



URGENT – QUESTIONS TO THE PRIME MINISTER

Question Paper: Northern Ireland Security Risk

NB: this paper addresses certain security issues whose details must necessarily be kept secret. At the same time, preserving the peace in Northern Ireland should be the UK's overriding objective in its present negotiations with the EU concerning the Backstop, and its possible replacement. It is vital, therefore, that both the UK negotiators, and those conducting parliamentary scrutiny of these negotiations, must be fully informed of the possible specific security risk highlighted in this paper.

The CGE is circulating this paper because the Group considers that it makes an important contribution to the debate at this critical stage in the discussions.

1. Questions to the Prime Minister

Do the Prime Minister and his Government (**HMG**) agree that:

1. In Northern Ireland, and apart from possible civil unrest, the principal security risk caused by Brexit will derive from the physical checks and controls (**PC&Cs**) on border traffic that will continue to be required within Northern Ireland on a permanent basis, irrespective of the agreement reached with the EU, and despite the possible implementation of 'alternative arrangements' (**AA**)?
2. The number and nature of these PC&Cs, and their location, will be directly determined by the degree of alignment of Northern Ireland with the EU Single Market and Customs Union – some PC&Cs are necessary in all circumstances, as is the case today with full alignment and the absence of any physical border infrastructure?
3. The implementation of AAs is likely to reduce the number of PC&Cs, and facilitate their conduct, but not to eliminate them entirely?
4. The unarmed HMG personnel carrying out these PC&Cs, certainly in sensitive areas, and possibly throughout Northern Ireland, may require the protection of armed PSNI – Police Service of Northern Ireland officers, sometimes on a one-to-one basis?
5. As presently constituted, both in numbers and in morale, the PSNI may be unable to carry out more than minimal protection of HMG PC&C personnel, without either significantly reducing its counterterrorism and other policing duties, or requiring major and rapid reinforcement, certainly by additional police officers from other UK forces, and possibly by British military forces at least on an interim basis?
6. Although successfully controlled today by the PSNI and other UK security forces, the residual Republican and Loyalist militias are likely to be preparing to exploit, both for political and criminal purposes, any opportunities for terrorist activities resulting from Brexit – the former targeting PSNI and HMG personnel carrying out PC&Cs, and the latter retaliating for such attacks by targeting perceived Republican threats?
7. In the circumstances of increased terrorist activities, even the initially reinforced levels of engagement of PSNI and other UK security forces may be insufficient, and may require possibly substantial further reinforcement by UK police and military personnel?
8. HMG may then be faced with the choice of either committing to Northern Ireland the necessary resources in money, men, equipment, supplies and infrastructure to keep in check the militias, or allowing Northern Ireland to slide back into virtual civil war, with levels of civilian, police and military casualties once again reaching those experienced during the 1968-98 Troubles?

If the Prime Minister and his Government disagree with the basis for these questions set out below, would they urgently set out in detail the basis for their disagreement?

If the Prime Minister and his Government agree with the basis for these questions set out below, would they urgently set out in detail the steps they intend to take to mitigate the Northern Ireland security risk highlighted in this paper?

Both Northern Ireland and the broader British public, including their parliamentarians, civil servants, police and military personnel, require immediate and complete answers.

2. Basis for Questions

Question 1. The focus of concern in this Question Paper is the possible direct link between the volume of physical checks and controls (**PC&Cs**) post-Brexit, the opportunities for violence that they might present, and the resulting progressive breakdown of the fragile peace brought about since 1998 by the Good Friday Agreement. **While outbreaks of civil unrest must be the principal risk to Northern Ireland security, the asymmetrical vulnerability of the unarmed HMG personnel carrying out PC&Cs, and of the armed PSNI officers protecting them where required, might not have been fully understood by HMG and its EU negotiating team.** In simple terms, 200 PC&Cs per month carried out in secure facilities set back from the border may be 'manageable' as a security risk, but 2,000 PC&Cs per week carried out throughout Northern Ireland¹ would present an unacceptable level of opportunities for terrorist action.

