 for our Eleventh Report (September 2006);
- C. Letter of 21 February 2007 for this present report.

- A. *Letter from the Secretary of State for Northern Ireland sent in connection with the IMC 9th Report*

Independent Monitoring Commission
PO Box 709
BELFAST
BT2 8YB

6 February 2006

Dear Sirs

Under Article 5(1) of the International Agreement establishing the IMC, the Commission is required to monitor whether a commitment to a package of security normalisation measures is being fully implemented within the agreed timescales, in the light of its assessment of the paramilitary threat and the British Government's obligation to ensure the safety and security of the community as a whole. This statement represents the British Government's own assessment of its obligation to ensure the safety and security of the community as a whole.

The Government's first and over-riding priority is the safety and security of the people of Northern Ireland. The Government's principal adviser is the Chief Constable who assesses the threat from paramilitary groups, in terms of their intent,

capacity and capability, from a wide range of intelligence. The security measures put in or retained in place reflect that assessment. The threat assessment is kept under constant review, and Government Ministers discuss it regularly with the Chief Constable and other security advisers, for example at the monthly Security Policy Meeting.

Since the paramilitary ceasefires in 1994 a process of steady normalisation has been underway, with each step being taken on the basis of security advice. The IMC's Second Report summarised the progress made on normalisation between December 1999 and May 2004. Further normalisation steps were taken between May 2004 and July 2005, again based on security advice. On 28 July last year the Provisional IRA issued its statement recording that *"All IRA units have been ordered to dump their arms. All volunteers have been instructed to assist the development of purely political and democratic programmes through exclusively peaceful means. Volunteers must not engage in any other activities whatsoever."* This was followed in September by the decommissioning of IRA weapons confirmed by the Independent International Commission on Decommissioning (IICD), which stated *"We have determined that the IRA has met its commitment to put all arms beyond use in a manner required by the legislation."*

Following the July statement the Government announced its intention to complete the process of normalisation over a two year period, in line with undertakings made in the Joint Declaration. The Government made clear that that decision reflected the security advice of the Chief Constable and General Officer Commanding, and that the continuation of the normalisation programme, and its pace, was dependent on the enabling environment continuing.

The assessment process and the speed of normalisation takes full account of events on the ground and residual threats (many of them identified by the IMC in their 8th Report), such as the violence following the Whiterock parade in September, much of it by the UVF and UDA; the LVF's announcement in October that its 'military units' had been ordered to stand down; the continuing threat posed by dissident republican groupings; and the welcome indications that PIRA's leadership has taken the strategic decision to end their armed campaign and that the organisation as a whole is being turned so that it is not directed for terrorist purposes. The policing

response to these developments is augmented by other initiatives aimed at reducing community tensions and interface violence, resolving contentious parades and achieving wider community engagement with the police, particularly in disadvantaged areas. The Government is also, in conjunction with the Irish Government, in dialogue with the Northern Ireland parties, making a concerted effort to re-establish the devolved institutions as soon as possible. All of these initiatives will, Government hopes, help contribute to and embed a reduction in the level of threat. These efforts in turn are supported by the wider political dialogue aimed at restoring the devolved institutions as soon as possible.

The Government's assessment, based on the advice of its security advisers and its own assessment of the political environment, is that the current normalisation programme remains appropriate and manageable, and is in itself an important contribution to a more normal and therefore more stable society. If at any point the Government concludes that the necessary enabling environment no longer exists, it will not hesitate to halt that programme and, if necessary, reinstate particular measures if the security situation requires it.

RT HON PETER HAIN MP
Secretary of State for Northern Ireland

B. Letter from the Secretary of State for Northern Ireland sent in connection with the IMC 11th Report

Independent Monitoring Commission
PO Box 709
BELFAST
BT2 8YB

2 August 2006

Dear Sirs

On 6 February 2006 I wrote to the Commission setting out the British Government's own assessment of its obligation to ensure the safety and security of the community as a whole. That letter was published as part of your 9th report, which was the first to deal with the programme of security normalisation I launched on 1 August 2005.

I have examined that letter in the light of your forthcoming report on security normalisation. I am satisfied that the assessment it makes of the Government's obligation still stands and that the current normalisation programme remains appropriate and manageable.

In my February letter I referred to initiatives aimed at reducing community tensions and interface violence; and resolving contentious parades which, Government hopes, will help contribute to and embed a reduction in the level of threat. Positive engagement from all stakeholders has led to an overwhelmingly peaceful June and July. For example, this was the first time for over 30 years that the military were not deployed on the streets of Belfast on 12 July. There were isolated acts of disorder and there are many more parades to come, but this positive progress can be built upon and it should not be underestimated.

There are no further issues relating to the Government's obligation that I wish to bring to the attention of the Commission.

RT HON PETER HAIN MP
Secretary of State for Northern Ireland

C. *Letter from the Secretary of State for Northern Ireland of 21 February 2007 sent in connection with the present report*

Independent Monitoring Commission
PO Box 709
BELFAST
BT2 8YB

21 February 2007

Dear Commissioners

I have previously written to the Commission setting out the British Government's own assessment of its obligation to ensure the safety and security of the community as a whole. Letters were published as part of your 9th and 11th reports, which dealt with the programme of security normalisation I launched on 1 August 2005.

I have examined those letters in the light of your forthcoming report on security normalisation. I am satisfied that the assessment it makes of the Government's obligation still stands and that the current normalisation programme remains appropriate and manageable.

