

**THE FOUR YEAR REVIEW OF THE GOOD FRIDAY AGREEMENT - SDLP
submission
January 2004**

INTRODUCTION

1. The SDLP has already made an initial submission to the four year review of the Good Friday Agreement.
2. In that submission, we made a number of points concerning the nature of the review.
3. Specifically:
 - We pointed out that under the Agreement the purpose of the review is to "*review and report on its operation.*" It is not a renegotiation of the Agreement and we affirmed that we would not renegotiate the Agreement.
 - We stated that the review should be chaired by the two Governments, adding that the Agreement itself envisaged this ("*two Governments and the parties will convene a conference*"). We also stated our belief that it would be inappropriate to bring in an international figure to chair the discussions.
 - We agreed with the two Governments that the review should be "*short, sharp and focussed*", adding that it should be no more than three months in duration.
 - We stated that the review should be intensive and suggested that it meet three times a week.

We remain of these views.

4. On procedural matters we would add that:
 - Working groups of the review should also be chaired by the two Governments. We suggest, in particular, a management group chaired by both governments and in which all parties would be represented to agree the agenda and oversee the workings of the review. We are willing to consider, in the context of the review, other working groups.
 - The voice of the social partners should be heard in the review. Accordingly we propose the reconvening of the civic forum. It could review its own operation and input views, as appropriate, into the review.

-There is also the issue of payments and allowances for MLA's. The SDLP accepts that these cannot continue indefinitely and, in the event that the review does not reach a successful outcome, we believe that this matter should be reviewed.
5. In our initial submission we reserved our position on the agenda items for the review, other than to make the fundamental point that we were opposed to any renegotiation. This was because we wished to coordinate our position in the review with other pro-Agreement parties.
6. We had a number of useful bilaterals to this end. However, some pro-Agreement parties did not respond to our proposal for a roundtable of all pro-Agreement parties. This is a matter of regret. Throughout the last five years a greater cause of instability than the efforts of anti-Agreement parties to destroy the Agreement has been the divisions among and within pro-Agreement parties. By the same token, divisions among and within pro-Agreement parties in this review serve only to strengthen the anti-Agreement position.
7. Having attempted to coordinate the agenda with other parties, we have now drawn up our suggested agenda, based on those areas of the Good Friday Agreement - and the related Joint Declaration and Weston Park proposals - which

have not yet been implemented fully or properly by the governments, parties or paramilitaries.

8. This is because our approach in this review is based on the need for the Agreement's full and faithful implementation. We do not believe that the public is disillusioned with the Agreement – nor do we believe that the recent election result provided a basis for its renegotiation or for overturning the result of the 1998 referendum. Rather, we believe that recent difficulties have been caused by the failure to live up to all the Agreement's requirements, including on operating the political institutions inclusively and on ending all paramilitary activity.
9. Equally, we do not believe that there is any case for significant alteration of the institutional arrangements of the Good Friday Agreement. By and large, the public were broadly satisfied with how those institutions were working. And in no way was any of the crises caused by their design. Rather, all crises were caused by the lack of political will to work the institutions fully and the failure to end all paramilitarism. That said, there are a number of changes - consistent with the Agreement - that can be introduced to increase collectivity and efficiency and some areas where the institutional structures could be better implemented.
10. There are also areas where the North/South agenda needs to be developed and strengthened, including increasing areas for cooperation and implementation. We are also open to increasing the efficacy of the British Irish Council, for example through multilateral cooperation, as envisaged by the Agreement.
11. We are opposed to any dilution of the equality and human rights agendas. The promise of equality and human rights lies at the heart of the Agreement, and the SDLP is determined to ensure that it is realised in practice in our society.
12. It is also imperative that all the Agreement's commitments to victims and survivors be realised, including vindicating their right to remember. Greater efforts should also be made to end sectarianism and promote reconciliation, as the Agreement envisaged. It is also essential to ensure that the Agreement's provisions on symbols are upheld and that parity of esteem for the identity, ethos and aspirations of both main communities is guaranteed.
13. Equally, we have yet to realise a normalised society and further steps need to be taken to transfer military bases to civilian use.
14. We have also yet to achieve the devolution of policing and justice which would mark the final stage in the overhaul of policing and justice envisaged by the Agreement. Nor yet do all parties participate in our new policing institutions, which makes more difficult the creation of a normalised society and the achievement of real community policing.
15. Above all, there needs to be collective oversight of the Agreement's implementation – something that we have lacked over the last five years. That is why the SDLP suggests regular meetings of the implementation group.
16. Our proposed agenda, set out below, covers all of these issues.
17. However, we recognise that some of the issues relating to the workings of the institutions could be best dealt with when those institutions are working. Accordingly and in order to facilitate the speedy conclusion of this review, we would be prepared to agree to defer substantive consideration of such issues until then.
18. Also, there are other matters which the two Governments can and must deal with quickly and effectively through the speedy implementation of the Joint Declaration and Weston Park commitments, for example by quickly moving to establish inquiries, as recommended by Judge Cory.
19. We believe that parties and governments in the review should:

