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ULSTER UNIONIST PARTY

10 July 1997

The following are the matters on which we have sought clarification concerning the position paper entitled "Resolving the address to decommissioning". Some of the points relate to the Aide Memoire given to Sinn Fein on 13 June 1997, as these are inextricably linked with the position paper.

CLARIFICATION REQUESTED

There are concerns about the definition of a genuine cease-fire. Different language has been used from time to time. Can we be assured that a genuinely complete, permanent and universal ending of violence will be insisted on? Will there be consultation with us, and others, about the interpretation of any cease-fire and about any invitation to Sinn Fein to enter the talks? In any event there is in our view no need to give Sinn Fein any further time. The murders and attempted murders since they received the Aide Memoire are answer enough.

We consider that the suggested 6 week period for assessment of the cease-fire is a mistake. Surely the crucial issue is not the passage of time, but whether the cease-fire possesses the requisite quality as set out above?

The Aide Memoire makes it clear that immediately after a cease-fire Sinn Fein would have access to Ministers, the Independent Chairmen and to the talks building and could hold bilateral meetings with other parties. This is not consistent with the idea of assessing whether the cease-fire is genuine. This amounts to immediate involvement in talks as experience has shown that the bulk of the work takes place away from the Plenary. How can there be participation in the talks before an invitation by the Secretary of State under the Act? Or are there two periods one to assess the cease-fire followed by a six week period?

There needs to be a clear understanding that there will be parallel disarmament. The coy reference to paras 34 and 35 of the Mitchell Report needS to be amplified to make it clear that all parties are committed to a properly scheduled disarmament programme during talks and that it is precisely this that the governments are promising to the parties to secure. The governmental commitment to bringing about "due

progress on decommissioning" must be clarified in the above sense, ie that the governments are committed to bring about actual disarmament alongside substantive talks.

It must be clear that the procedures in "possible conclusions" cannot be used to block actual decommissioning of weapons as distinct from merely talking or negotiating about decommissioning.

It has been suggested that the committee will discuss the way in which decommissioning alongside talks will be done including a possible timetable. This, however, raises the question as to whether the committee has any function with regard to decommissioning. It would be a very serious problem if it did. The committee should meerely be a sounding board and a conduit for information.

Under the Talks procedures there cannot be a sufficient consensus unless there is agreement by, inter alia, a majority of unionists, a majority of nationalists the British government and the Irish government. Consequently any one of these four could veto any agreement in the committee. As we suspect that some are reluctant to see Sinn Fein embarrassed by a request to hand in any weapon, then these procedures could be used to block permanently any actual disarmament. It was for this reason that we have steadfastly opposed giving the committee any function other than being a mere conduit for information.

The terms of reference of the committee as set out in the "possible conclusions" paper are ambiguous. While "consider" can imply that no particular function has to be discharged, "charged with assisting the implementation" implies that there are things the committee must do. It is essential that the committee is deprived of any ability to block progress on actual disarmament.

There is a need to avoid unnecessary delay. Some delay is implicit in "possible conclusions". That paper suggests that, while formally established on the launch of the three stranded negotiations, the Verification Commission would not actually commence work until those negotiations began. The Commission's responsibilities as set out in the Annex implies that several months would then elapse before the Commission would be in a position to actually receive any weapons or supervise their destruction.

This would be completely unacceptable. It is essential that the Commission is set up and running. The Commission must be operational immediately. Substantive talks cannot occur until the Commission is in a position to receive arms. Consequently "possible conclusions" will have to be clarified

in such a way as to reflect the Secretary of State's commitment that there will be no delay and to ensure that there is no possibility of obstruction.

Setting up the Commission will take time. We have repeatedly asked whether the Governments have yet identified any possible members of the Commission. They have still to consult with us as to the possible members or structure of the Commission. Such consultation is indispensable.

The Parliamentary timetable may also be a problem. The Commission can only be established by a statutory instrument after consultation between the British and Irish Governments. Has that consultation taken place? When will the statutory instrument be made?

The Decommissioning Schemes also require legislative procedures. When will the necessary Order or Orders be made as respects the United Kingdom? In the Irish Republic the scheme must be made by Regulation. Can we be assured that there will not be delays with regard to the Regulations?

How in the light of the above can the timetable in the Aide Memoire be kept?

There is also a need for a clear timetable for disarmament. It is wholly inconsistent for there to be a timetable for the negotiations without an equivalent timetable for disarmament. Such a timetable cannot be left until after Sinn Fein has joined the process for then disarmament will not be parallel.

The review mechanism envisaged by "possible conclusions" requires clarification. The essence of the idea was that on such a review there would have to be a consensus or sufficient consensus for progress beyond the review, so that if there had been no, or insufficient, progress on actual decommissioning the talks would automatically halt and remain halted until the necessary confidence had been restored. The wording of para. 6 of "possible conclusions" must reflect this more clearly.

In addition while two months may be an appropriate period to review a process once started, it is too late for a first review. The object of the exercise is to create and maintain confidence. Such confidence cannot be created if there is no actual disarmament or it comes too late. We need to create an effective mechanism on or about the point of entry to ensure that confidence is created.

Sinn Fein must not be allowed to deny its connection with the IRA. Sinn Fein is only admissible on the basis of a clear commitment to disarmament by the IRA. In this respect the commitment in para. 2 of "possible conclusions" needs to

be clarified. A bald reference to "the compromise approach ... in paras. 34 and 35" is insufficient. It should be clear that the commitment is to parallel disarmament and that Sinn Fein must commit itself to secure such disarmament from the IRA.

Moreover, it must be made clear that Sinn Fein will give a commitment to the absence of violence and the threat of violence from the Republican movement. The genuine difficulties encountered by Loyalists from defections and splinter groups must not be allowed to generate a flag of convenience for the IRA. It is necessary that the parties be assured that Sinn Fein would be excluded from the talks in the event of IRA violence.

The precise location of "confidence building mechanisms" needs to be defined. Those of an institutional nature should be located in the appropriate strand. The reference mechanism in the final paragraph of the Annex needs to be revised, at present it wrongly gives the "subcommittee precedence over the strands.

In any event the structure is unnecessarily complex, with a committee and two sub-committees. The committee has no function apart from the sub-committee and so one must ask it needs to meet if not to balance the "progress" on disarmament against the "progress" on other issues. This would tell the world that weapons are being traded for other concessions. Two committees would be preferable.

Finally, we refer to the commitments in position paper of the two governments, namely

> "1. The two Governments are resolutely committed to the total disarmament of all paramilitary organisations."
> "4 ...this should involve:
> (e) adequate mechanisms to ensure that the modalities of decommissioning envisaged in the Report can be implemanted as needed and that no delay or obstacle is caused by any lack of Government preparation or provision in this respect.

The assurances we need merely build upon those commitments. It is essential that confidence is created in their determination to fulfil these commitments. At present that confidence does not exist and there is little prospect of progress until it is created.

While there are many issues where a joint British/Irish response would be adequate, it would be helpful if our party and the Irish government could come to a better understanding of each other's thinking in order to facilitate our possible future co-operation on these difficult and sensitive issues.