In making that assessment I have taken account of the developments at the Sinn Féin Ard Fheis on 28 January 2007. The decision to support policing and the criminal justice system was a very major development and it demonstrates Sinn Féin's substantial commitment to the democratic process. Already there have been practical signs of delivery by republicans on the ground, for example in Armagh where the Police Commander praised their co-operation over a murder. I anticipate further positive changes in the security context in Northern Ireland resulting from this decision.

Set against that, I must also be aware of the continuing threat from dissident republicans. Their activities have increased from later summer, including a firebombing campaign that resulted in £25m of damage to property. These actions must be deplored. I am also conscious that loyalists still have some way to go before they are fully turned towards community development and democratic politics and away from criminality.

There are no further issues relating to the Government's obligation that I wish to bring to the attention of the Commission.

RT HON PETER HAIN MP
Secretary of State for Northern Ireland

ANNEX VI

TOWERS AND OBSERVATION POSTS: DEFINITIONS

1. As outlined in paragraph 4.4 we have taken the term “towers and observation posts” to encompass all military sites used solely or primarily for observations, whether for the purposes of protection or to gather information. We also make clear that we take the term to cover ground level and elevated sites.
2. The British Army use other terms to classify their sites covered by our definition. For the avoidance of any doubt we set out below the military terms we have deemed to be included in this part of the report.

Sangar: A sangar is a protected sentry post, normally located around the perimeter of a base. Its main function is to provide early warning of enemy/terrorist activity/attack in order to protect forces both within the base and those deployed within sight of the sangar.

Supersangar: A supersangar is an elevated sangar and may be indistinguishable from what is commonly termed a tower.

Observation Post: An observation post is an installation whose primary role is to collect information, as directed by and in support of the PSNI.

3. Sites are described by their primary purpose – sangar or supersangar if it is to protect, observation post if it is to collect information. In practice there may be considerable overlap between the roles. A site designed mainly to protect may play an important role in gathering information, and vice versa.
4. It will be seen from this that:
 - in common usage “observation post” may mean a sangar, a supersangar or an observation post as defined above;
 - in common usage “tower” may mean a supersangar, or an elevated observation post.

ANNEX VII

TOWERS AND OBSERVATION POSTS IN USE ON 31 JULY 2005, 31 JANUARY 2006, 31 JULY 2006 AND 31 JANUARY 2007

The first column lists the sites in use at 31 July 2005. In the middle two columns “open” indicates the site was still in use and “closed” that it was shut by those two dates. In the right hand column “open” indicates it was still open on 31 January 2007 and “closed” that it had been shut by then.

SITES AT 31 JULY 2005	POSITION AT 31 JANUARY 2006	POSITION AT 31 JULY 2006	POSITION AT 31 JANUARY 2007
Divis Tower (Belfast)	Closed (Aug 2005)	Closed	Closed
G10 (Creevekeeran)	Closed (Aug 2005)	Closed	Closed
G20 (Drummuckavall)	Closed (Aug 2005)	Closed	Closed
G40 (Croslieve)	Open	Closed (April 2006) ³⁸	Closed
Musgrave Park Hospital	Open	Open	Open
Newtownhamilton Supersangar	Closed (Aug 2005)	Closed	Closed
Rosemount	Open	Open	Open
R12 (Sugarloaf Hill)	Closed (Aug 2005)	Closed	Closed
R13A (Camlough Mountain)	Open	Closed (April 2006) ³⁹	Closed
R21 (Jonesborough Hill)	Open	Closed (April 2006) ⁴⁰	Closed

³⁸ Following the end of military use in April 2006 the site was converted to a communications site for the emergency services. It was transferred to the Policing Board for Northern Ireland in July 2006.

