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Alliance Party Submission to the International Body on Decommissioning

This is the full text of the Alliance submission to the International Body chaired by former US Senator George Mitchell.

Introduction

In March 1991, after almost four years of what were described as 'talks about talks', the British and Irish Governments, and four of the Northern Ireland political parties (Ulster Unionist Party, Social Democratic and Labour Party, Democratic Unionist Party and Alliance Party), reached agreement on arrangements for formal negotiations about the future of Northern Ireland. There would be three strands of talks, to address the three most important sets of relationships. The British Government and the four Northern Ireland parties would address the question of the divisions within Northern Ireland, the British and Irish Governments, together with the four parties would address the relationship between Northern Ireland and the Republic of Ireland, and the two Governments would deal with relations between the United Kingdom and the Republic of Ireland, but would keep the four parties informed of these discussions.

Talks were convened, were adjourned without agreement, and new talks were recommenced the following year on the same basis, and with the same participants. More progress was made on this occasion, and the outlines of a possible settlement began to emerge, but agreement was not achieved, and a view began to develop within the Irish Government of the time and the SDLP, that a new process was needed, which would try, prior to the achievement of a political settlement, to bring to an end the terrorist campaigns which had been almost unremitting since 1969. This would facilitate the involvement of Sinn Fein, and perhaps others in new and more inclusive talks. Accordingly the Talks process which had taken four years to establish, and which had been operative on and off for eighteen months, was set aside in favour of a new process.

This new process was predicated on the notion that a set of principles could be established which would be acceptable to unionists and would be agreeable enough to republicans for them to suspend their campaign. The loyalist campaign was stated to be in reaction to republican violence, and so could be expected to remit following a Provisional IRA ceasefire. A period of negotiations between the two Governments ensued, with consultations with the various parties and on 15 December 1993, the two Governments published a Joint Declaration, in which it was agreed that the future of Ireland was a matter for the people of Ireland alone, but that the constitutional position of Northern Ireland would be subject to the consent of the people of Northern Ireland. This Declaration was welcomed by SDLP and Alliance, grudgingly accepted by the Ulster Unionist Party, and rejected by the DUP and Sinn Fein. At the end of August 1994, the PIRA declared a cessation of military operations, and some weeks later the Combined Loyalist Military Command followed suit. In February 1995, the two Governments published Frameworks for the Future of Northern Ireland, two discussion papers on the three sets of relations on which the earlier talks had been based. Again these were welcomed by the SDLP and Alliance, rejected by the DUP and Sinn Fein, but this time also by the Ulster Unionists.

Since October 1994, the Forum for Peace and Reconciliation, convened by the Irish Government under the terms of the 1993 Joint Declaration has been meeting in Dublin, neither Unionist party has attended, but SDLP, Sinn Fein and Alliance have joined with the southern parties to explore ways forward. To date no agreement has been reached on the central issue of consent. All the parties except Sinn Fein have accepted the 1993 Joint Declaration, but no statement has yet been able to be devised on this issue which Sinn Fein feels able to accept.

We describe this background in outline because it is essential to be clear that the process of Inter- Governmental and Inter-Party talks which was established with difficulty in 1991, has now been on hold for three years, in order to find a way to enable Sinn Fein, which represents 10% of the people of Northern Ireland, to join the process. The Joint Declaration whose purpose was to achieve this, has not been found acceptable, nor has any other formulation which would be agreeable to anyone else. This has bred an increasing sense of frustration and distrust all around.

The ceasefires have been most welcome of course. They have led to an economic boost to the whole island, and have given a sense of hope to a community which had only known the unremitting grind of terrorism, and anti-terrorist measures for a generation. There has also been a lowering of the security presence with a removal of the army from the streets, and indeed some troops have been withdrawn from Northern Ireland. On the paramilitary side however there have been consistent attempts to control the people of certain areas through the use of vicious punishment beating and murders, and all moves to decommissioning the significant illegal stockpiles, have been dismissed.

Aware that from the start that this would be a serious problem, we proposed to Prime Minister, John Major in September 1995, shortly after the PIRA ceasefire that both governments should open up channels of communication to those who control the weapons, rather than their political representatives, who were insisting that they were in any case separate organisations. This early appreciation by is of a need to address political progress, and the arms issue separately, ultimately found expression in the launch by the two Governments of a 'Twin-Track Approach' in late November 1995. Prior to the launch of the twin-track we had already published our own proposals for the political track. That document 'Let the People have their Say', proposes elections to All-Party Talks, and should be read in conjunction with this submission. For this reason we are enclosing copies for your information.

The Need for Decommissioning

Illegal weapons pose a serious threat to society, and to peace. In South Africa, where a remarkable political transformation has taken place, the problem of illegal weapons is proving to be most difficult, and at a recent visit to the Forum for Peace and Reconciliation in Dublin, Vice-President De Klerk said that he felt it was an issue which they had not handled well, and that this was now causing serious loss of life and high levels of crime. Since much of the rationale for the three year diversion which we took from the previous talks process, was in order to address the problem of removing the gun from Irish politics, there is an additional political imperative in our own process. Add to this the fact that the republican movement has not yet been able to subscribe to any of the public political statements which have been set out between the differing parties, and it begins to become clear why the decommissioning issue has become such a central obstacle. It has not prevented Alliance from engaging in talks with Sinn Fein or the Loyalist parties, and we have had regular, and worthwhile meetings over the past year, but in all of that time we have failed to make any progress on the arms question.

