

## **Hillsborough Declaration – Basis for Progress**

The current impasse preventing progress in implementing the Good Friday Agreement risks poisoning the political atmosphere and poses a grave danger to the Agreement as a whole. It was to break the impasse and avoid this danger that the Hillsborough Declaration was issued.

Far from being an attempt to rewrite the Good Friday Agreement the Hillsborough Declaration marks both a progress report on its implementation and an outline as to how further progress could be made.

Critically, the Declaration makes clear that decommissioning is not a pre-condition either to the formation of an Executive or to progress with respect to any other part of the Good Friday Agreement. Nor for that matter is any other feature of the agreement a pre-condition for decommissioning or for anything else in the agreement. Otherwise progress on each issue, from the release of prisoners to agreements on political institutions, would have been determined by progress on everything else – a disastrous recipe.

This does not mean that the different parts of the agreement are completely independent of each other. As was made clear at the time, the agreement is a total package. For it to be successful all elements must be implemented. That being the case then a *degree* of progress on each towards its goal and completion date was a legitimate expectation from the outset. Conversely, failure to progress a particular element could be expected to inhibit, if not adversely affect the overall implementation of the agreement.

When progress on the overall implementation of the Good Friday Agreement is measured, it is clear that the only issue on which nothing has happened is the decommissioning of paramilitary arms, the destruction of some LVF weapons excepted.

True, progress on other matters has been achieved much more slowly than had been anticipated, no where more obviously than in reaching agreement on the operation of the Assembly's Executive and on the North-South Council. However, agreement was eventually reached on these issues on December 18 and subsequently endorsed by the Assembly and both governments.

Progress on confidence building measures such as prisoner releases and the establishment of the commissions for human rights and equality has been more rapid. Even on what the agreement refers to as the "normalisation of security arrangements and practices", i.e. a scaling down of troop patrols and the removal of military installations, some progress has been evident. Fewer troops patrol the streets, a number of military posts have been closed and some completely removed.

The absence of significant progress on decommissioning by either republican or loyalist paramilitaries begs the question as to what the Good Friday Agreement intended should happen in its regard. Was it intended, as some parties clearly imply, to be merely a matter on which best efforts would be made to persuade paramilitaries to decommission and that obligations under the agreement would be fully discharged even if these efforts were not successful? In other words, decommissioning was intended to be a desirable, but not essential outcome. Or was it a matter on which the obligation was to work to ensure that decommissioning would actually be achieved within the timescale of the two years set down in the agreement?

The Good Friday Agreement itself makes clear that all parties had accepted that "the resolution of the decommissioning issue" was indispensable to the negotiations - hardly an indication that decommissioning could be treated as an optional element. Secondly, the Agreement indicates that failure to uphold the "commitment to exclusively democratic and peaceful means...and opposition to any use or threat of force by others for any political purpose..." would result in exclusion from office. Acceptance of this principle must imply rejection of the threat posed by the mere existence of heavily armed, non-accountable

paramilitary forces. Thirdly, the establishment of the International Commission on Decommissioning and the acceptance by all signatories of its remit to “monitor, review and verify progress on decommissioning of illegal arms” could only have further underlined that actual decommissioning was anticipated. Fourthly, the setting of a clear timescale within which “to achieve the decommissioning of all paramilitary arms”, was the clearest indication that all signatories had accepted that decommissioning should happen.

Even before negotiations commenced Senator Mitchell’s report on decommissioning noted that a clear commitment existed “on the part of those in possession of...arms to work constructively to achieve full and verifiable decommissioning...” This report was based on wide consultation with parties, especially those associated with or affiliated to paramilitary groups.

**The Hillsborough Declaration simply reiterates these understandings, commitments and obligations when it states that “there is agreement among all parties that decommissioning ...should take place within the timescale envisaged in the Agreement, and through the efforts of the Independent International Commission on Decommissioning.”**

Leaving aside the above evidence, even if the Agreement required no more than best efforts to persuade paramilitaries to decommission, surely some indication should be provided as to what those best efforts have been and some explanation as to why they have not yet succeeded? To simply report that decommissioning will not be delivered, can hardly of itself be expected to convince that best efforts have been used. If the difficulties preventing decommissioning at this point were known, then it might be possible to examine ways of dealing with them. That in itself could provide the basis for more general progress on the Agreement.

As one of the Agreement’s confidence building measures, decommissioning is essentially about creating trust and enabling people believe that political violence is being left in the past. It is not about surrender, much less is it an attempt to humiliate or to suggest defeat. On the contrary, from the paramilitaries’ perspective, decommissioning could be viewed as the reciprocal de-escalation of their armed might to parallel security forces’ ‘normalisation’ measures. Furthermore, given statements by republican and loyalist paramilitaries about the potential of the political process, decommissioning could also be seen as an honourable and significant contribution to that process by the paramilitaries themselves.

As to how decommissioning could happen, the International Commission under General de Chastelain has made it clear that any safe and verifiable means is acceptable. Since the Agreement requires that the Commission report on the progress being achieved, it is not for others to become arbiters of that progress. Attempts by some parties to prescribe what amounts of arms would have to be decommissioned, can have no standing whatsoever.

The Hillsborough Declaration’s proposal for a collective act of reconciliation in remembrance of all victims of violence to coincide with some arms being put beyond use and further moves on normalisation and demilitarisation, offers an imaginative means of signalling that violence is being put behind us. It would also be an opportunity to renew in spirit and word all of the commitments made in the Good Friday Agreement, commitments endorsed overwhelmingly by the people of Ireland, North and South.

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