



RESEARCH PAPER 03/43
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The Northern Ireland Assembly (Elections and Periods of Suspension) Bill

Bill 104 of 2002-03

The *Northern Ireland Assembly (Elections and Periods of Suspension) Bill* had its First Reading on 8 May 2003, and its remaining stages are scheduled for 12 May 2003.

Elections to the Northern Ireland Assembly were due to take place on 29 May 2003, having been put back from 1 May 2003 by the *Northern Ireland Assembly Elections Act 2003* in March 2003. This was discussed in Research Paper 03/21, *The Northern Ireland Assembly Elections Bill*, 13 March 2003.

On 1 May 2003 the British Government announced that it would postpone the elections until the autumn. The British and Irish Governments had been preparing to publish a Joint Declaration on moves towards full implementation of the Belfast Agreement, but they were not satisfied with the undertakings the IRA was prepared to give on meeting its obligations under the Agreement. The British Government argued that the outstanding issues over the IRA position could not be resolved during an election campaign, and so decided on a further postponement. The Irish Government did not support it on this point.

This paper gives an account of the main features of the Bill, the British Government's rationale for postponement, the main reactions to it, and some background.

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Summary of main points

- The Northern Ireland Assembly has been suspended since October 2002 following deteriorating relations between the parties participating in the Belfast, or Good Friday, Agreement.
- Elections to the Northern Ireland Assembly were due to take place on 29 May 2003, having been put back from 1 May 2003 by the *Northern Ireland Assembly Elections Act 2003*. Library Research paper 03/21 gives more detail on the Bill and its background.
- The suspended Assembly was dissolved on 28 April 2003 in accordance with this Act.
- The British and Irish Governments worked on a Joint Declaration, which was presented to the parties in March 2003. This Declaration set out next moves towards full implementation of the Agreement and restoration of devolved government in Northern Ireland. The moves included clarifications from paramilitary groups that they would deliver immediate, full and permanent cessation of all paramilitary activity.
- The IRA drafted a statement on its position in a process of discussion with the two Governments. The final version was passed to the Governments on 13 April 2003. The text did not satisfy them, and Tony Blair asked for answers to three questions. Gerry Adams offered clarification on these points, but the Governments remained unhappy.
- On 1 May 2003 the British Government announced that it would postpone the elections until the autumn, on the grounds that the outstanding issues over the IRA statement could not be resolved during an election campaign. The Irish Government did not support it on this point. At the same time, the two Governments published the text of the Joint Declaration.
- The *Northern Ireland Assembly (Elections and Periods of Suspension) Bill* was published on 9 May 2003. It postpones the election to the Northern Ireland Assembly due on 29 May 2003 and instead gives the Secretary of State power to specify the new date in an order. It makes provision for payments to registered parties and candidates in relation to expenditure already made towards the election date of 29 May. It also makes provision for the continued payment of salaries and allowances to former members of the dissolved Assembly.

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I **The Northern Ireland Assembly (*Elections and Periods of Suspension*) Bill**

A. **Overview**

The Bill is a seven-clause bill that enables elections to the Northern Ireland Assembly, originally due on 1 May and subsequently postponed until 29 May by the *Northern Ireland Assembly Elections Act 2003*, to be further postponed, and to provide a mechanism for setting the date of the next poll. The Bill does not set a date for the next Northern Ireland Assembly elections although Secretary of State for Northern Ireland, Paul Murphy, said in his statement to the House on 1 May that the elections would be postponed until autumn 2003.

Clause 1 of the Bill amends the *Northern Ireland Act 1998*, which relates to the date of Assembly elections, and gives the Secretary of State power to make an order which will specify the date of the next poll. It substitutes a new subsection 31(2) in the 1998 Act to give the Secretary of State this power, and inserts a new subsection 1A in section 96 of the 1998 Act to provide that the order setting the date of the poll shall be laid before Parliament after it is made (ie under the negative procedure). Subsection (4) amends the timetable for the poll so that the publication of notice of an election will take place not later than the 20th day before the poll, rather than the 25th day as is given in the *Northern Ireland Assembly (Elections) Order 2001* (see part 1B below for details of the new timetable.) Subsection 4 also provides that the ‘relevant period’ in relation to limits on campaign and controlled expenditure under the Political Parties, Elections and Referendums Act 2000 will be that starting on the date on which the order is made and ending with the date of the poll. Clause 1 also repeals parts of the *Northern Ireland Assembly Elections Act 2003* which are now spent – ie those parts relating to the date of elections and provisions relating to that date.

Clause 2 makes supplementary provisions relating to the May election, the timetable for which had already begun. It provides that any actions taken in preparation for the 29 May election date – for example, the delivery of nomination papers - cease to have effect and will have no effect for future elections. The clause also provides that any deposits already made by candidates will be returned to them

Clause 3 gives the Secretary of State power to make a scheme which will allow payments to be made to registered parties and candidates in connection with expenses – campaign expenses for registered parties or elections expenses for candidates – made in preparation for the May election. The scheme will define campaign and election expenses and will make provision for:

- Who is to count as a candidate

- A ceiling on payments (or different ceilings dependent on the different types of expenses)
- Arrangement for claiming, verifying and making payments, including the date by which payments will be made.

The scheme may provide that campaign expenditure – ie expenses incurred by registered parties – in relation to the original election date of 1 May 2003 (as well as the election date of 29 May 2003) can also be counted for the purposes of payments under the scheme.

The clause also provides that the Electoral Commission should make recommendations to the Secretary of State about the scheme, which he must then make either by giving effect to the recommendations of the Electoral Commission or with any modifications he thinks appropriate. The Secretary of State must then publish the scheme whichever way appears appropriate to him.

The explanatory note estimates that “payments to registered parties and candidates to reimburse expenditure which may have been incurred in connection with the election which was to have taken place on 29 May could total up to £4m.” It also estimates that the cost to the Electoral Commission of administering this scheme will be up to £50,000, and that the Electoral Office had incurred costs of £67,000 as a result of the postponement of the election. The costs are to be met from the UK Consolidated Fund.

Clause 4 authorises the continued payment of salaries and allowances to former members of the Assembly (MLAs). It provides that anyone who was a member of the Assembly immediately before the dissolution of the assembly (ie 28 April 2003) is entitled to receive payment and allowances up until the end of the day which is the latest day for the delivery of nomination papers for the next Assembly election. The Bill allows existing entitlements to continue until the Bill receives Royal Assent. This will apply during the suspension of the Assembly – ie while the Secretary of State is exercising the relevant powers of the Assembly. The Secretary of State will determine the amounts of salaries and allowances. No levels of payment are given, although the BBC has speculated that the new pay level will be approximately £21,000 a year (see 1C below). The explanatory notes estimate that the costs of paying salaries and allowances to former MLAs is ‘not likely to exceed £800,000.’

Clause 5, according to the explanatory notes, “amends the Schedule [which relates to provisions applicable during suspension] to the *Northern Ireland Act 2000* and contains additional modifications to various enactments which will apply during the suspension of the Assembly. In particular, the amendments take account of the extended dissolution of the Assembly brought about by the Bill. The modify references in legislation to procedures, a Committee and Members of the Assembly.”

Clause 6 subsection (1) gives the Secretary of State power, by order, to make consequential and connected modifications to legislation as appear to him to be

necessary. This includes the power to provide for the duties of the Chief Electoral Officer for Northern Ireland. It also specifies the type of legislation the Secretary of State can modify, which includes:

- A provision of an Act (including this Act)
- A provision of, or instrument made under, Northern Ireland legislation
- A provision of subordinate legislation

A draft of any order under this clause must be approved by both Houses of Parliament unless the order declares that the Secretary of State considers it expedient not to do so. An order containing such a declaration must, however, be laid before Parliament after being made and approved by each House within 40 days.

Clause 7 relates to the short title and interpretation.

B. European Convention on Human Rights

The Bill includes the statement from the Secretary of State that ‘the provisions of the *Northern Ireland (Elections and Periods of Suspension) Bill* are compatible with the Convention rights.’ The explanatory note comments that the postponement of the election due to be held on 29 May 2003:

...may be considered to raised and issue under Article 3 of the First Protocol to the Convention which requires the holding of free elections a reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion in the choice of the legislature.

There is some doubt whether elections of the Assembly are within the scope of this Article. Even on the assumption they are, however, the Government’s view is that postponement in the present circumstances, while section 1 of the *Northern Ireland Act 2000* is in force, does not infringe the undertaking State parties gives under Article 3.

The *Northern Ireland Act 2003* makes provision for the suspension of devolved government in Northern Ireland and the exercise of certain functions conferred by or under Part V of the *Northern Ireland Act 1998*. These functions relate to the position of the various cross-community bodies such as the North-South Ministerial Council and the British-Irish Council.

C. New timetable

Under Clause 1(4) of the Bill, the new timetable will be as follows:¹

Day of electoral timetable	Day before poll	Proceeding
Day 1	-20	Latest date for the publication of notice of election
Day 2	-19	
Day 3	-18	
Day 4	-17	Earliest date for the delivery of nomination papers and for the delivery of withdrawal notices (10am to 4pm)
Day 5	-16	Latest date for the delivery of nomination papers and withdrawal notices (4pm). Last day for appointment of elections agents (4pm). Publication of statement of persons and parties nominated at (5pm)
Day 6	-15	
Day 7	-14	Latest date for receipt of applications to vote by post or proxy
Day 8	-13	
Day 9	-12	
Day 10	-11	
Day 11	-10	
Day 12	-9	
Day 13	-8	
Day 14	-7	
Day 15	-6	Latest date for the receipt of late postal and proxy vote applications on health grounds
Day 16	-5	
Day 17	-4	
Day 18	-3	
Day 19	-2	Last date for receipt of lists of candidates' polling and counting agents
Day 20	-1	
	0	Polling day (7am-10pm)

D. Pay and allowances for MLAs

Under the provisions of the Bill, former MLAs will continue to receive salaries and allowances. No levels have yet been specified although the BBC has speculated that there will be a new salary of £21,000. According to BBC News online:

The government plans to pay assembly members half their current salaries while they await a new date for elections, it has emerged. This represents a further cut in the money paid to politicians since the government suspended the assembly last year. Even though the Northern Ireland Assembly was suspended in October amid allegations of IRA intelligence gathering at the heart of the Stormont

¹ Confirmed by the Electoral Office for Northern Ireland

government, members were still paid an annual salary of £31,817. Details of the pay cut are still under discussion, according to the Northern Ireland Office, but the BBC has been told that assembly members will probably be offered half their original £42,500 wage. This new salary of about £21,000 is intended to be a temporary arrangement, pending future elections. The British Government last week postponed assembly elections until the autumn over a lack of clarity about the IRA's future intentions. Mr Blair said the IRA's point-blank refusal to rule out all paramilitary activities meant the postponement of the elections until the autumn was necessary.

