



Eleventh Report of the Independent Monitoring Commission

Presented to the Government of the United Kingdom and the
Government of Ireland under Articles 4 and 7 of the International
Agreement establishing the Independent Monitoring Commission

Ordered by the House of Commons to be printed September 2006

LONDON:
HER MAJESTY'S STATIONERY OFFICE
£10.50



Eleventh Report of the Independent Monitoring Commission

Presented to the Government of the United Kingdom and the
Government of Ireland under Articles 4 and 7 of the International
Agreement establishing the Independent Monitoring Commission

Ordered by the House of Commons to be printed September 2006

LONDON:
HER MAJESTY'S STATIONERY OFFICE
£10.50

© Crown Copyright 2006

The text in this document (excluding the Royal Arms and departmental logos) may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the document specified.

Any enquiries relating to the copyright in this document should be addressed to The Licensing Division, HMSO, St Clements House, 2-16 Colegate, Norwich, NR3 1BQ.

Fax: 01603 723000 or e-mail: licensing@cabinet-office.x.gsi.gov.uk

CONTENTS

1.	Introduction	3
2.	The Scope of this Report, the Security Normalisation Programme and the Concept of Normalisation	5
3.	Our Approach to this Report and Threat Assessment	12
4.	Security Normalisation: The Use of the Military in Support of the Police Service of Northern Ireland	17
5.	Security Normalisation: The Repeal of Counter-terrorist Legislation Particular to Northern Ireland	25
6.	Security Normalisation: The Police Estate	27
7.	Security Normalisation: Patterns of Police Patrolling	31
8.	Conclusions	34

ANNEXES

I	Article 5 of the International Agreement	38
II	The IMC's Guiding Principles	39
III	Letter of Notification from the British Government	41
IV	Security Normalisation Programme Published by the British Government on 1 August 2005	42
V	Views of the British Government on the Threat and its Obligation to Ensure the Safety and Security of the Community as a Whole	45
VI	Towers and Observation Posts: Definitions	49
VII	Towers and Observation Posts in use on 31 July 2005, 31 January 2006 and 31 July 2006	51
VIII	Map showing the location of towers and observation posts in the South Armagh area; photographs of former military sites	52
IX	Joint PSNI/Military Bases in use on 31 July 2005, 31 January 2006 and 31 July 2006	55
X	Military Bases and Installations in use on 31 July 2005, 31 January 2006 and 31 July 2006	56
XI	Monthly troop levels August 2005 to July 2006	58
XII	Military Helicopter use July 2005 to July 2006	60

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 second report under Article 5(1) and covers the period 1 February to 31 July 2006. Our first such report, covering 1 August 2005 to 31 January 2006, was published in March 2006². We will report twice more, on the two remaining six month periods until the end of the programme, scheduled to be 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 IMC Ninth Report, published March 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, THE SECURITY NORMALISATION PROGRAMME AND THE CONCEPT OF NORMALISATION

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 We think it would be useful if our Article 5(1) reports were documents of record which progressively covered the implementation of the whole normalisation programme. Accordingly we include in this report some factual data on the first six month period as well as on the second such period presently under review. We intend to continue this practice through to our fourth report, which we will submit shortly after the end of the programme in 2007.
- 2.4 It is important to understand that normalisation in this sense is a narrow concept, to do with the ending of military support for the police and of other special measures. We discuss the wider concept in paragraphs 2.7-2.11 below and explain in paragraph 3.4 how we have assessed the paramilitary threat to normalisation.

The Security Normalisation Programme

- 2.5 We set out the letter of notification 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. Accordingly this report covers the last two months of the first (8 month) period and the first four months of the second (12 month) period.
- Some aspects of the programme require no specific action on the ground but either the publication of more detailed plans (in the period covered by this report, for the phased reduction in the number of troops) or the continuation without a specific timetable of work already in hand (for this report, the continuation of the review of the police estate initiated in 2005; and the "progressive development" of new patterns of police patrolling for the period starting in April 2006).
- 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 as elements of 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 and cover British Army helicopter use in this Report.

The Concept of Normalisation

- 2.7 Normalisation is a complex phenomenon which carries different meanings in different circumstances. As a concept it embraces the political, economic

and social environment as well as the conduct of individual institutions. In respect of Northern Ireland it can, for example, mean conforming to internationally recognised standards; or more precisely it can involve direct comparison with the UK and Ireland, either as a whole or just with similar regions within them. Even the narrower concept of security normalisation which is the focus of our work raises questions: does it embrace only the sort of activity listed in Article 5(1), such as the use of troops in support of the police or of elevated observation posts? Or does it go wider to the nature and operations of the police and to the criminal justice system as a whole? In reflecting on our role and in presenting this report we think it is useful to have a sense of this complexity. Otherwise there is a possibility that we might unwittingly present things without adequate regard to the wider context, or that what we say might be understood as giving a more complete picture than is possible within our remit. This is why in all our work under Article 5 we have sought to draw attention to associated monitoring and reporting by others whose work embraces important aspects of security normalisation, for example by the Oversight Commissioner and the Independent Reviewer of the Terrorism Act 2000.

- 2.8 In our view the key is the breadth of normalisation. In the security context we find the term “holistic” useful. The things listed in Article 5(1) and the others in the security normalisation programme are only part of a much wider pattern of change involving the PSNI, the correctional agencies and the courts, as well as the processes of inspection and review. These changes involve both the standards to which these organisations operate and the manner in which they are managed and use resources. In their turn these organisations are affected by, and impact upon, the political and other changes taking place as Northern Ireland moves out of conflict and seeks to restore fully functional local democratic institutions. Within this wider environment the culture, structure and operations of the criminal justice agencies are developing, and thereby bearing on the matters which we monitor. For example, the post-Patten PSNI is able to function in ways not previously possible. As we show later in this report, it policed the parades on 12 July 2006 without any recourse to the British Army. It could

do that both because the circumstances had changed and because the Service itself had changed. This will also have a bearing on the implementation of the security normalisation programme we are monitoring through the judgements which the British Government will make about the need for troops to support the PSNI. And although we recognise that the British Government holds as firmly as its predecessors to the view that it will always make whatever provision is necessary to ensure public safety in Northern Ireland, those judgements will in their turn inevitably be made against a background where there are many other demands on British military resources. This illustrates to us the aptness of “holistic” and the importance of putting our work into the wider context.

