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MEETING OF LIAISON SUB-COMMITTEE ON DECOMMISSIONING WEDNESDAY 14 JANUARY 1998 (1000)

CHAIRMEN:

Senator Mitchell
Mr Holkeri

THOSE PRESENT:

International Independent Commission
British Government
Irish Government

Alliance
Labour
Northern Ireland Women's Coalition
Progressive Unionist Party
Sinn Féin
Social Democratic & Labour Party
Ulster Democratic Party
Ulster Unionist Party

1. The Chairman opened the meeting and sought approval of the record for 25 November 1997. There being no objections, this was approved. The Chairman said that the Independent International Commission on Decommissioning had circulated to participants before Christmas proposals for two decommissioning schemes for their comments prior to submitting them to the two Governments. The Chairman proposed that the Commission, whose members were present, introduce their proposals. After this the Chairman would invite the two Governments and the participants to give their comments. He would then ask the Commission to state how it intended to proceed with its mandate.
2. The Chairman of the Commission referred to its functions. It was tasked to consult with the participants in the negotiations, including the

two Governments, and others deemed relevant by the Commission, on the types of scheme or schemes to give effect to decommissioning. The Commission would then present to the two Governments proposals having due regard to the views of those consulted. The Commission was mandated by the Procedural Motion of 24 September 1997 'to consider the type of scheme or schemes for decommissioning and the role of the Independent Commission in respect of the same,' and 'to consider proposals for such schemes drawn up by the Independent Commission and to submit any agreed opinion on the proposals for consideration by the Commission.'

3. The Chairman of the Commission said that on 15 December 1997, following extensive consultation with the participants, the two Governments and their security forces, the Commission had circulated elaboration's of two of the original proposals contained in its Initial Report, which it considered offered the greatest chance of successful implementation. The Chairman of the Commission noted that no detailed decommissioning scheme is yet in place, but stated that the Commission is nonetheless ready to carry out acts of decommissioning on a case by case basis at anytime.

4. The British Government thanked the Commission for its presentation, and expressed the importance it attached to being represented at ministerial level at the meeting. The British Government welcomed the Commission's proposals, and thanked the Commission for its rapid work in fulfillment of its obligations under the Procedural

Motion of 24 September 1997 and the Governments' Decommissioning Agreement of 26 August 1997. The British Government said that the Commission had concentrated on developing proposals for the two methods of decommissioning which it considered most likely to be successful - provision of information leading to discovery of arms and self-destruction, but had not ruled out other options. The British Government said it was happy to respond to any point of detail which any of the other participants wished to raise.

5. From the British Government's point of view, the Commission's work represented proposals from which decommissioning schemes could be quickly drawn up. Decommissioning was an important issue, which the British Government intended to pursue in a serious, determined and purposeful way. There remained work to be done in making schemes. The British Government said it was vital to tie any proposed methods of decommissioning into the existing legislative framework. Work on this had already begun. The British Government said it looked forward to hearing the views of others, and the Sub-committee would have an opportunity to consider the decommissioning schemes. The British Government emphasised its commitment to the total decommissioning of all paramilitary arms. It said it had witnessed in recent weeks the use of some of those weapons to inflict yet further pointless suffering on people in Northern Ireland. The British Government said it remained determined to use every channel open to it - through the work of the security forces or through arrangements for voluntary decommissioning - to decommission

paramilitary arms. It said the Commission's proposals represented another valuable step in that direction.

6. The Irish Government thanked the Commission for the proposals it had tabled and for its presentation. It said the Commission's commitment had enabled it to draw up proposals after consultation with all of the parties represented on the Sub-committee, and to circulate them before Christmas. The tabling of these proposals meant that the Commission had taken another important step in discharging its mandate.

7. The Irish Government welcomed the proposals, which it believed provided a good and workable basis for preparing the regulations which would be required under Irish legislation to provide for decommissioning schemes. It said the Commission's proposals were based on two of the methods of decommissioning identified by the International Body - namely, the provision of information to the Commission leading to the discovery of arms for subsequent destruction, and the destruction of arms by those holding them - which the Commission had previously identified as being those with the greatest likelihood of being used. By concentrating on those methods, the Commission had helped to focus work so that efforts could be concentrated in the most effective way on what now needed to be done.

