

2003

POLICY PAPER



TOWARDS A NEW AGREEMENT:

**DUP ANALYSIS VINDICATED:
A CRITICAL ASSESSMENT
OF THE BELFAST AGREEMENT
FIVE YEARS ON**

SEVEN PRINCIPLES:

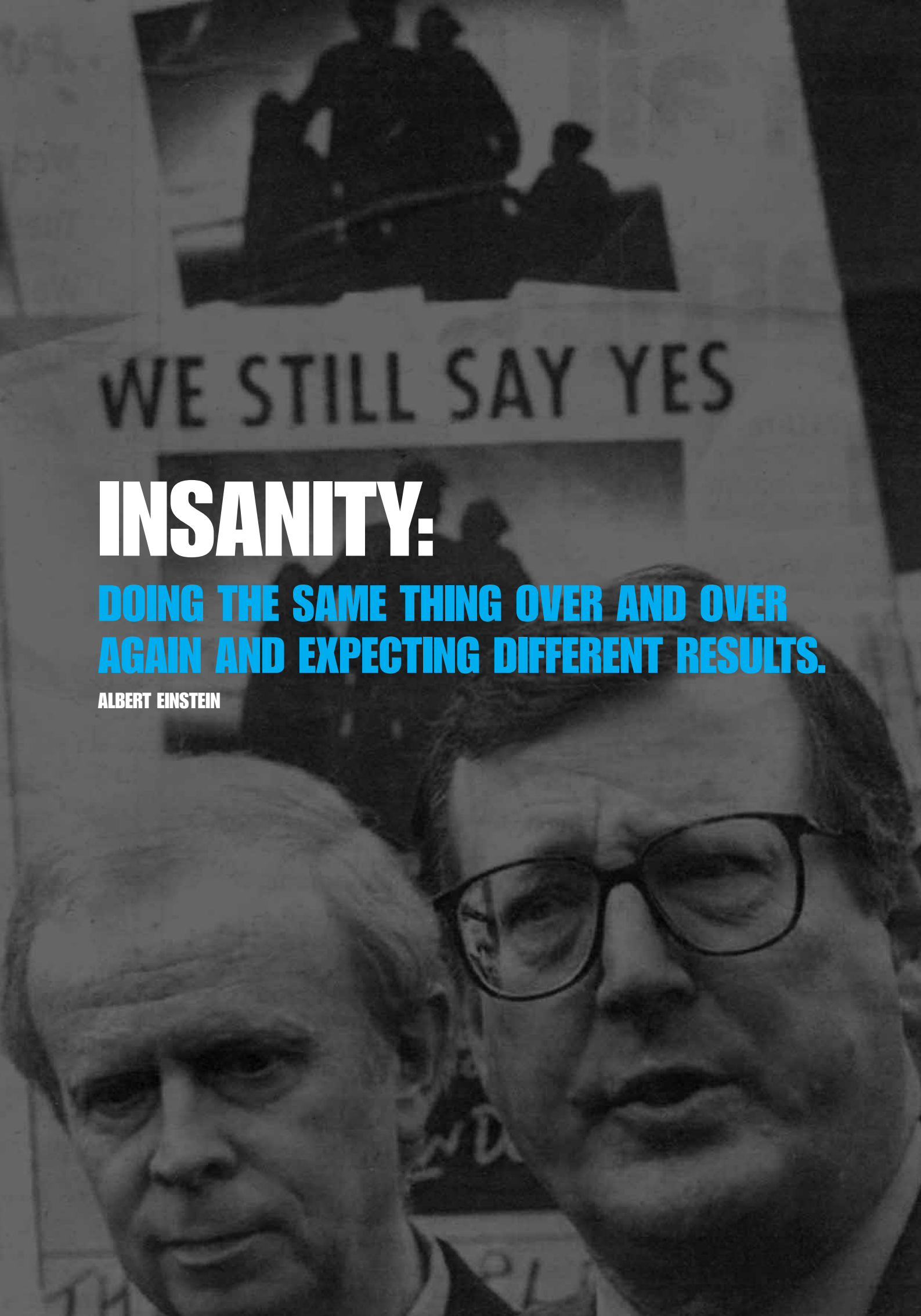
- 1** *The Democratic Unionist Party is a devolutionist party. We believe in democratic, fair and accountable government.*
- 2** *No negotiating with the representatives of terrorism but we will talk to other democratic parties.*
- 3** *Those who are not committed to exclusively peaceful and democratic means should not be able to exercise unaccountable executive power.*
- 4** *Terrorist structures and weaponry must be removed before the bar to the Stormont executive can be opened.*
- 5** *Any relationship with the Republic of Ireland should be fully accountable to the Assembly.*
- 6** *The Democratic Unionist Party will work to restore the morale and effectiveness of the police force.*
- 7** *We will strive to ensure genuine equality for all including equality in funding.*

TOWARDS A NEW AGREEMENT:

DUP ANALYSIS VINDICATED: A CRITICAL ASSESSMENT OF THE BELFAST AGREEMENT FIVE YEARS ON

5	CHAPTER 1	INTRODUCTION
7	CHAPTER 2	TERRORISTS IN GOVERNMENT
10	CHAPTER 3	UNACCOUNTABLE EXECUTIVE POWER
14	CHAPTER 4	INABILITY TO DELIVER COHERENT GOVERNMENT
16	CHAPTER 5	UNACCOUNTABLE ALL-IRELAND IMPLEMENTATION BODIES
19	CHAPTER 6	NORTH/SOUTH MINISTERIAL COUNCIL
21	CHAPTER 7	FREELANCE UNACCOUNTABLE NORTH/SOUTH CO-OPERATION
22	CHAPTER 8	IMBALANCED NORTH/SOUTH, EAST/WEST RELATIONSHIPS
23	CHAPTER 9	REVIEW AND PROGRESS OF NON DEVOLVED PROVISIONS OF THE BELFAST AGREEMENT
24		9.1: DECLARATION OF SUPPORT
25		9.2: CONSTITUTIONAL ISSUES
27		9.3: BRITISH-IRISH INTERGOVERNMENTAL CONFERENCE
28		9.4: RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY
30		9.5: RECONCILIATION AND VICTIMS OF VIOLENCE
31		9.6: DECOMMISSIONING
32		9.7: SECURITY
33		9.8: POLICING
34		9.9: REVIEW OF CRIMINAL JUSTICE SYSTEM
35		9.10: PRISONERS
36	CHAPTER 10	CONCLUSIONS





WE STILL SAY YES

INSANITY:

DOING THE SAME THING OVER AND OVER AGAIN AND EXPECTING DIFFERENT RESULTS.

ALBERT EINSTEIN



1:INTRODUCTION

The Belfast Agreement is fatally flawed. It cannot command the required support from within the Unionist community and is therefore unable to function. The flaws in the Belfast Agreement are so fundamental that it requires to be replaced with a new agreement.

Four suspensions of the devolved institutions in three years is clear evidence of the failure of the Belfast Agreement. Failure did not just come about by accident but results from fundamental flaws within it. Unless the issues which have resulted in the failure of the Belfast Agreement are addressed no new agreement will succeed.

It is the aim of the DUP to win a majority of unionist seats at the next election to prevent the election of a First and Deputy First Minister and thereby force a renegotiation of the Belfast Agreement. This document sets out some, but not all of the fundamental flaws which any negotiating process would be required to address.

The failings are not simply concerns of unionists but should be regarded as such by anyone interested in accountable democracy for Northern Ireland. There have been many problems with the functioning of devolution in Northern Ireland. This paper will only address issues which flow from the Belfast Agreement.

The first part of this paper seeks to identify where the problems exist which will need to be addressed in new negotiations.

The DUP's only requirement is that any future agreement meets the requirements of the 'Seven Principles'. When the election is over and negotiations have commenced the DUP will offer its proposals for a constitutional settlement for Northern Ireland.

We challenge anyone to argue that the matters dealt with in this paper are not concerns that should be addressed in any functioning democracy.

The second part of this paper briefly sets out how the other elements of the Belfast Agreement have worked in practice. We demonstrate that many of the problems over the last five years were created by the inherent failings of the Agreement. It was not simply a question of provisions not proving to be effective – many were designed not to be effective.

The fact that we warned of many of the dangers at the time of the Agreement is of little consolation to the Unionist community today. It is however an indication of the folly of the UUP negotiators who agreed the deal. If this paper serves no other purpose than to prevent these people again being allowed to negotiate for unionism then it will have succeeded.

Northern Ireland requires an agreement which is clear in its terms, accepted by unionists and nationalists alike and will provide for constitutional stability for the Province. It is clear that the Belfast Agreement is a process towards a united Ireland. Instead Northern Ireland needs a constitutional settlement which is secure and lasting.

The mistakes of the Belfast Agreement must be avoided whereby provisions were ambiguous, sanctions were ineffective and the form of government created was neither fair, accountable nor democratic.

Northern Ireland needs a new agreement. The DUP stands ready, with the support of the Unionist community to negotiate it.





2: TERRORISTS IN GOVERNMENT

One of the most fundamental flaws in the Belfast Agreement is that it permits the representatives of terrorism to sit in government and has no adequate or effective means of excluding them.

It is unacceptable in a democracy that the representatives of terror are permitted to sit in government. Democracy can only function effectively when there is a level playing field. Over the last four years Sinn Fein/IRA Ministers sat in government whilst the IRA remained active murdering, maiming, running guns, spying and training terrorists. Despite their promises, the Ulster Unionist Party voted to put Sinn Fein/IRA into government before decommissioning had commenced and then permitted them to stay there despite their continuing activity.

The form of government created in the Belfast Agreement provided for a mandatory division of Ministerial posts between all parties in the Assembly of any substantial size. This principle was set out in paragraph 16 of Strand One of the Belfast Agreement which provided,

“Following the election of the First Minister and Deputy First Minister, the posts of Ministers will be allocated to parties on the basis of the d’Hondt system by reference to the number of seats each party has in the Assembly.”