- 2.9 There are a large number of organisations concerned with different aspects of normalisation, which we list in the footnote below³. Some focus mainly on the enforcement of the law, such as the operational practices and equipment of the police, the use of the military and security-related legislation. Some focus mainly on the agencies responsible for the other stages in the criminal justice process, and some on the wider context of the relations of the criminal justice agencies to society. In virtually every instance these bodies are concerned with more than one, and often several, of these aspects. They also differ in their functions – executive, supervisory, monitoring and advisory; and again many of the bodies have several of these functions. As a whole, this system, of which we are one part, is strikingly comprehensive, and certainly more so than found in the rest of the UK or in Ireland. We believe the public reaction to this system is

³ (In alphabetical order) Criminal Justice Inspectorate of NI; District Policing Partnerships; Electoral Commission; Equality Commission; HM Inspectorate of Constabulary; HM Inspectorate of Prisons; Independent Assessor of Military Complaints Procedures; Independent Monitoring Commission; Independent Reviewer of the Terrorism Act 2000; Information Commissioner; Interception of Communications Commissioner; Independent International Commission on Decommissioning; Justice Oversight Commission (until June 2006); NI Commissioner for Children and Young People; NI Judicial Appointments Commission; NI Policing Board; NI Prison Service; NI Sentence Review Commissioners; NI Human Rights Commission; Oversight Commissioner; Parades Commission; Police Ombudsman for NI; Probation Board for NI; Saville Inquiry; Stevens Inquiry; Office of the Surveillance Commissioners. (And generically) the executive agencies and departments of the British Government, most with responsibilities only in Northern Ireland but some with UK-wide responsibilities, and the various inquiries in Ireland North and South arising from the Cory Inquiry.

generally supportive. But there are mixed responses and support is not universal; we are an example of that as well.

2.10 There is one other aspect of normalisation in the broad sense which we know concerns some people and on which we have received representations. This is whether or not there is collusion between paramilitaries and members of the security forces or others in the criminal justice system. We commented on this matter in our Third Report⁴ but think it would be helpful to set out our views here. Our tasks are to monitor continuing paramilitary activity under Article 4 and the implementation of the British Government's security normalisation programme under Article 5. In respect of the first, the word "continuing" is the key: it is not within our remit to consider alleged collusion which has now ceased, especially if it occurred before we were established in January 2004. In respect of the second, although we recognise that normalisation in the wide sense we discuss above can encompass the issue of collusion, the security normalisation programme we monitor does not. There are a number of inquiries now examining earlier alleged collusion. We repeat what we said before, namely that if there was current collusion of a kind which was material to the present activities of paramilitary groups, we would consider it to be within our remit. Furthermore, we take the opportunity of this report to add two points in connection with security normalisation. First, we think it is important to distinguish clearly between collusion and the legitimate and controlled use of informants, which is a normal and proper part of law enforcement in all democratic societies. Second, we most certainly do not in any way consider that collusion is an acceptable feature of normalised security arrangements or law enforcement.

2.11 We hope that readers of this report will have full regard to all these related issues – the complexity of the concept of normalisation and of the great variety of changes which are contributing to it, and the range of different bodies which have a role in furthering it through their responsibilities to

⁴ IMC Third Report, paragraphs 6.18-6.19. This report was the second we presented on continuing paramilitary activity under Article 4.

deliver, supervise and monitor change, and to advise upon it. We believe that we can better contribute to normalisation, and so fulfil our function under Article 3 to which we referred above⁵, if our report is taken in that context.

⁵ See paragraph 1.4 above.

3. OUR APPROACH TO THIS REPORT AND THREAT ASSESSMENT

Our Approach

- 3.1 We consider it essential to take account of as wide a range of opinions and information as possible. To that end we have met official organisations in the UK and Ireland and have heard views from parties represented in the Northern Ireland Assembly. We continue to receive communications from members of the public, all of which we take into account, and we monitor media reporting and discussion. We have nevertheless noted that there continues to be 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 military and police establishments 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 We must emphasise an important point about our assessment of the paramilitary threat. We deal 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. We will be making a broader assessment in our next Article 4 report, which we will deliver to the two Governments in October 2006.

3.5 With this in mind, 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 firm view that PIRA is committed to following a political path. It is not engaged in terrorist activity, by which we mean undertaking attacks, planning or reconnoitring them, or developing a terrorist capability by, for example, procuring weapons or training members. The leadership is opposed to the use of violence in community control, has taken a stance against criminality and disorder amongst the membership, and has been engaged in successful dialogue to prevent violence during the 2006 parades season. Senior members are taking on roles in Sinn Féin and are encouraging other members to do the same or to engage in community work. The fact that PIRA retains a command and control structure does not in our view detract from this. Indeed, this structure is an important element in maintaining the organisation on its chosen path.
- Dissident republicans do pose a continuing threat to the security forces and constitute the most significant security threat in Northern Ireland. They have continued to engage in paramilitary activity and recent events have shown their wish to maintain their capability to do so. It remains the case however that they have been hampered in what they do both by their limited expertise and

capacity and by the continuing efforts of law enforcement agencies North and South.

