

post July 1.

## RESPONSE TO JOINT STATEMENT

### POINTS FOR DISCUSSION

1. Basic NIWC principles contained within the Good Friday Agreement
  - Inclusivity
  - Total and absolute commitment to exclusively democratic and peaceful means of resolving differences on political issues
  - Respect for human rights and equality.
  - Recognition of equally legitimate political aspirations.
2. NIWC political commitment to the full implementation of the Good Friday Agreement.
3. Recognising that there is little trust within and between the communities in Northern Ireland, it is unrealistic to expect either of the two communities to make a concession that goes beyond the stated terms of the Good Friday Agreement. It is the Coalition's view that within these terms there is no clear linkage in the Agreement between prior decommissioning of weapons and the establishment of an Executive. We do, nevertheless, accept the importance of the provisions contained in paras 1 – 6 of the Decommissioning section of the Agreement. If decommissioning is not achieved by May 2000, we accept that the 'good faith' of the parties involved should be critically examined. Consequently, it may be necessary to bring forward the 4 year review provided for in the Agreement, to May 2000, in order to undertake that examination if seen as being necessary.

### MOVEMENT ACHIEVED BY JOINT STATEMENT – STORMONT 1999.

1. The Joint Declaration re-iterates that all parties reaffirm the following three principles –
  - an inclusive Executive exercising devolved powers;
  - decommissioning of all paramilitary arms by May 2000;
  - decommissioning to be carried out in a manner determined by the International Commission on Decommissioning.
2. The De Chastelain Report accepts that all parties are currently in compliance with the requirement to 'use their best efforts' to bring about decommissioning. De Chastelain further notes that to date the IRA have said that they will not decommission weapons, but feels that the Sinn Fein position paper of 1<sup>st</sup> July 1999 will open the way for decommissioning by paramilitary groups. The Commission expects that the Sinn Fein proposal will be endorsed by the IRA and will then be reciprocated by loyalist and other republican paramilitary groups.
3. The De Chastelain Commission is taking an optimistic interpretation of the Sinn Fein statement that "we believe that all of us, as participants acting in good faith, could succeed in persuading those with arms to decommission them in accordance with the Agreement". If the process starts soon, it is felt that the 22 May 2000 deadline set by the Agreement can be met. This will require the designation of a point of contact who can speak with authority for the paramilitary group.

4. Timetable set out in Joint Statement by the two Governments –
- D'Hondt procedure to nominate Ministers – July 15<sup>th</sup>.
  - Devolution of power to be laid before Westminster on 16 July to take effect on 18 July 1999.
  - De Chastelain Commission to confirm start to the process of decommissioning as laid out in their report (i.e. appointment of an authorised contact, etc.). The Commission will issue progress reports in September and December 1999 and in May 2000.
  - The 'failsafe' clause is linked to the review provisions of the Agreement, which is to be enshrined in legislation. If commitments under the Agreement are not being met with regard to either devolution or decommissioning the Agreement will be suspended (in total) and a review carried out by the two Governments.

#### DIFFICULTIES FROM THE POINT OF VIEW OF THE UNIONISTS

1. The Unionist Party has linked the creation of an inclusive Executive with devolved powers to the achievement of prior decommissioning. The Donaldson wing of the Party will demand that this policy position is adhered to; the more liberal wing of the Party may contemplate accepting Blair's preferred strategy of proceeding with the setting up of an Executive and the devolution of power, and then putting pressure on Sinn Fein to deliver IRA decommissioning.

2. In order to sell the more liberal view to the overall Unionist constituency, the Official Unionist Party would like a clear linkage to be established and timetabled between actions by parties in the Assembly (i.e. setting up of the Executive and devolution of powers) with progress on the decommissioning front. Some might well hope that Sinn Fein will not be able to deliver IRA decommissioning and thus can be excluded from the Executive. The icing on the cake would be if they can tie the SDLP, NIWC and other 'democratic' parties into excluding Sinn Fein – i.e. pan-democratic society versus the 'terrorists'.

3. The Stormont negotiations may well have de-stabilised this Unionist strategy by the apparent movement achieved by Sinn Fein in convincing the IRA about decommissioning. The argument has now moved to –

- (a) It would not be 'fair' to suspend the devolved powers of the Assembly through a review of the Agreement if it is Sinn Fein that are not delivering on decommissioning. In rhetorical terms the forces of democracy could be held hostage by the 'terrorists' – a veto on the Assembly would be delivered to Sinn Fein.
- (b) The Sinn Fein commitment to the process of decommissioning is still too aspirational and should be more concrete and transparent – so if it is not implemented in practice, sanctions can be applied against Sinn Fein. Loyalist decommissioning is important – but not so important, as they will not be in any Executive.
- (c) Sinn Fein may well have moved on decommissioning, but that is no guarantee that the IRA has. Therefore, there should be a clear statement from the IRA about its position.
- (d) Any proposed legislation, as suggested in the Joint Declaration, cannot guarantee the exclusion of Sinn Fein alone, as this would fly in the face of the

Good Friday Agreement – therefore it is unlikely that the legislation will be able to give the Unionists sufficient comfort.