Following the 1998 Assembly election this provided for 3 UUP, 3 SDLP, 2 DUP and 2 Sinn Fein/IRA Ministers. Indeed, using this system, all these parties would be entitled to seats in government given any conceivable Assembly election result under the current arrangements.



The exact method of distributing the posts of Ministers is set out in the Northern Ireland Act 1998 at Section 18.

Provisions exist for the removal from office of those who breach the pledge of office at Paragraph 25 of Strand One of the Belfast Agreement,

“An individual may be removed from office following a decision of the Assembly taken on a cross-community basis, if (s)he loses the confidence of the Assembly, voting on a cross-community basis, for failure to meet his or her responsibilities including, inter alia, those set out in the Pledge of Office. Those who hold office should use only democratic, non-violent means, and those who do not should be excluded or removed from office under these provisions.”

In practice however these provisions have proved utterly ineffective. Despite obvious breaches, the Assembly, by the required majority, has been unwilling to exclude Sinn Fein/IRA Ministers from office. At the time of the referendum we warned that this would be the case. In fact at times when we put down exclusion motions on Sinn Fein/IRA Ministers the Ulster Unionist Party did not support them. Even on the one occasion they did, the failure of the SDLP to back such a motion defeated the proposal, though a majority of Assembly members had voted in favour. There is no prospect that, regardless of the behaviour of republicans, this position would change in the future.

After an Assembly election, under the Belfast Agreement, it is inconceivable that a Sinn Fein/IRA Minister would be excluded and the administration continue given the electoral arithmetic. Ultimately this exclusion mechanism is a political one which has been shown to be ineffective.

This issue would have to be addressed in a new agreement.

No democratic settlement can permit those associated with terrorism to take unaccountable executive decisions.

The Belfast Agreement manifestly failed to deal with this issue. Indeed, no objective observer could conclude that the provisions were crafted in ways which were designed to be effective. It did not take four years to understand that the UUP had negotiated a system which would not work.

Simply replacing one system which was designed not to work with another does not represent progress, but simply another attempt to delude and deceive the electorate.





3: UNACCOUNTABLE EXECUTIVE

Another fundamental flaw with the Belfast Agreement is that decisions are made by those who are not accountable to the Assembly or the people of Northern Ireland.

Following the signing of the Agreement it was promised that Ministerial and Executive action would be subject to the scrutiny of the Assembly and Assembly members would be empowered to hold Ministers fully accountable for executive decisions. In reality, the Assembly's role is limited to legislation and the 'Programme for Government'.

The details of how power would be devolved to the Assembly are contained in Paragraph 3 Strand One of the Belfast Agreement which states:

"The Assembly will exercise full legislative and executive authority in respect of those matters currently within the responsibility of the six Northern Ireland Government Departments, with the possibility of taking on responsibility for other matters as detailed elsewhere in this agreement."

This provision grants to the Assembly competence over legislation.

The Assembly has power to scrutinise and amend legislation as it sees fit. Any legislative proposal can be defeated on the floor of the Assembly and thereby not come into law.

Under Paragraph 20 of Strand One the Assembly is also required to approve the budget and 'Programme for Government':

"The Executive Committee will seek to agree each year, and review as necessary, a programme incorporating an agreed budget linked to policies and programmes, subject to approval by the Assembly, after scrutiny in Assembly Committees, on a cross-community basis."



Votes on the budget and 'Programme for Government' are taken on a cross-community basis. In certain circumstances the Assembly can also exclude an individual Minister from holding office following a vote taken on a cross-community basis. However, 'executive' decisions are essentially beyond the control of the Assembly.

Actual devolution of power from Westminster to the Northern Ireland Assembly is governed by paragraph 24 of the Belfast Agreement and Section 23(2) of the Northern Ireland Act 1998. These are the key flawed provisions in this area.

Paragraph 24 of the Belfast Agreement states:

"Ministers will have full executive authority in their respective areas of responsibility, within any broad programme agreed by the Executive Committee and endorsed by the Assembly as a whole."

The 'Programme for Government' is so broad in its terms that it places no effective restraint on a Minister when exercising his functions. The Budget also fails to adequately control Ministers in that, within any funding arrangements, there is scope for manoeuvre. It is also the case that many of the most controversial decisions have no immediate financial implications.

Section 23(2) Northern Ireland Act 1998 provides:

"As respects transferred matters, the prerogative and other executive powers of Her Majesty in relation to Northern Ireland shall, subject to subsection (3), be exercisable on Her Majesty's behalf by any Minister or Northern Ireland department."

It is worth noting that power is not devolved to the Assembly but to individual Ministers who have responsibility over departments. In practice, each Minister can exercise executive functions within the Department's area of responsibility, without recourse to the Assembly. This creates Ministers who are not accountable.



Section 9 of Strand One does not grant any power to the committees to hold the Minister to account. It provides:

“The Committees will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation.”

