

## AMENDED ANALYSIS NOTES (8/July/2001)

### 1. A collective implementation process

We have proposed this many times in the past 3 years. The lack of a collective implementation process of pro-Agreement stakeholders has resulted in an on-going process of crisis management and has increased the dependency on British and Irish Prime Ministers. Whatever the detail of a deal, if it is done, we stress that it is important that all participants bear witness to it; re-affirm their support of the Good Friday Agreement document and agree a collective process for keeping the deal under review. This can be in the form of a committee, a contact group, or some other mechanism that formalises an inclusive structure that meets regularly. This Committee should also have the responsibility of issuing collectively agreed Implementation Updates – where these can be agreed. (This is to counter the affects of the current mutually contradictory spins that is causing local dismay)

### 2. An upgrade in De Chastelain's role.

Parties should have continued bilateral contact with De Chastelain – but there should be a reporting mechanism from the Commission to the Implementation structure – if we go for separate collective round tables with De Chastelain there is a danger of the arms issue being further hyped. However, we support De Chastelain continuing to report to the British and Irish Governments as his point of reference. (We must stop the Unionists trying to control the modalities of putting arms beyond use or they will frustrate the IRA's desire to control the operation).

### 3. Who has a Plan B?

We should continue to be persuaders for Plan A, but we must also accept that all constitutional aspirations are accepted as being legitimate under the Agreement – as long as they are pursued by peaceful means. Hence the Agreement is an Agreement – not a final Settlement as some of the Unionists would like to sell it. It is legitimate for Sinn Fein to argue that the struggle for an United Ireland continues – as long as it is peaceful in nature, and is about persuading people of the merits of this endgame. Equally, it is legitimate for Unionists to continue to struggle to sell the benefits of union with Britain – or any other constitutional option that takes our fancy. In the implementation of the Agreement as Plan A – we must ensure that the continuation of struggle and the assertion of aspirations are accepted as being valid within that implementation.

### 4. Internal conflicts

While UU are publicly in a mess, SF have some difficulties also. If we are ever to have a peaceful, democratic society it is in no one's interests to fragment either loyalism or republicanism to such an extent that it will result in increasing numbers supporting paramilitary dissident forces on either side of the sectarian equation. Nevertheless, it would seem that Sinn Fein has laid the ground for some more movement on the decommissioning issue than they perhaps suggest publicly – certainly in the context of 'putting arms beyond use'. There is a calculated balance to be calculated on whether additional pressure on them will help or hinder that internal process. Our small voice joining in the chorus of demands means nothing – as against this we should use the fact that we are not publicly joining in the chorus of demand to extract something for either ourselves and/or in support of Plan A. With regard to the Unionists we need to back up the Reg Empey axis (although he is by no means soft on constitutional issues – remember Hillsborough 1) to underline how positive and important the Agreement is for Unionism. It has brought nationalism into actively making Northern Ireland work as a legitimate state within the union. They need to actively sell this.

## **5. Decommissioning**

We have been round the houses many times on this issue. Our line has always been that the GFA does not require actual decommissioning, but asks participants to use their influence to bring it about. While it remains a voluntary process, I do think that the context is slightly different, in that the IRA themselves have raised an expectation of more, and greater physical acts by the weapons inspectorate gesture. And there is also the 'deal' between HMG and the IRA last May – in 'zipping' terms, was inspection a first step, and when HMG 'delivered' on OTRs, demilitarisation and policing there would be further steps – putting arms beyond use. Or were the governments satisfied solely with the inspection? If there are further steps envisaged, and our conversations with republicans indicate that there can be, what format might these take? The legislation currently talks of 'destruction' of weapons., and is highly technical, focusing on modalities. Can this be amended, either legislatively, or by joint-government agreement so that it talks of 'putting weapons beyond use'? Of course the 'putting of weapons beyond use' by the IRA can also be interpreted as 'destruction' if the dumps are effectively cemented in. One of the things that will really annoy Republicans if the Unionists are allowed to dictate the modalities of decommissioning; equally, however, those Unionists that are raising these concerns in good faith have to believe in the effectiveness of IRA actions. Is it an option for De Chastelain to join the Inspection Team in order to see the weapons being put beyond use by the IRA themselves? What about someone from the Bonn International Centre for Conversion who are experts on the arms issues internationally?

Need also to reframe debate in terms of confidence building measures, so gesture not one of surrender? Principle of reciprocity important – protection of institutions and guarantee not to abuse for own political gain in return for gesture(s). Need to be clear that republican participation is not within Unionists gift – they have a right to it, based on their mandate. As IICD says in its initial report – 'the fundamental challenge for decommissioning is not technical, but psychological. The call for a "decommissioning of mindsets" has existed for some time and remains valid today.' [p5] We should remember it is two sets of mindsets we are talking about – republican and holding onto weapons, and David Trimble's, most recently articulated in the wake of the Cummings murder.

## **6. A deal on policing – far away, or so close?**

HMG [and ROIG?] seem to think that a deal on policing is possible, but our conversation with the SDLP suggests that it is as far away as ever. The main issues are powers of police board, inquiries, use of plastic bullets, special branch, the oath for new and existing officers, when the full time reserve and part time reserve will be going, the FRU. Some of these are in Patten, some are not explicitly in Patten. NIWC has declared support for the Police Act, but much of it has to be commenced – new recruits will be joining the PSNI, but name not formally changed as yet. If name changed, oath will have to be changed etc. This was due for end September, but looks like end October at the moment. Possible potential in language around Code of Ethics?

A possible important issue for the Shinnars will be clarity about whether ex-prisoners can (a) be in the new Police Service; and (b) serve on Police Boards. We should argue for their inclusion within both in the context of our human rights, equality and inclusion principles.

With regard to inquiries about Hamill, Finucane, and Rosemary Nelson – there is the suggestion that Nuala O'Loan's powers might be expanded for this purpose. This would be good – as long as she has the resources.

If plastic bullets continues to be an issue let it be dealt with in the context of a process of Conflict Transformation. This could take on board –

- Progress around putting paramilitary weapons (all) beyond use.
- Demilitarisation by the British Army
- Plastic bullets to be treated by the police the same way as they are in Britain/ROI (how are they dealt with in the Republic ??)
- Review and reduction in number of legally held guns.
- Eventual disarming of the police.

It will need to be recognised that this will be a gradual process – but we could project it as going beyond many of the current short-term demands. It is our political 'humanisation' project. An essential side-spin to any humanisation project is the pressing ahead with a Human Rights culture in Ireland – both North and South – to safeguard rights of all individuals irrespective of the short-term or longer term constitutional dispensation.

## **7. Criminal Justice Review**

If this becomes an issue we need to look at our submissions around this again. This review was considerably more cautious and conservative than Patton. There are issues around independent prosecutions; community restorative justice; taking the probation service back into the civil service; maintaining British symbols in courts; etc. We need to assert a position on some of these issues – but Weston Park may not be the time to do it, we don't want to add to the complexity of issues.

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