

NORTHERN IRELAND WOMEN'S COALITION RESPONSE TO
UUP MOTION - FRIDAY 17TH JANUARY, 1997

1. In moving this amendment to the motion before us today Northern Ireland Women's Coalition wishes to draw the attention of this Forum to the 'Inquiry into Legislation against Terrorism' that the Rt. Hon. Lord Lloyd of Berwick presented last October. This report undertook a detailed comparison between ordinary police powers under the Police and Criminal Evidence Act 1984 and the special powers under the Prevention of Terrorism (Temporary Provisions Act 1989 and the Northern Ireland Emergency Provisions Act 1996.)

In undertaking this study Lord Lloyd examined the relevant laws in a range of other countries. He visited France and Germany, as well as the USA and Canada and referred specifically to the situation in Italy and Spain. An extensive appendix to the Inquiry Report prepared by

Paul Wilkinson, went into even greater detail about the legislation in those countries.

2. In passing, I might mention that Lord Lloyd referred admiringly to the so-called "pentiti" laws in Italy, which allowed substantial reductions in the sentence of prisoners in return for co-operation with the police. It is interesting to note, however, that the success of the 'pentiti' laws, that had been in place since 1979, only really became apparent when in the 1980's many prisoners began a process of individual and group disassociation from political violence while many of the 'dissociati' as they were called were called were unwilling to pass information on their former colleagues to the authorities, they had come to the conclusion that "armed struggle" was no longer the way to pursue their political objectives. In recognition of this the 'pentiti' laws were amended in 1987 in order to grant substantial reductions in sentences for those who had definitively abandoned violence, admitted their own crimes and would make a public declaration to that effect. Approximately 250 politically motivated prisoners remain in prison in Italy, having refused to become involved in this process.

3. In Spain, parallel laws to the 'pentiti' have been introduced. However, these laws not only require a prisoner to publicly denounce armed struggle, but also to undertake a certain level of collaboration with the authorities. ETA has regarded such collaborators as traitors, and some have been assassinated. Currently there are still some 600 Basque prisoners held in prisons throughout Spain. Unlike Italy, which has experienced quite different social and political circumstances, the laws in Spain do not seem to be having their anticipated effect.

4. It is this latter fact which brings me to the reason for the amendment to the motion put forward by the Women's Coalition, for not only do we feel that the main thrust of the original motion has been made redundant by the Lloyd Inquiry, and by the fact that the material envisaged in the requested study is already easily available, but on a political level we feel that there is a danger of missing the core point that the effectiveness of laws against terrorism is inextricably linked to the political circumstances within which acts of terrorism take place. Indeed as Paul Wilkinson pointed out in his appendix to the Lloyd Inquiry, and I quote "It is a serious error to

regard any anti-terrorist legislation or special measure as a panacea for eradicating terrorism”.

And this is the rationale for the Women’s Coalition amendment, because we are convinced that the prime consideration in Northern Ireland must be to develop a political and legal framework that will allow us to cater for a divided society. Furthermore, we believe that both the Government, and politicians generally could draw useful conclusions out of a range of international examples of how acceptable solutions have been reached in a range of divided societies that have experienced violence.

5. Clearly these are the examples of South Africa and the Middle East. However, a relevant recent example has been Guatemala which has been developing a political agreement between the Government and various guerrilla movements since 1994. And which only last month signed agreements which brought the 30 year of political violence and terrorism to an end. In the Guatemalan situation one of the initial agreements negotiated, under the auspices of the United Nations, was the Comprehensive Agreement on Human Rights. Two years after these initial Agreements which forged the political

framework of peace, the negotiators addressed the issue of demobilisation and decommissioning.

6. The Women's Coalition accepts, however, that while we may learn very useful lessons from international solutions, we will also have to work to identify our own solutions to our own problems and divisions here in Northern Ireland and in the relationships between the peoples on these two islands. It is for this reason that we underline the importance of recognising the divided nature of our society here in Northern Ireland and the violence that this has given rise to. The facts of the division are stark even when considered in geographical terms. Over 53% of Northern Ireland's population live in areas that are more than 90% Protestant or 95% Catholic; while fewer than 110,000 people live in areas with roughly equal numbers of Catholics and Protestants. When this clear demographic division is aligned with differences in religious, cultural and - in some cases - national identity; the deeply decided nature of our society is clear. It is the political consequences of these divisions that we have to address as many other countries have also had to address such challenges.

7. The Northern Ireland Women's Coalition amendment seeks to develop a useful study that will provide us with new information. It

also seeks to place legislative measures in the essential political framework. Without this legislation - like security measures is simply an ineffective technocratic approach to what are, in essence political problems. And we have even seen army commanders over past years acknowledging that such approaches can never be solutions. We believe that the Women's Coalition's amendment puts the UUP motion in a more appropriate and relevant context and for this reason we urge you to support it.