

NORTHERN IRELAND OFFICE and DEPARTMENT OF FOREIGN AFFAIRS

August 1st, 2001

Dear Party Leader

IMPLEMENTATION OF THE GOOD FRIDAY AGREEMENT

1. Following the intensive discussions at Weston Park three weeks ago, the two Governments have now agreed the elements of a package which, we believe, will help deliver the full and early implementation of the Good Friday Agreement.
2. The package covers all four outstanding issues – policing, normalisation, the stability of the institutions and decommissioning. The two Governments believe that it represents a fair, balanced and justified package of proposals.
3. We are today putting to all the parties who were at Weston Park our proposals on those four areas, including a draft statement which the parties would issue, in the event that the overall package was acceptable.
4. As we said at Weston Park, while each of the issues – policing, decommissioning, normalisation and the stability of the institutions – is best addressed in its own terms rather than being seen as a pre-condition for progress on any other, the Agreement can only succeed if all parts of it are implemented together. In this context, these proposals set out the steps we would take as part of a package to secure the full implementation of the Agreement.
5. We now invite the parties to respond to these proposals by 6 August.

JOHN REID BRIAN COWEN

PROPOSALS BY THE TWO GOVERNMENTS

1. The British and Irish Governments have been working with the parties to achieve the full implementation of the Agreement reached on Good Friday 1998, which was endorsed in referendums by the people of the island of Ireland, North and South.
2. Much progress has been made. Constitutional changes to reflect fully the principles of consent and self-determination, including the amendment of Articles 2 and 3 in the Irish Constitution and of British constitutional legislation, have been brought into effect.
3. Devolved institutions in Northern Ireland have brought power and accountability closer to its people, and have demonstrated that the parties can work together effectively in the common interest. New North/South and British-Irish institutions

have been created, and have begun to work for the benefit of all the people of these islands.

4. New safeguards for human rights have been introduced, North and South. Progress has been made in Northern Ireland on the equality agenda, on the normalisation of security and in pursuit of major reviews of policing and the criminal justice system. The Agreement's provisions on the accelerated release of prisoners have been largely implemented.

5. Difficulties remain, and we have striven to overcome them with the parties. As we undertook to do on 14 July at the end of our discussions at Weston Park, the British and Irish Governments now set out the steps we would take to secure the full implementation of the Agreement, recognising its complete implementation in many areas will not be easy or quick but will require a continuing and collective process of implementation.

As we said at Weston Park:

"The outstanding issues relate to policing, the stability of the institutions, security normalisation and decommissioning. While each of these issues is best addressed in its own terms, rather than being seen as a precondition for progress on any other, the Agreement can only succeed if all parts of it are implemented together."

Proposals on decommissioning

7. In respect of the issue of putting arms beyond use, the two Governments repeat their view that this is an indispensable part of implementing the Good Friday Agreement. All parties to the Agreement recognise that; and that, under the Agreement, this issue must be resolved in a manner acceptable to and verified by the Independent International Commission on Decommissioning in accordance with its basic mandate in law.

Proposals on policing

8. Both Governments remain committed to a new beginning in policing on the basis set out in the Good Friday Agreement. The British Government reaffirms its determination to bring about such a new beginning by implementing the Patten Report.

9. The British Government will publish a revised Implementation Plan. This will set out in greater detail the plans for implementing, among other matters, Patten's recommendations on the Full Time Reserve, the Part Time Reserve, the closure of Gough holding centre and the future structure of Special Branch. It will also set out the intention to avoid the use of Plastic Baton Rounds, except where there is a serious risk of loss of life or serious injury, while Patten's recommendation for a major research programme on alternatives is completed.

10. The Oversight Commissioner is responsible for overseeing the implementation of the changes recommended in the Patten Report. These are momentous and wide-ranging: it is important to be confident that they are delivering the new beginning intended in the Good Friday Agreement. So, in addition, the British Government will ask the Oversight Commissioner to review the new arrangements in the light of experience. The review will start in March 2002. It will be conducted on the basis of experience during the first year of the Board's operation and report by October 2002. Legislation will be introduced as soon as practicable thereafter to amend or clarify some provisions to reflect more fully the Patten recommendations. These amendments will be set out in detail in the revised Implementation Plan.

11. On this basis, the British Government will invite the parties to nominate political members to the new Policing Board and complete the process for selection of independent members, so that the Board will be established by the end of September.

12. The British Government is also establishing the Police Fund, which will assist families of officers killed by terrorist action, and the RUC GC Foundation, which will mark the sacrifices and honour the achievements of the RUC.

13. The British Government will shortly publish a full Implementation Plan for the Criminal Justice Review, together with draft legislation, with a view to passing the necessary Bill in the current session of Parliament.

Proposals on normalisation

14. As indicated in the two Governments' statement of 5 May 2000, the British Government will progressively take all the necessary steps to secure as early a return as possible to normal security arrangements in Northern Ireland. These steps depend on the continuing implementation of the Good Friday Agreement and the Chief Constable's assessment of the threat at the time. Provided the threat is reduced, the British Government will carry out a progressive rolling programme reducing levels of troops and installations in Northern Ireland. Ultimately the normal state would mean the vacation, return or demolition of the great majority of army bases, the demolition and vacation of all surveillance towers, no further army presence in police stations and the use of Army helicopters for training purposes only.