Civil servants also have to work out what to do about the 108 politicians and about 350 staff who worked at Stormont. Assembly members' salaries were reduced from more than £40,000 to just over £30,000 when then Secretary of State Dr John Reid suspended the devolved administration. Assembly members who wish to retire or step down should qualify for a resettlement grant of more than £20,000, but that might not immediately come into effect as it was due to be paid out after an election took place. Democratic Unionist Party deputy leader Peter Robinson said MLAs did not have a mandate and were not entitled to a salary as the assembly was dissolved. He said the government wanted to keep assembly members in place for its own purposes.²

E. Precedents

More detailed discussion on the precedents for the postponement of elections is included in Research Paper 03/21, *Northern Ireland Assembly Elections Bill*. Among the recent precedents discussed are:

- May 2001 – postponement of local elections until June 2001 (see RP01/44, the *Elections Bill*)
- March 2003 – postponement of the Northern Ireland Assembly (see RP 03/21, the *Northern Ireland Assembly Elections Bill*)

Provisions in the *Local Government Bill*, currently passing through Parliament, will give the Secretary of State the power to postpone the 2004 local elections, due on 6 May 2004, to 10 June 2004 so they coincide with elections to the Greater London Authority and the European Parliament.³ The government declared in a written statement on 6 May 2003 that it is likely to use these provisions should the bill be given royal assent:

² “Pay cut for assembly members”, *BBC News Online*, 8 May 2003, http://news.bbc.co.uk/1/hi/northern_ireland/3008795.stm

³ For information on the background to this decision, see Library Standard Note SN/PC/1994, *Combining local elections, Greater London Authority elections and European Parliament Elections in 2004*

The first issue was whether respondents agreed with the proposal to combine the local and GLA elections with the European Parliamentary Elections in 2004. Of those expressing a view, 172 of those responses agreed with this proposal, while 138 disagreed.

The consultation document secondly asked what practical issues respondents foresaw in combining most effectively the local (and where applicable parish) elections with the European Parliamentary Elections, and thirdly what practical issues they foresaw in combining most effectively the GLA elections with the European Parliamentary Elections. Respondents raised a range of different practical issues, relating to the operation of the elections themselves and council business more widely, such as the terms of office of members and the date of annual meetings.

The consultation document asked fourthly what action should be taken to address any practical issues raised. Respondents, including electoral administrators, have put forward a number of suggestions. Having considered the nature of the practical issues raised and the range of solutions available, the Government believes that there is no practical impediment to the combination of local, GLA and European Parliamentary Elections in 2004.

In the light of the responses to these four issues and the Government's analysis of the issues raised, our current intention remains to exercise the order-making provisions we are seeking in the Local Government Bill, if these are enacted by Parliament, to allow the combination of local elections in 2004 with the next elections to the European Parliament, which are due to take place on 10 June 2004.

The fifth issue on which the consultation document sought views was on whether to move elections to a weekend. Of those expressing a view, 74 were in favour of this proposal, 66 respondents supported further pilots or testing of weekend voting and 91 were against.

In the light of this response, the Government intends to take forward further pilots of weekend voting in view of potential benefits to electors, and taking into account the costs involved. A series of practical difficulties were raised about proceeding with nation-wide weekend voting in 2004. In particular, the Electoral Commission did not support wholesale mandatory weekend voting in 2004. Therefore the Government remains of the view that in 2004 local, GLA and European Parliamentary elections should take place on Thursday 10 June.⁴

⁴ HC Deb vol 404 c29-30WS

II Developments: March – April 2003

A. Elections postponed to 29 May 2003

The Northern Ireland Assembly has been suspended since October 2002, following a breakdown in relations between the parties to the Agreement over its implementation, and in particular over continuing intelligence gathering and related activities by the IRA, including the alleged existence of a Republican spy network. Little clear movement had been made towards resolving the various difficulties and restoring devolution to Northern Ireland until talks on 3 - 4 March 2003, which resulted in an announcement of the postponement of the elections due on 1 May 2003 until 29 May 2003.⁵ Following talks between the parties involved, the Prime Minister said:

These have been genuinely constructive talks and though there are areas that are still very difficult, of course, I think there is a shared understanding of how we now move this process forward. Our purpose in doing so is to make sure that we get a lasting and durable settlement based on the Belfast or Good Friday Agreement and the full implementation of it in order to provide people in Northern Ireland with the peaceful and prosperous future we want to see. It is correct to say that in respect of all aspects of what we've discussed and agreed, we would expect positive endorsements on all elements. But the two Governments are very clear as to the way forward and what will happen. There's obviously now going to need to be a time for people to discuss this with their colleagues and it's important that takes place. Also, in addition to that, we, of course, have got the St Patrick's Day celebrations that will take place in America where many people are attending who've been engaged in those talks. For those reasons, and to give that time for reflection, we will put back the date of the elections to the 29th May. That will give people time to do that discussion with their colleagues. We ask that people are patient over this coming period of time and do not judge the Agreement by partial leaks, but actually concentrate on what we are trying to achieve here. Like the Agreement itself, the final steps should be judged in full and in that regard the Taoiseach and myself will come back in April and publish our proposals. We're not coming back for a negotiation, but will come back in order to publish those proposals and in conclusion we believe that the proposals we have offer that lasting and durable way forward. It's going to be difficult, it always was going to be difficult, but I think there has been an enormous amount of progress made and I hope now that people can take this out and ensure that we get the agreement that we want to see and the future that people here in Northern Ireland deserve.⁶

⁵ See Library Research Paper 03/21, *Northern Ireland Assembly Elections Bill*, 13 March 2003, <http://hcl1.hclibrary.parliament.uk/rp2003/rp03-021.pdf>

⁶ *PM: NI talks have been 'genuinely constructive'*, 5 March 2003, <http://www.number-10.gov.uk/output/Page3202.asp>.

Mr Blair commented on the negotiations in Prime Minister's Questions on 5 March 2003:

It was a detailed and good set of discussions over two days. It is possible that we have reached the basis for the final breakthrough to resolve all the outstanding issues of the Belfast or Good Friday agreement. It has to be done on the basis of a complete cessation of all paramilitary activity and implementation of all remaining parts of the agreement by the Governments and other parties. I think that there is real hope for that breakthrough, but the discussions over the next few weeks will tell us whether that hope is well founded. I hope that it is, because I truly believe that the one thing that people in Northern Ireland know—let me spell it out again—is that there is no way in which the agreement is going to be renegotiated: it is either implemented or we do not have the peaceful future in Northern Ireland that we all want to see.⁷

This postponement would allow more time for talks to take place on the restoration of devolved government. The Secretary of State for Northern Ireland, Paul Murphy, said:

As a result of talks with the parties last week in Hillsborough, we believe that there is now a large measure of shared understanding among pro-agreement parties on the way forward in the restoration of stable and inclusive devolved Government. However, I repeat that this can be realised only in the context of a complete cessation of paramilitary activity. We need to give these developments every chance of success. To provide time for parties to reflect and to take soundings among their organisations, we propose to defer elections to the Assembly to Thursday 29 May, and we will introduce a Bill tomorrow to that effect. I am optimistic that these developments can deliver a breakthrough in the search for a lasting and stable settlement.⁸

B. Joint Declaration

A draft Joint Declaration was presented to the pro-Agreement parties at talks hosted by the British and Irish Prime Ministers. This set out a number of “proposals necessary to promote trust, implement the Agreement fully, restore the devolved institutions and attain a fully normal society in Northern Ireland.”⁹ The Governments were not prepared to publish the document more widely at that stage,¹⁰ but they intended to publish it in Hillsborough on 10 April 2003, the fifth anniversary of the Agreement.

The Joint Declaration stated that the devolved institutions, if restored, could flourish only in a climate of trust, and it stressed the necessity in this context of “acts of completion” in the full implementation of the Agreement. The Declaration included chapters on the

⁷ HC Deb 5 March 2003, c811

⁸ HC Deb 12 March 2003, c277

⁹ *Joint Declaration by the British and Irish Governments*, April 2003, Dep 03/1152

¹⁰ HC Deb 6 March 2003, cc968-9. The Declaration is now published, see below at Section III A (1), and is available in the Library as Dep 03/1152

political institutions, paramilitarism, normalisation of security arrangements, policing and justice, and rights, equality, identity and community. There were three annexes, on security normalisation, devolution of policing and justice, and rights and equality.

The Declaration rested on the complete cessation of paramilitary activity mentioned in the quotations above. Paragraph 13 stated that:

Paramilitarism and sectarian violence ... must be brought to an end, from whichever part of the community they come. We need to see an immediate, full and permanent cessation of all paramilitary activity, including military attacks, training, targeting, intelligence gathering, acquisition or development of arms or weapons, other preparations for terrorist campaigns, punishment beatings and attacks and involvement in riots. Moreover, the practice of exiling must come to an end and the exiled must feel free to return in safety. Similarly, sectarian attacks and intimidation directed at vulnerable communities must cease.

Paragraph 15 stated that “paramilitary groups need to make it clear that they have made such an historic act of completion, and that it is reflected in reality on the ground.” To this end the Governments sought a statement from the IRA. A statement was presented in draft form and then underwent a process of redrafting in response to concerns raised by the Governments. However, the two Governments remained unhappy with the statement, and publication of the Joint Declaration was postponed at the last minute.¹¹

The Ulster Unionist Party and the Social and Democratic Labour Party (SDLP) blamed the IRA for stalling the process by not making a clear enough statement about its future intentions. The Ulster Unionist leader, David Trimble, said that the peace process should not be “held to ransom” by the Republican movement, while the SDLP leader, Mark Durkan, said that the Governments should publish the Joint Declaration and tell the parties to accept it.¹² The Democratic Unionist Party leader, Ian Paisley, said that the British Government was capitulating to the IRA by continuing to negotiate with it, and that the Government had said there would be no further negotiations over the Declaration.¹³

Sinn Fein had called for the publication of the Joint Declaration on several occasions, and it repeated that call after the postponement.¹⁴

¹¹ Downing Street spokesman quoted by BBC on-line, 10 April 2003, http://news.bbc.co.uk/1/hi/northern_ireland/2936109.stm

¹² BBC on-line, 10 April 2003, http://news.bbc.co.uk/1/hi/northern_ireland/2936321.stm

¹³ Ibid

¹⁴ <http://sinnfein.ie/index2.html>

Mr Blair and the Irish Taoiseach, Bertie Ahern, met in London on 10 April 2003, following the postponement of publication, and they emphasised the harmonious position of the British and Irish Governments:

[...] one of the things that is remarkable about these past few months is how closely the two governments have worked together, there is no dispute between us about any of these issues at all.¹⁵

According to a Northern Ireland Office press release, they still hoped to be able to release the Joint Declaration in the near future.¹⁶

C. IRA Statement

On 13 April 2003 the IRA passed a statement to the British and Irish Governments. The full text of the statement was not made public until 6 May 2003, when it appeared with a further statement. These two texts are reproduced in Annex I.

