



# An Chartlann Náisiúnta National Archives

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GERRY ADAMS MP  
SINN FÉIN  
PRESIDENT

5 August 1998

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An Taoiseach Bertie Ahern  
Office of An Taoiseach  
Government Buildings  
Dublin

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Bertie a chara

Please find attached a memo which I have recently sent to Dr. Marjorie Mowlam, the British Secretary of State.

I thought it would be useful to write to you also at this time.

In the period post Agreement we have been involved in an intensive round of engagements with the British Government vis-a-vis the implementation of the provisions of the Agreement. In particular this has been focussed on the various mechanisms for change prescribed by the Agreement and the omnibus legal interpretation of those provisions as contained in the 'Northern Ireland Bill'.

In the course of this we communicated our deep disquiet and concern at the manner in which many of the mechanisms for change, agreed on Good Friday have been constructed. For example, the way in which the Policing Commission was set up, the appointment of Chris Patton and the failure to listen to the concerns of the nationalist parties and the Irish Government, and the absence of any nationalist representation on the commission, were all pointed to as evidence of how the agreement can, in its implementation, be undone. Indeed a range of concerns expressed by Sinn Féin in relation to the Human Rights Commission, the review of the justice system, the review of fair employment legislation and the prisoner release mechanisms have largely been discounted by the British Government.

More recently we had the 'Northern Ireland Bill' which in key areas departs from the Agreement and in others fails to adequately provide for provisions of the Agreement. We have written extensively to the British Government on this with suggested amendments to bring the legislation into line with the provisions of the Agreement. And of course, it is critical that the legal interpretation of the Agreement accurately reflects its provisions in letter and in spirit. The Act, when it becomes law, will be thoroughly scrutinised in this context.

There is particular cause for concern at the delay in the selection of the Shadow Executive. Whatever the reasons for this to date, the perception is that the unionist agenda of protraction and vacillation is still dominating. David Trimble continues to proclaim his intention to obstruct, simultaneously tries to rewrite the Agreement, cherry-picks where this fails and seems to be under no pressure to adopt the type of positive and inclusive approach by which we could all start to assist each other against the critics of the Agreement.

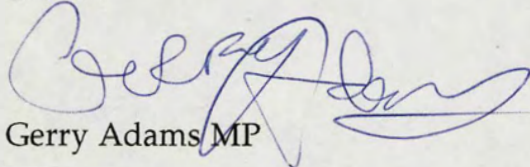
All of these issues are reverberating through a cautious and sceptical republican constituency and against a backdrop of all of the manifestations of a militarised society where significant change could have been effected by this stage.

We need now to build confidence, to make progress and to demonstrate in the most visible ways possible that this Agreement can deliver change, can ensure justice and equality for everyone.

In the period ahead we need to establish the executive on the inclusive basis agreed on Good Friday. We need to put in place the North/South Ministerial Council and its implementation bodies. We need to see the release of prisoners and a speedy process of demilitarisation.

The attached memo sets out the detail of some of the issues dealt with above. I hope that this proves useful in providing a Sinn Féin perspective of the current situation.

Is mise



Gerry Adams MP

## "NORTHERN IRELAND BILL"

It is critical that the Bill should accurately reflect the Agreement. In our view this is not the case.

We have submitted detailed comments. These include:

- The Bill contains a provision allowing for the exclusion of parties from holding office and provisions relating Tony Blair's Balmoral " commitments" to the executive. These are not in the Agreement
- The Equality section is much weaker than in the Agreement. SF/SDLP/NGOs all support amendments to bring the Bill into line with the Agreement.
- The Irish Language and Symbols and Emblems are not included.
- The Bill does not state that the Assembly and the North/ South Council are so closely related that the success of each depends on that of the other. Clause 3 speaks only of 'sufficient progress.....in implementing the Agreement.'" This is too weak and too vague.
- The Bill does not make provision (financial or other) for the independence of the Human Rights Commission
- The Agreement allows for the possibility of an Equality Commission but this is a subject of controversy, because the FEC/EOC etc. will be dissolved. The Bill pushes ahead with the Equality Commission.
- The Bill lifts the disqualification on Assembly membership for anyone in Seanad Éireann but retains disqualification for members of Dáil Éireann.
- A statutory duty on public authorities to "promote good [community] relations..." has been added alongside, we believe, in opposition to, the Agreement duty to promote equality of opportunity. Sinn Féin, the SDLP and others are seeking to remove this sub-clause as it was not in the agreement.
- The "national security" clause which allows for political vetting and which the Agreement said would be reviewed, has been included in the Bill. Given the European Court of Human Rights ruling in the Tinnelly case on Friday 10 July this should certainly now be removed. The British Government have said they are giving it 'further consideration'.

## Mechanisms for Change

- The Agreement is an explicit acceptance that the status quo cannot obtain.
- The mechanisms for change are key to effecting the change required.
- A range of concerns expressed by Sinn Féin have been discounted. These relate to;  
The Independent Commission on Policing,  
The Human Rights Commission,  
The Review of the justice system,  
The prisoner release mechanisms.
- The 'normalisation' paper - heralded two months ago - relating to aspects of the process of demilitarisation has not been produced.
- The sensitivity of the use of symbols and emblems for public purposes is acknowledged. Arrangements for monitoring and action have not been discussed let alone formulated. In relation to the Assembly, for instance, the Initial Standing Orders address these issues only in the context of display 'in the Assembly' and not on the Assembly venue.