- We do not think that at present loyalist paramilitaries are an active threat to the security forces although they remain involved in violence. In contrast to 2005, leaders contributed to a quiet parades season and some amongst them appear committed to ending criminality amongst their members. This latter has been more evident in the case of the UDA and may reflect a positive strategic decision. The UVF refusal to clarify its position in advance of 24 November 2006 remains a worry, not least in view of their refusal to decommission arms or in other ways to reduce their capability to revert to terrorism. All these groups remain strongly entrenched in certain local communities.

3.6 From this we draw the following general conclusions about the paramilitary threat in relation to security normalisation:

- There is at present a certain level of threat to the lives and safety of members of the security forces from dissident republicans. This threat could materialise in any part of Northern Ireland but is more likely to do so in certain specific areas.
- Following its statements and decommissioning, and given the strategy directed by the leadership, we do not think that PIRA presents a threat to the security forces or impediment to security normalisation.
- Loyalist paramilitary groups do not at present constitute an active terrorist-type threat to the security forces.
- The largely peaceful parades season this year has been in marked contrast to the violence in the summer and autumn of

2005. This is directly relevant to the question of army support to the police for the purpose of maintaining public order.

- We recognise nevertheless, as we did in our report 6 months ago, that circumstances could change quickly.

3.7 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. We again asked him for his views so that we could take them into account in this report. His response of 2 August 2006 refers back to his original letter of 6 February and we include the full text of both in Annex V.

3.8 The Secretary of State says that his earlier assessment still stands and that in his view the normalisation programme remains “appropriate and manageable”. He draws particular attention on this occasion to initiatives aimed at reducing community tension and interface violence and to the fact that the parades season over June and July has been “overwhelmingly peaceful”⁶. We note from his earlier communication that the British Government’s assessment of the threat is based on security advice and is kept under constant review. We also note that the Government considers its over-riding priority to be the safety and security of the people of Northern Ireland. The continuation of the normalisation programme depends on the continued existence of what the Joint Declaration called an enabling environment⁷, and the Secretary of State has stated that if the Government felt that this no longer existed it would halt the programme and reinstate any measures the new circumstances might require.

⁶ See paragraphs 2.7 above and 8.9.

⁷ See paragraph 2.5 above.

3.9 This Section, and the preceding two, give the background to our report and the basis on which we make our assessment. Sections 4 to 7 contain the information on the various parts of our remit. We then set out our conclusions in Section 8.

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.
- 4.2 In each case we set out the position on 31 July 2005 (the day before the start of the normalisation programme), that on 31 January 2006 (at the end of the first six months of the programme) and that on 31 July 2006 (at the end of the second 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. We have in addition made visits to police and military facilities and held a variety of discussions of our own.

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

The full details are in Annex VII. A map showing the location of towers and observation posts in South Armagh demolished in the period under review, and photographs of the sites, are in Annex VIII.

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 4.13-4.14 below and Annex X).

4.7 All this work was completed on schedule, and neither the programme nor the structured plan for troop reduction makes 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 reductions⁸ specify a precise date within that period by which that

⁸ See paragraphs 4.17-4.19 below.

must be done but the three remaining hilltop sites in South Armagh were in fact closed in April 2006⁹.

- 4.9 No other towers or observation posts are scheduled for closure either during the period covered by this report, or in the second period of the programme through to 31 March 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

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 previous report that there was a reduction of 50% from 10 bases to 5 between 1 August 2005 and 31 January 2006. 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. The structured plan refers to the withdrawal of troops from PSNI Middletown by early April 2006 and from PSNI Newtownbutler no later than that month.

⁹ 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.

4.12 The closure at Maydown was made ahead of schedule, in December 2005¹⁰. Troops were withdrawn from PSNI Middletown and PSNI Newtownbutler in March and June 2006 respectively¹¹. No other withdrawals have to be undertaken in the six month period under review in this report.

*The Closure and Dismantling of Military Bases and Installations in Northern Ireland – Article 5(1)(a)(iii)*¹².

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

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. Since then the Secretary of State for Defence has announced that 3 of the 14 sites envisaged in the Joint Declaration and in the programme will also be closed, one by 31 July 2007 and two the following year. The details are also in Annex X.

¹⁰ A military bomb disposal team remains co-located with the police at PSNI Maydown.

¹¹ 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.

¹² 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. The normalisation programme specifies the return of private property on vacated sites in the second 12-month period, namely by the end of March 2007. We will cover this matter in our 2 further reports on normalisation, which we expect to present in March and September 2007.

4.15 There have been no closures during the 6 months under review in this report. This is consistent with the normalisation programme. It is also consistent with the structured plan for troop reduction¹³, which did not specify the closure of bases over this period.

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

4.16 The number of troops in Northern Ireland and rearbased¹⁴ but available to the GOC for deployment in Northern Ireland was as follows¹⁵:

- August 2005	10,028
- January 2006	9,209
- July 2006	8,300

The full details, set out month by month, are in Annex XI¹⁶.

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.

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

¹³ See paragraphs 4.17-4.19 below.

¹⁴ 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.

¹⁵ 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.

¹⁶ 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.

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 records the withdrawal of the roulement Battalion¹⁷ in January 2006, which we covered in our previous report. It says that by 31 March 2006 there should be approximately 9,200 troops. In fact, as we note in paragraph 4.16 above, that number was achieved in January this year, and in March it was 9,086. We note that over the whole six months under review the number of troops has fallen by 861, from 9,161 to 8,300, a reduction of over 9%. This means 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.

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.

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

¹⁷ Northern Ireland Battalion 1, known as NIBAT 1, consisting of approximately 500 soldiers.

the six-month periods which we monitor. We believe however that the following points, taken together, give a picture of what is happening:

- In January 2006, at the end of the first six months of the programme, 295 fewer hours were flown than in August 2005, the first month; this is 28% less. This reduction was partly seasonal;
- Over the second six-month period, 47 fewer hours were flown in July 2006 than in February, a reduction of 5%. There was also a seasonal effect here;
- 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%;
- Comparing the second six-month period, February to July this year, which we review in this report, 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%.