On 14 April 2003 Mr Murphy made a statement in the Commons in which he referred to “serious concerns about continuing paramilitary activity.”¹⁷ After outlining the nature of the dialogue between the British and Irish Governments over the previous six months, he said that the two Governments had studied carefully the latest IRA statement and had “asked the IRA to clarify a number of questions arising from it.”¹⁸ Mr Murphy was not prepared to publish the package of proposals until clarification had been received:

The two Governments will continue to make every effort to bring about a basis for publishing the package of proposals, but it would not be right to publish the proposals, and they can have no status until the necessary clarity on all sides about acts of completion is in place.¹⁹

He emphasised the importance of decommissioning and the relations between the Irish and British Governments, which “have never been better.”²⁰ He looked forward to the return of devolved government in Northern Ireland and believed that the Sinn Fein leadership and many people within Sinn Fein were “committed to the democratic process.”²¹ However, until there was confidence in the process, built on trust, “we shall get nowhere in the democratic and political process in Northern Ireland.”²²

¹⁵ *PM seeks ‘total clarity and certainty’ in NI peace process*, <http://www.pm.gov.uk/print/page3480.asp>.

¹⁶ <http://www.nio.gov.uk/press/030412a.htm>.

¹⁷ HC Deb 14 April 2003, c635

¹⁸ *Ibid*, c636

¹⁹ *Ibid*

²⁰ *Ibid*.

²¹ *Ibid*, cc638-9

²² *Ibid*, c640

Mr Murphy said the Government had no intention of changing the date of elections due on 29 May 2003.²³

Mr Blair requested clarification of the IRA statement in three areas, and he made these public in a press briefing on 23 April 2003. He asked:

When the IRA say that their strategies and disciplines will not be inconsistent with the Good Friday Agreement, does that mean an end to all activities inconsistent with the Good Friday Agreement, including targeting, procurement of weapons, so-called punishment beatings, and so forth?

Secondly, when they say that they are committed to putting arms beyond use through the Decommissioning Commission, does that mean all arms so that the process is complete?

And thirdly, when they say that they support the Good Friday Agreement and want it to work, does that mean that if the two Governments and the other parties fulfil their obligations under the Good Friday Agreement and the Joint Declaration, that that means the complete and final closure of the conflict?²⁴

The Sinn Fein leader, Gerry Adams, spoke about the Joint Declaration and the IRA's statement at Stormont on 27 April 2003, and he explained his responses to the three questions:

While committed to our republican objectives it is Sinn Fein's view that the Good Friday Agreement, despite the difficulties, continues to hold the promise of a new beginning for everyone.

I believe we have now reached a defining moment in that endeavour.

The Joint Declaration commits to progress across a range of issues and indeed significant progress in some areas; albeit on a conditional basis. It also contains other difficulties, some of which are wholly unacceptable to Sinn Fein. We have made this clear to the two governments.

The two governments, for example, intend to introduce sanctions aimed at Sinn Fein and the Sinn Fein electorate, which are outside the terms of the Good Friday Agreement. These sanctions would contravene the safeguards built into the Agreement and are unacceptable.

Let us be clear about the Joint Declaration. The commitments given by the two governments, and especially the British government, in the Good Friday Agreement and the Joint Declaration, if and when acted upon would see the

²³ Ibid, c641

²⁴ PM: Northern Ireland agreement frustratingly close, <http://www.pm.gov.uk/output/page3516.asp>

commencement of a process. This could see the implementation in full of the Good Friday Agreement.

The Joint Declaration is not an act of completion. It is, at best, a commitment to a process towards completion.

Nor is there any certainty about the UUP's position or its intentions in respect of the stability of the political institutions, a timeframe for the transfer of powers on policing and criminal justice, or the establishment of the north/south inter-parliamentary forum and so forth.

There is no certainty from the Unionist paramilitaries. There is no certainty about the positions or the intentions of British securocrats.

But despite these very real and serious difficulties, it is Sinn Fein's view that on balance the Joint Declaration presents an important opportunity to move the process forward.

Consequently, the IRA leadership was persuaded to take yet another initiative to support and give space and momentum to the peace process. A draft text and other concepts were passed to the two governments and the Ulster Unionist Party. There followed a period of sustained leaking and misleading briefings to the media about this.

Then on April 12 the two governments, in a public statement said that it is important that all parties and groups join the governments in upholding and implementing the Good Friday Agreement in full. They also said that fulfilling the promise and potential of the Good Friday Agreement is a collective responsibility. So there was agreement that the basis for definitively ending conflict - conflict resolution - is a collective one.

On Sunday, 13 April, Martin McGuinness and I gave the two governments the final copy of the IRA statement.

This detailed statement setting out the IRA leadership's view of the current phase of the peace process was accomplished in the most difficult circumstances. It contains a number of highly significant and positive elements unparalleled in any previous statement by the IRA leadership, either in this or in any previous phase of their struggle. A copy was also shown to the Ulster Unionist Party leadership.

The two governments have publicly recognised the many positive aspects of the IRA statement, the obvious progress and, crucially, the British and Irish governments said that the statement shows a clear desire to make the peace process work.

Such an IRA statement and such a response to it would have been unimaginable ten or even five years ago. The IRA statement sets out the status of the IRA cessation, its future intentions and its attitude to the issue of arms. It also makes clear the IRA's resolve to a complete and final closure of the conflict, and its support for efforts to make conflict a thing of the past. This is unequivocal.

On the 23 April the British Prime Minister publicly raised three questions about the IRA statement. Mr. Blair asked first, whether activities inconsistent with the Good Friday Agreement, such as targeting, procurement of weapons, punishment beatings and so forth, were at an end; second, whether the IRAs commitment was to put all arms beyond use; and thirdly, whether the implementation of the Good Friday Agreement and commitments in the Joint Declaration would bring complete and final closure of the conflict.

I have stated in the course of the extensive private contacts that have taken place with the governments my belief that the IRA statement is clear on the issues raised, but for the public record, my answers are as follows.

Firstly, the IRA leadership has stated its determination to ensure that its activities will be consistent with its resolve to see the complete and final closure of the conflict.

I have already acknowledged in my address to the Sinn Fein Ard Fheis, and at other times, the difficulties caused for the pro-Agreement unionists and others by allegations of IRA activities in the recent past. In particular these have been cited as an excuse for the suspension of the political institutions and the current impasse in the Good Friday Agreement process.

Sinn Fein is, with others, an architect of the Good Friday Agreement. Martin McGuinness and I have raised allegations of IRA activity with the IRA leadership. Mr. Blair has also raised these issues in one of his questions.

In my view the IRA statement deals definitively with these concerns about alleged IRA activity. And any such activities which in any way undermine the peace process and the Good Friday Agreement should not be happening.

The IRA statement is a statement of completely peaceful intent. Its logic is that there should be no activities inconsistent with this.

Secondly, the IRA has clearly stated its willingness to proceed with the implementation of a process to put arms beyond use at the earliest opportunity. Obviously this is not about putting some arms beyond use. It is about all arms.

And thirdly, if the two governments and all the parties fulfil their commitments this will provide the basis for the complete and final closure of the conflict.

Sinn Fein's peace strategy has always been about bringing an end to physical force republicanism by creating an alternative way to achieve democratic and republican objectives.

We have negotiated, and campaigned and argued to have the Good Friday Agreement implemented not only because that is our obligation, not only because it is the right thing, but also because it fits into a strategy of creating an alternative to war and a means of sustaining and anchoring the peace process.

The IRA statement contains another key element. Some time ago the Ulster Unionist Party leader publicly stated that he would not call a UUC meeting to discuss his party going back into the institutions until after the IRA had acted on the arms issue.

For its part the IRA had set its engagement with the Independent International Commission on Decommissioning in the context of functioning political institutions. There was also deep scepticism within the republican constituency because there was no indication that the UUP would reciprocate even if the IRA moved on the arms issue. This stand off had to be broken. So, despite the suspension of the institutions the IRA leadership authorised a third act of putting arms beyond use to be verified under the agreed scheme by the IICD. This act was timed to facilitate the Ulster Unionist Party holding a UUC meeting.

This followed a suggestion by me that I would point up this difficulty in a public statement. Mr Trimble was to respond to this with a public commitment that he would recommend to his party that they actively support the sustained working of the political institutions and other elements of the Good Friday Agreement.

The IRA leadership was then prepared to act in advance of the UUC meeting and in the context of suspended institutions. My understanding is that all of this is still doable at this time if there is a positive response from the two governments and Mr Trimble.

Let me tell you that the Sinn Fein leadership have put in a huge amount of effort to save this process. But there is a limit to what we can do. There is considerable unease within the republican activist base and the wider republican constituency over recent developments. The Sinn Fein leadership, while mindful of this, has not been deterred because our commitment is to making this process work. We are also conscious that other constituencies have their problems.

The IRA leadership has once again demonstrated in an unprecedented way its clear willingness to support the peace process. I, along with the vast majority of people in Ireland, value the IRA cessation. It is the main anchor for the peace process. But let me be clear, the political process is the responsibility of political leaders. We created the Good Friday Agreement. It is our job, whatever about the approaches or actions of others, to make politics work, to make conflict resolution work.

This is a collective responsibility. We all have a choice to make. The Sinn Fein leadership's position is clear. I believe that the IRA statement, unmatched by any from the IRA leadership in this or indeed any other phase of their struggle, points the way forward. Now the two governments and the leadership of the UUP have to make a choice.

So what has to be done? There is no magic formula waiting to be discovered. The next steps in this process are not secret. Everyone knows what is required. The Joint Declaration and all other statements should be published. It is as simple as that. The commitments contained in all the statements, including the IRA statement, should be implemented in full. The Assembly Elections should

proceed as planned. Republicans have stretched ourselves repeatedly to keep the peace process on track. Sinn Fein is in this process to the end.

Nationalists and unionists, republicans and loyalists have to come to terms with and recognise each other's integrity. We need to forge a real partnership that manages the changes that are taking place and builds a better future, a democratic and inclusive future.

Our collective task, in fact our collective obligation, is to make that change peaceful and constructive for all. We have to work together to move this process forward. That is the challenge for all of us, for Sinn Fein for the two governments and, critically, for the leadership of the UUP. That is the way to achieve a permanent peace.²⁵

A few days later, in response to the British and Irish Governments' request for clarification, Mr Adams made a statement on the IRA's intentions:

The IRA leadership makes it clear in its statement that it is determined that its activities will be consistent with its resolve to see the complete and final closure of the conflict.

The IRA leadership is determined that there will be no activities which will undermine in any way the peace process and the Good Friday Agreement.

The IRA statement is a statement of completely peaceful intent. Both governments have already acknowledged this.