8. The Irish Government said it was ready to proceed on the basis of these proposals. It said it wished to take account of any agreed opinion, views or comments which participants in the Sub-committee might wish

to offer. Taking that work forward would involve preparation of the regulations necessary to give the proposals effect in accordance with its Decommissioning Act, 1997. It said that work on the drafting of those regulations had already begun and was based on the proposals the Commission had made. The Irish Government said it would envisage those regulations making provision for both methods which the Commission had identified and providing the Commission with the flexibility it regarded as both necessary and desirable for making arrangements for individual decommissioning events. The Irish Government said it also envisaged those regulations enabling any support being provided by the Garda Síochána and the Defence Forces, or from outside the jurisdiction. The Irish Government continued to have a strong preference for the involvement of its own security forces.

9. The Irish Government repeated that it was anxious to take account of any agreed opinions or views which the Sub-committee might wish to offer in finalising the regulations. The Irish Government said it would progress that work as quickly as possible so that those regulations could be made available to the Sub-committee before being made. This would enable participants to have an opportunity to comment and offer views on them prior to their being finalised.

10. The Irish Government thanked the Commission for its proposals which it believed represented a further important step in securing the decommissioning of illegally held weapons on the island. Moreover, it said the proposals provided a good basis for taking the work of the Sub-

committee forward in a practical and effective way. The Irish Government said it had long believed that progress on decommissioning could not be divorced from the need to secure political progress in the negotiations. The Irish Government hoped that developments in recent days would mean that progress could now be achieved in both the negotiations as a whole and on decommissioning.

11. Alliance said it welcomed the presence of the Irish and British Ministers and the Independent International Commission on Decommissioning. It said it had already circulated its comments on the Commission's proposals which, it believed, provided a sound basis on which to proceed, and it hoped the two Governments would now act rapidly. Alliance said it had considerable reservations about overall progress. It said there would be no decommissioning unless there was engagement from those holding arms. It asked the Commission whether it had been in contact with any of the paramilitary organisations. Given the events of the past few weeks this was an important matter that had to be addressed.

12. The Chairman of the Commission said that one of the three paramilitary organisations had nominated a representative to speak for it on decommissioning; the other two had not yet done so, though it had received information from these organisations. It had been guided by this information in its choice of decommissioning proposals. The Chairman of the Commission said that it was not in a position to report any

indication of an early intent to decommissioning by the paramilitary organisations; nor had these organisations ruled decommissioning out.

13. Labour indicated that it did not have a comment to make at this time. The NIWC welcomed the Commission's proposals, and the fact that the paramilitary organisations were in contact with it. The party said it was up to all parties to ensure the negotiations succeeded and to encourage the paramilitaries to decommissioning as a confidence building measure. Decommissioning was a voluntary action and progress in the negotiations was needed.

14. The PUP said it had spoken with the Commission. It said that it supported, in principle, the removal of all illegal war materials from society. It said there was a lack of confidence in the wider community, as everyone had seen over the past few weeks. The party said that decommissioning was not going to happen quickly. What was needed was a decommissioning of mind-sets, especially those in this room, noting that decommissioned weapons could be easily replaced. Confidence needed to be built in civil society; confidence building measures had to be given by each community rather than merely demanded as was the case now. The party said it was dismayed that people were not listening to what they were saying about decommissioning. In October 1997 the UVF and Red Hand Commandos had appointed a representative as sole spokesperson on decommissioning. The PUP said that other parties should show the same honesty.

15. Sinn Féin said its objective was a peace settlement that would bring about the demilitarisation of society. Only with progress on a range of issues, such as prisoners, would this be possible. It said the decommissioning schemes appeared to be reasonable and practical, but first everyone had to achieve the circumstances that would enable decommissioning to occur.

16. The SDLP welcomed the proposals and the briefing the party had received from the Commission before Christmas. It hoped the remaining preparatory work would proceed quickly, and that they would soon be in a position to consider paragraph 34 of the Report of the International Body, which said that some decommissioning would take place in the course of negotiations. The SDLP hoped to see some indication of the likelihood of this happening. The party said they were about to enter substantive negotiations on the key political agenda, and other confidence building measures. It would be appropriate to move forward on all issues in tandem. As in other areas, the creation and maintenance of confidence would have an impact on the realisation of the decommissioning schemes.

17. The UDP welcomed the Commission's proposals and stated that it remained dedicated to the removal of all illegal weaponry from society.

