

7. BUILDING A PEACEFUL SOCIETY

3.4.98 (18.15 hours)

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.

British Government to make progress towards the objective of as early a return as possible to normal security 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 Armed Forces 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.

Secretary of State to consult regularly on progress, and the response to any continuing paramilitary activity, with the Irish Government and the political parties, as appropriate.

British Government will continue its consultation on firearms regulation on the basis of the document published on 2 April 1998, and will review progress with the Irish Government and the political parties as appropriate.

Irish Government 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.

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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 sacrifices 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 all sections of the community in Northern Ireland. They consider that this opportunity should inform and underpin the development of a police service representative in terms of the make-up 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 the police service 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. 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, and with authority and responsibility exercised at the lowest level possible, consistent with the foregoing principles. These arrangements should be based on principles of protection of human rights and professional integrity unambiguously accepted and actively supported by the entire community.

British Government to establish an independent Commission to make recommendations for future policing arrangements in Northern Ireland within the agreed framework of principles reflected in the paragraph above and in accordance with the terms of reference at Annex []. The Commission to be broadly representative with expert and international representation among its membership and to

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be asked to consult widely and to report no later than Summer 1999.

Commission to make recommendations within the agreed framework of principles, reflected in the Terms of Reference set out in Annex [].

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 encouraging community involvement where appropriate;
- have the confidence of all parts of the community;
- deliver justice efficiently and effectively;

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 the British Government through a mechanism with an independent element, in consultation with the political parties and others. The review to commence as soon as possible, to consult widely and to report to the Secretary of State no later than Autumn 1999. Terms of Reference attached at Annex [].

Implementation of the recommendations arising from both reviews to be discussed with the political parties and with the Irish Government.

Participants also to note that the British Government remains ready in principle, with the broad support of the political parties, and after consultation, as appropriate, with the Irish Government, in the context of ongoing implementation of the relevant recommendations, to devolve responsibility for policing and justice issues.

Decommissioning of illegal arms

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Participants to note the progress made by the Independent International Commission on Decommissioning and the Governments in developing schemes which 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 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

Both Governments to put in place mechanisms to provide for an accelerated programme for the release of prisoners, including transferred prisoners, convicted of scheduled offences in Northern Ireland or, in the case of those sentenced outside Northern Ireland, similar offences (referred to hereafter as qualifying prisoners). Any such arrangements to protect the rights of individual prisoners under national and international law.

Prisoners affiliated to organisations which have not established or are not maintaining a complete and unequivocal ceasefire will not benefit from the arrangements. The situation in this regard to be kept under review.

Both Governments to complete a review process within a fixed time frame and set prospective release dates for all qualifying prisoners. The intention will be to provide for the advance of the release dates of qualifying prisoners while allowing account to be taken

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of the seriousness of the offences for which the person was convicted and the need to protect the community.

The Governments to introduce the appropriate legislation to give effect to these arrangements by [].

The Governments continue to recognise the importance of measures to facilitate the reintegration of prisoners into the community by providing support both prior to and after release, including assistance directed towards availing of employment opportunities, retraining and/or re-skilling, and further education.

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ANNEX

COMMISSION ON POLICING FOR
NORTHERN IRELAND

RELEVANT PRINCIPLES

Policing structures and arrangements should be such that:

- the police service 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;
- they are 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;
- they are capable of delivering a policing service, in constructive and inclusive partnerships with the community at all levels, and with authority and responsibility to be exercised at the lowest level consistent with the foregoing principles; and
- these arrangements should be based on principles of protection of human rights and professional integrity, and should be unambiguously accepted and actively supported by the entire community.

DRAFT TERMS OF REFERENCE

Taking account of these principles the Commission to inquire into policing in Northern Ireland and, on the basis of its findings, bring forward proposals for future policing structures and arrangements.

..Its proposals on policing should be designed to ensure that policing 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.

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Its proposals should include recommendations covering any issues (such as training and severance arrangements) 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 function (including proposals on any necessary arrangements for the transition to policing a normal peaceful society);
- that the legislative and constitutional framework requires 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 (subject to safeguards to ensure police impartiality and freedom from partisan political control) and to establish publicly policing priorities and influence policing policies;
 - there are arrangements for accountability and for the effective, efficient and economic use of resources in achieving policing objectives;

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- 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 Siochana and other police forces is addressed; and
- the management of public order events which can impose exceptional demands on policing resources is also addressed.

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 the role of the police in prosecution, then it should draw the attention of the Government to those matters.

The Commission should consult widely, including with non-governmental expert organisations, and through such focus groups as they consider it appropriate to establish.

TIMESCALE OF COMMISSION'S WORK

The Government proposes to establish the Commission as soon as possible, with the aim of it starting work as soon as possible and publishing its final report by Summer 1999.

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ANNEX

REVIEW OF THE CRIMINAL JUSTICE SYSTEM

OVERVIEW AND RELEVANT PRINCIPLES

The criminal justice system in Northern Ireland exists to uphold the rule of law. It is concerned with crime in all its elements and the process which brings offenders to account, but constitutes only a part of society's response to crime. It involves a number of publicly funded bodies, as well as professions, defendants, witnesses and victims. The criminal justice system should be such as 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 effectively.

DRAFT TERMS OF REFERENCE

Taking account of these points, the review 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;

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- measures to improve the responsiveness and accountability of, and any lay participation in the criminal justice system;
- mechanisms for addressing 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, while safeguarding the essential independence of many of the key functions in this area.

The Government proposes to commence the review as soon as possible, consulting with the political parties and others, including non-governmental expert organisations. The review will be completed by Autumn 1999.

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Agreed text signed off with Paul Hickey at 18.15

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