4.23 We believe that these two latter 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% and 24% respectively are substantial.

Summary

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

- 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.

4.25 In the second 6 months of the normalisation programme, 1 February-31 July 2006 (under review in this 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.

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 earlier this year 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 previous Article 5 report we summarised the provisions in force, explained the framework within which the legislation is handled and described recent changes. All those matters are therefore on the public record and 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 We noted in our previous Article 5 report that the normalisation programme made 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 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 Over the six-month period under review in this report the statutory arrangements for independent review have continued. The Independent

Reviewer of the Terrorism Act 2000, Lord Carlile of Berriew QC, examines the use of and need for the provisions of Part VII¹⁸. Assuming the continuation of the previous pattern, he may be expected to report again in early 2007. The Independent Assessor of Military Complaints Procedures, Mr Jim McDonald CBE, reviews the manner in which the British Army deals with complaints it receives¹⁹.

- 5.6 In these circumstances there is nothing on which we can report at this stage. We will cover this issue fully in our final normalisation report in the autumn of 2007. We will also return to it in our next report in March 2007 if by then the British Government has announced its proposals for arrangements after the completion of the normalisation programme²⁰.

¹⁸ Lord Carlile's latest report is Report on the Operation in 2005 of Part VII of the Terrorism Act 2000, published in February 2006.

¹⁹ Mr McDonald's latest report, Independent Assessor of Military Complaints Procedures in Northern Ireland, Thirteenth Annual Report, January-December 2005, was published in July 2006.

²⁰ We note the recent publication by the British Government of a consultation paper entitled Replacement Arrangements for the Diplock Court System (Northern Ireland Office, August 2006). This paper followed an earlier discussion document published in February 2006 on the devolution of policing and justice in Northern Ireland which considered possible arrangements for the courts. That same discussion document had said the Government was also considering the nature of any special powers which might be necessary after normalisation to enable the Army to give specialist assistance to the police in such matters as bomb disposal and public order.

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 review and associated action in February and March 2006, and defortification over April-July 2006 without specific reference to the review. 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 the police estate we recognise that:

- Action on the review 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 its components flow directly from the Patten Report. The main ones relevant to our present task are ensuring that new police

stations should as far as possible have the appearance of ordinary buildings and the softening and defortifying of existing ones²¹.

- 6.4 We also note that Patten recommendations on the estate, as the other Patten recommendations, fall within the remit of the Oversight Commissioner, who published his most recent assessment on this subject in June 2006²². 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 previous report we concluded that the commitments in the security normalisation programme about the police estate had been met in the period to the end of January 2006: 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.
- 6.7 We have further examined the implementation of the review of the police estate and the plans for defortification. We note that:
- The Policing Board conducted a formal examination of the estate strategy in February 2006 and plans a further one in the autumn. In the interim it monitors progress in conjunction with the PSNI. Funding has been provided for normalisation work on the police estate.

²¹ Other Patten recommendations on the estate were 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.

²² Oversight Commissioner, Report 16, June 2006.

- The programme of work to defortify existing police buildings continues, and funding has been provided for this purpose. At present 55 schemes are scheduled for implementation;
- The programme for constructing new premises in a style compatible with the Patten recommendations continues. Recent examples include the completion of District Command Unit Headquarters at Magherafelt and Coleraine and the start of work on a new District Command Unit Headquarters at Omagh;
- Proposals are being developed for the establishment of police shops in rural towns, including Beragh and Ballywalter;
- The PSNI are acquiring mobile police stations for use in Belfast, Enniskillen and elsewhere;
- District Commanders are involved in all the schemes in their areas. They are reviewing their premises to optimise the contribution they make to local policing. An example is the estate normalisation plan in Newry and Mourne District which is designed to support the delivery of community based policing throughout that area.

6.8 In his report of June 2006 the Oversight Commissioner commented on the implementation of the Patten recommendations relating to the police estate²³. He noted that whilst the review was being pursued, there had been insufficient improvement to the estate. He regretted the extent to which fortified buildings remained, both because of how they struck the public and because working conditions within them were often substandard. He concluded that much more remained to be done. He also noted that the review of public administration in Northern Ireland meant that the PSNI had to consider further the structure of local command units, the number of

²³ Oversight Commissioner, Report 16, June 2006.

which was likely to reduce. This would impact on the need for headquarter and other accommodation, for example for specialised units, with the consequence that it was unlikely progress would be made on some projects for the time being. We have no reason to disagree with his view.

7. SECURITY NORMALISATION: PATTERNS OF POLICE PATROLLING

- 7.1 The normalisation programme requires us to monitor the “progressive development of and extension of varying patrol patterns: e.g. single beat officers, bicycle patrols and opening of police shops”. This is the only part of the programme which starts with the second period, namely from 1 April 2006, and is therefore the only matter we cover here which did not feature at all in our previous report²⁴. Compared with our remit on most elements in the programme, on this subject the programme is fairly unspecific: there is no benchmark from which to start; no set targets; no precise timings when certain actions have to be completed; and no definition of what is meant by “progressive development”. We have interpreted the remit to mean that we should assess whether the PSNI is continuing to introduce different patterns of patrolling from those to which it had been accustomed, and we have taken the references to types of patrolling as examples rather than as exclusive.
- 7.2 Patrolling patterns are complex. In no police service is there one pattern which suits all areas, circumstances or times of day. There are alternatives between foot, bicycle, motorcycle and vehicle patrols, those with one or more officers (whether on foot or in vehicles), and the use of different kinds of vehicle (for example marked and unmarked cars, armoured and unarmoured, and Landrovers). We would never expect to see only one kind adopted. The issue for us is whether increasing use is being made of the kinds of patrolling more often found elsewhere in the UK and Ireland, such as single officers in vehicles, on bicycles or on foot.
- 7.3 Patrolling patterns and the associated issues on police relations with the community are key elements of the Patten reforms which the Oversight Commissioner regularly examines. This is relevant for two reasons. First, as with the police estate²⁵, the Oversight Commissioner keeps the whole

²⁴ Police patrolling remains in the programme for the third and final 4 month period, April-July 2007, although it is then articulated in slightly different terms.