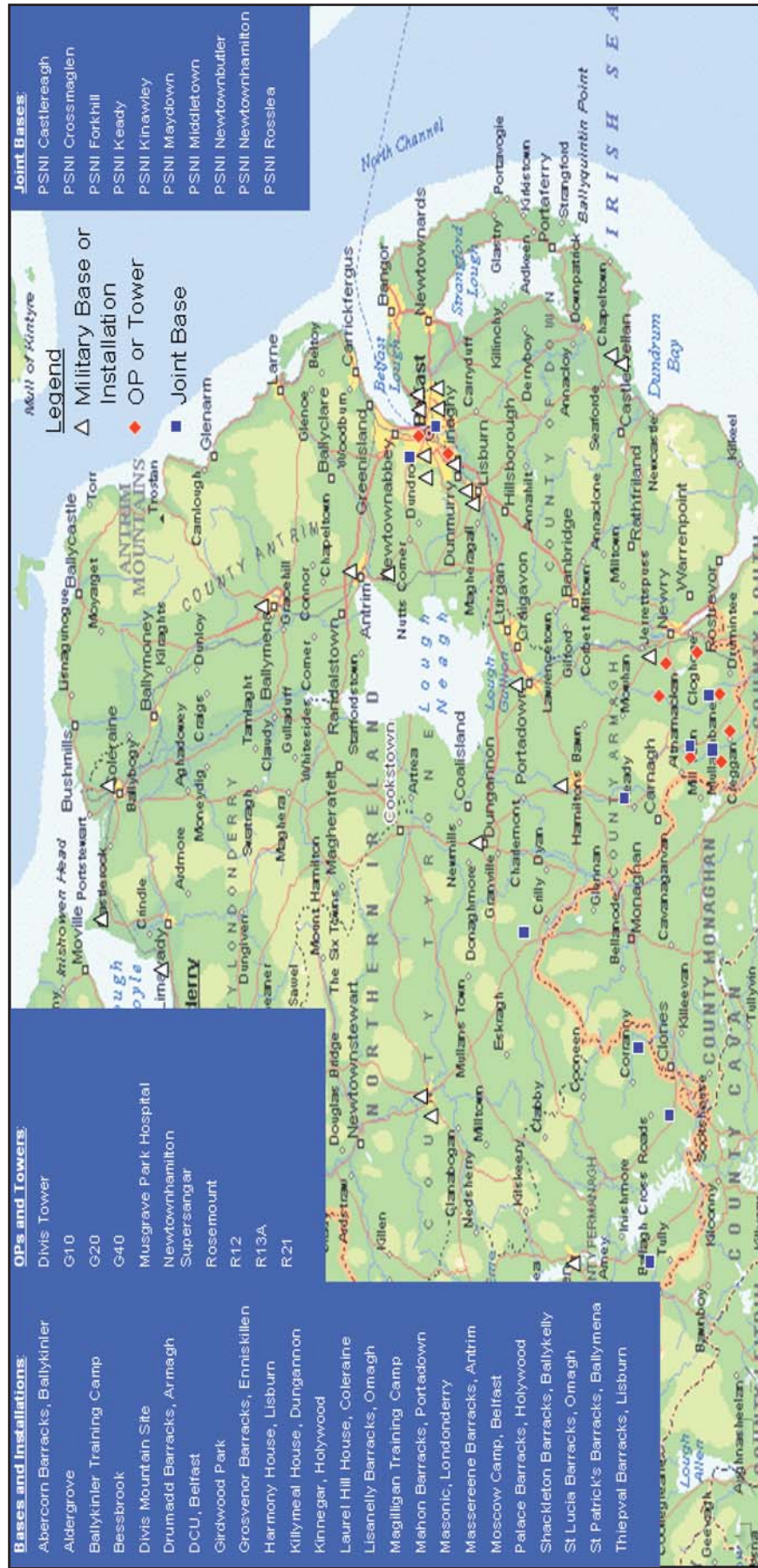
³⁹ Operational use ceased on 1 April 2006. The site was handed to Defence Estates in May 2006.

⁴⁰ Operational use ceased on 1 April 2006. The site was handed to Defence Estates in May 2006.