Question 2. The direct and proportional relationship between the number, nature and location of PC&Cs, and the degree of alignment of Northern Ireland with EU Single Market and Customs Union regulations (**EUSMCURs**), is self-evident. Both the UK and the EU accept this nexus as the framework for their present negotiations concerning the backstop. The announced intention of the UK not to introduce any border controls in the case of a No Deal Brexit must be viewed as an opening gambit in its negotiations with the EU. This position is not sustainable in the medium-term². Despite Northern Ireland's present full alignment with EUSMCURs, spot-check PC&Cs remain necessary for veterinary and phytosanitary purposes. Furthermore, given the already existing divergences between the UK and the Republic of Ireland (**ROI**) on VAT, excise duties and currency, PC&Cs take the form of intelligence-led spot-checks to ensure compliance. **Given the necessity to achieve agreement between the UK and the EU on the issue of the backstop, and given the nexus between Northern Ireland's alignment with EUSMCURs and the PC&Cs required on both sides of the border, it is recommended that as soon as possible a consensual tool be developed, which would permit all public and private participants to understand the impact of any future Withdrawal Agreement on Northern Ireland's and the Republic of Ireland's security and economies³.**

Question 3. In its Final Report dated 18 July 2019⁴, the Alternative Arrangements Commission accepts that, even in the case of the full implementation of its proposals, PC&Cs will still be required, principally carried out by mobile inspection units, which could also take on the required systematic veterinary and phytosanitary checks. Further work needs to be undertaken to calculate the number of mobile inspection units required, the monthly volume of PC&Cs they would be required to carry out, and the cost to the taxpayer.

Question 4. In their oral evidence to the Northern Ireland Affairs Committee on 27 June 2018⁵, the Chief Constable (George Hamilton) and the Deputy Chief Constable (Stephen Martin) of the PSNI stated that "I think it is highly foreseeable that if there are increased personnel operating in and around the border area—I use "the border area" and I give that a margin of appreciation—whether that be HMRC, or people engaging in checking of standards of other products, I think it is highly foreseeable that they will become the subject of threat. That will of course engage the police in offering protection for those people in going about their lawful duties on behalf of the Government and their organisations and then we will become the subject of threat and attack."

When asked "It is potentially a very dangerous situation?", the Deputy Chief Constable replied: "Yes. I have no doubt that if there is not an enhanced policing profile, even if that policing profile is not

supportive of other agencies, doing mobile compliance checking, for example, in yards or other places, I think it is highly foreseeable that there will be attacks on the police and attempts to murder police officers if that situation was to occur."

On 12 September 2018⁶, the Chairman of the Police Federation of Northern Ireland (Mark Lindsay) confirmed: "As we move towards a border which has to be enforced again, whether hard or soft, there's an expectation there will be a border probably about 20 miles deep, so you've a 310 mile frontier which will probably encourage a black economy for about 10 to 15 miles either side. Whoever works along that area of the border, will become a target for dissident Republican terrorists. For the NCA, for all those agencies that are being deployed on the border or into those border areas, they almost have a one per one police protection, so you need this ring of steel if you are going to do anything like is being suggested."

On 18 September 2019⁷, the new Chief Constable (Simon Byrne) of the PSNI reiterated his colleagues' positions: "We are very clear here. We do not support the establishment of checkpoints or monitoring cameras right near the border and we'd be very reluctant to be drawn there because of the threat to our officers. People do not want a return to the images of 20-30 years ago, where, frankly, history shows us that far more police officers and 20,000 soldiers could not protect the border, so I doubt we are going to do it now."

The Alternative Arrangements Commission acknowledged in its 18 July 2019 Final Report that concerns had been raised that "by moving customs procedures away from the border to an inland location would simply exacerbate the situation, in that any form of enforcement visit by government agents would be seen as intrusive by the community. **We were told of examples where significant police support would be needed to ensure the safety and security of any inspectors conducting after-entry procedures**".

Question 5. On 18 September 2019, the Chief Constable of the PSNI confirmed that police officers from Great Britain were on standby to reinforce their colleagues in Northern Ireland: "there are officers that have been trained to come here to supplement what we do." These officers would backfill and do the lower-risk jobs, freeing PSNI officers for tasks carrying greater risk. "The most likely scenario, should it happen, that would need us to ask for help, would be sustained and multiple sites of disorder where there is an outbreak of violence."