²⁵ See Section 6 above.

matter under separate detailed independent review in addition to our monitoring of the security normalisation programme. He did so most recently in his report in June 2006²⁶. Second, in that report he noted that the recommendation on foot patrolling had been implemented, and he further examined the contextual recommendations on neighbourhood policing and the adoption of community policing as a core function.

7.4 We note the following, at a service-wide level:

- It is the aim of the PSNI to move to a position where the norm is single officer patrolling, and where there is doubling only because circumstances require it;
- All Districts²⁷ of the PSNI deploy single officer beat patrols on foot for neighbourhood policing in appropriate circumstances;
- All Districts use single officer motorcycle patrols in appropriate circumstances;
- All Districts of the Service have a senior officer whose task it is to lead on the extension of the use of single officer patrolling and who is accountable for the discharge of this role.

7.5 We have observed single officer patrolling for ourselves and note that there has been an increase in its use. In the first part of 2006 about a quarter of foot patrols were undertaken by an officer on his or her own, as compared with about a fifth in 2005. In the case of single officers in vehicles, the number doubled, from about 1 to 10 to about 2 in 10.

7.6 We recognise that there will remain many circumstances in which single officer patrolling, or foot and bicycle patrolling, is entirely unsuitable. The PSNI, like their counterparts elsewhere, will use single officer patrols only if

²⁶ Oversight Commissioner, Report 16, June 2006.

²⁷ By this we mean the PSNI territorial commands.

it is safe to do so and there is adequate back-up²⁸. Some of the circumstances are unique to Northern Ireland. Most striking is the threat from dissident republicans to which we referred above²⁹. Loyalist paramilitaries might also use violence against the police. Threats of this kind put the PSNI in a position which is different from that of the police elsewhere in the UK and in Ireland. Other reasons, which are more likely to be common to the police more widely, include the risk of attacks from rowdy youths, particularly at night; areas of poor radio communication, where officers must not be left vulnerable and unable to summon assistance; or when probationer officers are being mentored by more experienced colleagues.

²⁸ The Policing Board and the Chief Constable have considered a “Best Value Review” which among other things recommended single officer patrolling in appropriate circumstances. We note that members of the Board and the Chief Constable pointed out in their responses the need to assess risks, to ensure officer safety, and to the fact that there would remain many circumstances in which single officer patrolling was unsuitable.

²⁹ See Paragraph 3.5 above.

8. CONCLUSIONS

8.1 We set our conclusions out below. We do so against the background of our remit and our views on the concept of normalisation (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 Commissioner³⁰. 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 previous report we concluded that the commitments in the first six months of the programme had been met³¹. 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

³⁰ We refer to these reviews in more detail, and to the latest reports, in Sections 5, 6 and 7 above.

³¹ See IMC Ninth Report, paragraphs 7.3-7.8.

been met. This is because of the demolition of all the remaining towers in South Armagh; the withdrawal of the Army from 2 further police stations; the position on the number of military bases (where no closures are required at the present time); and the reduction in the number of troops. We also note that the requirements of the structured plan for the phased reduction of troops, published in March 2006, that apply in the period under review have been met.

- 8.6 The normalisation programme requires no action on counter-terrorist legislation particular to Northern Ireland until July 2007, at the end of the two year period. There is therefore nothing on which we are able to report at this stage.
- 8.7 On the police estate, we note the defortification of existing police buildings, the new premises which are being constructed in a style compatible with the Patten recommendations, the proposals for police shops, the acquisition of mobile police stations, and the way in which plans are being taken forward to ensure that premises support the delivery of community based policing at a District level. Given this, and the involvement of the Policing Board, we believe the requirements set out in the normalisation programme, which relate essentially to process rather than to specific targets or outcomes, have been met. We recognise that there are other more specific issues which are a matter for the Oversight Commissioner and we have no reason to disagree with the views he expressed in his report of June 2006.
- 8.8 We are satisfied that the PSNI is making progress in introducing new patrolling patterns and that it is the policy of the Service to extend them as the circumstances allow. We conclude that the requirements of the programme on this have been met.
- 8.9 As when we reported six months ago, there have been other signs of progress towards security normalisation which are not strictly part of the programme we are required to monitor and which an enabling environment

has made possible. So far as the PSNI is concerned, the most striking recent one was the way in which the parades on 12 July were policed without the need for military assistance. Similarly, the Tour of the North earlier in the summer was policed without recourse to the Army, making full use of stewards and relatively few officers. There are many other indications. Three examples are:

- Over 80% of uniform officers on patrol now wear high visibility clothing;
- Whereas in Spring 2005 some three quarters of the Districts in the PSNI Rural region regularly used military deployment, this is now very exceptional and the trend is expected to continue downwards;
- The PSNI is actively looking at new ways of encouraging interface between officers and the public, for example by basing them in places such as schools and supermarkets.

These sorts of developments are not simply evidence of normalisation. They also foster greater normalisation by encouraging community contact and greater support for the police. We have heard of many instances of greater support, including in those sections of the community which have traditionally been antipathetic to the police.