The Joint Declaration and all other statements should now be published. The commitments contained in all statements should be implemented.²⁶

Mr Trimble was not convinced by Mr Adams's clarification, maintaining that Republicans still had to be "dragged over the finishing line" and forced to wind up their private army.²⁷

After the IRA statement had been made public, on 6 May 2003, Mr Trimble said that

[...] we all expected there would be a transition period after the Good Friday Agreement, but five years after the Agreement, is it not reasonable to expect that transition to have been completed and for us now to be living in a society where there are no private armies and there is no paramilitary activity?²⁸

²⁵ *Guardian Unlimited*, 29 April 2003, at

http://www.guardian.co.uk/Northern_Ireland/Story/0,2763,945249,00.html

²⁶ 30 April 2003, at <http://cain.ulst.ac.uk/issues/politics/docs/sf/ga300403.htm>

²⁷ *Guardian Unlimited*, 29 April 2003, at

http://www.guardian.co.uk/Northern_Ireland/Story/0,2763,945596,00.html

²⁸ BBC on-line, 7 May 2003, http://news.bbc.co.uk/1/hi/northern_ireland/3006675.stm

For the DUP, Nigel Dodds said that “mere words and statements and stunts from the IRA will not suffice.”²⁹

The leader of the SDLP, Mark Durkan, reportedly said that the statement was “not as clear and unambiguous as Sinn Fein had claimed.” He also said that the impasse

vindicate[d] the SDLP's continued health warning about the dangers of a process being conducted in a way which veers between stand-offery and choreography.³⁰

D. Paramilitary violence

Figures for the level of paramilitary violence are given in Annex II. Despite the cessation of the main IRA terrorist campaign against British rule, and a general reduction in the level of violence, there are still attacks known as “punishment beatings” and individuals are still being forced into exile by threats from paramilitary groups. Some examples are given below, but this should not be taken as an exhaustive account.

On 16 April 2003 a bomb was defused outside the constituency office of the Belfast North DUP MP, Nigel Dodds. A claim of responsibility was made by a man describing himself as a representative of the Continuity IRA. The police described the bomb as “improvised” but “viable.” The Continuity IRA was blamed also for an attack on 7 May 2003, when a small bomb was thrown at a passing police car. The bomb failed to detonate.

A feud convulsed the Ulster Defence Association (UDA) from the autumn of 2002. Between late December 2002 and early February 2003 this led to four deaths, including that of John Gregg, who had shot and wounded Gerry Adams in the 1980s. Mr Gregg's death was blamed on the supporters of Johnny Adair. On the night of 5-6 February 2003 a group of armed men attacked the cul-de-sac where Mr Adair's family lived (he is in jail), and a group of his family members and supporters left that night on a ferry to Cairnryan in Scotland. The feud began when Mr Adair was expelled from the organisation, and it is believed to be related to issues surrounding the drug trade and other criminal activities.³¹

On 8 May 2003 a man was shot dead at his home in north Down, and the police speculated that this might be linked to further disputes between Loyalists, since the victim appeared to be a senior member of the Red Hand Commando.³²

²⁹ Ibid

³⁰ BBC on-line, 7 May 2003, http://news.bbc.co.uk/1/hi/northern_ireland/3006675.stm

³¹ *Reuters News*, 6 February 2003, BBC News on-line, 18 February 2003, http://news.bbc.co.uk/1/hi/northern_ireland/2730853.stm.

³² BBC on-line, 9 May 2003, http://news.bbc.co.uk/1/hi/northern_ireland/3012991.stm

III Latest developments

A. Elections postponed to autumn 2003

1. Statement in the House of Commons, 1 May 2003

On 1 May 2003 the British Government announced that the elections to the Northern Ireland Assembly would be postponed for a second time.

Mr Murphy made a statement to the Commons, saying:

We have, with the Irish Government and the political parties in Northern Ireland, made a great deal of progress since the institutions were suspended in October 2002 towards restoring devolved government on a stable footing and completing the process of implementing the Belfast agreement. We have made it clear throughout those discussions, however, that in order to do so, it was essential to complete the permanent transition to exclusively peaceful means in Northern Ireland politics.

A very substantial set of proposals has been discussed by the two Governments with the political parties and broadly accepted by them setting out what acts of completion would involve. They include a joint declaration by the British and Irish Governments setting out how we would secure full implementation of the Belfast agreement, with detailed annexes on security normalisation, devolution of policing and justice and human rights, equality and identity. There is also an agreement between the two Governments on how future adherence by all parties and the Governments to the commitments set out in the agreement and joint declaration would be monitored and arrangements for remedying breaches of those commitments. Finally, there is a scheme for the handling of the cases of those on the run for terrorist offences.

We have also received a statement from the IRA about acts of completion, but despite the intensive efforts by the leadership of Sinn Fein to clarify the key points, we believe that there remains a lack of clarity on the crucial issue of whether the IRA is prepared for a full, immediate and permanent cessation of all paramilitary activity, including military attacks, training, targeting, intelligence gathering, acquisition or development of arms or weapons, other preparations for terrorist campaigns, punishment beatings and attacks and involvement in riots. Without clarity here, we will not be able to build the trust that is necessary to restore devolved government.

We have concluded that this issue cannot be resolved during an election campaign. We have therefore concluded that we should postpone the elections until the autumn to provide more time to rebuild the trust that will allow the

restoration of the institutions based on the agreement and its full implementation.³³

He went on,

We have not so far published our proposals because they were part of a whole package that would also have included clear statements on exclusively peaceful means, but we believe that in the interest of proper public debate, we should now make them available. We shall publish the proposals this afternoon and call on the IRA to publish its statement. We, for our part, will go ahead and implement as much of the joint declaration as we can, where that is not conditional on clear and definitive acts of completion. Copies of the joint declaration will be placed in the Library of the House.³⁴

The *Joint Declaration by the British and Irish Governments* is available in the Library as Dep 03/1152, and on the Northern Ireland Office website, at <http://www.nio.gov.uk/press/030501a.htm>. Also available are the accompanying *Proposals in relation to On The Run* and *Agreement between the British and Irish Governments*. All three documents are dated April 2003.

Quentin Davies, for the Conservatives, characterised the Government's willingness to move the date as an example of "levity" and "contemptuous frivolity" in its treatment of the constitutional rules for Northern Ireland. He said:

It is known in this House, and I repeat it today, that we thoroughly support the robust attitude of the Government in demanding full clarification on the three vital matters from Sinn Fein-IRA, and we shall continue to support them on that for as long as they remain equally robust.³⁵

However, he went on to say that:

[...] despite the fact that the Government came to the House at the beginning of March to ask, exceptionally, for a month's extension of the date of the Assembly elections from 1 May to 29 May, now, six weeks later, they are saying that they want to suspend the elections again. Will the Government be absolutely clear about whether that suspension will be to a new named day or open-ended—*sine die*—so that the Secretary of State can act whenever he feels like it? That absolutely vital element was left out of the Secretary of State's comments, and it is impossible without it to evaluate his proposal.

Sadly, once again in Northern Ireland, the Government have shown that they do not take their own constitutional rules seriously and that devolution does not benefit from any objective constitutional framework, but is merely the plaything

³³ HC Deb 1 May 2003, c459

³⁴ *Ibid*, cc459-60

³⁵ *Ibid*, c460

of the Government; whenever they feel like it, they can simply intervene from on high to change the rules to delay elections or to do as they please. Is not that deeply damaging to the credibility of devolution and to the institutions in Northern Ireland?

What the Government have done is to say that democracy is suspended for everyone in Northern Ireland—for all parties and all citizens—just because one party has misbehaved or has not fulfilled its obligations under the Belfast agreement. That is one more deplorable example—we have had them before, including at the time of suspension—of the innocent being penalised, not just the guilty. Is not that a perverse signal to send at a time when we are trying to build a new peaceful and democratic Northern Ireland?

Will the Secretary of State agree that again, for the umpteenth time, what appeared to be a set deadline in the peace process has been opportunistically shifted by the Government at the last minute, after their characteristic period of several days' shilly-shallying and vacillation, and as they see fit? That is deplorable. No peace process can be successful unless deadlines are taken seriously, yet once again, the Government have shown that they are not to be taken seriously. Is not that very damaging to the peace process?

The Secretary of State said that he thought that it was impossible to conclude an agreement during an election campaign. However, the Government foresaw exactly the circumstances that would arise when they came here in March, after Hillsborough, and said that it was sensible to set a date of 29 May and that the negotiations with all the parties to consummate the Hillsborough agreement would take place against that background. Once more, there has been a U-turn by the Government. Is that not a self-condemnation by the Government—an admission that as recently as March their judgment was clearly wrong?³⁶

Alistair Carmichael, for the Liberal Democrats, said that:

Liberal Democrat Members regret the decision to delay the elections from 29 May. We believe that democracy delayed is democracy defeated and we cannot be party to that.

The delay is especially regrettable because it places control of the democratic process in the hands of people to whom it is anathema. Responsibility for the delay lies fairly and squarely with Sinn Fein and the IRA. They have been asked to make a straightforward choice between violence and democracy and they have been unable to make it. Surely the time has come for the democratic process in Northern Ireland to move on. If Sinn Fein and the IRA cannot move with it, that is their choice and the people of Northern Ireland will judge them on it.

³⁶ Ibid, cc460-1

When the Secretary of State introduced the previous legislation at the beginning of March to delay the elections until 29 May, Liberal Democrat Members said that we would support him then but that we would support no further delays. That remains our position. Like Conservative Members, we shall wait and see the contents of the Bill, but I foresee no circumstances in which we would support it.³⁷

As a result of the fast-moving situation, and because the parties were involved already in campaigning, it was not possible for the majority of Northern Ireland Members to be present for the statement. Martin Smyth complained that he had not been given adequate advance information, and complained that the postponement was announced in Dublin before the statement was made in the House of Commons:

I made the point earlier, and I want to make it plain that I received the first intimation, apart from speculation in this morning's press, of these matters at 12.15 pm through a press notice. I raised the matter on a point of order. Business questions did not start until 12.30 pm and I regret that the seamless robe of Government did not mean that the Leader of the House was apprised of matters. I appreciate that he was frank and open with us when he made his first response.

Why could Dublin Ministers announce the business of this House before we were given information? I cannot accept the explanation of courtesy because the harsh reality is that although others were consulted, albeit orally, as an Ulster Unionist Member who is present today, I knew nothing about what was happening until I received the information from outside sources.³⁸

Dr Paisley made the following points:

Why does not the Secretary of State confess today that he was not going to come to the House to make a statement at this time but was going to make one next week? The reason why we are here today is that the Minister for Justice of a foreign country announced to journalists in Dublin that the election was to be suspended. That is why the Secretary of State has come here in such great haste. Can the Secretary of State confirm that legally at this moment the elections are on? He needs to change the law to bring about what he is about to do. According to legal advice that I have and according to the Electoral Office for Northern Ireland, the nominations tomorrow are on. If a Member who has spent considerable funds on preparing for the election—for example, on printing—is to make a legal claim to obtain reimbursement of those funds, he must prove that he has been a candidate, so all my party members will be nominating tomorrow and all the party members of many other parties will be nominating tomorrow. They can do nothing else. We have to keep to the law and the law says, "You have no claim unless you have been nominated." What will the Secretary of State do about that?

³⁷ Ibid, c463

³⁸ Ibid, c465

I very much regret that it is Members who do not represent Northern Ireland at all who have time to put their case in this House, whereas we have no time.