It is clear that for the majority of people in Northern Ireland, and indeed according to recent polls it would appear that this view is shared by the majority of people in the Republic of Ireland, that the continued existence of illegal weapons undermines the peace process by perpetuating communal fears of a return to violence, and casting doubt on the real intentions of those who say that they have given up violence. This is especially so when there are almost daily prognostications from Sinn Fein of a return to violence in certain circumstances. The retention of illegal weapons suggests a preparedness to return to violence, and presents to those involved a temptation to fall back to violence in the event of political frustration and disappointments.

The fear that such weapons will be used for more common criminal activity has been demonstrated to be well-founded, as evidenced by punishment beatings and recent murders, and the risk that they might fall into the hands of elements opposed to the peace process, must also be regarded with increasing seriousness.

Principles of Decommissioning

[redacted] thinking might be summarised in the following principles:

1. The central importance of decommissioning lies in providing the necessary community reassurance which will facilitate political progress to be made, and a settlement acceptable to all achieved. Changes in security arrangements can be publicly observed. This is not so with illegal weapons. Given the suffering of all sections of the community over the past twenty-five years, and the hurt, anger and fear which are the inevitable residue of that experience, it is vital that the whole community be satisfied that there can be no going back to violence, if trust is to be established, and lasting political progress achieved.
2. There can be no equivalence of paramilitary weapons, and those of the legitimate security services. We do however note, and welcome, the progress which has been made since the ceasefires, in reducing security force levels of deployment, and the clear indications that this process will continue if circumstances permit.
3. If the decommissioning process is to succeed we recognise that sufficient assurances will be required by those involved that they will not compromise themselves by participating in it. This would include legal protections for negotiators.
4. Entering a serious process of decommissioning will not be an easy step for organisations which took great trouble to establish illegal arsenals. It is however necessary to provide proof of their good intentions, to those who necessarily profoundly distrust them. It is also the only way of ensuring that they make an irrevocable choice about their future activities.
5. The issue needs to be addressed now because it is providing serious problems for the peace process already, and potentially fatal problems further along as we engage in crucial and difficult negotiations.
6. The objective must be the removal of all illegal weapons and the standing down of the organisations which have held and used them. While it may be that this is unlikely to happen in a complete or comprehensive way in advance of overall political agreement, steady progress towards that end is essential. A plan or developing menu of action should be constructed to this end.
7. In Ireland the long history of the use of violence for political ends must be brought to an end. The three year detour in the Talks Process would be well worthwhile if as a result of it no future generation could look to this generation for justification of the use of violence as a political instrument.

Methods of Decommissioning

Our observations here are preliminary - more in the nature of a first comment, than of a final word, since we are still conducting discussions with experts.

1. In order to be accepted, the procedures will need to be practical, and regarded as non-threatening to those involved. The actual operation may therefore need to be carried out by an independent international agency. The present commission, or another similar body, would be very suitable, but additional resources, and technical and field staff would be required, and its legal position would need to be adequately defined in both jurisdictions, so that its officers could deal with those possessing illegal weapons, and the weapons themselves, without fear of prosecution or other prejudice.
2. Initial work by this commission, in collaboration with the police and security services in both jurisdictions would attempt to establish expected inventories of materials. Work with the paramilitary organisations involved would need to construct inventories from their records and information. Comparisons could provide some initial verifications.
3. Inspection of stored materials by field officers would provide further verification of fact, and commitment to the process.
4. Physical decommissioning and destruction of armaments and materials could be accomplished by commission field officers, or be carried out in their presence and under their supervision.
5. At this point it is unlikely that useful forensic examination could be conducted.
6. Many people in Northern Ireland have legally held weapons. Some have been acquired for personal security purposes, often on

the recommendation of the police. It would be useful if such weapons could also be taken out of circulation, and consideration might be given to the paying of financial compensation in such circumstances.

Commitments

The Commission is briefed to report on whether there is a clear commitment to decommissioning on the part of those who possess illegal weapons. This is important in reassuring the community on the intentions of these organisations, on both sides. A number of factors are relevant here.

1. The fact of the ceasefires for a substantial period, now in excess of 15 months. Regrettably this must be set beside the continued evidence of punishment beatings, and murders, which are clearly under political control (e.g. they ceased prior to and during the period of President Clinton's recent visit, and then recommenced on his departure).
2. Statements by parties which claim to speak authoritatively for the paramilitary organisations, unequivocally ruling out any justifiable return to violence, or stating that violence could never in the future be seen as a legitimate means to further political end, would clearly be helpful, as would commitments to solely democratic methods, and an acceptance of the principle of consent as described in the 1993 Joint Declaration.
3. Affirmative intelligence assessments on the activities of the organisations involved, may be of assistance.
4. Evidence of authorised representatives engaging in serious and practical work and planning of the modes and details of decommissioning, would show commitment.
5. The production and verification of inventories, and locations would be an important and persuasive indicator of commitment.
6. Site inspections, and ultimately the actual commencement of decommissioning would be a primary indicator of commitment.

Some of these indicators are available to the public. The continuing reality of intimidation and violence against persons will weigh heavily in the public assessment of commitment, and would weigh against the significance of some otherwise persuasive indicators of commitment.

Other indicators will only be accessible to the commission, which will have to reach its own conclusions on the available evidence. This is of most value where it results from direct contact with those who directly control the material. The conclusions of the commission will be important. The strength and value of the conclusions will depend not only on their acceptance by those whose intentions and commitments are being assessed, but on the persuasiveness of the conclusions to the responsible governments, the various political parties, and most importantly, the people of Northern Ireland.

Success in this track of the process will inevitably have implications for the prospects of success in its twin track. We wish the Commission well, and assure the members of our full co-operation and assistance in their difficult task.

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