8.10 In addition to the formal compliance with the programme to which we refer above, some other indications of progress are:

- The demolition of the remaining towers and observation posts in South Armagh took place at the start of the 12 month period in which they were scheduled;
- The recently announced plans to reduce the number of military bases in Northern Ireland from the no more than 14 envisaged in

the Joint Declaration and in the programme to 11 by no later than April 2008;

- The number of troops in Northern Ireland has been reduced by more than originally envisaged. The figure of 9,200 for 31 March 2006 given in the structured plan for troop reductions was reached in January of this year. At the end of March there were some 9,100. The number has steadily declined over the 6 months under review and at the end of July it was 8,300. The structured plan requires there to be approximately 8,500 at the end of the 12 month period in March 2007; thus after 4 months of this period the March 2007 target was exceeded by 200;
- The continuing downward trend in the use of military helicopters;
- And to give one other example unconnected with the programme, we note the proposed demolition of the sangars at the Laganside Courthouse in central Belfast;
- One area where, in common with the Oversight Commissioner, we feel that greater progress is needed is in relation to the appearance of police stations.

8.11 We will present a further Article 5(1) report in March 2007, six months from now, which will be three quarters of the way through the normalisation programme. That report will come ten months into the second, twelve month-long, period of the three into which the programme is divided. There will then remain one further report for us to submit, in September 2007, shortly after the completion of the programme.

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 green field 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

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

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

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 AND 31 JULY 2006

The first column lists the sites in use at 31 July 2005. In the middle column “open” indicates the site was still in use on 31 January 2006 and “closed” that it was shut between those two dates. In the right hand column “open” indicates it was still open on 31 July 2006 and “closed” that it had been shut by then.

SITES AT 31 JULY 2005	POSITION AT 31 JANUARY 2006	POSITION AT 31 JULY 2006
Divis Tower (Belfast)	Closed (August 2005)	Closed
G10 (Creevekeeran)	Closed (August 2005)	Closed
G20 (Drummuckavall)	Closed (August 2005)	Closed
G40 (Croslieve)	Open	Closed (April 2006) ³²
Musgrave Park Hospital	Open	Open
Newtownhamilton Supersangar	Closed (August 2005)	Closed
Rosemount	Open	Open
R12 (Sugarloaf Hill)	Closed (August 2005)	Closed
R13A (Camlough Mountain)	Open	Closed (April 2006) ³³
R21 (Jonesborough Hill)	Open	Closed (April 2006) ³⁴

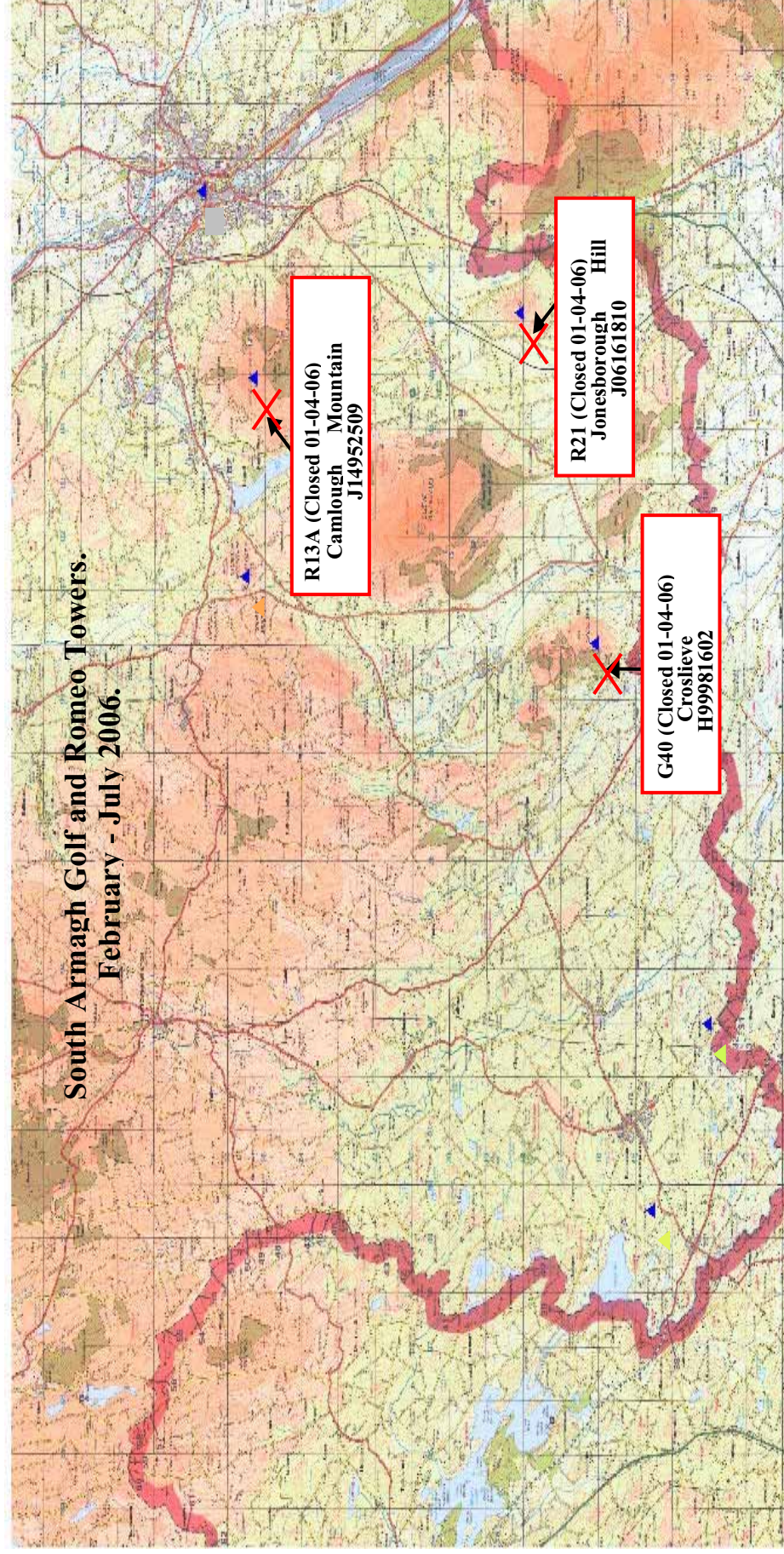
³² Following the end of military use in April 2006 the site was converted to a communications site for the emergency services. It was transferred to the Policing Board for Northern Ireland in July 2006.