I will sit down on this point: it is an appalling thing that IRA-Sinn Fein have been talking to the Government right up to this morning when the majority Unionist population have been treated like lepers and their leadership has not been consulted in any way. The reason why you do not want an election is that you do not like what is going to happen as a result of that election. That is the difficulty you have.³⁹

Mr Murphy responded thus:

I am sorry that the hon. Gentleman believes that the statement came as a result of what other people have said, because that is not the case. I decided earlier today to ensure that there would be a more substantial statement next week, precisely so that Members representing Northern Ireland constituencies would be able to come to the House to make their point. I am conscious that, for all sorts of reasons, there are Members elsewhere today and the House is not full, so it is important that that opportunity is given to Members, particularly from Northern Ireland, but I thought that it was important that the decision to postpone the elections should be made and that the decision should be announced in the House of Commons as soon as possible, despite the difficulties that I have just outlined.

On nominations, it is for the parties themselves to make up their minds. Technically, of course, the hon. Gentleman is right that, at the moment, as the law stands, elections are to be held, but I am announcing today that the Government intend to introduce a Bill to change that.⁴⁰

Michael Mates argued that the postponement was an appropriate response:

[...] can we at least all agree on one thing—that the blame for this lies fairly and squarely with Sinn Fein-IRA, who have procrastinated, used weasel words and brought this thing to the brink, hoping that the Government would bend over and meet their demands? As difficult as the Secretary of State's decision was and as regretful as we all recognise he is, he has made the right decision, because an election within a vacuum is not good for democracy.⁴¹

Andrew Hunter took a different view:

Will the Secretary of State reflect more deeply that it is entirely inappropriate for the democratic process of Northern Ireland to be suspended because unreconstructed terrorists remain precisely that, and that it would be appropriate

³⁹ Ibid, cc465-6

⁴⁰ Ibid, c466

⁴¹ Ibid, c467

for devolved government to be restored, conducted by those Unionist and nationalist parties that are exclusively committed to the principles and practice of democracy?⁴²

Sir Brian Mawhinney was more supportive:

Does the right hon. Gentleman accept that, while this entirely predictable and indeed predicted U-turn reflects badly on the political processes in Northern Ireland, he has made the right decision?⁴³

However, Sir Brian drew attention to the issue of compensation for the expenses already incurred by parties campaigning in Northern Ireland, and said that he did “not appreciate learning from an Irish Minister about the intentions of the Government.”

Stephen Pound said that “in many parts of these islands, today’s statement will be perceived as a victory for the Unionist veto.” Mr Murphy replied:

The Opposition referred to the Sinn Fein veto, whereas my hon. Friend referred to a Unionist veto. Everyone has a veto in the Northern Ireland peace process. We must establish trust and confidence between parties so that we can go ahead with an institution that has the confidence of the Unionist and nationalist community.⁴⁴

2. Statement by the Prime Minister in Downing Street, 1 May 2003

At the same time as the statement in the House, Mr Blair made a statement in Downing Street. He said:

Last October I made a speech which essentially said that the process of transition had to come to an end, and we needed what I called "acts of completion" by all the parties. In other words we had to make sure that all the remaining stages of the Good Friday Agreement were implemented, and implemented fully. And then began a period of intensive negotiations involving the two governments and the main parties which has resulted in the two governments agreeing a Joint Declaration which covers all the main issues. It covers policing and its devolution to Northern Ireland, criminal justice changes, the security of the institutions, normalisation - demilitarisation in other people's words, the issue of sanctions and verification of all the commitments given, issues to do with human rights and equality. Dealing with the issues of the so-called "on-the-runs", and obviously an end to paramilitary activity.

The British and Irish Governments will publish the Joint Declaration today, and people can see the full extent of the proposals. And basically the Joint

⁴² Ibid

⁴³ Ibid, c467

⁴⁴ Ibid, c465

Declaration means the full implementation of the Good Friday Agreement dealing with all the outstanding issues.

So what is the problem? As you will see, Paragraph 13 of the Joint Declaration reads as follows: Paramilitarism and sectarian violence therefore must be brought to an end from whichever part of the community they come. We need to see an immediate, full and permanent cessation of all paramilitary activity, including military attacks, training, targeting, intelligence-gathering, acquisition or development of arms or weapons, other preparations for terrorist campaigns, punishment beatings, and attacks and involvement in riots. Moreover the practice of exiling must come to an end, and the exiled must feel free to return in safety. Similarly, sectarian attacks and intimidation directed at vulnerable communities must cease. That was Paragraph 13 of the Joint Declaration. As I say you will be able to see the full text of it when we publish it later today.

Now of course that requires paramilitary activity from any part of the community to cease and I am well aware of the fact that some of the worst examples of paramilitary activity have come from so-called Loyalists. But the difference is that Sinn Fein and the IRA are linked organisations, and Sinn Fein is actually in government, or wanting to be in government, in Northern Ireland. So in respect of both the two governments and the other political parties it is absolutely vital, according to the Good Friday Agreement, that if a party is in government, that it is only exclusively peaceful means used to further political ends, and of course all the activities listed in Paragraph 13 will be wholly contrary to the Good Friday Agreement.

We therefore needed clear undertakings to this end. The first was that the implementation of the Good Friday Agreement and the Joint Declaration would mean the end of the conflict, of course conditional on all sides following their part of the Agreement, but if we the governments and the others did what we said then others would do what they say and make sure that the war was over, and over completely. Secondly we need an undertaking that the process of putting arms beyond use through the International Commission on Decommissioning would be completed in the sense that all arms would be put beyond use. And thirdly we needed a very clear, very specific undertaking that from now on all the activities listed in Paragraph 13 of the Joint Declaration would cease completely. And the reason for that undertaking is that unfortunately up to this point they have not ceased completely, despite the Good Friday Agreement.

We discussed obviously the Joint Declaration with the parties. Three weeks ago we got a draft IRA statement. The truth is that that statement did not adequately answer any of these questions. It was, it is fair to say, an advance. It was a lot more advanced than any of the IRA statements I have read in the past few years, but it was not a statement of completion.

So began a negotiation. Finally, in an effort to flush the issues out, frankly, I asked the three questions last week. The IRA said that they would not respond. The leadership of Sinn Fein, in the person Gerry Adams, said that they would, and he did, and again after much to-ing and fro-ing two questions were answered. But the third was not answered, so there was further negotiation, further partial

clarification. Now it is important to realise what has happened. Both governments have asked for a categorical statement that the activities listed in that Paragraph 13 of the Joint Declaration - to do with the targeting and the punishment beatings, and the exiling and so on - that those activities from now on will not be authorised by the IRA leadership. Not a general assurance, but a very particular undertaking. And not for some vague reason, but for the very specific reason that each of these activities unfortunately up to now, despite the Good Friday Agreement, has been happening. That's why, as you know, we have had the difficulties over Castlereagh or Stormont, or Colombia and so on.

Finally, yesterday afternoon, Gerry Adams did respond and said that the IRA leadership and I quote "Is determined there will be no activities which will undermine the peace process and the Good Friday Agreement." That's the general assurance. But there was point-blank refusal to rule out expressly the activities stated in Paragraph 13 of the Joint Declaration. I gather that Gerry Adams has said earlier today, well what part of no activities, the words no activities [sic]. What part of no activities do they not understand? Well the answer to that I am afraid is very clear. The answer is, the activities listed in Paragraph 13, because that's what we have asked for. Will those activities continue to be authorised or not by the IRA? Yes or no. It's not a desperately complicated situation, but it is one that requires a very clear answer. And despite some of the comment, this is not a game of words. The difference is not in the realm of the superficial or the surreal, it goes to the very soul of the Good Friday Agreement and is utterly real in its implications for the people in Northern Ireland. What is more, there is no mystery about what we wanted. Reading some of the comment in the past few days, it's almost as if people may think we have been sitting here as the Sinn Fein have provided more and more drafts, and we have just been saying no. But we have actually been trying to help produce clear answers, and the fact is each question was clear, the purpose clear, the meaning clear, the natural answer clear in terms of the Good Friday Agreement, and frankly three weeks ago, had we got clear answers, particularly of those answers that come direct from the IRA, it would have been sorted. The fact that three weeks on there is still ambiguity is actually itself a worry.

So the question now is do we go to elections where at present there can be no Executive after an election, an Assembly, but no government. Or do we accept the reality that until the election can fulfil its meaning, namely as the basis for devolved government, the election fails its essential purpose. I believe it is a difficult judgement, but I have to make it that if we have the election now without agreement we will simply make eventual agreement, and the eventual basis for devolved government in Northern Ireland. In other words we will frustrate the very purpose of the Good Friday Agreement.

We have therefore decided to postpone the election until the Autumn. I wanted to postpone it for shorter period of time but I think everybody knows for very obvious reasons why, over the Summer months, it is probably not a good idea to

hold the election at that point, but we will hold it as soon as we possibly can in the autumn.⁴⁵

Mr Blair characterised the peace process as having reached a new stage:

We are now five years on from the Good Friday Agreement. Five years ago it was in my view acceptable for us to say to David Trimble, look the IRA is going through a process of transition, you should be prepared to be in government even though that process of transition has to work its way through. I think it is not unreasonable for him to say after 5 years that the process of transition has to end, and actually from the two governments point of view it is important to us as it is to him. We need to know that if there is going to be a devolved government in Northern Ireland it is on the basis that every single party sitting in that government is fully, completely committed to exclusively peaceful means, and so are the organisations associated with them.

He addressed his final comments to the leaders of Sinn Fein:

What I was trying to do last October was to say to everybody, we had a certain amount of creative ambiguity that helped us. It doesn't help us anymore. And it is a different world today. A different world in Northern Ireland, a different world outside of Northern Ireland, and if we want this peace process to succeed, it has got to be on the basis that everyone is very clear. We can have as much political argument and political debate as we like, it can be as bitter and acrimonious as political debate often is, but in the end all problems are from now on resolved politically. They are not resolved by a mixture of politics and paramilitary activity. Now that is the truth. That is what has got to happen, and that is why we called for acts of completion, and you will see from the Joint Declaration just how far we were going to go as governments in order to make sure that all the legitimate, natural concerns of people in Northern Ireland were dealt with and that Joint Declaration still provides the basis for the completion of the Good Friday Agreement, and for Northern Ireland to have real normality. But it has to be on a basis that is clear, plain, and builds confidence in every part of the community.

3. Statement by the Taoiseach, 1 May 2003

Mr Ahern made a statement on the same day, in which he expressed disagreement with the decision to postpone the elections. He agreed, however, with the British Government's discontent over the IRA statement:

Over the last 6 months, the two Governments and the parties have made enormous progress in trying to bring to completion key outstanding issues in relation to the Good Friday Agreement and a definitive and unambiguous end to all paramilitary activity. ... Throughout this process the two Governments have

⁴⁵ *Press Archives*, Northern Ireland Office online, 1 May 2003, <http://www.nio.gov.uk/press/030502a.htm>

worked in partnership to try and drive the process forward and to ensure finality and clarity in our work. ... Today, we have to acknowledge that this phase of our efforts cannot be brought to the conclusion at this time.