This provision merely accords the committee a consultative role and scrutinising function much the same as Select Committees at Westminster.

As Ministers are vested with the power, neither the Assembly nor its committees can hold them to account. There is, therefore, no proper accountability. The Assembly can debate, ask questions and scrutinise, but the Ministers take decisions, with or without Assembly support.

This results in Ministers, with the support of less than 25% of the population and as little as 17% of seats in the Assembly being able to take decisions which affect the whole community but are not subject to control.

The Minister can take decisions and act even in the face of votes to the contrary within the Assembly or the relevant Assembly committee. There are many examples of Ministers having done so.

This unaccountable power enabled the Sinn Fein/IRA Health Minister to site maternity services, within her own constituency, at the Royal Victoria Hospital, even in the face of opposition from the Assembly Health Committee and a vote by the Assembly as a whole. Nevertheless, the Jubilee Maternity Hospital was closed and services transferred to the Royal. The Assembly was powerless to act or hold the Minister to account.

With suspension of the institutions due to take place on the 14th October 2002, the Sinn Fein/IRA Minister of Education took executive action on 11th October 2002 to end the 11 plus examination. Neither the Assembly nor its Education Committee had agreed to the decision being taken.



Following an Assembly election, under the Belfast Agreement, it would be possible for Sinn Fein/IRA Ministers to opt for other departments. Republicans could be placed in control of allocation of housing, strategic development or economic regeneration. Indeed a Sinn Fein/IRA Minister could opt to change the language on road signs, creating bi-lingual Irish and English signs. It is also perfectly possible that powers over policing and criminal justice could be devolved. If this were the case a Sinn Fein/IRA Minister could have partial or total control over both of these areas. Gerry Kelly, the man who bombed the Old Bailey, could be Policing & Justice Minister.

Under the Belfast Agreement Northern Ireland is therefore administered by autonomous Ministers who make decisions over their policy areas within the budgetary levels granted by the Assembly. Each individual Minister can take any executive decision over the department he controls without recourse to or the consent of the Assembly.

The role of the Assembly is limited to scrutinising the work of Ministers in committee and the passing of legislation. The Assembly's role is therefore limited in scope and effect.

Devolution of power to Ministers rather than the Assembly creates undemocratic and unaccountable government where the will of a Minister representing less than 25% of the community can make important policy decisions unchecked and unfettered. The Belfast Agreement is not a democratic settlement.

A form of administration which can be justified in a voluntary coalition with collective cabinet responsibility is inappropriate for a mandatory coalition. In the current arrangements Ministers from Northern Ireland are, in reality, little more accountable than direct rule Ministers. This situation must change.

Only a new agreement can bring this about.



4: INABILITY TO DELIVER COHERENT GOVERNMENT

With the relative power of the Northern Ireland Departments and the relative weakness of the Assembly one would have expected that this would be a recipe for a coherent form of government in which delivery to the consumer could be the main focus. This has not been the case.

In fact the design of the Belfast Agreement is such that it does not encourage an effective form of government. A voluntary coalition form of government may have difficulties in agreeing and carrying out a Programme for Government over the course of a four year period, but in a mandatory coalition, without any effective power of compulsion, it is virtually impossible to have coherent government. This has proved to be the case.

The 'Programme for Government' has impinged very little on Ministerial discretion in practice. As a result there is no shared sense of direction for the administration and the direction of policy in a department can be reversed overnight simply by the vicissitudes of the allocation of departments by d'Hondt.

This is not a flaw which has merely been discovered by the operation of the Assembly, but one which was obvious from the start. A mandatory coalition form of government and Ministers in control of their own departments is a recipe for incoherent government.

Despite attempts to reshape the Belfast Agreement, further to their advantage, through the Executive Programme funds and the Strategic Investment

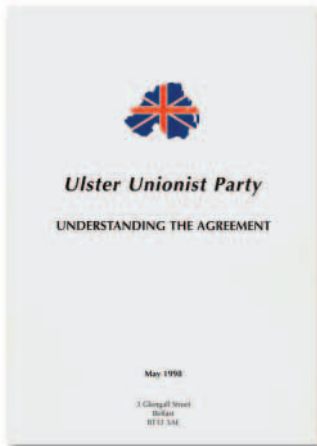


Body without changing the legal structures, the difficulties remain.

Efficient and effective administration cannot be achieved in the current model of government. Again it is a direct and predictable consequence of the Belfast Agreement.

It is critical for devolution that any administration is effective.

Devolution is not an end in itself, but a means of delivering better services for the people of Northern Ireland.



5: UNACCOUNTABLE ALL-IRELAND IMPLEMENTATION BODIES

At the time of the Belfast Agreement the Ulster Unionist Party promised that the all-Ireland implementation bodies would be accountable to the Assembly.

This was hailed as one of the great Ulster Unionist achievements of the talks process. They also promised that the bodies would cease to function if devolution ceased. They were wrong on both counts.

The DUP policy in this area is clear. Any relationship with the Republic of Ireland should be fully accountable to elected representatives in the Assembly.