18. The UUP welcomed the presence of the Commission and the Irish and British Ministers. It also welcomed the co-operation of the Garda Síochána and the Irish Defence Forces with the Commission. The party said it was surprised that specific regulations were not in place, and asked

if progress on them was at an advanced stage. It was reassured at the Commission's statement that it could facilitate individual acts of decommissioning at any point. The UUP said it had every confidence in the professionalism of the Commission. However, it wished to emphasise the need for proper methods of verification. The party said there had been political progress - participants had been talking for some 18 months. The Heads of Agreement paper represented political progress, and had been widely acclaimed outside the talks.

19. The UUP said the Report of the International Body had outlined a twin track or parallel process of negotiations and decommissioning. It said there had been no progress in spirit by the paramilitary organisations or their representatives, and was disappointed that only the PUP had indicated that it spoke directly for a paramilitary organisation. It was incumbent on the other two political parties with links to paramilitary organisations to do the same, although this in itself would not be enough. The party referred to previous comments by a Sinn Féin delegate that participation in the talks was a tactic. There needed to be tangible evidence of a willingness to disarm, and to disband illegal organisations. If this did not happen it would be difficult to maintain public confidence, or that of the UUP.

20. The UUP said the decommissioning issue could not stand still while the negotiations moved forward. What was needed was a move away from the use of violence. It was fallacious to argue that decommissioned arms could be replaced. If there was a genuine move

away from violence replacement would not happen. The UUP said it would have difficulties with the Sub-committee if there was not a clear channel of communication between the Commission and the paramilitary organisations. It was disappointed there had not been progress in identifying what was common to each in terms of decommissioning. It dismissed a pro rata approach to decommissioning on the grounds that the paramilitary organisations did not have the same amount of arms, and called for a categorisation of the weaponry and explosives held by each.

21. The UUP said there was little difference between the situation the Sub-committee was in now, and that which had pertained at the time of its first meeting. The party accepted the necessity to concentrate on administrative and operational points, and stressed the need to protect the personnel of the Commission and its agents. Accordingly, it called for a commitment from the paramilitary organisations not to attack the Commission or its agents under any circumstances during the course of their work.

22. The Chairman then asked the Chairman of the Commission if he would describe what the Commission's future plans might be in relation to carrying out its mandate and give an assessment of when he thought the Sub-committee should next meet.

23. The Chairman of the Commission thanked the participants for their helpful comments on the two schemes. Given these the next step was to quickly sign both schemes over to the Governments for their action.

Beyond this the Chairman of the Commission said that it was the Commission's intention to concentrate on further operational aspects of the schemes in respect of a number of areas such as public safety, standard operating procedures etc. The Chairman of the Commission said that work had already commenced on the operating procedures, as had consultations with the security forces in both jurisdictions on the type of equipment required to decommission weapons and explosives and whether commercial or public facilities were available. All these details had to be put into effect so the Commission would continue to consult with the security forces in each jurisdiction and with the participants at the talks.

24. The Commission would continue to remain open to requests for information from the participants at any time. It would also attempt to widen its contacts with the paramilitary organisations as the UUP had suggested, though it had to be remembered that information had been passed to the Commission from those two parties who had not yet nominated a contact individual. The Chairman of the Commission said it had indeed looked at the categorisation of weapons and had had discussions with the security forces on how these different categories might be best dealt with from a decommissioning aspect. The Commission had had a very useful visit to County Wicklow and a visit to Ballykinlar was also proposed soon. As to the issue of the safety of Commission staff, this of course was of concern to it but so was the issue of public safety.

25. Regarding a point raised by the NIWC, the Chairman of the Commission said the Commission's obligation was to put in place schemes for decommissioning but at the end of the day it was up to the paramilitary organisations themselves to decide (depending on progress at the talks and/or public pressure to do so) whether and when they would sanction decommissioning. The Commission would continue to put all measures in place but it was as much if not more so about the decommissioning of mindsets which needed to be addressed through public pressure. As to the scheduling of the next Sub-committee, the Chairman of the Commission said that, by mid February, it should have completed all the detailed operational planning and this might present an appropriate opportunity for a further meeting. Furthermore both Governments should, by then, have taken the necessary action on the schemes and may also have something to report. The Chairman asked if there were any objections to the next meeting being left at the call of the chair.

26. Alliance said it hoped the next meeting would not be unduly delayed. The Chairman said he expected the Commission would be proceeding as rapidly as possible. The British Government said the Commission's comments had been helpful. Delay was unwelcome. The suggested timetable of mid February was satisfactory to it. The UUP said it was content to go along with the best professional advice from the Commission. The party said, however, that it wished to see progress reported at the next meeting on both the mechanics and the substance of the issue.

