

B.4

RESOLVING THE ADDRESS TO DECOMMISSIONING

The position of the two Governments

1. The two Governments are resolutely committed to the total disarmament of all paramilitary organisations. They are convinced that the best and only realistic path to this crucial goal lies in the implementation of all aspects of the Report of the International Body. They share the view in the Report that voluntary and mutual decommissioning can be achieved only in the context of progress in comprehensive and inclusive political negotiations. For their part, they give a formal joint undertaking that they will do all they can to ensure that the decommissioning issue is resolved to the satisfaction of the participants as an indispensable part of the process.
2. The Governments acknowledge that the operational and practical implications of securing decommissioning do not affect all of the participants in the same way. Those parties with some record of insight relating to the paramilitary organisations, who alone have the capacity to decommission, have an obvious importance in relation to this agenda, which, realistically, presupposes a fully inclusive process. There are many aspects which, without prejudice to the equal right of all participants to see a satisfactory resolution of the issue, relate specifically or exclusively to the responsibilities of the Governments.
3. The Governments therefore acknowledge a particular responsibility to carry the process forward with energy and determination so as to build confidence without blocking the negotiations. They have

made clear that, building on the commitments in regard to decommissioning entered into by the participants, they would, for their part, work to bring about due progress on decommissioning alongside progress in the substantive political negotiations.

4. The Report of the International Body urged that decommissioning should receive a high priority in all-party negotiations (paragraph 38 and passim). In the view of the two Governments, this should involve:
 - (a) insistence on subscription to and respect for the six principles of the Report by all participants, as a basic requirement to ensure confidence that the negotiations will be conducted on a level and exclusively democratic playing field, and with equal respect for all participants;
 - (b) a commitment by the two Governments to work to achieve the implementation of all aspects of the Report of the International Body, in co-operation with the political parties;
 - (c) provision of structures in the negotiations to ensure that all parties have the capacity and opportunity to have the necessary input as envisaged in the Report;
 - (d) a reporting mechanism so that, as part of the process of reviewing progress in the negotiations as a whole, all participants can be kept fully apprised (by the Governments, the Chairmen, the future independent Commission or others, as appropriate) of developments in this area, in the light of their common interest to have the issue satisfactorily resolved, notwithstanding their potentially different contributions to this goal;

- (e) adequate mechanisms to ensure that the modalities of decommissioning envisaged in the Report can be implemented as needed and that no delay or obstacle is caused by any lack of Government preparation or provision in this respect.
5. The Governments confirm that if any party is invited to join (or rejoin) the negotiations, the Chairmen of the plenary should convene a plenary meeting at the earliest practicable moment. At this meeting the party concerned would be required to affirm its total and absolute commitment to the principles of democracy and non-violence specifically as set out in paragraph 20 of the Report of the International Body.
6. Such a party would, in common with all the other participants, be subject to all the agreed provisions and rules of procedure adopted by the existing participants. For example, the agreements reflected in the conclusions to item 2 of the agenda of the opening plenary will not be open to negotiation by any party who might wish to join the process at a later stage and that party would accordingly be required to affirm its acceptance of the commitments set out therein.

Conclusion of the address to decommissioning

7. On the basis of the foregoing, and in the light of the extensive discussions which have taken place since mid-October last year on the issue of decommissioning, the two Governments have prepared the attached statement of "possible conclusions" on items 2(a)-(c) of the agenda for the remainder of the opening plenary.

8. The two Governments commend these proposals to the other participants and urge their acceptance as a basis for resolving the address to decommissioning as envisaged in the Governments' joint communiqué of 28 February 1996.

POSSIBLE CONCLUSIONS ON ITEM 2(a)-(c) OF THE AGENDA FOR THE
REMAINDER OF THE OPENING PLENARY

The participants in the multi-party negotiations have, since mid-October 1996, comprehensively debated the International Body's proposals on decommissioning, and a range of other proposals on this subject. All participants have had full opportunities to set out their position in writing; to explain that position in oral presentations; to question other participants about their proposals; and to discuss the issues in plenary, in meetings with the Independent Chairmen and in a range of bilateral and multi-lateral meetings with other participants.

In completing their consideration of item 2 of the agenda of the opening plenary, the participants have agreed the following conclusions. They note that any party invited to join (or rejoin) the negotiations would need to affirm its acceptance of the commitments set out below.

Commitments

1. The participants, recalling their total and absolute commitment to the following principles set out in paragraph 20 of the Report of the International Body:
 - (a) to democratic and exclusively peaceful means of resolving political issues;
 - (b) to the total disarmament of all paramilitary organisations;
 - (c) to agree that such disarmament must be verifiable to the satisfaction of an independent commission;

- (d) to renounce for themselves, and oppose any effort by others, to use force, or threaten to use force, to influence the course or outcome of all-party negotiations;
- (e) to agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and,
- (f) to urge that "punishment" killings and beatings stop and to take effective steps to prevent such actions;

agree that there should be an immediate and total end to violence in Northern Ireland, and that they will work to achieve the earliest possible decommissioning of all paramilitary weapons.

