



UlsterUnionists

Simply British

Rt Hon Paul Murphy MP
Secretary of State for Northern Ireland
Castle Buildings
Belfast BT4 3SX
23 December 2003

Dear *Paul,*

Thank you for the letter of 2 December 2003 asking Ulster Unionists to submit views in regard to the agenda and conduct of the review provided for in paragraph 8 of the Validation, Implementation and Review section of the Belfast Agreement.

The relevant part of that paragraph reads, "the two Governments and the parties in the Assembly will convene a conference four years after the Agreement comes into effect, to review and report on its operation."

A number of issues arise from this. Firstly the "conference" is to be convened by the two Governments and the parties in the Assembly. It is to be convened by all of those. It is not to be convened by the Governments in consultation with the parties. It therefore would be wrong for the Governments to merely consult and present proposals to the parties on a "take it or leave it basis". This then begs the question of how the Governments and the parties are to take decisions.

Secondly, the Agreement refers to the "parties in the Assembly". At present there is no Assembly: it is suspended. If there is to be a review then it would not be unreasonable to interpret "the parties in the Assembly" as being those parties who have been elected to serve in the presently non-existing Assembly. But this does make the point that having a review without an

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Assembly was clearly outside the contemplation of the parties at the time of the Agreement, if only because there was then no provision for the suspension of the institutions.

This leads on to the third issue. At the time of the Agreement it was assumed that the paragraph 8 review would be held after four years experience of the operation of the Agreement to see if the somewhat novel ideas in the Agreement had worked satisfactorily and amend or fine tune them if they had not. We have not had four years experience of the operation of the institutions. There has been less than three years experience, punctuated by crisis and suspension. This then begs the question of whether there should be a review at all.

The matter is further complicated by your letter of 2 December. In the second paragraph of your letter mention is made of three issues. The second and third of these seem to fall clearly within paragraph 8 of the Review section of the Agreement, but the first, referring to the designation and voting arrangements, in my view goes to the heart of the Agreement. I understand the arguments that the Alliance party wishes to put forward on the matter, and I have some sympathy with them. But it cannot be suggested that there would have been an Agreement without all the provisions for certain matters to be dealt with on a basis that would run across the unionist and nationalist sections of the community. Those provisions, of course, also extend to strands 2 and 3 of the Agreement. Not only is this issue fundamental to the Agreement, it is one whose change would require amendment to relevant legislation. Both these considerations bring this issue squarely within paragraph 7 of the Review section of the Agreement.

Ulster Unionists cannot help noticing that the three issues referred to in the second paragraph of your letter are respectively, an issue raised by Alliance, an issue raised by the SDLP and an issue raised by Sinn Fein. It is entirely characteristic of the Government's approach to matters, which approach has led directly to the current debacle, that the Government is quick to cater to the needs of these parties, even to the extent of stretching the terms of the Agreement, while ignoring the more important concerns of the Unionist community.

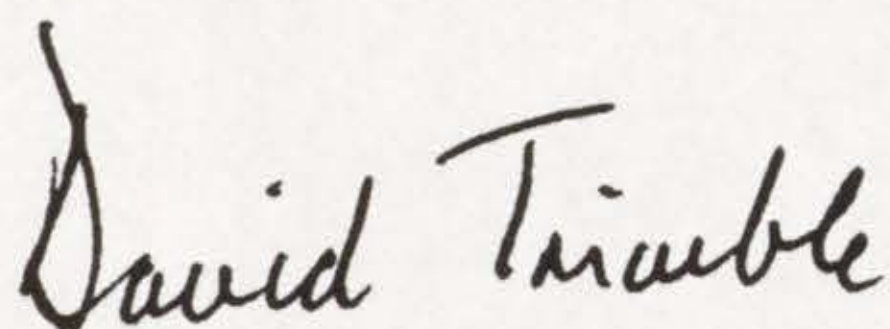
If we were to consider the agenda for a review, we would focus on the failure to vest power in the Assembly, the low level of collectivity in the Executive, the emasculation of the Assembly committees and also refer to a

number of issues concerning the public administration generally, the Civic Forum, the Human Rights and Equality Commissions the Police Ombudsman and a number of government failures to implement the Agreement properly. These and other matters we can discuss in greater detail later.

There is, however, one overriding issue, namely, the issue which has produced the instability in the institutions, the issue which was the direct cause of all of the suspensions, but which, to our incredulity, is not even mentioned in your letter. I refer, of course, to the problem of continuing paramilitary activity and the failure, three and a half years after the due date, to achieve the decommissioning of all paramilitary arms. It is quite inappropriate to conduct the "nuts and bolts" paragraph 8 review while ignoring the real problem, and it would be worse to artificially stretch that review to include that problem alongside a range of comparatively minor issues, which cannot be tackled in practice until the major issue is resolved.

It is our view therefore that rather than a paragraph 8 review, there should be a review, analogous to the so-called "Mitchell review" of 199/2000, but broader based, involving all the parties returned at the election. That review should be short review and focused on the real issue. If that is sorted out, then the Assembly can be resumed and a paragraph 8 review held in the manner and context envisaged by the Agreement.

Sincerely

A handwritten signature in cursive script that reads "David Trimble". The signature is written in dark ink and is positioned above the printed name.

David Trimble