Under the Agreement six areas of co-operation were to be established through existing bodies working together. These areas would include education, transport, agriculture, health, tourism and environment. The Ulster Unionists claimed that they had succeeded in excluding an all-Ireland trade body. However in later negotiations they conceded on this issue as well.

A further six areas of co-operation were identified and implementation bodies established under paragraph 11 of Strand Two:

“The implementation bodies will have a clear operational remit. They will implement on an all-island and cross-border basis policies agreed in the Council.”



The bodies established enabled cooperation on:

- Inland waterways
- Food safety
- Trade and business development
- Special EU programmes
- Irish and Ulster-Scots language
- Agriculture and marine affairs

It was clear from the DUP attempt to amend the Budget in 2001 that the implementation bodies are immune from Assembly control. A DUP amendment to reallocate funding from these bodies was deemed to be outside the scope of the Assembly. People in Northern Ireland are therefore paying taxes and rates without any ability to control how they are being spent. No taxation without representation has been a fundamental democratic principle for centuries, but is flouted today in Northern Ireland.

Apart from any constitutional issues it is clear that people are not receiving value for money for the work of the implementation bodies. They are politically motivated bodies, negotiated and designed to appease the republican aspiration of an all-Ireland Government.

In light of their structure the implementation bodies cannot be said to be accountable to the Northern Ireland Assembly. Once set up these all-Ireland implementation bodies take on a life of their own. They are controlled not by the Assembly, but by the North/South Ministerial Council.

When the all-Ireland bodies were being established the Ulster Unionist Party insisted that if the Assembly was no longer in existence then the all-Ireland bodies would also cease to exist. Anti-agreement unionists warned that this would not be the case. When, last autumn, the Assembly was suspended the British and Irish Government made sure that the all-Ireland bodies continued in existence.

TOWARDS A NEW AGREEMENT



Instead of being wholly accountable to the people of Northern Ireland these implementation bodies continue with their work without reference or accountability to the Northern Ireland Assembly and now the bodies continue even in the face of the suspension of the Assembly.

Only a new agreement can ensure that any relationship with the Republic of Ireland is fully accountable. The present arrangements are fundamentally flawed.



6: NORTH/SOUTH MINISTERIAL COUNCIL: STAND ALONE ALL-IRELAND GOVERNMENT

The North/South Ministerial Council is the central element of North/South co-operation negotiated in the Belfast Agreement. Promises were made that this structure would be accountable to the Northern Ireland Assembly. This has not been the case.

Paragraph 1 of Strand Two in Belfast Agreement established the NSMC:

“Under a new British/Irish Agreement dealing with the totality of relationships, and related legislation at Westminster and in the Oireachtas, a North/South Ministerial Council to be established to bring together those with executive responsibilities in Northern Ireland and the Irish Government, to develop consultation, co-operation and action within the island of Ireland - including through implementation on an all-island and cross-border basis - on matters of mutual interest within the competence of the Administrations, North and South.”

Process of decision making was set out in paragraph 2 of Strand Two:

“All Council decisions to be by agreement between the two sides. Northern Ireland to be represented by the First Minister, Deputy First Minister and any relevant Ministers, the Irish Government by the Taoiseach and relevant Ministers, all operating in accordance with the rules for democratic authority and accountability in force in the Northern Ireland Assembly and the Oireachtas respectively. . . .”



Inaugural Plenary meeting of the North South Ministerial Council –
Armagh, 13th December 1999

It is clear from the provisions which establish the NSMC and in practice, that the Assembly's role in controlling the NSMC is virtually non-existent. The only check placed on any activity is that it needs to be agreed by the Ministers present. The Assembly is reduced to a forum where questions can be asked but no effective action can be taken.

This is not a form of administration which is democratic. Only the Executive parties have any vote on decisions. The Assembly has no role whatsoever to hold the NSMC to account. Again this arises out of the relative power of the Executive as compared to the Assembly.

Smaller parties have no role whatsoever in relation to North/South co-operation. Power is vested in Ministers.

It is critical for democracy and for the Union that any relationship with the Republic of Ireland is accountable to the Assembly.



7: FREELANCE UNACCOUNTABLE NORTH/ SOUTH CO-OPERATION

In addition to the structures established under Strand Two of the Belfast Agreement flaws in Strand One also render relations between Northern Ireland and the Republic of Ireland unaccountable.

Strand Two sets out a number of areas of co-operation for the North/South Ministerial Council and the North/South implementation bodies but does not limit Ministers in Northern Ireland outside these arrangements.

In practice this means that because Ministers have control over their departments, individual department's relationships with the Republic of Ireland are almost totally unaccountable. The Ulster Unionist solution to this situation is to increase the scope of the formal North/South structures. The DUP solution is to render Ministers accountable for their actions.

The current arrangements allow Ministers to bypass even the very limited restraint that unionists can put on to the extension of all-Ireland Government.