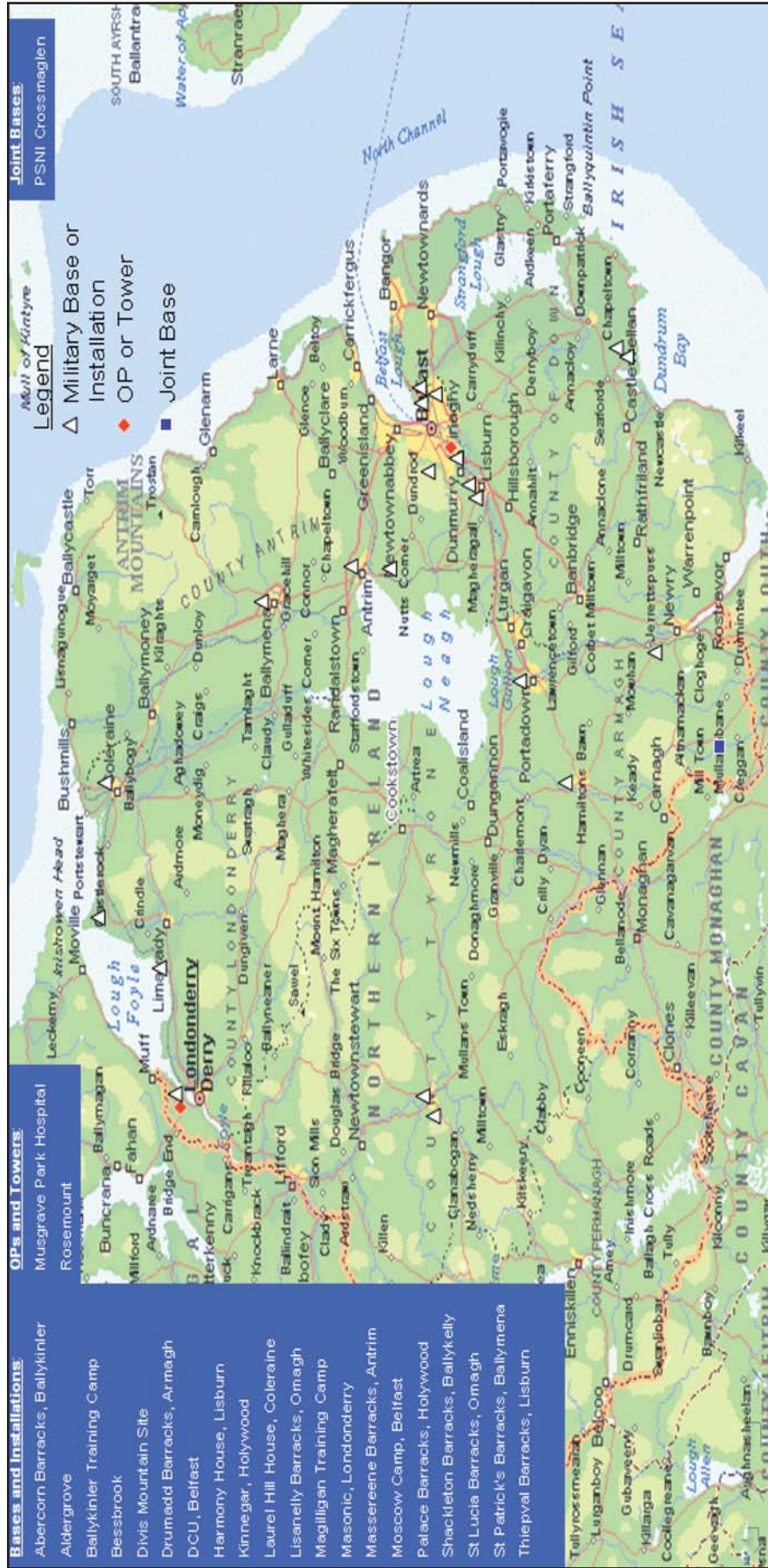
ANNEX VIII

MAP SHOWING THE LOCATION OF MILITARY BASES IN NORTHERN IRELAND: PHOTOGRAPHS OF DEFORTIFIED POLICE STATIONS

AUGUST 2005



JANUARY 2007



GLENARM POLICE STATION – BEFORE DEFORTIFICATION



GLENARM POLICE STATION - AFTER DEFORTIFICATION



BALLYCASTLE POLICE STATION – FRONT ELEVATION BEFORE DEFORTIFICATION



BALLYCASTLE POLICE STATION – FRONT ELEVATION AFTER DEFORTIFICATION



ANNEX IX

JOINT PSNI/MILITARY BASES IN USE ON 31 JULY 2005, 31 JANUARY 2006, 31 JULY 2006 AND 31 JANUARY 2007

The left hand column lists those places where the military were jointly based with the police on 31 July 2005. In the middle two columns “open” indicates that the military remained there, and “closed” that they had withdrawn and PSNI were solely responsible for the site, by those dates. The right hand column indicates the position on 31 January 2007.

POSITION AT 31 JULY 2005⁴¹	POSITION AT 31 JANUARY 2006⁴²	POSITION AT 31 JULY 2006⁴³	POSITION AT 31 JANUARY 2007⁴⁴
PSNI CASTLEREAGH	Closed (Aug 05)	Closed	Closed
PSNI CROSSMAGLEN	Open	Open	Open
PSNI FORKHILL	Closed (Dec 05)	Closed	Closed
PSNI KEADY	Open	Open	Closed (Sept 06)
PSNI KINAWLEY	Closed (Nov 05)	Closed	Closed
PSNI MAYDOWN	Closed (Dec 05)	Closed	Closed
PSNI MIDDLETOWN	Open	Closed (March 06)	Closed
PSNI NEWTOWNBUTLER	Open	Closed (June 06)	Closed
PSNI NEWTOWNHAMILTON	Open	Open	Closed (Sept 06)
PSNI ROSSLEA	Closed (Nov 05)	Closed	Closed

⁴¹ As at 31 July 2005, redundant military infrastructure remained at PSNI Belcoo, Grosvenor Road, Kesh, Lisnaskea, New Barnsley, Old Park, Warrenpoint, Castleberg and Woodbourne. Soldiers were not present at any of these sites. PSNI Castlereagh was still in use as a Joint Base.

⁴² As at 31 January 2006, redundant military infrastructure remained at PSNI Belcoo, Castlereagh, Grosvenor Road, Kesh, New Barnsley, Old Park, Warrenpoint, Castleberg and Woodbourne. Soldiers were not present at any of these sites. Military infrastructure at PSNI Lisnaskea was disposed of in December 2005. Work to remove the military infrastructure at PSNI Woodbourne started in January 2006. The military base within PSNI Maydown had closed. (A military bomb disposal team remained co-located with the police in PSNI Maydown.)

⁴³ The redundant military infrastructure at PSNI Woodbourne referred to in the immediately preceding footnote was removed or transferred to PSNI in February 2006. As at 31 July 2006 redundant military infrastructure remained at PSNI Belcoo, Castlereagh, Grosvenor Road, Kesh, New Barnsley, Old Park, Warrenpoint and Castleberg. (A military bomb disposal team remained co-located with the police at PSNI Maydown.)

⁴⁴ As at 31 January 2007 redundant military infrastructure remained at PSNI Belcoo, Castlereagh, Grosvenor Road, Kesh, New Barnsley, Old Park, Warrenpoint and Castleberg. (A military bomb disposal team remains co-located with the police at PSNI Maydown.)

ANNEX X

MILITARY BASES AND INSTALLATIONS IN USE ON 31 JULY 2005, 31 JANUARY 2006, 31 JULY 2006 AND 31 JANUARY 2007

The sites marked with an asterisk are those referred to in the Joint Declaration as where “the regular garrison would be based in no more than 14 locations.”

The sites marked † are those which in light of further consideration of its overall defence commitments, the British Government announced on 10 May and 12 October 2006 would also be closed, because they were not required to meet the needs of the peacetime garrison, although each was included in the list of 14 core sites in the Joint Declaration. Laurel Hill House, Coleraine, is now scheduled to close in August 2007, Shackleton Barracks, Ballykelly, “in April 2008”; St Lucia Barracks, Omagh “by 31 July 2007”; and St Patrick’s Barracks, Ballymena “by no later than 31 March 2008”. Thus, in the longer term, it is now planned that there should be 10 military bases, of which 2 are military training areas.

The left hand column lists the military bases and installations in use on 31 July 2005. In the middle two columns “open” indicates it was still in use, and “closed” that it had shut, by those dates. The right hand column shows the position on 31 January 2007.