I know that the Prime Minister Blair has already announced that he has made a decision to postpone the elections that had been scheduled for May 29. I disagree with the British Government on the postponement of these elections. ... Ultimately, I believe that yet another postponement causes more problems for the process than it solves. While we do not agree or endorse this step, let me make it clear that the strength and critical importance of the partnership between the two Governments will endure.

[...]

We have decided to publish our Joint Declaration. This indicates very clearly the work that we have been engaged in for the last 6 months. We will implement some aspects of the Joint Declaration where it is possible to do so. And we will use the basis of the Joint Declaration for the ongoing work of building trust and confidence over the coming months. It is, thus, an active document with ongoing purpose.

When people have a chance to read it, they will see that it is a very serious initiative.

I regret that we did not manage to release it in the context that was intended and understood by all the parties. Vitally, this would have included a response from the IRA that there would be a definitive and unambiguous ending of all paramilitary activity. Unfortunately this remains an issue finally to be resolved at this time.

I said on Monday that we were close to a solution. I believe that we were. It is now almost 3 weeks (April 13) since we received the IRA statement. We were told that this was definitive and could not be amended. However, there were several fundamental aspects of this statement that both Governments felt had to be clarified.

I think that if the IRA were to publish this statement - and I believe strongly that they should - it would be clear why further clarification was necessary.

Unfortunately a great deal of time elapsed while the process of clarification was underway. Elections were also getting closer. Overall the environment in which clarifications were being sought and eventually being given was deteriorating.

I regret that we did not have a clear and unambiguous IRA statement to begin with. This would have solved everything. Last Sunday's and yesterday's statements by Gerry Adams were helpful and brought matters to a new level of clarity. I genuinely appreciate his efforts in this respect.

In the end, however, it did not prove possible to have sufficient clarity to convince everyone that paramilitarism was definitively at an end.

This is an issue that must be resolved in a satisfactory way and in a way that everybody can understand.

If the significance of Gerry Adams' clarifications are obvious and clear to many in this country they are not so clear to many others, including the Unionists, who must be persuaded if we are to make progress together.⁴⁶

B. Reaction of the parties

The Northern Ireland parties gave further reactions following the postponement of the elections.

1. Ulster Unionist Party

Mr Trimble thought the decision to postpone elections had made a solution to the problems in the peace process more likely.⁴⁷

He said:

If the Prime Minister had allowed the republican movement to face him down, then we would be less likely to solve the underlying problems, less likely to ever see the Assembly back functioning again. [...] I actually think, paradoxically, today brings the point at which we have stability and the Assembly and Executive functioning, I think it brings them closer.⁴⁸

He accused the Republican movement of taking advantage of his party's courage and said it would have to reconsider its approach to the peace process. He continued:

They are going to have to implement this agreement properly.

I have wanted to see the problem cured, I want to get rid of the instability whereby the Assembly lurches from crisis to crisis and we want to see the Assembly function properly in a stable and peaceful society.

We had hopes that that was going to happen, we supported the (original) postponement of the election because we understood along with the Government

⁴⁶ *Statement by the Taoiseach on the Joint Declaration*, Department of the Taoiseach website, <http://www.taoiseach.gov.ie/viewitem.asp?id=2201&locationid=24&lang=ENG>, 1 May 2003

⁴⁷ UUP website, 2 May 2003, at <http://www.uup.org/current/displayfullpress.asp?pressid=897>

⁴⁸ Ibid

that the republican leadership was going to do the business and we, like the Government, were quite disappointed when we saw the IRA statement.

This day started to become inevitable from the minute that IRA statement was issued, so I think when the shouting dies away, people need to think carefully about what has caused the problem.⁴⁹

2. Sinn Fein

Mr Adams described postponement of the elections as a “slap in the face to the Good Friday Agreement,” and he expressed the view

that Mr Blair should reverse his decision on the elections (and) he should enable them to go ahead as soon as possible.

In fact there is no reason, and no credible excuse, why there cannot be elections in June.⁵⁰

3. Democratic Unionist Party

The DUP officially launched its Assembly election campaign on 29 April 2003. It reacted angrily to the postponement of the elections. The DUP Deputy Leader and Director of Elections, Peter Robinson, said:

With his decision to deny a democratic election to the people of Northern Ireland, Tony Blair has added his name to the international list of shame of those countries which have cancelled elections.

Not for the first time the government has sought to play politics with the democratic party [sic]. The only reason that the government has postponed the election is to save David Trimble and the Ulster Unionist Party. They and their allies have spent weeks using every avenue to prevent the voice of the people of Northern Ireland being heard.

The Prime Minister demands certainty from the IRA but yet he himself does not stick to the words of not one, but now two Acts of Parliament. This demonstrates the nonsense of ever relying on the words of anyone to admit them to democracy, never mind the word of those associated with terrorism.

This cancellation demonstrates the political cowardice of the Ulster Unionist Party and is an affront to democracy. They have spent weeks pleading for the election to be put off. It is perfectly clear that David Trimble, the Ulster Unionist

⁴⁹ Ibid

⁵⁰ BBC on-line, 7 May 2003, http://news.bbc.co.uk/1/hi/northern_ireland/3006675.stm

Party and Tony Blair saw that the unionist electorate would reject the UUP. Only because they feared the DUP becoming the largest party in Northern Ireland have the government decided to prevent people having their say.

The cancelling of elections brings the entire process in Northern Ireland into disrepute and demonstrates the unwillingness of the government to accept the will of the people of Northern Ireland.

No settlement which does not command the support of the people of Northern Ireland will ever survive. This step demonstrates beyond any doubt that the Ulster Unionist Party and government realise that the unionist community no longer support the Belfast Agreement.⁵¹

4. Social Democratic and Labour Party

Mr Durkan said the postponement of the elections was a matter of “profound regret” and that there was a great deal of anger right across the community that elections were not taking place. He called for talks involving the parties to be convened in order to give a common response to the Joint Declaration.

The SDLP’s private position on elections has always been our public position. We wanted the elections to go ahead today. It is obvious from David Trimble’s comments, that this was not true of the UUP.

The SDLP warned the Governments that by postponing the elections they were creating a situation where parties would try to move the date of the election again or avoid the elections altogether. This has now happened.

Neither Tony Blair nor David Trimble has explained why elections have been put back to Autumn if we were ‘in the last lap’ – as David Trimble said – or ‘frustratingly close’ – as Tony Blair claimed.⁵²

Rejecting Sinn Fein claims on the elections, Mr Durkan stated:

It was not the SDLP that sought the extra time that led to the elections being originally postponed to 29 May. The SDLP is not to blame for ambiguity in the IRA statement. The SDLP is not to blame for the refusal to amend the IRA statement. The SDLP is not to blame for the delay in providing any clarification.

Had the republican movement provided all their statements and clarifications three weeks ago, we might well not be in this position. The insistence that the IRA statement was unambiguous, followed by the drip feeding of clarification has only caused confusion and weakened confidence. It also gave David Trimble

⁵¹ <http://www.dup.org.uk/>

⁵² <http://www.sdip.ie/PRDurkan%20Blair%20Lets%20down%20Democrats.htm>

his cover for getting the elections postponed – contrary to Sinn Fein’s claims that the SDLP was wearing David Trimble’s clothes.⁵³

He believed that a way forward could still be found:

I still believe that the impasse can be broken over the coming days – if parties want to break it. The Governments have published the Joint Declaration. It lists definitively the paramilitary activities that must end. It also calls on all parties to participate in the institutions. All parties must now be tasked with reaching a common understanding and common undertakings on ending paramilitarism and participating in the institutions.⁵⁴

C. Statement in the House of Commons, 6 May 2003

Mr Blair and Mr Ahern met in Dublin on 6 May 2003, for the first time since the postponement of the Assembly elections. On the same day Mr Murphy made another statement in the Commons. This was to allow more Members to be present to discuss the postponement of the elections than had been there on 1 May 2003, and to report on the Dublin meeting earlier that day.⁵⁵

Mr Murphy described briefly the content of the Joint Declaration, and he referred to Paragraph 13 as the basis for requesting a statement from the IRA. Paragraph 13 is reproduced in Section I above. Mr Murphy outlined the questions to which the British and Irish Governments required a simple yes or no answer:

Will the IRA call a halt to all of the activities listed in paragraph 13 of the joint declaration? Will it stop the so-called punishment beatings? Will it stop the targeting and the procurement of weapons? Will it stop inciting people to riot on the streets of Northern Ireland?⁵⁶

He said that the IRA statement represented “some progress,” but in his view it did not guarantee a definitive end to all paramilitary activity and it was not “a clear and unambiguous statement.”⁵⁷ He acknowledged the concern and frustration of the political parties that had geared themselves up for the elections, but said that:

[...] as the political dialogue stands at present, there would not have been the willingness to participate that is necessary to partnership government under the [Belfast] agreement.⁵⁸

⁵³ Ibid

⁵⁴ Ibid

⁵⁵ HC Deb 6 May 2003, cc642-663

⁵⁶ Ibid, c643

⁵⁷ Ibid

⁵⁸ Ibid, c644

He said that the Government planned to introduce a Bill “that will allow us to hold an election as soon as it is clear that the necessary trust between the parties has been re-established,” and reiterated the hope that this “can be done in the autumn.”⁵⁹

As for the future, Mr Murphy was confident that the process would continue and that this postponement need be no more than a “temporary setback.”⁶⁰ The two Governments would proceed to implement those elements of the Joint Declaration that were not conditional upon action by others, in the areas of policing, criminal justice, equality, human rights, some aspects of security normalisation, and the establishment of an independent monitoring body.⁶¹ The Government would consult all parties in the coming weeks about the best way of restoring devolution to Northern Ireland.

Mr Murphy drew attention to certain elements of progress already made, and he said that the Belfast, or Good Friday, Agreement and the Joint Declaration were not open to renegotiation:

[...] we have the agreement, and that must be the bedrock of any future progress. It is not something that is open to renegotiation. Indeed, a vast amount of progress has already been made in implementing that agreement, especially in the vital areas of policing and criminal justice.

It is a further strength, however, that the joint declaration published last week represents a shared understanding between the two Governments and the pro-agreement parties of how we can proceed to the full and final implementation of the Belfast agreement. That, too, has been the subject of discussion with all the pro-agreement parties and agreed by the Governments, and that, also, is not open for renegotiation. As my right hon. Friend the Prime Minister indicated this evening in Dublin, we shall proceed to implement many elements of the joint declaration that are not conditional on action by others: for example, in the areas of policing, criminal justice, equality, human rights and some aspects of normalisation. We will also introduce the legislation necessary to set up the independent monitoring body, which will, among other things, report on paramilitary activity. The joint declaration package also contains a number of measures that can be implemented only if there are acts of completion by the IRA.⁶²

Mr Murphy confirmed that the Dublin meeting had been “an important opportunity for the two Governments to reaffirm the centrality of their partnership to continuing political progress in Northern Ireland.”⁶³

⁵⁹ Ibid

⁶⁰ Ibid

⁶¹ Ibid. Legislation would be required to set up the independent monitoring body.