Again this situation highlights the weakness of the Assembly in holding Ministers to account – these Ministers may represent less than a quarter of the electorate and may not even have the support of their Executive colleagues. No one should have powers within Northern Ireland or in relation to co-operation with the Republic of Ireland which are not subject to the control of the Assembly.

This is an intolerable situation which is democratically unacceptable. Again, a new agreement must address this fundamental flaw.



8:IMBALANCED NORTH/SOUTH, EAST/WEST RELATIONSHIPS

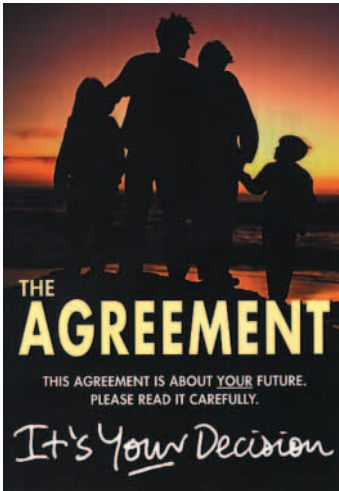
Since devolution there have been 69 meetings of the North/South Ministerial Council and 10 meetings of the British-Irish Council.

These statistics alone demonstrate the imbalanced relationship. Great Britain is much more important to the economic strength of Northern Ireland than the Republic of Ireland will ever be.

What is required is co-operation which is beneficial to Northern Ireland, not merely costly meetings brought about by political motivations.

Ulster Unionists heralded the BIC as a great success for unionists. This has been proved to be patently untrue. As a result, the institutions are completely unbalanced.

A new agreement must address this situation.



9:REVIEW AND PROGRESS REPORT OF NON-DEVOLVED PROVISIONS OF BELFAST AGREEMENT

As well as the failings in the institutions as highlighted in the first part of this document it is worth reflecting on the other aspects of the Belfast Agreement and how they have failed to meet the promises made in 1998.

Five years on it is appropriate to analyse what was promised and what was delivered.



9.1: DECLARATION OF SUPPORT

"We pledge that we will, in good faith, work to ensure the success of each and every one of the arrangements to be established under this agreement."

It was clear at the time of the referendum for the Belfast Agreement that parties were signing up for the whole of the Belfast Agreement – not simply parts.

The Ulster Unionist Party cannot distance itself from issues such as prisoner releases, the destruction of the RUC, Sinn Fein/IRA in government or unaccountable all-Ireland bodies with executive powers. They are fully responsible for these provisions and the wording of them and should be held accountable. David Trimble's remarks, made only one week after the signing of the Belfast Agreement, look like a damning indictment of Ulster Unionist failure five years on, 'the Ulster Unionist Party has kept all its promises and achieved its objectives'.

It is inadequate for the UUP to claim that some parts of the Belfast Agreement are deficient now, when it was they who agreed to each and every element of it. It is deficient because they failed to adequately negotiate or draft provisions.

A fundamental problem with the Belfast Agreement has been that different parties have interpreted its provisions in different ways. This is a significant failing. We warned that any ambiguity would be interpreted against unionists. This has proved to be the case. Certainty allows for a settlement whereas ambiguity leads to further disputes and long-term matters remaining unresolved.



9.2: CONSTITUTIONAL ISSUES

“But if the wish expressed by a majority in such a poll is that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland, the Secretary of State shall lay before Parliament such proposals to give effect to that wish as may be agreed between Her Majesty’s Government in the United Kingdom and the Government of Ireland.”

Virtually every decision taken by the Assembly in Northern Ireland is capable of being vetoed by nationalists. The simple democratic majority in Northern Ireland counts for nothing but is reduced to equal status with the minority.

Indeed it is striking how different the powers of the majority community in South Africa are compared to the majority community here.

However, the one issue for which there is no requirement for a cross-community consensus is the single most important matter for Northern Ireland – its constitutional status. Whilst unionists, the majority, could not pass a motion banning hare coursing, if nationalists ever became the majority, a vote of fifty percent plus one could lead Northern Ireland into a united Ireland. This is a ludicrous arrangement, to which the UUP agreed.

It is only because there does not appear to be the slightest chance of a majority of people in Northern Ireland supporting a united Ireland that this issue is not of greater immediate importance. It does however reflect an inept negotiating strategy by the UUP. An intelligent negotiator would be guarding for the future as well as the



present.

“Article 2 - It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation.”

The much heralded changes to the constitution of the Irish Republic have also proved to be futile. The change from the Republic of Ireland claiming the territory of Northern Ireland has been transformed to now claiming the people who live here. It is amazing that the UUP saw this as a success and made concessions in other areas in return. Indeed if anything the claim is now more offensive than it had been.

Unionists have achieved a meaningless change to the Irish Constitution in return for the setting up of a shadow all-Ireland Government. It is clear that this has proved to be a relationship with the Republic which is not accountable to the Northern Ireland Assembly.



9.3: BRITISH-IRISH INTERGOVERNMENTAL CONFERENCE

“There will be a new British-Irish Agreement dealing with the totality of relationships. It will establish a standing British-Irish Intergovernmental Conference, which will subsume both the Anglo-Irish Intergovernmental Council and the Intergovernmental Conference established under the 1985 Agreement.”