³³ Operational use ceased on 1 April 2006. The site was handed to Defence Estates in May 2006.

³⁴ Operational use ceased on 1 April 2006. The site was handed to Defence Estates in May 2006.

ANNEX VIII

MAP SHOWING THE LOCATION OF TOWERS AND OBSERVATION POSTS IN THE SOUTH ARMAGH AREA; PHOTOGRAPHS OF FORMER MILITARY SITES



R21



R13A



ANNEX IX

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

The left hand column lists those places where the military were jointly based with the police on 31 July 2005. In the middle column “open” indicates that the military remained there on 31 January 2006 and “closed” that they had withdrawn and PSNI were solely responsible for the site by that date. The right hand column indicates the position on 31 July 2006.

POSITION AT 31 JULY 2005³⁵	POSITION AT 31 JANUARY 2006³⁶	POSITION AT 31 JULY 2006³⁷
PSNI CASTLEREAGH	Closed (August 2005)	Closed
PSNI CROSSMAGLEN	Open	Open
PSNI FORKHILL	Closed (December 2005)	Closed
PSNI KEADY	Open	Open
PSNI KINAWLEY	Closed (November 2005)	Closed
PSNI MAYDOWN	Closed (December 2005)	Closed
PSNI MIDDLETOWN	Open	Closed (March 2006)
PSNI NEWTOWNBUTLER	Open	Closed (June 2006)
PSNI NEWTOWNHAMILTON	Open	Open
PSNI ROSSLEA	Closed (November 2005)	Closed

³⁵ As at 31 July 2005, redundant military infrastructure remained at PSNI Belcoo, Grosvenor Road, Kesh, Lisnaskea, New Barnsley, Old Park, Warrenpoint, Castlederg and Woodbourne. Soldiers were not present at any of these sites. PSNI Castlereagh was still in use as a Joint Base.

³⁶ As at 31 January 2006, redundant military infrastructure remained at PSNI Belcoo, Castlereagh, Grosvenor Road, Kesh, New Barnsley, Old Park, Warrenpoint, Castlederg 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.)

³⁷ 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 Castlederg. (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 AND 31 JULY 2006

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 the Secretary of State for Defence announced on 10 May 2006 would also be closed, although each was included in the list of 14 core sites in the Joint Declaration. The closures are associated with the withdrawal of the units presently occupying them. Shackleton Barracks, Ballykelly, is now scheduled to close “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 11 military bases.

The left hand column lists the military bases and installations in use on 31 July 2005. In the middle column “open” indicates it was still in use on 31 January 2006. The right hand column shows the position on 31 July 2006.

BASES AT 31 JULY 2005³⁸	POSITION AT 31 JANUARY 2006³⁹	POSITION AT 31 JULY 2006
Abercorn Barracks, Ballykinler*	Open	Open
Aldergrove*	Open	Open
Ballykinler Training Camp*	Open	Open
Bessbrook	Open	Open
Divis Key Point* (on Divis Mountain)	Open	Open
Drumadd Barracks, Armagh	Open	Open
Duke of Connaught’s Unit, Belfast*	Open	Open
Girdwood Park	Closed (November 2005)	Closed
Grosvenor Barracks, Enniskillen	Open	Open
Harmony House, Lisburn	Open	Open
Killymeal House, Dungannon	Closed (October 2005)	Closed

³⁸ 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.

³⁹ Two observation towers at Masonic were closed in November 2005 in accordance with the normalisation programme; see paragraph 4.6.

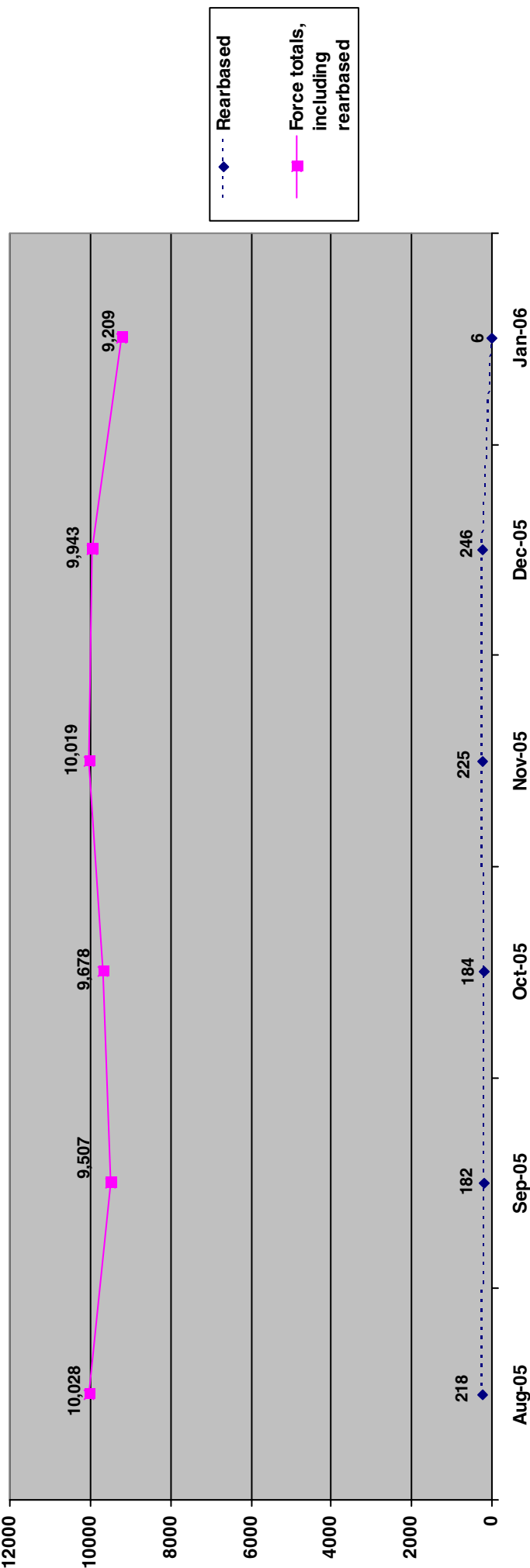
Kinnegar, Holywood*	Open	Open
Laurel Hill House, Coleraine*	Open	Open
Lisanelly Barracks, Omagh	Open	Open
Magilligan Training Camp*	Open	Open
Mahon Barracks, Portadown	Open	Open
Masonic, Londonderry	Open	Open ⁴⁰
Massereene Barracks, Antrim*	Open	Open
Moscow Camp, Belfast	Open	Open
Palace Barracks, Holywood*	Open	Open
Shackleton Barracks, Ballykelly*†	Open	Open
St Lucia Barracks, Omagh*†	Open	Open
St Patrick's Barracks, Ballymena*†	Open	Open
Thiepval Barracks, Lisburn*	Open	Open

