

The Joint Declaration SDLP Analysis

May 2003

THE JOINT DECLARATION

SDLP welcomes the publication of the Joint Declaration. Although we believe that the process leading up to it could have been better managed and some matters in it could have been better expressed, we recognise that it marks a major step forward to the full implementation of the Good Friday Agreement.

The task now is to ensure its implementation. The SDLP believes that it should be implemented whether or not there are acts of completion by the IRA or unionist participation in the institutions. Neither the IRA nor the UUP should have a veto on change – nor should either be used as an excuse to delay change. The people of Ireland voted for the Good Friday Agreement – and they are entitled to its full implementation.

For our part, we stand ready to assist the full implementation of the Joint Declaration.

Regarding the papers on “on the runs” and monitoring and compliance, these are not part of the Joint Declaration and the SDLP has some reservations regarding them set out below.

REPEAL OF SUSPENSION LEGISLATION

- A **major demand of the SDLP.**
- Our first priority has been to **end this suspension.**
- Our second, to underscore that there is no further suspension by repealing the suspension legislation.

PARAMILITARISM

- The **SDLP shares the goal of ending all paramilitarism.**
- We have already called for intensified North/South security cooperation – and welcome that the Governments are willing to engage in this. We also welcome their intent to use proceeds of crime legislation – and trust that this will be used against all paramilitary groups.

POLICING

- The Joint Declaration **vindicates the SDLP’s strategy on policing and confirms the work already underway by the Policing Board.**
- The Joint Declaration contains no new commitments on policing:

- **legislation for lateral entry already passed** -as promised to the SDLP at Weston Park.

- **Full Time Reserve already being phased out** by the Policing Board.

- **Special Branch is already being reformed** following the adoption of the Crompton report by the Policing Board in October 2002. These reforms “**meet the best practice requirements of any police force in the world**” according to the Oversight Commissioner.

- **Policing Board has already agreed to build up the Part Time Reserve in areas where there are few reservists or none at all**, as did the British Government in the commitments given to the SDLP at Weston Park.

Sinn Fein are unable to point to anything of substance that they have delivered by staying off the Policing Board – other than delivering their seats to the UUP and DUP:

- The new legislation implements all of the commitments won by the SDLP at Weston Park.
- It also provides for ex-prisoners being allowed on District Policing Partnerships and sub-Groups of the Belfast District Policing Partnership. **But these were already on offer to Sinn Fein at Weston Park.**
- It also obliges consultation on policing codes of practice and objectives. **But this is already legally obliged.**

DEVOLUTION OF JUSTICE

- **The SDLP pressed for the devolution of justice powers at the time that the Good Friday Agreement was being negotiated.** Devolution would be hugely significant. As Mark Durkan stated in his conference speech on 2 November 2002:

“[Devolution of justice and policing powers] would be a huge statement on two counts. First, that we have completed the new beginning to policing. Second, that we have such confidence in the stability of the institutions and their participants that policing and justice responsibilities could join our other functions. It would also allow us to improve significantly the scope of cooperation and implementation under the North South Ministerial Council.”

- **The SDLP has been in negotiations with the UUP and Sinn Fein on devolution of justice powers.** We want:

- devolution of justice powers in the **next two years.**
- **cross-community protections.**
- **no transfer** of responsibility for security policing **from the PSNI to MI5.** That is why we have opposed sloganising on disbanding Special Branch.
- On North-South bodies, an **All-Ireland Criminal Assets Bureau** and an **All-Ireland Law Reform Commission.**

CRIMINAL JUSTICE

- **SDLP has led the negotiations on this.** Sinn Fein followed.
- We were the **first party to demand new legislation on criminal justice to remedy the defects in the Justice (NI) Act 2002** – in a paper to the British Government in March 2002. We made clear that we would not agree to devolution of justice and policing powers until then.
- We were the **first to demand new legislation in these negotiations** – in a paper to the British Government in January 2003.
- **Far-reaching reforms were won by the SDLP at Hillsborough.** These will be published shortly in a **Revised Criminal Justice Implementation Plan.** These include:
 - **Obligation on the Director of Public Prosecutions** to refer cases of suspected or alleged police wrongdoing to the Police Ombudsman.
 - **Obligation on criminal justice agencies** to have regard to human rights standards. - **Limiting of powers of Lord Chief Justice** – especially his veto over the removal of judges.

- Ensuring that the First Minister and Deputy First Minister are in the lead in making senior judicial appointments.

These reforms are necessary to implement the Criminal Justice Review. We have already called on the British Government to proceed with them even if the republican movement does not engage in acts of completion or the unionists do not participate in the institutions and despite judicial resistance.

NORMALISATION

- A key **SDLP demand**.
- In particular, the SDLP pressed for:
 - **reduction of troops to pre-1969 levels.**
 - **Closure of army bases and watchtowers.**
 - **Passing of military sites to Executive for social, community and economic use** under Mark Durkan's **Reinvestment and Reform Initiative.**
 - **Review of police estate, led by the Policing Board to close police stations and defortify others.**
 - **Normalisation of policing** – in line with our recent paper on this issue.
- **While the security situation is a factor, we believe that real normalisation should happen whether or not the IRA engages in acts of completion.**

RIGHTS AND EQUALITY

- The **SDLP has led discussions on the way forward on the Bill of Rights.** Bringing in an international figure to lead negotiations on the Bill of Rights was an SDLP suggestion. We have worked closely since with Sinn Fein, the Alliance and the Women's Coalition on this.
- Since its inception, the SDLP has called for the **Human Rights Commission** to have all the powers and funding that it needs.
- The **Victims Forum** was proposed by Mark Durkan. We want it to bring forward a model for Truth and Reconciliation with a victim centred approach. This is particularly important given the provisions on "On the Run."
- We welcome the commitments on the **Irish language.** This is a matter that we have pursued with both Governments at the Implementation Group. However, we expect nothing less than **full coverage** of TG4, as was promised in the Good Friday Agreement.
- The SDLP welcomes recognition of the work done on combating unemployment and eliminating the community differential by SDLP Ministers through the **Taskforce on Employability and Long Term Unemployment and the Procurement Review.** We want to see this work accelerated now so that the targets on the reduction of the differential set by Carmel Hanna under devolution are more than met.
- We welcome the **additional powers for the Equality Commission** which we called for. We will oppose any attempt to weaken the s.75 equality duty.

- Regarding the **review of symbols**, it is vital that the British Government engages in this seriously and provides incentives for agreement on a way forward on symbols reflecting parity of esteem.

MONITORING AND COMPLIANCE

- This is a separate paper, and the SDLP does not support all its proposals.
- We **welcome the proposal for an international monitoring body**. It can provide useful clarity on implementation of normalisation and ending paramilitarism.
- However, we are concerned that the proposals encourage parties to bring **bogus complaints** against each other. It should instead be left to the Body to decide of its own motion what to investigate.
- We believe that parties should focus on **finding solutions before considering sanctions**.
- We believe that there are **already sufficient sanctions under the Agreement and legislation** – and do not support the creation of additional ones.

ON THE RUNS

- The SDLP notes the proposals on **“on the runs”** are a separate paper.
- This was not a matter that we pressed for, and it is not in the Agreement.
- We do recognise, however, that there is an anomaly in this regard given the prisoner release programme.
- We support the requirement of a judicial and accounting process.
- As already stated, it is important to ensure a victim based truth and accounting process also as a counterbalance.