⁶² Ibid

⁶³ Ibid

For the Conservatives, Quentin Davies reiterated his criticism of the postponement, describing the situation as a “considerable shambles.”⁶⁴ He asked about the arrangements for the pay of Assembly candidates and of staff and officials at the dissolved Assembly.⁶⁵ He repeated his suggestion that Sinn Fein should be excluded from the Northern Ireland executive, if it did not comply:

If, as has been widely suggested in Northern Ireland, I am afraid, the reason for seeking to postpone the elections was that the Government did not like what they thought would be the result, irrespective of the political morality of that decision, what makes the Government think that the result will be any different in a few months' time? The decision makes no more practical sense than it has moral justification unless they can answer that question. If, on the other hand, the real reason, not the excuse, was to punish Sinn Fein for not completing the clarification of the three points—we also condemn it for that—was that not a perverse response? Why punish everyone because of the failings of one party? Is not the right way to punish Sinn Fein for non-compliance, as I have said over and over again—for example, at the time of Stormontgate—and to exclude it from the Executive and from taking part in any future Executive if it does not comply?

Why, if the real reason for the cancellation is Sinn Fein's non-compliance, were the Government apparently happy in February, up until Hillsborough, to hold elections on 1 May, at a time when Gerry Adams had not made any of the clarifications that he has now made, including the two that the Government have accepted? Is it not bizarre to say that elections can go ahead if Sinn Fein-IRA make no clarification at all, but that they have to be cancelled if they make two clarifications out of three? Do the Government expect to be taken seriously when they give that as an explanation for their decision?⁶⁶

Mr Davies also thought that an opportunity for inducing a settlement had been lost, since “there would have been a deadline ahead to concentrate minds in the form of a six-week deadline for agreeing an Executive once an Assembly was summoned”.⁶⁷

Mr Murphy, in response, asked what sense it would have made if, “at the beginning of an election campaign, as it was, we knew precisely that it would have been impossible to have set up an Assembly that could have produced an Executive?”⁶⁸ He insisted on the need for trust and confidence between the parties before elections could be held.

⁶⁴ Ibid, c646

⁶⁵ The latter have been in this position before and are paid. During the current period of direct rule, some Stormont staff have been seconded temporarily to other devolved executives and to Westminster.

⁶⁶ HC Deb 6 May 2003, cc646-7

⁶⁷ Ibid, c647

⁶⁸ Ibid, c648

Mr Carmichael said that the Liberal Democrats could not support the postponement: “we cannot preach democracy to the paramilitaries while in practice we deny it to the people.”⁶⁹ He gave notice of Liberal Democrat priorities in assessing the Bill:

Will the Secretary of State please clarify whether the open and transparent process about which he spoke means that there will be a departure from his practice of conducting talks as a series of bilaterals instead of having round-table talks involving all parties? Might that be done as part of the paragraph 8 review of the agreement? Will the postponement last until a fixed date and not for an indefinite period? We shall judge the Government's Bill when we see it, but I give notice to him that, if it does not include such a date, we will take steps either here or in the other place to ensure that it does so.⁷⁰

He also asked about compensation for election candidates and called for a fixed date for the elections. Mr Murphy said that he had written to all parties in Northern Ireland “indicating that the Government will compensate parties for any losses made within the terms of the *Representation of the People Acts*.”⁷¹

Seamus Mallon, for the SDLP, sought clarification that the postponement did not rest unduly on a semantic debate over whether the IRA’s statement should state that it “will” or “should” deliver the requirements of Paragraph 13 of the Joint Declaration, and he asked for confirmation that the requirements had been spelled out as acts of completion throughout the negotiations. Mr Murphy assured him that the requirement of “an immediate, full and permanent cessation of all paramilitary activity,” spelled out in Paragraph 13 of the Joint Declaration, was the basis for the Government’s decision, and that when that had been guaranteed, devolution would be restored.⁷²

Mr Trimble criticised the Government “for their decision, which was made at the last minute and in a rather incoherent way,”⁷³ but he also agreed with the Government’s view that the IRA statement did not contain any clear indication of an end to violence or a “commitment to exclusively peaceful and democratic means.”⁷⁴ He raised a concern over a “new distinction” which he felt the Government had introduced, possibly to finesse the problems currently faced:

The Secretary of State reminded us that the key elements of the joint declaration were conditional on acts of completion. However, he introduced a distinction between matters that were to be conditional, such as further normalisation. I associate myself with the comments of the Opposition spokesman on any

⁶⁹ Ibid, c649

⁷⁰ Ibid

⁷¹ Ibid, c650

⁷² Ibid, c651

⁷³ Ibid

⁷⁴ Ibid

proposal to dismantle security installations before genuine acts of completion. That was never discussed or agreed by any party. The Secretary of State will confirm that he has introduced a new distinction between normal and abnormal acts of normalisation. We are left wondering into which category dismantling security installations falls.

The joint declaration contains other matters that are not conditional. It would help the public if the Secretary of State clearly stated the precise matters with which the Government will proceed. The comments in the statement are general and will therefore spread some confusion and perhaps alarm. Precision is necessary.

I welcome the Secretary of State's reference to introducing legislation to establish the independent monitoring body. However, will he make it clear that it will contain the new power for Her Majesty's Government to exclude parties from the Northern Ireland Executive? Will the legislation be on the statute book before any resumption of the Assembly so that the means are available to deal with any continuing paramilitary activity or a party's failure to commit to exclusively peaceful and democratic methods?

The Secretary of State claims that the declaration is no longer negotiable. Does that apply to all aspects and details? I am thinking of the considerable detail on Army deployment in the event of normality. The Secretary of State knows that there is anxiety about the locations of particular bases. There will be considerable disappointment if, even in the event of normality, full peace and a return to the pre-1969 position, there are no soldiers in County Armagh.⁷⁵

Dr Paisley referred to comments by the Prime Minister in November 2002 clarifying what was meant by "completion," in which Mr Blair had said,

it is not merely a statement, a declaration or words. It means giving up violence completely in a way that satisfies everyone and gives them confidence that the IRA has ceased its campaign, and enables us to move the democratic process forward, with every party that wants to be in government abiding by the same democratic rules.⁷⁶

Dr Paisley asked,

Why have the Government changed? Why have they said in tonight's statement that the critical issues of trust, over commitment to exclusively peaceful means and the stability of the institutions, can be addressed with a clear statement of intent? It was not a clear statement of intent that the Prime Minister issued to me in November; he said that that commitment had to be seen, and that there must be action. It is action that the people of Northern Ireland want to see. Why the sudden change? I think that the Secretary of State has changed because of the

⁷⁵ Ibid, cc651-2.

⁷⁶ HC Deb 27 November 2002, c309.

pressures placed on him, and I think that he and the Prime Minister should stand up to these people and say "We want a change".⁷⁷

He also complained, as did a number of other Members, over the Government's plans to dismantle two security towers in south Armagh, saying that it "cannot get away with dismantling the only security that hundreds of Protestants have in those peripheral areas."⁷⁸ Mr Murphy had responded to these arguments earlier, saying that the security services had advised that the towers could be dismantled.⁷⁹

⁷⁷ HC Deb 6 May 2003, c654

⁷⁸ Ibid

⁷⁹ Ibid, c647

IV Annex I: IRA statements

The IRA statement of 13 April 2003 was published on 6 May 2003, with an accompanying further statement. The two texts were reproduced on the BBC website thus:

IRA statement to the British and Irish Governments on 13 April.

“The leadership of Oglaiġ na hEireann takes this opportunity to give our view of the current phases of the peace process. In particular we want to address unionist concerns.

The political responsibility for advancing the current situation rests with the two governments, especially the British Government, and the leaderships of the political parties.

Accordingly, the IRA leadership have assessed commitments from the two governments and the UUP.

The IRA has a genuine interest in building an enduring political process because we want to see the removal of the causes of the conflict in our country.

Although the Irish Republican Army is not a party to the Good Friday Agreement, we are disappointed that the Agreement has not been implemented.

We are disappointed also that the commitments in the joint declaration are conditional and protracted. Despite this we want to give them a fair wind.

Oglaiġ na hEireann supports the peace process. We want it to work. We affirm that our cessation is intact.

We are resolved to see the complete and final closure of this conflict. The IRA leadership is determined to ensure that our activities, disciplines and strategies will be consistent with this.

Furthermore, the full and irreversible implementation of the Agreement and other commitments will provide a context in which the IRA can proceed to definitively set aside arms to further our political objectives.

When there is such a context this decision can be taken only by a General Army Convention representing all our volunteers.

We want to enhance the climate at all levels of society so that unionists and loyalists, nationalists and republicans, free from threats to their rights and safety, can engage together in community, political and other areas of co-operation and work.

The IRA poses no threat to the unionist people or to the peace process.

The IRA leadership reiterates our commitment to resolving the issue of arms. The commitments from the two governments, including the ending of the suspension of the political institutions, and the firm pledge by the leader of the Ulster Unionist Party that he will actively support the sustained working of the political institutions and other elements of the Good Friday Agreement, enables us to do this.

We have authorised our representative to meet with the IICD with a view to proceeding with the implementation of a process to put arms beyond use at the earliest opportunity.

We have also authorised a third act of putting arms beyond use. This will be verified under the agreed scheme.

These initiatives are part of our ongoing contribution to the collective endeavour. The commitments made by the two governments and the UUP are a necessary part of this.

We support genuine efforts to build a just and peaceful future for all the people of this island. This is a collective task for all sections of society. Unionist political leaders have a special contribution to make.

We are Irish republicans. Our objective is a united Ireland. We are not unionists or British and no one should expect us to set aside our political objectives or our republicanism.

We do not claim to fully understand unionist perceptions. But we are prepared to listen and to learn. And we are committed to playing our part in creating the conditions in which unionists, nationalists and republicans can live together peacefully.

Building the collective trust to achieve this is a huge challenge for everyone. Given the experience of nationalists and republicans during the decades of conflict and before, this is a particular challenge for us. It is also a challenge for unionists and the British Government.

Much hurt has been inflicted by British Government policy, by successive British Governments and by the old unionist regime. Great pain has been caused by the British army, the RUC and loyalist paramilitaries. Irish republicans and nationalists have a proud and honourable record of resistance against these forces. We know unionists do not see it like that.

We are also conscious that non-combatants were killed and injured as a consequence of some of our actions. We offer our sincere apologies and condolences to their families and friends.

The IRA is committed to supporting every effort to make conflict a thing of the past. To this end the IRA leadership has previously authorised a series of unprecedented initiatives to enhance the search for a lasting peace.

On occasions these have been undervalued or dismissed. Despite this, we are persisting in our endeavours. The initiatives outlined in this statement involve further substantive and additional contributions by the IRA.

Both governments - and unionists and republicans alike - have now an opportunity which cannot and should not be wasted. ”

P O'Neill, Irish Republican Army.

Statement by the IRA: 6 May

“The IRA leadership is committed to making the peace process work.

That is why we called our cessation.

That is why we have maintained it.

That is why we have taken a series of significant initiatives.