The Chief Constable said the PSNI must grow urgently after losing 500 frontline staff since 2010, bringing the force down to 6,746 officers. The money for policing announced by the Johnson government does not include Northern Ireland. "We are stretched and we can't keep going just by propping up the PSNI with overtime because it is unsustainable."

On 5 June 2019⁸, the Chairman of the Police Federation of Northern Ireland stated that a survey of its members found 92% believed that morale across the PSNI was low. "There are consequences when people have to consistently work under such unrelenting pressures, with the very real threat of punitive disciplinary action being taken if and when they get it wrong. In any other organisation or enterprise, this would set alarm bells ringing. Yet, for some inexplicable reason, the silence is deafening in some government departments."

Question 6. Sectarian division in Northern Ireland is rooted in centuries of conflict and violence, exacerbated by the recent Troubles. The 3 May 2019 Review⁹ by Ulster University states: "What remained [since the 1998 Belfast Agreement], inevitably, was the legacy of violence and the deeply rooted patterns of sectarianism. Separation remained a basic fact of life in many areas, and paramilitarism proved difficult to erode. Issues of identity or challenges to existing structures both held the possibility that they would reignite fears or reopen wounds. Underneath the visibly melting tip of the iceberg, a still-challenging mass remained to be addressed. So when the Executive collapsed in 2016 many of the old divisions, especially in politics, reappeared - running the risk that this could spill into communities."

Economic deprivation endures: "Economic and health inequality are persistent critical factors in understanding Northern Ireland politics. Over many decades, the poorest areas of the cities were at the forefront of political violence combining to leave a legacy of Multiple Deprivation which is still the dominant

feature of the city landscape. Economic Inequality is considerably greater than the residual difference in poverty as measured between ethno-national communities. Since the Good Friday Agreement, there has been little change in the location and nature of poverty and deprivation. This has led to persistent complaints that the 'peace dividend' has not reached the most difficult areas. Until now the links between poverty and conflict have been addressed by policy in a largely piecemeal fashion. Yet it is clearly true that poverty and the absence of any prospect of a prosperous future fuel resentment and alienation while sectarian division prevents any meaningful efforts to generate a flourishing economy by deterring investment and driving the flight of talent."

"The high rates of economic inactivity and the high numbers of young people who are not employed or in education or training have the effect of reinforcing social and economic divisions in Northern Ireland. The life chances, and outlook, of those in areas of high deprivation are likely to be very different to those in wealthier suburbs. Combined with political segregation this has a significant impact on change, and on approaches to both the past and the future."

Despite the continuing deprivation, the Belfast Agreement has considerably reduced violence in Northern Ireland, without removing lawlessness: "Many parts of Northern Ireland now report low levels of crime, and a high quality of life. This is particularly true where the evidence of violence has declined. For many people, life is unrecognisable from that experienced between 1969 and 1998. At the same time, some parts of Northern Ireland continue to experience high levels of paramilitary activity, and the involvement of paramilitaries in recruitment, community coercion and 'gate-keeping'. This division has become marked and persistent." "Continuing punishment attacks, evidence of economic crime, symbolic challenges such as flags, emblems and bonfires continue to create the impression that the rule of law is limited. This has a continuing impact on the long-term stability of Northern Ireland and on the ability to decisively tackle issues such as peace-walls and segregation in residential areas." "Northern Ireland remains a deeply divided society."

The 14 May 2018 QUB – Queens University Belfast Report¹⁰ on the possible impacts of Brexit on Northern Ireland examined attitudes towards the introduction of PC&Cs. "Respondents were asked whether and to what extent they would have sympathy or support for "possible forms of protest against any new border checks or controls between Northern Ireland and the Republic of Ireland". If people who are opposed to a North-South border engaged in signing a petition or a peaceful demonstration, 60% of all respondents would have either "a fair amount of sympathy with this and would support it" or "a lot of sympathy with this and would support it a lot"."