BASES AT 31 JULY 2005⁴⁵	POSITION AT 31 JANUARY 2006⁴⁶	POSITION AT 31 JULY 2006	POSITION AT 31 JANUARY 2007
Abercorn Barracks, Ballykinler*	Open	Open	Open
Aldergrove*	Open	Open	Open
Ballykinler Training Camp*	Open	Open	Open
Bessbrook	Open	Open	Open
Divis Key Point* (on Divis Mountain)	Open	Open	Open

⁴⁵ On 31 July 2005 at Girdwood Park in Belfast only a military guard force remained while contractors demolished the base, prior to its closure. On 31 July 2005 at Killymeal House in Dungannon no troops were present and contractors were demolishing the base prior to its closure.

⁴⁶ Two observation towers at Masonic were closed in November 2005 in accordance with the normalisation programme; see paragraph 4.6 above.

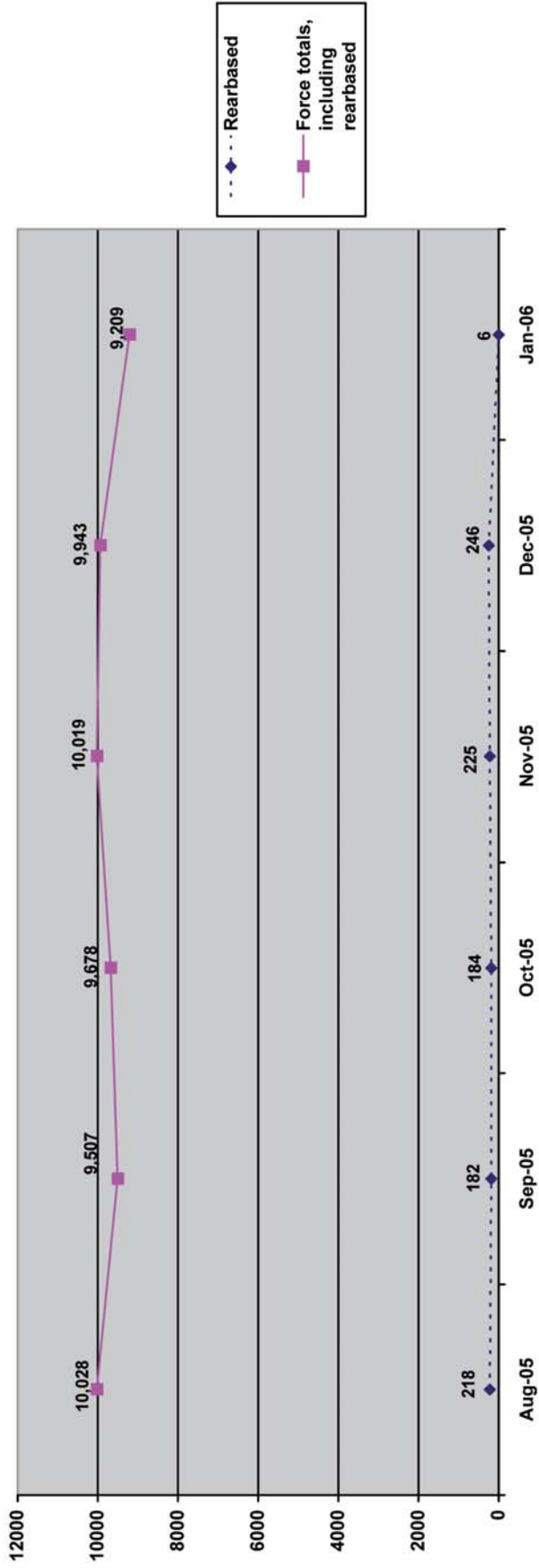
Drumadd Barracks, Armagh	Open	Open	Open
Duke of Connaught's Unit, Belfast*	Open	Open	Open
Girdwood Park	Closed (Nov 05)	Closed	Closed
Grosvenor Barracks, Enniskillen	Open	Open	Closed (Dec 06)
Harmony House, Lisburn	Open	Open	Open
Killymeal House, Dungannon	Closed (Oct 05)	Closed	Closed
Kinnegar, Holywood*	Open	Open	Open
Laurel Hill House, Coleraine*†	Open	Open	Open
Lisanelly Barracks, Omagh	Open	Open	Open
Magilligan Training Camp*	Open	Open	Open
Mahon Barracks, Portadown	Open	Open	Closed (Oct 06)
Masonic, Londonderry	Open	Open ⁴⁷	Open
Massereene Barracks, Antrim*	Open	Open	Open
Moscow Camp, Belfast	Open	Open	Open
Palace Barracks, Holywood*	Open	Open	Open
Shackleton Barracks, Ballykelly*†	Open	Open	Open
St Lucia Barracks, Omagh*†	Open	Open	Open
St Patrick's Barracks, Ballymena*†	Open	Open	Open
Thiepval Barracks, Lisburn*	Open	Open	Open

⁴⁷ Please see immediately preceding footnote.