15. In the event of a significant reduction in the level of threat as a result of this package being implemented, the Chief Constable will announce the following normalisation measures, to be taken as soon as logistically possible:

- demolition of the super-sangar at Newtownhamilton Police Station adjacent to the helicopter landing site;

- demolition of Magherafelt Army base;
- demolition of the observation tower on Sturgan Mountain;
- demolition of one of the observation towers on Camlough Mountain.

16. The Irish Government confirm that the Garda Síochána will work in the closest co-operation with the new police service and will join with them in taking all necessary measures to counter any remaining terrorist threat and to enable the normalisation of security arrangements.

17. In order to help create greater consensus on the parades issue and a less contentious environment in which the new police service will operate, the British Government will review the operation of the Parades Commission and the legislation under which it was established. The Government believes the Parades Commission has had four successful years of operation against a difficult background. But this review, which will take place in consultation with the parties and others with an interest including the Irish Government, will consider whether there are any changes which could promote further public confidence on all sides, respect for the rights of all and the peaceful resolution of disputes on parades. Any legislative changes would take effect after summer 2002.

18. Both Governments want the new policing arrangements now being established to focus on the future. But they also accept that certain cases from the past remain a source of grave public concern, particularly those giving rise to serious allegations of collusion by the security forces in each of our jurisdictions. Both Governments will therefore appoint a judge of international standing from outside both jurisdictions to undertake a thorough investigation of allegations of collusion in the cases, of the murders of Chief Superintendent Harry Breen and Superintendent Bob Buchanan, Pat Finucane, Lord Justice and Lady Gibson, Robert Hamill, Rosemary Nelson and Billy Wright.

19. The investigation of each individual case will begin no later than April 2002 unless this is clearly prejudicial to a forthcoming prosecution at that time. Detailed terms of reference will be published but the appointed judge will be asked to review all the papers, interview anyone who can help, establish the facts and report with recommendations for any further action. Arrangements will be made to hear the views of the victims' families and keep them informed of progress. If the appointed judge considers that in any case this has not provided a sufficient basis on which to establish the facts, he or she can report to this effect with recommendations as to what further action should be taken. In the event that a Public Inquiry is recommended in any case, the relevant Government will implement that recommendation.

20. Both Governments also recognise that there is an issue to be addressed, with the completion of the early release scheme, about supporters of organisations now on cease-fire against whom there are outstanding prosecutions, and in some cases extradition proceedings, for offences committed before 10 April 1998. Such people would, if convicted, stand to benefit from the early release scheme. The Governments accept that it would be a natural development of the scheme for such prosecutions not to be pursued and will as soon as possible, and in any event before the end of the year, take such steps as are necessary in their jurisdictions to resolve this difficulty so that those concerned are no longer pursued.

21. Both Governments reaffirm that the full implementation of the Good Friday Agreement is a collective responsibility and can only be achieved in co-operation with the parties in Northern Ireland. They will invite those parties committed to securing the full implementation of the Agreement to join both Governments in an Implementation Group.

22. This Group will meet regularly to review implementation of the commitments made. The Group could meet in a variety of formats but there will be a meeting at least every six months involving the Secretary of State for Northern Ireland and the Irish Minister for Foreign Affairs and representatives of the various parties.

DRAFT ALL-PARTY STATEMENT ON THE INSTITUTIONS

In the context of all these steps that are now being taken to implement the Agreement in all its aspects, the parties reaffirm their commitment to the full and stable operation of the institutions, which are the democratic core of the Agreement.

They recall that they pledged that they would, in good faith, work to ensure the success of each and every one of the arrangements to be established under the Agreement. They recall also that the balanced constitutional changes brought about by the Agreement were implemented on the basis that they accepted in the Agreement that all of the institutional and constitutional arrangements – an Assembly in Northern Ireland, a North/South Ministerial Council, implementation bodies, a British-Irish Council and a British-Irish Intergovernmental Conference and any amendments to British Acts of Parliament and the Constitution of Ireland – were interlocking and interdependent. Accordingly, each party, reaffirming the Pledge of Office in all its respects, undertakes to play its full part in these institutions and to enable the other parties to play their rightful parts also.

They look forward to renewed programmes of work and meetings in both the NSMC and BIC, in accordance with the Agreement, with Ministers participating fully in all meetings relevant to their responsibilities. In particular, early dates for outstanding meetings of the North/South Ministerial Council in plenary format and in sectoral format on education and health and food safety will be agreed within

one month. The parties confirm that, to enable planning and preparation to proceed, meetings and Ministerial attendance will, as far as possible and consistently with the duties and role of the First and Deputy First Minister, as outlined in the Agreement, to co-ordinate the response of the Northern Ireland administration to external relationships, be agreed six months in advance. In accordance with the Agreement, at sectoral meetings the Executive's representation will include the appropriate Minister able to take decisions in the Council on the relevant sector. Where the holder of a relevant post will not participate normally in the Council, the First and Deputy First Minister will be able to make alternative arrangements.

Should difficulties arise with the above arrangements, they will be dealt with in accordance with the review provisions of the Agreement.