2. Although individual participants would prefer to see the implementation of their own proposals, they have collectively come to acknowledge that the Report of the International Body offers the only realistic basis on which to proceed. Accordingly, the participants each hereby commit themselves to work constructively and in good faith with the Governments in their efforts to secure the implementation of all aspects of the Report of the International Body, including the compromise approach to decommissioning envisaged in paragraphs 34 and 35.
3. The participating parties welcome, as an important step towards the implementation of the Report of the International Body, the enactment of appropriate enabling legislation in the two Parliaments which will provide the statutory basis for giving effect to the

International Body's recommendations on the modalities of decommissioning.

4. The participants also commit themselves to work constructively and in good faith with the Independent Commission described below, once it is established, to enable it to carry out its role in the context of an inclusive and dynamic process in which mutual trust and confidence is built as progress is made on the issues of concern to all participants. They invite the Independent Commission to draw their attention to any case where the Commission consider that a participant has failed to engage with the Commission in accordance with this commitment.

Mechanisms

5. The participants agree that:
 - the mechanisms for achieving further progress on decommissioning alongside progress in the three strands should comprise an Independent Commission and a Committee of the Plenary. To enable that Committee to deal, as necessary, with all aspects of the Report, it should have two sub-Committees dealing with decommissioning and with developments in relation to other confidence building measures respectively. The respective roles and responsibilities of the Commission and the Committee should be as set out in the attached annex;
 - these mechanisms should be formally established on the launch of the three-stranded negotiations and should begin work simultaneously with the commencement of substantive discussions in the three strands;

- the business of the opening plenary, including (agenda item 4) the launch of three stranded negotiations, should be completed not later than the end of July;
 - the three strands of substantive political negotiations should commence substantive discussions on 15 September;
 - the Chairmen, in consultation with the Business Committee, should make all necessary preparations for the effective conduct of those substantive negotiations;
 - in order to advance work and make the maximum use of the opportunities ahead, the participants themselves undertake to make all necessary preparations for substantive negotiations, including through preliminary discussions with other participants where mutually helpful.
6. The Report of the International Body envisaged mutual progress on political issues and decommissioning as helping to create a progressive pattern of mounting trust and confidence. With a view to encouraging this, the participants also agree that the Chairman of the Plenary should convene a meeting of the Plenary every two months, or such longer period as may be agreed, to review and consider developments across the negotiations as a whole (including the three strands, decommissioning and other confidence-building measures). These meetings will offer all participants the opportunity to review progress across the entire spectrum of the negotiations and to consider whether the necessary confidence and momentum towards agreement is being sustained.

7. The participants also hereby invite the Independent Chairmen as a group to keep overall progress in the multi-party negotiations as a whole under review and to offer their judgement from time to time on the need for progress on particular issues if confidence and momentum towards agreement is to be sustained.

1. Independent Commission

An Independent Commission shall operate in both jurisdictions with appropriate immunity as provided for under the legislation on decommissioning enacted by the British and Irish Parliaments. It shall be furnished with independent legal and technical advisers and, where appropriate, shall be given access to the technical expertise of the British and Irish Security forces.

Responsibilities

- to consult with the Liaison sub-Committee on Decommissioning, both Governments, and others whom it deems relevant on the type of scheme or schemes for decommissioning, including the role of the Independent Commission in respect of each scheme;
- to present to both Governments proposals for schemes having due regard to the views expressed by those it has consulted;
- to undertake, in accordance with any regulations, schemes or arrangements made under the relevant legislation, such tasks that may be required of it to facilitate, observe, monitor and verify decommissioning and to receive and audit arms; and
- to report periodically to the Liaison sub-Committee on Decommissioning and to both Governments.

2. Committee of Plenary

A Committee of Plenary shall be established comprised of representatives of all participants in the negotiations. It shall be chaired by the Chairperson of the Plenary and will report regularly to the Plenary. It shall have two sub-Committees reporting to it, a Liaison sub-Committee on Decommissioning and a Liaison sub-Committee on Confidence Building Measures, with the following responsibilities:

(a) Liaison sub-Committee on Decommissioning

The sub-Committee will be charged with assisting the implementation of all aspects of decommissioning as set out in the Report of the International Body. In particular it will be required:

- to consider the type of scheme or schemes for decommissioning and the role of the Independent Commission in respect of same;
- to consider proposals for such schemes drawn up by the Independent Commission and to submit any agreed opinion on these proposals for consideration by the Commission;
- to consider any regulations or schemes to be made by the two Governments under the relevant legislation.

(b) Liaison sub-Committee on Confidence-Building Measures

The sub-Committee will be charged with assisting the implementation of all aspects of the Report of the International Body relating to the further confidence building measures mentioned in that report which participants may raise, and any others which may be referred to it, by agreement, by the plenary. In particular it will be expected:

- to consider developments in relation to such measures;
- to consider any reports on such measures as may be submitted by those with responsibility for the issue in question;
- to draw to the attention of the Chairman of the relevant strand any institutional or systemic implications which may arise from its consideration of particular confidence building measures.