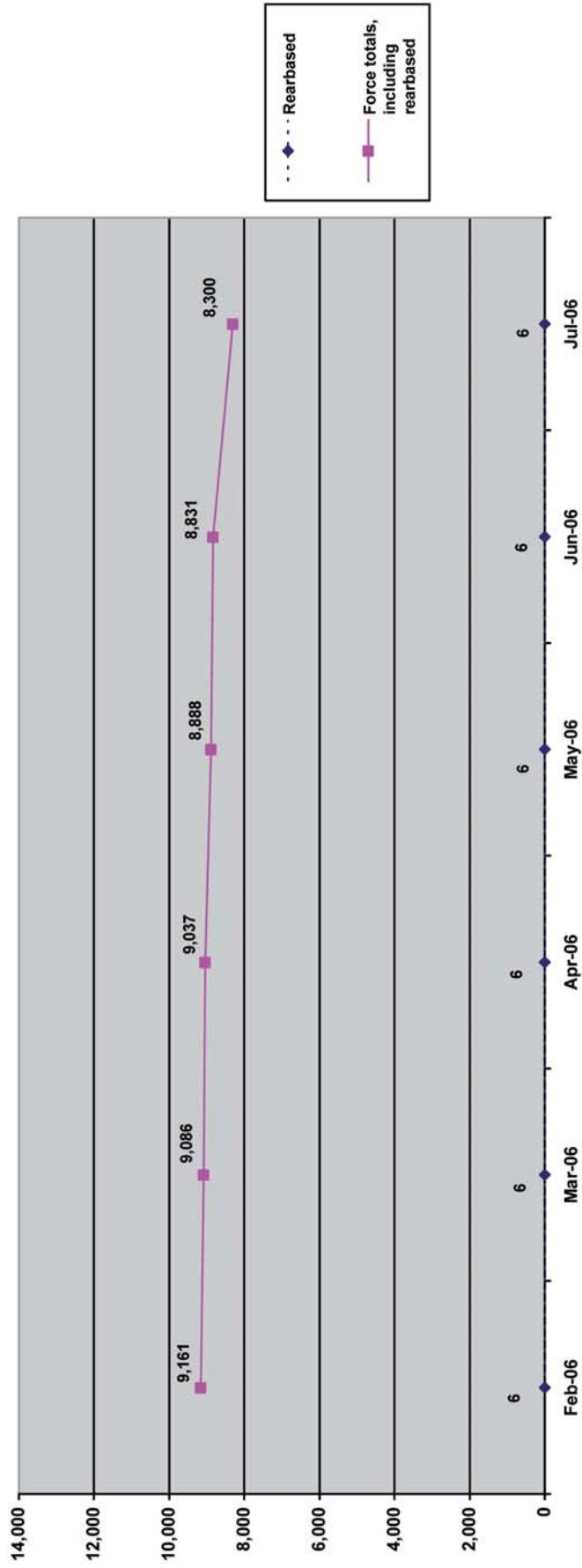
ANNEX XI

NORMALISATION PROGRAMME

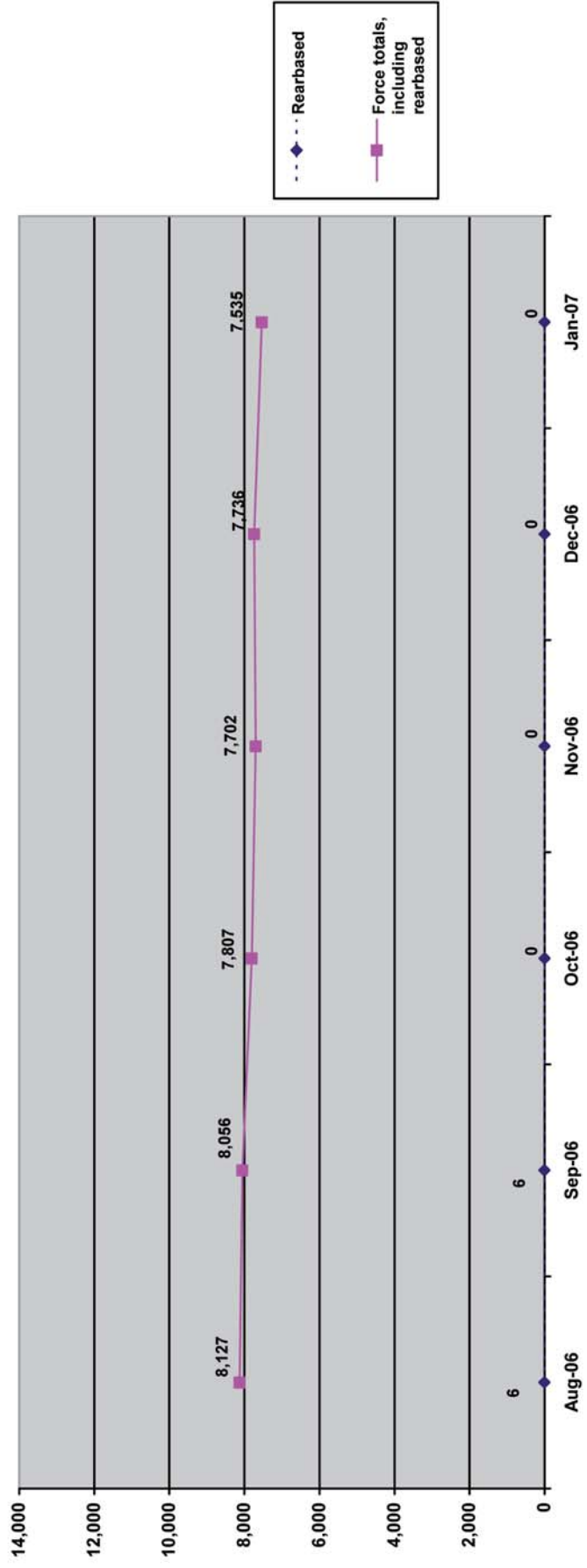
MONTHLY TROOP LEVELS – AUGUST 2005 TO JANUARY 2006