That is why at the beginning of April we shared concepts and drafts with others. While that process was ongoing these concepts and drafts were mischievously leaked and misrepresented by the two governments. This was an abuse of trust.

Despite this on Sunday April 13 the IRA leadership closed on a statement setting out our view on recent developments in the peace process and on:

- The current disposition of Oglaiġh na hEireann and the status of our cessation.
- Our future intentions.
- Our attitude to re-engagement with the IICD and engagement in a process of putting arms beyond use.
- A third act of putting arms beyond use to be verified under the agreed scheme.
- A willingness to address unionist concerns.
- An apology to the families and friends of non-combatants killed as a consequence of our actions.

This statement, which contained significant proposals to move the process forward, was given to the two governments on April 13. They described it as positive, welcomed the obvious progress and said that the statement showed a clear desire to make the peace process work.

On April 23 the British Prime Minister (Tony Blair) in a clear breach of protocol publicly misquoted aspects of our statement and went on to pose three questions.

This and the subsequent word games have caused justifiable anger and annoyance.

Despite this the President of Sinn Fein (Gerry Adams) responded in a clear and unambiguous way. His answers accurately reflected our position.

There is no lack of clarity. Our statement and the commitments contained in it was dependent on agreement involving the two governments, the UUP and Sinn Fein.

With regard to putting arms beyond use our representative met, several times, with the IICD. In order, in particular, to facilitate the UUP and to enhance the process to achieve agreement we made preparations for a quantity of munitions to be put beyond use.

In the event of agreement we were prepared to act immediately and our preparations were at an advanced stage.

Regrettably the two governments and the UUP rejected our statement and our initiatives.

Our April 13 statement has now been overtaken by events. We are placing it on the public record so that people can judge for themselves the significance of our proposed initiatives to advance the peace process. ”

P O'Neill, Irish Republican Publicity Bureau ⁸⁰

⁸⁰ BBC on-line, 6 May 2003, http://news.bbc.co.uk/1/hi/northern_ireland/3005753.stm

V Annex II: Deaths, casualties and security services in Northern Ireland

Table 2

Deaths connected with the civil disturbances in Northern Ireland:

1969-2003

	Police (inc reserves)	Regular			Total
		UDR/RIR	Army	Civilians	
1969	1	-	-	13	14
1970	2	-	-	23	25
1971	11	5	43	115	174
1972	17	26	105	322	470
1973	13	8	58	173	252
1974	15	7	30	168	220
1975	11	6	14	216	247
1976	23	15	14	245	297
1977	14	14	15	69	112
1978	10	7	14	50	81
1979	14	10	38	51	113
1980	9	9	8	50	76
1981	21	13	10	57	101
1982	12	7	21	57	97
1983	18	10	5	44	77
1984	9	10	9	36	64
1985	23	4	2	26	55
1986	12	8	4	37	61
1987	16	8	3	68	95
1988	6	12	21	55	94
1989	9	2	12	39	62
1990	12	8	7	49	76
1991	6	8	5	75	94
1992	3	2	4	76	85
1993	6	2	6	70	84
1994	3	2	1	56	62
1995	1	-	-	8	9
1996	-	-	1	14	15
1997	4	-	1	17	22
1998	1	-	1	53	55
1999	-	-	-	7	7
2000	-	-	-	18	18
2001	-	-	-	17	17
2002	-	-	-	13	13
2003 (a)	-	-	-	4	4
Total	302	203	452	2,391	3,348

(a) To 20 April

Source: PSNI Security Situation and Public Order- <http://www.psni.police.uk/stats/securitysit.shtml>

Table 3
Injuries connected with the civil disturbances 1969-2003

	Police (inc. reserves)	Regular			Total
		UDR/RIR	Army	Civilians	
1968	379	-	-	..	379
1969	711	-	54	..	765
1970	191	-	620	..	811
1971	315	9	381	1,887	2,592
1972	485	36	542	3,813	4,876
1973	291	23	525	1,812	2,651
1974	235	30	453	1,680	2,398
1975	263	16	151	2,044	2,474
1976	303	22	242	2,162	2,729
1977	183	15	172	1,017	1,387
1978	302	8	127	548	985
1979	165	21	132	557	875
1980	194	24	53	530	801
1981	332	28	112	878	1,350
1982	99	18	80	328	525
1983	142	22	66	280	510
1984	267	22	64	513	866
1985	415	13	20	468	916
1986	622	10	45	773	1,450
1987	246	12	92	780	1,130
1988	218	18	211	600	1,047
1989	163	15	175	606	959
1990	214	24	190	478	906
1991	139	56	197	570	962
1992	148	18	302	598	1,066
1993	147	27	146	504	824
1994	170	6	120	529	825
1995	370	5	8	554	937
1996	459	2	53	905	1,419
1997	357	14	136	730	1,237
1998	435	17	70	1,130	1,652
1999	395	16	20	552	983
2000	446	2	25	591	1,064
2001	876	11	44	667	1,598
2002	456	38	39	628	1,161
2003 (a)	3	-	-	43	46
Total	11,136	598	5,667	29,755	47,156

(a) To 31 March

Source: PSNI Security Situation and Public Order- <http://www.psni.police.uk/stats/securitysit.shtml>

**Table 4: Casualties as a Result of Paramilitary-Style Attacks
1973 - 2003**

	Shootings			Assaults*			Total Casualties (Shootings & Assaults)
	Total	By Loyalist Groups	By Republican Groups	Total	By Loyalist Groups	By Republican Groups	
1973	74	21	53	n/a	n/a	n/a	n/a
1974	127	43	84	n/a	n/a	n/a	n/a
1975	189	50	139	n/a	n/a	n/a	n/a
1976	98	36	62	n/a	n/a	n/a	n/a
1977	126	28	98	n/a	n/a	n/a	n/a
1978	67	17	50	n/a	n/a	n/a	n/a
1979	76	25	51	n/a	n/a	n/a	n/a
1980	77	26	51	n/a	n/a	n/a	n/a
1981	80	14	66	n/a	n/a	n/a	n/a
1982	81	22	59	n/a	n/a	n/a	n/a
1983	31	9	22	n/a	n/a	n/a	n/a
1984	26	6	20	n/a	n/a	n/a	n/a
1985	32	11	21	n/a	n/a	n/a	n/a
1986	41	24	17	n/a	n/a	n/a	n/a
1987	124	67	57	n/a	n/a	n/a	n/a
1988	66	34	32	56	21	35	122
1989	161	65	96	51	23	28	212
1990	106	60	46	68	21	47	174
1991	76	40	36	62	22	40	138
1992	133	72	61	74	36	38	207
1993	85	60	25	41	35	6	126
1994	122	68	54	70	38	32	192
1995	3	3	0	217	76	141	220
1996	24	21	3	302	130	172	326
1997	72	46	26	156	78	78	228
1998	72	34	38	144	89	55	216
1999	73	47	26	134	90	44	207
2000	136	86	50	132	78	54	268
2001	186	121	65	146	93	53	332
2002	173	117	56	139	89	50	312
2002 (to 20/4/02)	61	38	23	30	19	11	91
2003 (to 20/4/03)	53	31	22	32	24	8	85

*Beatings

NOTE: 2002 and 2003 statistics are provisional at this stage and may be subject to minor amendment in the future.

Source: PSNI *Security Situation and Public Order*- <http://www.psnipolice.uk/stats/securitysit.shtml>

Table 5

Strength of security forces in Northern Ireland 1969 to date ^(a)

	RN/RM	Army	RAF	<i>Regular forces total</i>	UDR/RIR	RUC/PSNI	RUC/PSNI reserve
1969	515	2,926	1,461	4,902	-	3,061	-
1970	259	7,245	1,312	8,816	3,326	3,044	-
1971	128	10,410	562	11,100	4,151	3,809	436
1972	1,661	12,949	713	15,323	6,741	4,086	1,284
1973	302	17,250	830	18,382	9,098	4,257	2,134
1974	266	15,827	898	16,991	7,816	4,391	2,514
1975	287	14,564	881	15,732	7,676	4,564	3,860
1976	302	14,454	871	15,627	7,793	4,902	4,819
1977	221	14,262	944	15,427	7,616	5,253	4,697
1978	198	14,159	930	15,287	7,812	5,692	4,686
1979	143	12,727	834	13,704	7,761	6,110	4,605
1980	797	11,970	622	13,389	7,425	6,642	4,514
1981	124	11,114	905	12,143	7,431	6,943	4,752
1982	118	10,885	796	11,799	7,350	7,334	4,870
1983	135	10,375	847	11,357	7,026	7,718	4,840
1984	131	9,294	835	10,260	6,929	8,003	4,493
1985	162	9,180	880	10,222	6,468	8,127	4,439
1986	184	8,912	994	10,090	6,508	8,259	4,508
1987	191	9,920	1,047	11,158	6,535	8,234	4,414
1988	163	9,645	1,079	10,887	6,364	8,236	4,646
1989	139	9,695	1,141	10,975	6,312	8,227	4,654
1990	234	9,578	1,165	10,977	6,208	8,259	4,623
1991	233	9,403	941	10,577	6,106	8,243	4,544
1992	197	11,314	1,046	12,557	5,988	8,222	4,561
1993	258	11,141	1,108	12,507	5,613	8,478	4,593
1994	182	11,003	1,127	12,312	5,500	8,464	4,573
1995	217	8,520	1,155	9,892	5,172	8,493	4,690
1996	296	9,356	1,102	10,754	4,947	8,415	4,685
1997	321	10,360	1,091	11,772	4,727	8,423	4,402
1998	191	9,722	1,117	11,030	4,607	8,485	4,306
1999	na	na	na	na	na	na	na
2000	189	7,109	1,088	8,386	4,115	8,393	3,840
2001	150	8,150	1,080	9,380	3,293	7,810	3,425
2002	150	4,620	380	5,150	3,600	6,976	3,185

Notes:

- (a) The service manpower figures are for 1 January except for 1969 to 1971 and 1991 to 2002 which are for 1 July; RAF figures for 1996 & 1997 are for 1 September
The UDR/RIR figures (which cover full-time and part-time members) are for 1 January except for 1969 to 1971 and 1994 to 1996 which are for 1 July and 1991 to 1993 which are for 1 April. The 1997 figure is for 30 September.
The RUC figures (those for the Reserve cover full-time and part-time members) are for 1 January except for 1969 which are for 1 July; PSNI are for 31 March
- (b) 1997 figure for the Army includes the Province Reserve Battalion and the Rural Reinforcement Battalion which are fully committed to Northern Ireland although only one company of each is currently deployed in the Province.

Sources:

HC Deb 12.7.90 c336W and earlier written answers
Defence Statistics 1992, 1993 Table 3.11
MoD Statistical Return TSP 10
Northern Ireland Annual Abstract of Statistics 1987 Table 4.12, 1992 Table 4.5
Annual Report of Chief Constable of RUC
Ministry of Defence
HC Deb 6 November 1997 c323-4w
UK Regular Forces Distribution across UK, DASA, TSP 10
Chief Constable's Annual Report, PSNI, Various Years