



Government Response to the Intelligence and Security Committee of Parliament Report 'Northern Ireland-Related Terrorism'

11 February 2021

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Presented to Parliament
by the Prime Minister
by Command of Her Majesty

11 February 2021

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INTELLIGENCE AND SECURITY COMMITTEE REPORT 'NORTHERN IRELAND-RELATED TERRORISM' GOVERNMENT RESPONSE

The Government is grateful to the Intelligence and Security Committee (ISC) for their report on Northern Ireland-Related Terrorism ('NIRT'), which was published on 05 October 2020. The Prime Minister acknowledged and thanked the ISC for their report in a Written Ministerial Statement on the same day.

We would again like to take this opportunity to thank the former Members of the Committee for their vital work over the course of the last Parliament and we look forward to working with the new Committee as they continue their independent oversight of the UK's Intelligence Community.

Our thoughts and sympathies are with those who have been impacted by the enduring threat of violence in Northern Ireland, in particular the friends and families of those who have lost their lives. There is no place for violence within our communities.

The government continues to prioritise support for efforts to ensure a safer Northern Ireland, where terrorist and paramilitary groups are less able to cause harm to communities. This document provides further detail on the Government's response to the recommendations and conclusions contained in the ISC's 'NIRT' Report. The Committee's conclusions and recommendations are in **bold** below, followed immediately by the Government's reply.

A. It is clear from the attacks last year that the threat from Northern Ireland-related terrorism remains resilient despite significant pressure from MI5 and the Police Service of Northern Ireland. We condemn the violence that led to the death of Lyra McKee and our thoughts are with her family and friends.

The senseless killing of Lyra McKee in 2019 shocked everyone across the world. To date two males have been arrested as part of the murder investigation, both have been charged and released on bail. The transformation of the security situation in Northern Ireland over the past 20 years is a credit to the hard work, resilience and commitment of the people of Northern Ireland and to security partners who work together to keep people safe. The death of Lyra is a reminder however, that there are a small number of dissident republicans who remain intent on killing. They have nothing to offer communities in Northern Ireland and have no place in society.

B. Dissident Republican groups appear to continue to recruit new members, including young people – largely as a result of the lack of opportunities open to them. However, the residual distrust between Republican communities and the security services means that the authorities are not in a position to identify those beginning to become

involved with Dissident Republican groups and seek to dissuade them. We therefore consider it essential that non-national security departments – with better links into the community – are able to intervene if they spot such involvement, and to provide positive interventions. We welcome efforts to implement lessons such as these, learned from counter-terrorism work across the UK, and expect to see these reflected in the latest review of HMG’s strategic approach to tackling Northern Ireland-related terrorism, which is still underway.

Many of the levers to stem recruitment into paramilitary groups in Northern Ireland sit with devolved authorities. The Fresh Start Agreement of 2015 committed the UK, Irish and devolved administrations to tackling paramilitary activity and considerable work has been undertaken since then to address the different vulnerabilities that can make people susceptible to involvement in or coercive control by paramilitary groups and organisations. This year, the New Decade New Approach agreement reiterated the commitment of the UK Government and Northern Ireland Executive to address the root causes of paramilitary activity. The UK Government has already provided £25m over five years to support the Northern Ireland Executive’s Tackling Paramilitarism, Criminality and Organised Crime Programme. The programme uses methodology and delivery approaches that address Northern Ireland’s unique challenges as well as drawing on national and international best practice. This is a cross-Executive programme involving at least 7 Departments, 22 statutory agencies and over 50 other partners. That reflects the nature of the problem and where the levers and expertise sit to address them.

C. Taking experienced terrorists off the streets of Northern Ireland quickly and effectively is critical to reducing the capabilities and numbers of Dissident Republican groups, and therefore MI5’s priority is to seek criminal justice outcomes. However, pursuing successful outcomes remains challenging: we have found that there are systemic delays and lenient sentencing. Work to explore legislative solutions was stalled during the absence of a functioning Executive. It is imperative that, now the Executive has been restored, the Executive and Assembly consider proposals to improve criminal justice outcomes.

The Government agrees that successful criminal justice outcomes are crucial to tackling the threat from Northern Ireland-related terrorism and paramilitary activity. We are wholly supportive of the important work that is being done by the devolved administrations to address the specific issue of delay in the justice system, including the introduction of relevant legislation. We also note the progress being made through the Northern Ireland Executive’s ‘Tackling Paramilitarism, Criminality and Organised Crime’ Programme to address the root causes of paramilitarism. The Government welcomes the return of Executive Ministers in 2020 to provide the political impetus for the programme.

D. We recognise that agents are critical to MI5’s work, providing valuable intelligence. It is right that MI5 are able to authorise their agents to participate in criminal activity when it is necessary in order to maintain their cover or to secure access

to intelligence which may save lives or disrupt more serious criminality. We strongly support their ability to do so – provided that such authorisations are strictly limited and subject to proper scrutiny. Were MI5 unable to authorise in this manner, it would increase the threat to the UK. We therefore welcome the majority judgement of the Investigatory Powers Tribunal on 20 December 2019 that MI5 does have the implied power to do so, by virtue of the Security Service Act 1989.

The Government agrees that agents are critical to MI5's work and that participation in criminality is a necessary and inescapable feature of their use. Covert human intelligence sources (CHIS) play a unique and crucial role in gathering intelligence which helps to prevent and safeguard the public from many serious crimes. The human element of CHIS means that intelligence can be obtained which cannot be delivered by other investigative tools.

The Government introduced the CHIS (Criminal Conduct) Bill to Parliament on 24 September to put this long standing tactic on an express statutory footing. The Bill makes clear that a criminal conduct authorisation can only be authorised where necessary and proportionate to do so, and is subject to independent oversight by the Investigatory Powers Commissioner.

E. We commend the efforts of MI5 and the Police Service of Northern Ireland. However, the threat from Northern Ireland-related terrorism requires sustained pressure and resources must be maintained. This is more important now than ever. Any border infrastructure resulting from Brexit will be both a target and a recruiting badge for Dissident Republican groups, who have until now used the impasse in Stormont to justify their cause and bolster their numbers. This Committee would not support the use of any hard border infrastructure, and recommends that this be taken into account in any final settlement in relation to the border with the Republic of Ireland.

The Government agrees that the collaborative efforts from MI5 and the Police Service of Northern Ireland are excellent, and they have the Government's full support for the public service they give. We are clear that inciting violence is never acceptable - it harms our communities and puts people at risk. There was no place for violence and intimidation in the past and there is no place for it today.

The Northern Ireland Protocol was designed as a practical solution to avoiding a hard border on the island of Ireland - this means there is no hard border infrastructure on the land border with Ireland. As laid out in the Government's approach to the Northern Ireland Protocol, our approach will be guided at all times by our overall aims of preserving and strengthening Northern Ireland's place in our United Kingdom, and of protecting the huge gains from the peace process and the Belfast (Good Friday) Agreement 1998 ('the 1998 Agreement'). A consensual, pragmatic and proportionate approach to Protocol implementation best protects the 1998 Agreement and ensures that the Protocol impacts as little as possible on the everyday life of communities.

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