27. The Irish Government said it wished to compliment the Commission on the work program it had mapped out. This was ambitious and it looked forward to making progress on the substance. With regard to the regulations, the Irish Government said it had begun to look at these and to embark on a detailed process of marrying these to the existing legal framework. It said it would aim to have the draft regulations available for the next Sub-committee meeting to enable the latter to view them and provide comment. The Irish Government said it was necessary to ensure sufficient flexibility in those regulations to take account of any further schemes or proposals which might develop quickly during this period. The mechanics of this process were important and it was vital that the connection between the existing legislative background and ongoing consultation between the Governments and the Commission was maintained.

28. The PUP said it was somewhat surprised by earlier comments alluding to moving forward on this issue with no undue delay. The talks process had taken a considerable period of time agreeing the Rules of Procedure last year but now it appeared to want to rush decommissioning. The harsh reality of the situation was that the murders of Wright and Enright had been carried out by people who had no political representatives at the process ie the INLA and LVF respectively. The PUP said that, in recent weeks when the process itself had presented little progress to the public, time was needed to convince people that the talks were going in the right direction. There had also been quite a lot of nasty

things said about the process from some constitutional politicians. Given this the party said that while it was important to get on with the issue speedily, it was also vital that no mistakes were made in moving forward too quickly.

29. Alliance also referred to the added difficulties of recent weeks. The party said these same events raised concerns that decommissioning needed to be dealt with in a quick and reasonable manner. Alliance said it fully acknowledged the PUP's contribution to the issue and the Commission's work to date. What was needed now was some serious engagement on the matter from the paramilitary organisations since there was an element of urgency building with the talks timetable running out in the spring. The party said that while there were other confidence building measures tied to the process, decommissioning was a significant component and participants needed to see progress on the substance of the issue as well as on the technical dimension. With this in mind, Alliance said it wished to appeal to all those in the community who had influence with the paramilitaries to try and persuade them that decommissioning had to be a reality if progress was to be made.

30. Sinn Féin said that there were military mindsets in some of the constitutional politicians as well. The party had heard clear incitement from such people over the Christmas period. Sinn Féin added that it again totally refuted the UUP's earlier reference to what one of its members allegedly said in Cullyhanna last year. The party didn't need anyone else to clarify its own words. It knew what it had said and the

interpretations of others were simply inaccurate. Sinn Féin said that everyone had to create the conditions in which decommissioning could take place. Everyone needed to demonstrate that they were willing to do this. The party's presence at the talks was as a result of its democratic mandate, not as a result of having guns at the table - a position which some UUP participants had difficulty with. The Chairman asked for any further comments and added that he had overlooked the approval of the record of 17 November. Hearing no objections, the record was approved.

31. The UDP referred to Alliance's earlier comments regarding participants' commitment to decommissioning. The party said it was fully committed to the task but it was not as easy as Alliance made out. The party had been working for seven years to bring decommissioning about but it also needed actual assistance from those who sat on the sidelines and sniped at it. The party said Alliance also seemed to be saying that progress in the talks was dependent on decommissioning. Alliance responded and said this was not the case. It did, however, see a link between the decommissioning of illegal weapons held by paramilitary organisations and the release of prisoners. The PUP said Alliance was playing a dangerous game by creating political hostages out of prisoners. Prisoners were a separate issue. In the party's view everyone involved in the situation over the last 27 years was responsible for the position prisoners found themselves in. Decommissioning and prisoners were different issues and prisoners shouldn't be held back as a result of a lack of decommissioning. It also had to be remembered that many prisoners already released were now providing considerable input

and assistance to their communities in trying to put an end to the violence and give the political process a chance.

32. The NIWC said it supported the Chairman of the Commission's proposal for a meeting in mid February. It also supported the Irish Government's point about ensuring that all the i's were dotted and t's crossed. It was important to get the technical side right the first time and hence dangerous to push this forward too quickly. Alliance said it didn't go along with the PUP's assertion that it was creating political hostages. Prisoners were in prison for their actions, not beliefs. The fact of the matter was that there were demands for the early release of prisoners, but yet there could be little confidence in the community for this unless some decommissioning occurred. The Chairman asked for any further comments. The Commission said it was getting its work done. It had taken the necessary steps, and got people and mechanics together to facilitate decommissioning, but it depended on those around the room to make it happen. It wouldn't occur just because the Commission was there.

33. The Chairman, on hearing no further comments, adjourned the meeting at the call of the Chair at 1118.

Independent Chairmen Notetakers
19 January 1998