The removal of the Anglo-Irish Agreement and the Anglo-Irish Secretariat was also said to be a great achievement of the UUP at the talks. It has, of course, proved to be a total illusion.

The Maryfield Secretariat has simply been renamed and moved premises to the centre of Belfast. In some areas instead of having a consultative role, the Republic of Ireland now has a say in executive decisions regarding certain issues in Northern Ireland.

The notion that politicians from Northern Ireland would have a role in these meetings has also proved to be an illusion.

Not only does the Anglo-Irish Secretariat live on in another form, but through the all-Ireland implementation bodies it has been given an executive role in Northern Ireland.

Regularly the Republic of Ireland’s Foreign Minister makes announcements about Northern Ireland affairs.



9.4: RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY

“The British Government intends, as a particular priority, to create a statutory obligation on public authorities in Northern Ireland to carry out all their functions with due regard to the need to promote equality of opportunity in relation to religion and political opinion; gender; race; disability; age; marital status; dependants; and sexual orientation. Public bodies would be required to draw up statutory schemes showing how they would implement this obligation. Such schemes would cover arrangements for policy appraisal, including an assessment of impact on relevant categories, public consultation, public access to information and services, monitoring and timetables.”

This statutory obligation on public authorities in Northern Ireland has proved to be inordinately costly. Rather than money being spent on the delivery of public services it is being wasted on futile consultations and meaningless analysis.

“A new Northern Ireland Human Rights Commission, with membership from Northern Ireland reflecting the community balance, will be established by Westminster legislation, independent of Government, with an extended and enhanced role beyond that currently exercised by the Standing Advisory Commission on Human Rights, to include keeping under review the adequacy and effectiveness of laws and practices, making recommendations to Government as necessary; providing information and promoting awareness of human rights; considering draft legislation referred to them by the new Assembly; and, in appropriate cases, bringing court proceedings or providing assistance to individuals doing so.”

The Human Rights Commission is seen by the Unionist community as a pro-nationalist or at best pro-agreement institution which has an agenda alien to the ordinary unionist. There is not a single recognisable person from an anti-



agreement background on the Commission despite anti-agreement unionists representing over 50% of the unionist community.

The Human Rights Commission is also seen as overstepping its statutory responsibilities and involving itself in matters which are properly those of a legislature. Their draft Bill of Rights for consultation turns back the clock on the war against crime and terrorism and contains proposals which are simply bizarre. The Human Rights Commission often gives the appearance of being little more than a publicly funded left-wing pressure group with statutory powers.

“Subject to the outcome of public consultation currently underway, the British Government intends a new statutory Equality Commission to replace the Fair Employment Commission, the Equal Opportunities Commission (NI), the Commission for Racial Equality (NI) and the Disability Council. Such a unified Commission will advise on, validate and monitor the statutory obligation and will investigate complaints of default.”

The Equality Commission has also proved to be an expensive agency which has pushed a pro-nationalist, pro-agreement agenda.

The Equality Commission appears to have become fixated on the removal of Union Flags from Local Government facilities which has fed into the negative image it has in the Unionist community.



9.5: RECONCILIATION AND VICTIMS OF VIOLENCE

“The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. They look forward to the results of the work of the Northern Ireland Victims Commission.”

Despite the promises made to victims the reality has been that victims have been marginalised and former prisoners elevated. Whilst victims have struggled to obtain funding the perpetrators of the crimes have been looked after.

This provision has proved to be very long on words but very short on practical help. As a result many victims have become disillusioned that promises made have not been delivered upon.



9.6: DECOMMISSIONING

“All participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organisations. They also confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement.”

The provisions in relation to decommissioning in the Belfast Agreement were utterly ineffective.

Much as the Ulster Unionist Party has sought to suggest otherwise, these provisions lacked the certainty and clarity which was required.

Also lacking was an effective sanction for failure to comply with the alleged requirement to decommission. The truth has always been that the provision is ineffective precisely because it was designed to be ineffective. If the pro-agreement parties had been serious about creating a provision which required decommissioning by a certain date it would have been easy to draft such a clause.

The failure to bring about decommissioning was not an accident, it arises purely and simply out of failing to include provisions designed to bring it about. As a result of this, countless concessions have been made to republicans in order to induce movement by the IRA.

Five years of u-turns by the UUP have been brought about by their failure to adequately negotiate the Belfast Agreement. Indeed even if the provisions were clear, the failure of an adequate consequence for non-compliance would render them ineffective.

It is not necessary to rehearse the history of the last five years and the efforts to bring about decommissioning to make it clear that this section of the Belfast Agreement has proved woefully inadequate.



9.7: SECURITY

“The British Government will make progress towards the objective of as early a return as possible to normal security arrangements in Northern Ireland, consistent with the level of threat and with a published overall strategy,”

Despite the provisions regarding security in the Belfast Agreement the security of the people of Northern Ireland has been used as a bargaining chip to be traded in the process.