- (e) Unionists have made all the concessions of date – eg. Equality and Human Rights Commissions, release of prisoners, etc. What have Sinn Fein given ?

#### SINN FEIN DIFFICULTIES

1. Sinn Fein are feeling that many Unionists really do not want to share power with them at all, and consequently will be making one demand after another in an effort to prevent an inclusive Executive. They further feel that the Governments should have implemented the Good Friday Agreement without further ado. The Agreement commits all parties to peaceful and democratic means – which Sinn Fein has already said it is agreeable to. It further specifies (Art. 3 of Decommissioning Section) that “All participants . . . reaffirm their commitment to the total disarmament of all paramilitary organisations. They also confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within the two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement”.
2. Sinn Fein assert that they are not the IRA and have no power over what the IRA does in relation to decommissioning. They have appointed Martin McGuinness to liaise with the de Chastelain Commission and are using their influence to achieve decommissioning. Sinn Fein would further assert that they are meeting strong resistance to the idea of decommissioning in their own constituencies, where communities are feeling under attack by loyalists, and are not confident about the protection of the RUC.
3. Sinn Fein complain that all the sanctions with regard to the failure to achieve decommissioning are directed at them, in an effort to exclude them from power. They say that there is a requirement on all parties to facilitate decommissioning and that the attitude of the Unionists is not helping. Sinn Fein see the additional requirements – such as legislation – that are being introduced as undermining the integrity of the Good Friday Agreement and also as being a refusal to accept their democratic mandate.
4. Finally, Sinn Fein argue that even when they do ‘stretch themselves’ and make further commitments, it is never enough for the Unionists.
5. The most recent Sinn Fein document notes –
  - The key role of the de Chastelain Commission and the fact that the full implementation of the Agreement will facilitate the decommissioning process.
  - If an inclusive Executive was established they feel that all the parties, acting in good faith, could succeed in persuading those with arms to decommission them in accordance with the Agreement.
  - They are working to remove the causes of conflict, which must be a thing of the past.
  - Recommends that the process for decommissioning can be moved forward so that the de Chastelain Commission can report to the two Governments by

October 1999. Following this the Commission will establish a timetable for actual decommissioning, which will be concluded by May 2000. Progress reports will be submitted to the two Governments in October and December 1999, and May 2000.

6. Sinn Fein argue that they have conceded – recognition of Stormont; acceptance of legitimacy of majority unionist aspiration; removal of Arts. 2 and 3; to use their best efforts to achieve decommissioning; and postponement of the achievement of an united Ireland. They would claim that despite their increasing democratic mandate all they have achieved to date is the early release of political prisoners (not just republican but loyalist too) and a plethora of Commissions.
7. Sinn Fein would also point to the fact that on the one hand they are being castigated for being linked to the IRA, and on the other they are being clobbered for not being able to speak for the IRA; or if they do speak on decommissioning, they are accused of being aspirational because they cannot guarantee that they are speaking for the IRA. All in all, they claim to be seriously frustrated.

#### ISSUES FOR THE NIWC.

1. What can we say that
  - Can be different and make a difference ?
  - Can be justified on the basis of our positions to date ?
  - Can promote agreement around the implementation of the Agreement ?
  - Can support the progress of the work of the de Chastelain Commission ?
2. Our potential strengths from the Unionist perspective is that we can be seen as part of the pan-democratic front, and that given our cross-community nature we are open to re-designating ourselves as Unionist if it comes to a tight vote.
3. Our potential strength from the Republican perspective is our emphasis on inclusiveness and the full implementation of the Agreement. Our stand on human rights and equality issues; and the line that we took after Hillsborough.
4. Options in terms of the current state of play –
  - We could support the Unionist call for the IRA to issue a statement in support of the full implementation of the terms of the Good Friday Agreement. We would need to issue this call after discussion with Sinn Fein, and on the basis of our commitment to the full implementation of the Agreement and to the principle of inclusiveness. We might also need to make the same demand to the UVF and UDA.
  - We could turn the 'democratic' argument around to suggest that the primary role of democrats is to implement the expressed will of the people as manifested through the referenda.
  - We can argue that decommissioning should be connected to an overall process of demilitarisation of our society. This does not only entail paramilitary weapons, although they may be primus inter paries.
  - We could emphasize that any review of the Agreement – if brought into operation – should be just that, and that all options are open during the course of such a review.

- We can develop an analysis in terms of a conflict resolution paradigm that Martin McGuinness has been much taken with recently. That entails a recognition that while we were against violence as a method of change, that the nature of society here gave rise – in part – to violence, as did aspects of Government policy. Consequently the democrats versus terrorists analysis cannot be considered acceptable. What we must be about is developing peaceful and collaborative approaches to changing society for the better, not horsetrading equality and civil liberty issues versus decommissioning. This also entails an acknowledgement that those who actively supported the status quo were, in fact, subscribing to an, at times, unjust situation.

#### METHODOLOGY

We need to talk to (a) Unionists; and (b) Sinn Fein to examine some of these points.

We also need to see if we can get a half page in the Belfast Telegraph and possibly the Irish Times for our analysis.

A.K.  
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