"One of the dominant themes emerging from citizens' discussions of possible North-South border checks is that it would mark a return to the past. Politically, it would "bring us back," be a "disaster" and a "nightmare". These views were expressed by participants from both a Protestant and Catholic background and by Remain voters and Leave voters." "There was a strong sense among participants - Catholics and Protestants, Remain and Leave voters - that protests against a 'hard' border may begin peacefully, but would quickly deteriorate into violence. Violent agents were perceived as waiting for an excuse to re-emerge, and were referred to as "nutjobs," "mad hatter people," "psychopaths," and the "hard element."

The Community Relations Council's most recent Northern Ireland Peace Monitoring Report¹¹ published in early 2019 confirms that "A number of paramilitary groups, both Loyalist and Republican, still exist in NI. The last assessment report, drafted by the PSNI and MI5, concluded that 'All the main paramilitary groups operating during the period of the Troubles remain in existence'." "The threat level in NI has remained unchanged at severe since threat levels were first published in 2010. The threat in Great Britain from NI-related terrorism has varied between substantial and moderate since 2010."

On the specific danger posed by PC&Cs: "There has been a long history of political opposition to the existence of the border and also various republican paramilitary campaigns involving attacks against the physical infrastructure at the border and on the security personnel who protected the border. Those in favour of Brexit have labelled as scare mongering any discussion which has raised the possibility of violence by dissident republican paramilitary groups. However, George Hamilton, the [previous] Chief Constable of the PSNI, has expressed concern at the risk of violence at the border: 'The last thing we

would want is any infrastructure around the border because there is something symbolic about it and it becomes a target for violent dissident republicans'. There is hardly any doubt that dissident republicans would seek some way to exploit any popular resentment against, and protest at, a more visible border. However, it is unclear if this would lead to wide-scale violence."

The 29 December 2018 CAIN – Conflict Archive on the Internet Note on violence at the Border¹² highlights its persistent nature since Partition in 1921, particularly in the 1930s and 1950s, culminating in the Troubles. The Note then examines possible scenarios leading to Border violence in the context of Brexit: "Given the long history of civilian / political / paramilitary opposition to the existence of the border and to the physical infrastructure at the border, it is likely that any new physical infrastructure, say custom posts or even cameras being used in conjunction with number plate recognition software, will attract at least civilian protest but also protest organised by one or more political parties or one or more of the republican political groups. It is highly probably that protestors who travel to a border installation would try to remove the infrastructure or render it inactive. The relevant authorities might respond to such actions by replacing or repairing the facilities, at least at the beginning of the protests. However, at some point a decision might be taken to protect or guard the infrastructure. Physical confrontations between protestors and security staff might then become inevitable, with all the dangers they entail."

"Another scenario is that one or more republican paramilitary groups decide to respond to popular opposition to the border infrastructure, by attacking the installations with bomb or bullet. One of the problems that has faced certain republican paramilitary groups in the past is a lack of even tacit support amongst the Nationalist population. At times there has been no focus for public protest and the paramilitary groups have lacked both relevance and credibility. However, any widespread public opposition to the border is likely to act as an impetus to paramilitary groups to become involved as a means of garnering at least tacit support. If groups of civilian protestors were removing or damaging new border infrastructure, then paramilitary groups would not be long in following suit. Certainly current dissident groups, or any group which forms in the future, would seek to justify such violence within the context of historical actions against border infrastructure."

As Mark Lindsay, chairman of the Police Federation of Northern Ireland, said on 12 September 2018: "There needs to be a real wake up, lives will be at risk".

Question 7. It is unwise, given the lethal nature of the underlying issues, to speculate in this paper concerning the possible circumstances of increased terrorist activities in Northern Ireland, the possible resulting insufficiency of the levels of engagement of the PSNI and other UK security forces, even if already reinforced, and the possible substantial further reinforcement by UK police and military personnel that may be required. **However, it is vital that HMG's plans to meet the broad range of possible scenarios are subject NOW to full parliamentary scrutiny, and made public.**

Question 8. HMG must have already assessed, according to the range of possible scenarios mentioned above, the various levels of resources in money, men, equipment, supplies and infrastructure that will need to be committed to Northern Ireland to keep in check the militias, and thus avoid any return to the conditions of civil war experienced during the 1968-98 Troubles.