- collectively review the record of the Agreement's implementation on all these issues, especially on the operation of the political institutions and ending paramilitary activity;
- collectively commit to the Good Friday Agreement, approved by the people of Ireland, North and South, in 1998;
- collectively commit to the kind of society envisaged by the Agreement – that is to say one based on reconciliation, democratic and exclusively peaceful means, partnership, mutual respect, sharing, equality and the protection of human rights;
- ensure the ending of all paramilitary activity by any paramilitary group with which they may be associated in the terms set out in the annex;
- commit to work all the Agreement's arrangements in the terms set out in the annex and uphold the pledge of office;
- commit to support the full implementation of all aspects of the Agreement, including human rights, equality, justice issues, normalisation etc.
- agree to use the implementation group as a means of overseeing the Agreement's implementation.

AGENDA ITEMS

Commitment to work all Agreement's arrangements
Commitment to participate in good faith in the

- **Executive,**
- **Assembly,**
- **North/South Ministerial Council,**
- **British/Irish Council,**
- **British/Irish Intergovernmental Conference,**
- **Policing Board, and**
- **District Policing Partnerships,**

as appropriate, and to make a success of each one of these arrangements.

Pledge of office to as per Annex A to Strand One of the Agreement from (a) to (f).

Commitment to exclusively peaceful and democratic means

Making clear by all paramilitary organisations of full and permanent cessation of paramilitary activity as in paragraph 13 of Joint Declaration, including:

- military attacks;
- training;
- targeting;
- intelligence gathering;
- acquisition and development of arms;
- other preparations for terrorist campaigns;
- punishment beatings and attacks;
- involvement in riots; and
- exiling.

Total disarmament of all paramilitary organisations.

Ending of criminal activity by paramilitary groups.

Constitutional issues

Implementation in law of parity of esteem, just and equal treatment and right of people to identify themselves and be accepted as Irish or British or both.
Border referendum.

Suspension

Repeal of suspension legislation.

Strand One

Equality Commission to monitor parity of esteem.
Implementation of equality procedure.
Strand one review issues remitted to four year review.
Binding nature of Programme for Government.
Nomination procedure to NSMC/BIC.

Civic Forum.

Assembly size.

Strand Two

See above re nomination procedure to NSMC.

Joint Parliamentary Forum.

Independent consultative Forum.

Cross-sectoral meetings.

Increasing areas of cooperation.

Additional North/South bodies.

Strand Three

Building on British Irish Parliamentary Body.

Increasing the effectiveness of BIC, including multilateral cooperation.

BIIGC

- intensification of work; and
- range of issues falling within remit.

Human Rights

Implementation of rights in Agreement.

Bill of Rights, including Roundtable Forum.

NIHRC:

- powers, including investigatory powers
- resources
- appointments
- new leadership

Charter of Rights.

Equality

Unemployment differential:

- research
- accelerated action
- targets.

New TSN/poverty.

Equality Commission

- powers
- appointments
- resources

National security exemption.

Review s.75 and designation.

Victims and survivors

Victims' and survivors' Forum.

Support for groups.

Truth.

Right to remember.

North/South reconciliation work.

Community

Commitment to sharing.

Commitment against sectarianism.

Effective measures against sectarianism and racism.

Disadvantaged areas.

Irish language

Commitments of JD on Irish language, especially

- broadcast fund
- TG4
- Charter for minority languages.

Linguistic diversity.

Symbols

Repeal Flags Order.
Courts.
Unauthorised flags.

Normalisation

JD commitments
Emergency powers
Further transfer of bases
British Government report to IMC.

Policing and justice

Criminal Justice legislation.
Devolution of Justice.
Criminal justice oversight.
Lateral entry/secondment.
Prosecution service, including new leadership.
Inquests.
Parades – Quigley.

Cory

Publication of report.
Implementation of recommendations, including public inquiries.

Prisoners

Reintegration measures.

Implementation Group

Collective oversight, mutual accountability and problem solving.