MONTHLY TROOP LEVELS – FEBRUARY 2006 – JULY 2006



MONTHLY TROOP LEVELS – AUGUST 2006 – JANUARY 2007



ANNEX XII

MILITARY HELICOPTER USE – JULY 2005 TO JANUARY 2007

The following definitions have been used in this table

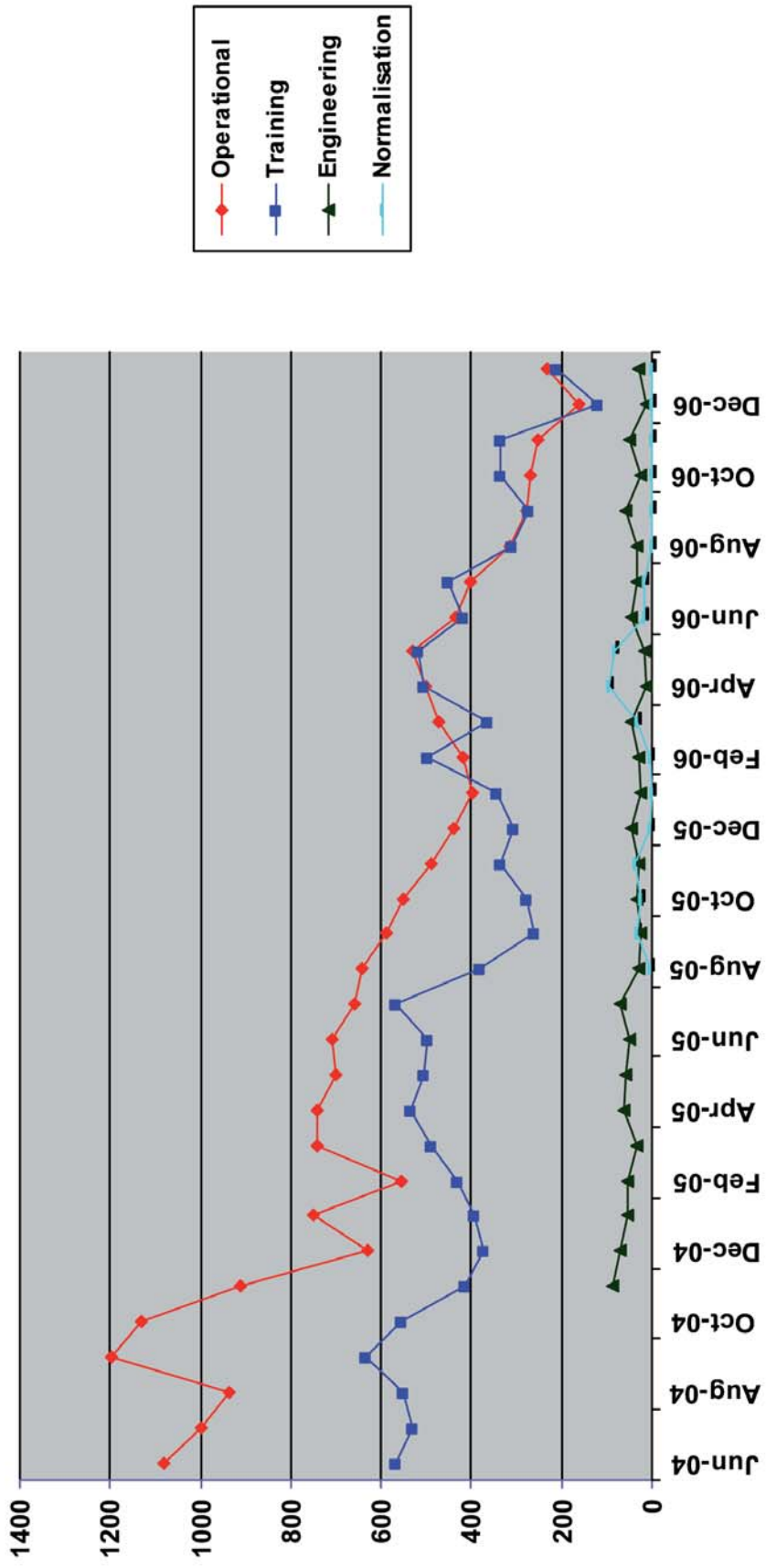
- Operational flights are those flown in support of PSNI.
- Training flights are those flown to maintain pilot competency standards.
- Engineering flights are flying safety tests of aircraft after engineering work.

Month	Operational	Training	Engineering	Total
July 2005	659:20	566:18	69:25	1295:03
Aug 2005	649:21	380:24	31:39	1061:24
Sept 2005	622:56	260:09	26:20	909:25
Oct 2005	578:02	277:04	34:21	889:27
Nov 2005	525:18	335:38	31:02	891:58
Dec 2005	445:02	307:32	45:10	797:44
Jan 2006	397:30	344:42	23:55	766:07
Feb 2006	425:01	495:33	31:30	952:04
March 2006	506:31	364:26	46:18	917:15
April 2006	599:02	507:44	11:20	1118:06
May 2006	612:01	519:49	16:05	1147:55
June 2006	453:20	418:19	44:05	915:44
July 2006	418:14	452:19	34:30	905:03
Aug 2006	313:55	312:10	32:10	658:15
Sept 2006	279:45	275:23	59:27	614:35
Oct 2006	271:52	336:17	24:44	632:53
Nov 2006	254:42	335:14	51:24	641:20
Dec 2006	162:35	122:00	14:40	299:15
Jan 2007	231:52	211:29	28:05	471:26

Included in the hours flown for operational purposes in the above table are hours flown to give effect to the normalisation programme, mainly for the demolition of hill-top sites and the removal of material. The figures for this activity are as follows:

MONTH	NORMALISATION HOURS
Aug 2005	6:50
Sept 2005	33:40
Oct 2005	26:45
Nov 2005	38:15
Dec 2005	4:00
Jan 2006	0:00
Feb 2006	5:30
March 2006	35:35
April 2006	97:55
May 2006	81:45
June 2006	18:00
July 2006	15:40
Aug 2006	0:00
Sept 2006	0:00
Oct 2006	0:00
Nov 2006	0:00
Dec 2006	0:00
Jan 2007	0:00

MILITARY HELICOPTER USE – 2004 - 2007



ANNEX XIII

ARMY AND JOINT ARMY/PSNI SITES VACATED OR TO BE VACATED UNDER THE NORMALISATION PROGRAMME

1. The normalisation programme requires:
 - “The return of private property on vacated sites” in the current (12 month) period, namely 1 April 2006 – 31 March 2007 (covered in this report);
 - “The vacation, closure and disposal of all military sites to leave no more than 14 core sites” in the final (4 month) period, namely 1 April – 31 July 2007 (to be covered in our final report under Article 5(1)).
2. We explain below the different terms on which the Army occupies the sites and the arrangements for their disposal.
3. We then set out in the table details on all the sites which have been vacated between the start of the programme on 1 August 2005 and the end of the current reporting period, 31 January 2007, or which will be vacated between 1 February 2007 and the end of the programme on 31 July 2007, which latter we will cover in our final report under Article 5(1) in September.

Ownership and Disposal of Sites

4. Army sites to be vacated under the normalisation programme fall into three categories: those requisitioned for Army use under the powers contained in counter-terrorist legislation; those leased from the owner; and those owned by the Ministry of Defence (MOD).
5. In the case of requisitioned sites, the MOD is obliged to return the property to the owner in its original condition. The MOD continues to pay rent after it has vacated the site until reinstatement work is completed.

6. In the case of leased sites, the MOD fulfils its obligations under the lease. This normally involves its surrender to the owner.
7. In the case of sites in government ownership the MOD follows the normal UK practice and first offers them for sale to other government departments. If no department wants the site the MOD then offers the site for sale on the open market.
8. In all cases when the Army ceases to use the site for operational purposes it is passed to Defence Estates, the part of MOD which deals with property matters and estate disposals. In the following tables this is recorded as “passed to DE”.
9. In addition to the sites listed below a number of joint Army/PSNI bases have been closed, and one further remains to be closed – see paragraphs 4.10-4.12 and Annex IX above. In those joint bases with military accommodation inside the PSNI station it has either been demolished or transferred to PSNI for its use. The joint bases where this has happened are Keady, Middletown, Rosslea, Kinawley, Newtownbutler and Maydown.
10. Of the two remaining towers and observations posts one, Rosemount, is on PSNI land and the other, Musgrave Park Hospital, is near the Duke of Connaught’s Unit which is due to remain as one of the core military sites. At Rosemount the tower and adjacent accommodation will be closed by the end of the normalisation programme in July 2007 and the site transferred to PSNI. The Musgrave Park Hospital observation post will close by 31 July 2007.

MILITARY SITES CLOSED AND DISPOSED OF SINCE AUGUST 2005

Site and Location	Ownership	Nature of Use	Comment
R12, Sugarloaf Hill, South Armagh	Leasehold	Observation Post	Passed to DE Aug 2005: returned to owner Oct 2006
R13A, Camlough Mountain, South Armagh	Leasehold	Observation Post	Passed to DE May 2006: returned to owner Oct 2006
R21, Jonesborough Hill, South Armagh	Leasehold	Observation Post	Passed to DE May 2006: returned to owner Oct 2006
G40, Croslieve	Leasehold	Observation Post	Passed to DE July 2006 and directly to Policing Board for use as a communications site for the emergency services
Divis Tower, Belfast	Leasehold	Observation Post	Passed to DE Aug 2005 and directly to NI Housing Executive
Killymeal House, Dungannon	MOD	Military Base	Passed to DE Oct 2005: sold Nov 06
Girdwood Park, Belfast	Leasehold	Military Base	Passed to DE Nov 2005: sold March 2006

CLOSURE AND DISPOSAL OF OTHER MILITARY SITES UNDER THE NORMALISATION PROGRAMME

Site and Location	Ownership	Nature of Use	Comment
G10, Creevekeeran	Leasehold	Observation Post	Passed to DE Sep 2006 ⁴⁸
G20, Drummuckavall	Leasehold	Observation Post	Passed to DE Sep 2006 ⁴⁹
PSNI Forkhill	MOD	Joint Base	Passed to DE Dec 2005
PSNI Newtownhamilton	Requisitioned	Joint Base	Closed: Not returned as at 31 Jan 2007
PSNI Crossmaglen	Requisitioned	Joint Base	Still open
Musgrave Park Hospital OP	Leasehold	Observation Post	Still open
Grosvenor Barracks, Enniskillen	MOD	Military Base	Passed to DE Dec 2006
Mahon Barracks, Portadown	MOD	Military Base	Passed to DE Oct 2006
Harmony House, Lisburn	MOD	Training Centre	Still open
Lisanelly Barracks, Omagh	MOD	Military Base	Still open
Moscow Camp, Belfast	Leasehold	Military Base	Still open
Masonic, Londonderry	Leasehold	Military Base	Still open
Drumadd Barracks, Armagh	MOD	Military Base	Still open
Bessbrook	Leasehold	Military Base	Still open

⁴⁸ Not yet returned to landowner pending resolution of boundary issues

⁴⁹ As immediately preceding footnote.

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