To ensure that British decision-makers, policy-makers and opinion-makers are fully aware of the lethal dangers of 're-igniting' the Troubles, it is important to detail the levels of civilian and military casualties experienced during that thirty-year period.

Broadly accepted detailed statistics (CAIN – Conflict Archive on the Internet, Sutton Index, hosted by Ulster University – regularly revised¹³) estimate the total number of 'conflict-related' deaths 1968 to 1998 at around **3,500**, including casualties from terrorist activities outside Northern Ireland. These include around **1,800** 'civilian' deaths, i.e. persons unrelated to any identifiable militia or paramilitary organisation.

On 28 March 2019 the Ministry of Defence¹⁴ confirmed that **1,441** members of the UK Armed Forces died as a result of the Northern Ireland conflict during the period August 1969 to July 2007 inclusive. Of this total, 722 died from hostile action (of which 53 outside Northern Ireland), and 719 from 'other causes' (deaths due to accidents, natural causes, assaults, coroner confirmed suicides and cause not known).

The Ministry of Defence comments as follows: "Operation Banner was the operational name for the British Armed Forces operation in Northern Ireland from August 1969 to July 2007. British troops were initially deployed at the request of the Unionist government of Northern Ireland to support the Royal Ulster Constabulary (RUC). After the 1998 Belfast Agreement, the operation was gradually scaled down. Its role was to assert the authority of the Government of the UK in Northern Ireland."

Since World War 2, only two other conflicts caused an equivalent level of UK Armed Forces fatalities: the Malayan Emergency (June 1948 to July 1960) 1,442 deaths; and the Korean War (June 1950 to July 1954) 1,129 deaths. No other conflict since World War 2 has caused more than 800 deaths, the closest being the Palestine conflict (September 1945 to June 1948) at 754.

No other EU country has recently experienced any similar casualty levels, particularly in relation to the total Northern Ireland population of around 1.9 million today (smaller than London, Greater Manchester or the West Midlands).

The Prime Minister, his Government and Parliament must reassure the British public, and in particular that of Northern Ireland, that they have fully grasped their immense, direct and immediate responsibility for any return to violence in Northern Ireland.

¹ In order to assess the level of security risk concerned, the exact nature and location of the possible sites for inspections carried out in the course of PC&Cs must be determined, while keeping secret their precise details. If, for example, in the context of the implementation of Alternative Arrangements, intelligence-led or spot-check PC&C inspections are carried out in the premises of Northern Ireland exporters and importers, unarmed HMG personnel (and the armed PSNI officers accompanying them where required) will necessarily be exposed to potential terrorist action in physical circumstances where little mitigation is possible. Construction of concrete bunkers in respect of such rare and random inspections would be absurd, even if both necessary and desirable to protect the lives of valued and valuable UK officers.

² HMG's reasonable worst-case planning assumptions for No Deal, as set out in the Operation Yellowhammer paper (2 August 2019), confirm that the 'no new checks with limited exceptions' model announced on 13 March 2019 is "likely to prove unsustainable due to significant economic, legal and bio-security risks and no effective unilateral mitigations to address this will be available". In any case, "under WTO – World Trade Organisation rules (agreement on trade facilitation) each state must enforce its custom border – it is not a matter of choice or unilateral action" (source: *Written Evidence submitted by Dr Katy Hayward and Professor David Phinnemore for the Northern Ireland Affairs Committee's inquiry into the land border between Northern Ireland and Ireland, dated 28 February 2018*). For its side of the border the Republic of Ireland is likely to be obliged by the EU rapidly to introduce full controls in the case of a No Deal Brexit.

³ This analytical tool could be based on the work carried out since early 2018 by Dr Katy Hayward of Queen's University Belfast (Katy Hayward, 'Brexit Border - Katy Hayward and the Brexit Border in 4 Key Slides', Queen's Policy Engagement, 7 March 2018, <http://qppl.qub.ac.uk/brexit-border-4-key-slides/>).

⁴ AAC, 'Alternative Arrangements Commission', 18 July 2019, <https://www.prosperity-uk.com/aacabout/>.

⁵ NI Affairs Committee, 'Update from the Police Service of Northern Ireland Inquiry', § Northern Ireland Affairs Committee (2018), <https://www.parliament.uk/business/committees/committees-a-z/commons-select/northern-ireland-affairs-committee/inquiries/parliament-2017/update-from-psni-inquiry/>.