Watchtowers were taken down following the first acts of the IRA putting some arms “beyond use”, despite the fact that there was no indication of what this meant or its extent. This was clearly a politically motivated rather than security related decision.

The test of security arrangements being consistent with the level of threat is a flexible one which the Government have manipulated and abused and potentially will leave people living in border areas vulnerable.

This provision has been used to prioritise political considerations over security ones.



9.8: POLICING

"Its proposals on policing should be designed to ensure that policing arrangements, including composition, recruitment, training, culture, ethos and symbols, are such that in a new approach Northern Ireland has a police service that can enjoy widespread support from, and is seen as an integral part of, the community as a whole."

The most surprising aspect of the provisions of the Belfast Agreement which deal with policing is not that they led to the destruction of the RUC but that the Ulster Unionist Party sought to deny that this was the case.

Declarations after the Agreement that they had saved the RUC were either an attempt to mislead the Unionist population or a dreadful misreading of what they had negotiated.

There cannot be the slightest doubt that the destruction of the RUC can be directly traced back to the Belfast Agreement and the remit agreed by the UUP contained within it. It has led to police morale being at an all-time low and to the police being unable to tackle crime in an effective manner.

The proposal for 50-50 recruitment was originally an Ulster Unionist idea yet now they claim to oppose it.

There can be no doubt that the Belfast Agreement destroyed the force which stood against terrorism for 30 years whilst it elevated terrorists into government and released them from prison.

It appears that it is only a matter of time before Sinn Fein/IRA come on to the Police Board and seek to control the police they once tried to slaughter.



9.9: REVIEW OF THE CRIMINAL JUSTICE SYSTEM

The Review of the Criminal Justice System was another example of stripping the British ethos from Northern Ireland.

Once again Ulster Unionist promises proved to be worthless.

Recommendations included provisions which mean that Courts in Northern Ireland are being robbed of their Royal Symbols and Judges no longer having to swear an oath to the Queen. It is clear that this is another measure to further undermine the British ethos in Northern Ireland.



9.10: PRISONERS

“Both Governments will put in place mechanisms to provide for an accelerated programme for the release of prisoners, including transferred prisoners, convicted of scheduled offences in Northern Ireland

This provision was implemented and terrorist prisoners were released with years of their terms still to serve.

In 1998 the Prime Minister promised:
“Prisoners kept in unless violence is given up for good”

Despite the promises of the Prime Minister, which were sold by David Trimble, terrorists were released.

Indeed David Trimble’s comment that the scheme was dependent on there being a clear end to violence was also grossly in error.



10: CONCLUSION

The Belfast Agreement has provided for devolved institutions which are not accountable to the people of Northern Ireland, are not democratic, cannot exclude the representatives of terrorism, have not provided stable government, and have not provided effective government.

In addition they have proved costly and have entrenched sectarianism rather than reduce it. In short they have not worked.

The Belfast Agreement has not delivered what the UUP promised.

It is time for a new agreement which avoids the mistakes of the past.

CONTACT THE DUP:

For further information on the Democratic Unionist Party and our policies, contact us at:

Ulster Democratic Unionist Party
91 Dundela Avenue, Belfast
Northern Ireland BT4 3BU
Tel: 028 9047 1155
Fax: 028 9047 1797

email: info@dup.org.uk

party web site: www.dup.org.uk

campaign web site: www.dup2win.com

AGREEMENT

...NT IS ABOUT YOUR FUTURE.
...READ IT CAREFULLY.

...details on
IRA spy list

AGREEMENT R.I.P

THE Belfast Agreement was five years old yesterday or should that be five years deceased. It has had more downs than ups. In order to revive this corpse, the Agreement has been rewritten in the time this time with even more concessions than the previous one. Yet one concession is so unlikely to succeed as on the popular celebrity but then a cruel snub to a sad figure on the fringes of society. If it was a car it would look brand new but the bonnet would be a rusted, dilapidated heap. If the Agreement was a circus it would have a clown who only make you cry. The Belfast Agreement is a mark marks its funeral. The only something better.

Bill set to put...

...a pack of cigarettes
going to do nothing to
prevent the horrendous
problems Northern Ireland
has with smuggling.
The budget increase will
be music to the ears of the
border gangs who will once
again be able to fill the
...ies with contraband
...um and F...
...it to No...
...they can buy
...lucky profit...
...ment strat...
...taxes simp

IT'S Y
PLEASE
THIS AGREEMENT
THE
AGR

...PAGE 19
...PROVOS GO BACK ON PLEDGE

back
date of
election





ULSTER DEMOCRATIC UNIONIST PARTY
91 DUNDELA AVENUE, BELFAST
NORTHERN IRELAND BT4 3BU
TEL: 028 9047 1155
EMAIL: info@dup.org.uk

POLICY PAPER 2003

TOWARDS A NEW AGREEMENT:

**DUP ANALYSIS VINDICATED:
A CRITICAL ASSESSMENT
OF THE BELFAST AGREEMENT
FIVE YEARS ON**