## Demilitarisation

- The IRA cessation has been in place for over a year now.
- Despite this
  - there has been no significant reduction in levels of British Army and RUC personnel,
  - military installations and fortifications remain intact,
  - military observation posts on top of apartment blocks, such as Divis Tower, remain intact,
  - patrolling of nationalist areas continues,
  - RUC road-blocks are a continuing feature of daily life,
  - the military building programme continues,
  - a multi-million military/RUC communications system has recently been completed,
  - the RIR remain in contact with the civilian population,
  - interrogation centres remain open,
  - there is no public evidence of any programme to demilitarise the situation.

## POLICING

We have expressed strong dissatisfaction with the handling of the Independent Commission on Policing. There was a complete lack of consultation, and a diet of leaks - first Chris Patten's name, then the Financial Times leaks on the composition of the Commission.

There is no human rights element in the Commission as promised.

There is no nationalist element in the Commission as promised.

There have been repeated assertions by the British Government that the RUC will not be replaced. This is an obvious attempt to predetermine the recommendations of the Independent Commission on Policing.

The credibility of the Commission is already damaged as a result. The damage needs to be repaired.

### **Independent Commission on Policing**

A strategy is needed to deliver on "*a police service that can enjoy widespread support from, and is seen as an integral part of, the community as a whole*".

- The RUC is part of the problem. It cannot be part of the solution. The need for a new police service is self-evident.
- The Commission's approach should not be confined to the managerial side but should examine the failures of the RUC in the wider context in which it has operated.
- The Commission should have the power to obtain the Stalker/Sampson and Stevens Report, to access the Cumerswammy Report and the relevant reports from Amnesty International, and to take evidence from the authors of each of these reports.
- The Commission should liaise at an early stage with the Human Rights Commission and the Review of the Justice System.
- The Commission should take evidence from NGOs and academics who have studied and reported on the operation, composition, and ethos of the RUC.

## Prisoners

There are currently 232 republican prisoners in prisons in the 6 counties and England. Approximately 115 republican would be eligible for immediate release under the proposed release scheme.

### Releases:

- 3 months after the Good Friday Agreement and not a single prisoner has been released.
- By the time releases begin almost five months will have passed since the Agreement. In the spirit of the Agreement these five months should not be lost. Accordingly the two year outer limit for completion of the release scheme should date from the 10th of April.

### Commission:

- 3 months after the Good Friday Agreement the make up of the commission is not yet complete.
- There has been no proper consultation with regard to the composition of the Commission.
- The appointment of John Blelloch, permanent Secretary of the Life Sentence Review Board, as joint-chairperson to the Commission undermines the independence of the Commission.
- The appointment of someone to represent victims is unnecessary. Views of victims on releases are wide ranging, so which constituency would be represented? Also the tendency is to ignore victims of loyalist and state violence and it is ill judged to prioritise the feelings of some 'victims' over others.

### Prisoners in England:

- There are still 5 prisoners awaiting transfer from England, 1 to the H Blocks and 4 to Portlaoise.
- There appears to be no intention in the short term to re-categorise those prisoners on restricted transfer as 'permanent and unrestricted'. Your officials have indicated that prisoners on restricted transfer may not be treated the same as other prisoners in the operation of the scheme.

### Extradition/Deportation Cases:

- There are a number of extradition cases currently being pursued. These extradition warrants should be withdrawn.

### NIO prison officials:

- have prepared a list of cases which will be dealt with immediately, they refuse to show us the list to allow us to reconcile it with our own lists:
- have indicated not all prisoners will be entitled to paroles once they receive a release date. This runs against current prison policy which affords parole to all prisoners in the last two years of sentence:
- appear to be interpreting the fixed timeframe within which the review process is to be complete as 2 years and appear to be disregarding the possibility of the completion of the relevant scheme in advance of the two year deadline:



- are denying republican welfare organisations proper access to prisoners to compile a comprehensive needs analysis.

## Institutions

The institutions arising from the Good Friday Agreement include:

1. An Assembly, Executive, up to ten departments and Ministers.
2. North/South Ministerial Council.
3. North/South Implementation Bodies.
4. British-Irish Council.
5. British-Irish Intergovernmental Conference.

The formation and development of all of the institutions is governed by the terms of the Agreement, relevant legislation, consultation and negotiations among all the parties and both Governments.

Three months after the Agreement only the Assembly and First and Deputy First Ministers have been established and appointed. There is an imperative to establish all the remaining institutions with all speed.

Action required now:

Consultation must commence in a structured and inclusive manner involving David Trimble, Séamus Mallon and all parties

- Agree up to ten departments
  - Establish the Executive
  - Appoint up to ten ministers
  - Inaugural meeting of the North/South Ministerial Council.
- 
- Negotiations and consultation must commence in a structured and inclusive manner between the Shadow Executive, the Irish and British Governments for the purpose of agreeing the North/South institutions before 31 October 1998.

The necessary amendments must be made to the Northern Ireland Bill to fully reflect the Agreement.

Agreement must be reached on the location of the Assembly, away from the Stormont complex including Parliament Buildings.

The Assembly must be established without sectarian symbols and emblems.

The transitional programme of seminars for Assembly members and staff should be located in safe and neutral venues.