

1/4/98

Irish Draft

Security Issues

Participants note that the development of a peaceful environment on the basis of this Agreement can and should mean a normalisation of security arrangements and practices.

Participants to note the intention of the British Government to make progress towards the objective of acceptable policing arrangements in Northern Ireland, consistent with the level of threat and with a published overall strategy, dealing with:

- (i) the reduction of the numbers and role of the Army deployed in Northern Ireland to levels compatible with a normal peaceful society;
- (ii) the removal of security installations;
- (iii) the removal of emergency powers in Northern Ireland
- (iv) other appropriate measures consistent with a move to normalisation.

Participants to note that the Secretary of State to consult regularly on progress, and the response to continuing paramilitary activity, with the Irish Government through the British-Irish Intergovernmental Conference and the Assembly.

[Legally-held weapons?]

Participants also to note that the Irish Government intends to initiate a wide-ranging review of the Offences Against the State Acts 1939-85 with a view to both reform and dispensing with those elements no longer required as circumstances permit.



## Policing and Justice

Participants recognise that policing is a central issue in any society. They equally recognise that Northern Ireland's history of deep divisions have made it highly emotive, with great hurt suffered and sacrifice made by many individuals. They believe that this Agreement offers a unique opportunity to bring about a new political dispensation which will recognise the full and equal legitimacy and worth of the identities, senses of allegiance and ethos of both communities in Northern Ireland. They consider that this opportunity should inform and underpin the development of a police service representative of the community as a whole and which, in the absence of threats which require otherwise, should be routinely unarmed.

Participants believe it essential that policing structures and arrangements are such that policing is professional, effective and efficient, fair and impartial, free from partisan political control; accountable, both under the law for its actions and to the community it serves; representative of the society it polices and operates within a coherent and co-operative criminal justice system. Participants also believe that those structures and arrangements must be capable of maintaining law and order including responding effectively to crime and to any terrorist threat, and to public order problems, as a police service which cannot do so will fail to win public confidence and acceptance while permitting authority and responsibility to be exercised at the lowest level possible. Finally they believe that any such structures and arrangements should be capable of delivering a policing service, in constructive and inclusive partnerships with the community at all levels, based on principles of protection of human rights and professional integrity unambiguously accepted and actively supported by the entire community.

Participants to note the British Government's intention to establish an Independent Commission to make recommendations for future policing arrangements in Northern Ireland within the agreed framework of principles reflected in paragraph ... above and in accordance with the terms of reference at Annex ... The Commission to be representative and include experts in the field in both countries and internationally and



to be asked to consult widely including with relevant non-governmental organisations and to report no later than Autumn 1999.

Participants believe that the criminal justice system should be designed to:

- \* deliver a fair and impartial system of justice to the community;
- \* be responsive to the community's concerns, and encourage community involvement where appropriate;
- \* have the confidence of all parts of the community;
- \* deliver justice efficiently and cost-effectively.

Participants to note that a parallel wide-ranging review of those aspects of criminal justice other than policing and those aspects of the system relating to the emergency legislation to be carried out by an Independent Commission in accordance with the terms of reference at Annex. The Independent Commission to be representative and include experts in the field in both countries and internationally and to be asked consult widely including with relevant non-governmental organisations and to report to the Secretary of State no later than Autumn 1999.

Participants also to note that the implementation of the recommendations arising from both Commissions will be discussed with the political parties and with the Irish Government within the framework of the British-Irish Intergovernmental Conference.

Participants also to note that the British Government remain ready in principle, after consultations with the political parties, and, as appropriate, with the Irish Government within the framework of the British-Irish Intergovernmental Conference, to devolve responsibility for policing and justice issues following satisfactory implementation of the recommendations contained in the reviews referred to above.



### Decommissioning of illegal arms

Participants to note the progress made by the Independent International Commission on Decommissioning and the Governments in developing schemes which can represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups.

All participants to reaffirm their commitment to the total disarmament of all paramilitary organisations and their intention to continue to work constructively with the Independent International Commission on Decommissioning to achieve this.

All participants to undertake to work constructively and in good faith with the Independent Commission to achieve the decommissioning of all paramilitary arms within a fixed and limited period of [ ] in the context of the implementation of the overall settlement.

Independent Commission to monitor, review and verify progress on decommissioning of illegal arms, with reports to both Governments at regular intervals.

Both Governments to take all necessary steps to facilitate the decommissioning process.

### Prisoners

[To follow].

Our text has been included  
in British Draft.



ANNEXCOMMISSION TO INQUIRE INTO FUTURE POLICING  
ARRANGEMENTS IN NORTHERN IRELAND

The Commission, having regard to the relevant terms of the Agreement ...., should inquire into policing for Northern Ireland and, on the basis of its findings, bring forward proposals for future policing structures and arrangements based on consent.

Its proposals on policing should be designed to ensure that policing structures and arrangements, including composition, recruitment, training, culture, ethos and symbols, are such that the police are representative of, enjoy widespread support from and are seen as an integral part of the community as a whole.

Its proposals should include recommendations covering any issues (such as training and severance arrangements) which will be required in the transition to policing in a peaceful society;

Its proposals should also be designed to ensure that:

- \* the police service is structured, managed and resourced so that it can be effective in discharging its full range of functions (including proposals on any necessary arrangements for the transition to policing a normal peaceful society);
- \* that the legislative and constitutional framework guarantees the impartial discharge of policing functions and conforms with internationally accepted norms in relation to policing standards;
- \* the police operate within a clear framework of accountability to the law and the community they serve, so:
  - they are constrained by, accountable to and act only within, the law;



- their powers and procedures, like the law they enforce, are clearly established and publicly available;
- there are open, accessible and independent means of investigating and adjudicating upon complaints against the police;
- there are clear arrangements enabling local people, and their political representatives, to articulate concerns about policing and, (subject to safeguards to ensure police impartiality and freedom from partisan political control) to [publicly establish policing priorities and] influence policing policies;
- there are arrangements for accountability both to the community generally and for the effective, efficient and economic use of resources in achieving policing objectives;
- there are means to ensure independent professional scrutiny and inspection of the police service to ensure that proper professional standards are maintained;
- \* the scope for structured co-operation with the Garda Síochána and other police forces; and
- \* the management of public order events which can impose exceptional demands on policing resources.

The Commission should focus on policing issues, but if it identifies other aspects of the criminal justice system relevant to its work on policing, including specifically the role of the police in prosecution, then it should draw the attention of the Government to those matters.



## ANNEX

COMMISSION ON THE CRIMINAL JUSTICE SYSTEM

The Commission, having regard to the relevant terms of the Agreement .... to address the structure, management and resourcing of publicly funded elements of the criminal justice system and to bring forward proposals for future criminal justice arrangements (other than policing and those aspects of the system relating to emergency legislation, which the Government is considering separately) covering such issues as:

- \* the arrangements for making appointments to the judiciary and magistracy, and safeguards for protecting their independence;
- \* the arrangements for the organisation and supervision of the prosecution process, and for safeguarding its independence;
- \* measures to improve the responsiveness and accountability of, and any lay participation in the criminal justice system;
- \* mechanisms which are capable of promoting structured law reform;
- \* the scope for structured co-operation between the criminal justice agencies on both parts of the island; and
- \* the structure and organisation of criminal justice functions that might be devolved to an Assembly, including the possibility of establishing a Department of Justice.