⁶ Dan O'Donoghue Association Press, 'NI Police Federation Boss Rubbishes Brexiteer Border Plan', The Irish News, 12 September 2018, <http://www.irishnews.com/news/brexit/2018/09/12/news/ni-police-federation-boss-rubbishes-brexiteer-border-plan-1431148/>.

⁷ Vikram Dodd, 'Hard Brexit Would Put Officers' Lives at Risk, Says Northern Ireland Police Chief', *The Guardian*, 18 September 2019, sec. UK news, <https://www.theguardian.com/uk-news/2019/sep/18/hard-brexit-would-put-officers-lives-at-risk-says-northern-ireland-police-chief>. At a meeting on Thursday 3 October 2019 of the Northern Ireland Policing Board, Simon Byrne confirmed PSNI's position on PC&Cs: "We're clearly there to facilitate normality and day-to-day policing, but not to carry out cross-Border checks or the functions of other agencies. ... [I do] not expect to be either told to, or to have to staff . . . customs points or other

checkpoints anywhere near the Border, because that's not our responsibility; that's something for the Border Force or Customs and Excise to do." ... Any requests to protect other government agencies would be assessed on a "case by case" basis. "If some of the developing [Brexit] plan is about some form of a warehouse where goods are checked, I think it would be unlikely you'd see the PSNI there. But if there was a specific threat on a specific day, we'd have to respond appropriately – if there was a threat to a life or there was a crime taking place." "The PSNI chief revealed that he has taken advice to clarify his "constitutional position" regarding the policing of customs checkpoints after the UK leaves the EU, insisting that is not his officers' role. The PSNI always set out, even from George Hamilton's time, their concerns in relation to any hard border, warning that any infrastructure at the border would be a magnet for dissidents and expressed their concerns over any attacks there might be." Sources: Freya McClements, 'Brexit: Police Chief Rules out PSNI Staffing Border Checkpoints', *The Irish Times*, 4 October 2019, <https://www.irishtimes.com/news/ireland/irish-news/brexit-police-chief-rules-out-psni-staffing-border-checkpoints-1.4039319>; Ralph Hewitt, 'Brexit: My Officers Will Not Man Border Posts, PSNI Chief Byrne Insists', *BelfastTelegraph.Co.Uk*, 4 October 2019, <https://www.belfasttelegraph.co.uk/news/northern-ireland/brexit-my-officers-will-not-man-border-posts-psni-chief-byrne-insists-38561175.html>.

⁸ BBC News, 'Police Union Highlights "Low Morale"', *BBC News*, 5 June 2019, sec. Northern Ireland, <https://www.bbc.com/news/uk-northern-ireland-48526609>.

⁹ Duncan Morrow, 'Civic Conference Calls for Sustained Action to Address Sectarianism in Northern Ireland', Ulster University, 14 May 2019, <https://www.ulster.ac.uk/news/2019/may/civic-conference-calls-for-sustained-action-to-address-sectarianism-in-northern-ireland>.

¹⁰ John Garry, 'Report | Brexit NI | Queen's University Belfast', 14 May 2018, <https://www.qub.ac.uk/sites/brexitni/BrexitandtheBorder/Report/>.

¹¹ Community Relations Council, 'NI Peace Monitoring Report #5 Published', Community Relations Council, 10 January 2019, <https://www.community-relations.org.uk/news-centre/ni-peace-monitoring-report-5-published>.

¹² Martin Melaugh, 'CAIN: A Note on the History of Violence at the Border, and the Possibility of Violence Following Brexit', 29 December 2018, <https://cain.ulster.ac.uk/issues/politics/border/border.htm>.

¹³ 'CAIN: Sutton Index of Deaths', accessed 15 July 2019, <https://cain.ulster.ac.uk/sutton/tables/Status.html>.

¹⁴ Ministry of Defence, 'UK Armed Forces Operational Deaths Post World War 2: 2019', GOV.UK, 28 March 2019, <https://www.gov.uk/government/statistics/uk-armed-forces-operational-deaths-post-world-war-2-2019>.