⁴⁰ Please see immediately preceding footnote.

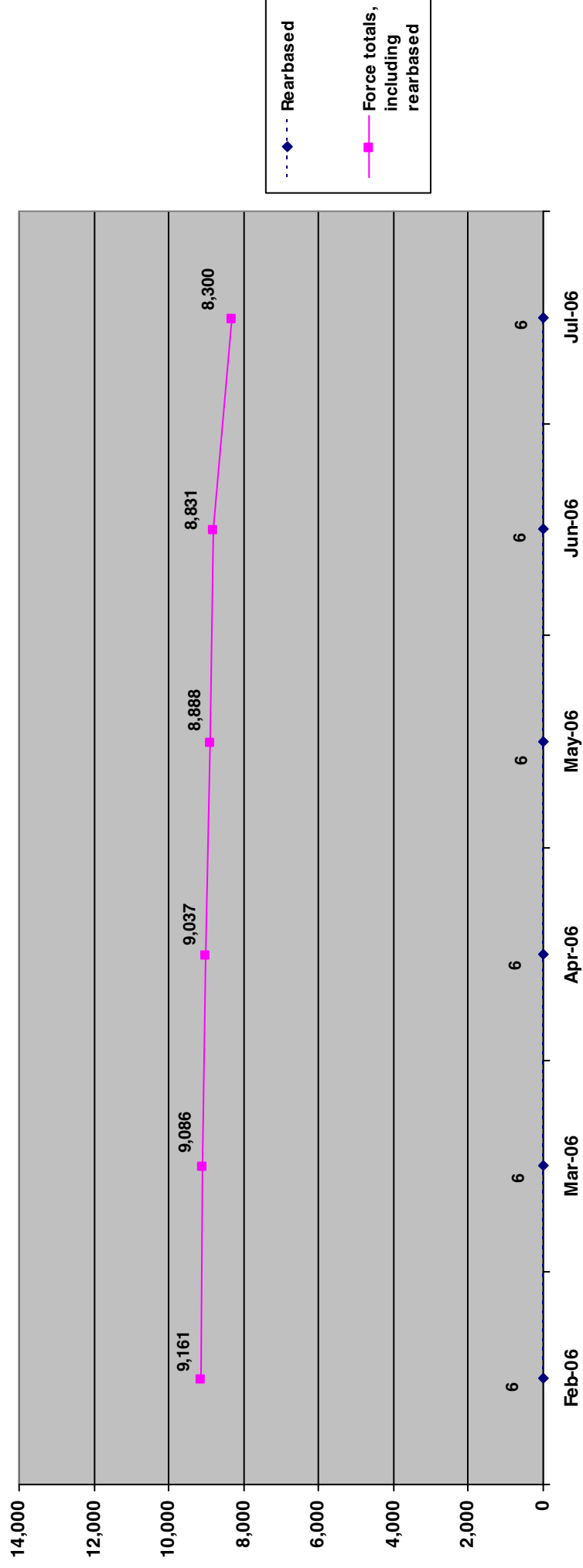
ANNEX XI

NORMALISATION PROGRAMME

MONTHLY TROOP LEVELS – AUGUST 2005 TO JANUARY 2006



MONTHLY TROOP LEVELS – FEBRUARY 2006 TO JULY 2006



ANNEX XII

MILITARY HELICOPTER USE – JULY 2005 TO JULY 2006

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

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



Published by TSO (The Stationery Office) and available from:

Online

www.tso.co.uk/bookshop

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich, NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Order through the Parliamentary Hotline Lo-call 0845 7 023474

Fax orders: 0870 600 5533

E-mail: book.orders@tso.co.uk

Textphone 0870 240 3701

TSO Shops

123 Kingsway, London, WC2B 6PQ

020 7242 6393 Fax 020 7242 6394

68-69 Bull Street, Birmingham B4 6AD

0121 236 9696 Fax 0121 236 9699

9-21 Princess Street, Manchester M60 8AS

0161 834 7201 Fax 0161 833 0634

16 Arthur Street, Belfast BT1 4GD

028 9023 8451 Fax 028 9023 5401

18-19 High Street, Cardiff CF10 1PT

029 2039 5548 Fax 029 2038 4347

71 Lothian Road, Edinburgh EH3 9AZ

0870 606 5566 Fax 0870 606 5588

TSO Accredited Agents

(see Yellow Pages)

and through good booksellers

ISBN 0-10-168002-3



9 780101 680028