

INDEPENDENT INTERNATIONAL COMMISSION ON DECOMMISSIONING

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PROPOSAL FOR A DECOMMISSIONING SCHEME BASED ON PROVISION OF INFORMATION LEADING TO THE DISCOVERY OF ARMS FOR SUBSEQUENT DESTRUCTION

I. ELEMENTS COMMON TO DECOMMISSIONING SCHEMES

1. Decommissioning Methods The International Body proposed four methods of decommissioning illegal arms¹. These common elements are likely to apply to any decommissioning based on these methods.
2. Application The decommissioning process we envisage will be directed principally at arms held by paramilitary groups engaged in the ceasefire.
3. Decommissioning Event A decommissioning event will be one which has been agreed between a paramilitary group (or its representative) and the Commission or the designated representatives² of the Government concerned.
4. Role
 - a. The Commission would have a role to play in each decommissioning event which could include the following:

- (1) To supervise or review the decommissioning event to its full satisfaction;

¹ Arms or armaments means those items defined in the relevant legislation of each jurisdiction.

² The term 'designated representatives' is defined in the legislation as persons designated by the Minister of Justice, Equality and Law Reform, and by the Secretary of State, respectively.

- (2) To account for and document the decommissioned arms until their destruction and disposal;
 - (3) To guarantee the immunity and integrity of the decommissioning event by ensuring the application of the statutory prohibition on forensic testing of arms; and
 - (4) To inform the Governments of the progress on decommissioning.
- b. In a decommissioning event in which the principal role is to be conducted by designated representatives, the role of the Commission may also include acting as a point of contact between the designated representatives and the paramilitary group concerned.
 - c. In a decommissioning event in which the principal role is to be conducted by the Commission, it may be assisted by either the security forces or by personnel invited by the two Governments from outside Ireland or the United Kingdom.
 - d. Security forces may be involved in the following capacities:
 - (1) To address public safety concerns, e.g. provide security around the decommissioning site, during transportation of explosive substances and around the possible arms storage site;
 - (2) In the absence of an outside authority/expert team, to have their EOD experts on site to check the arms and their condition;
 - (3) To provide communications and emergency medical services; and
 - (4) In the absence of an outside expert, to destroy or assist in the destruction of arms.
 - e. In the event that outside representatives³ are needed, this would require that the necessary personnel be identified, trained and familiarized with the local situation.

5. Amnesty

- a. The period of amnesty will be determined in accordance with the pertinent legislation and regulations. It should begin from the moment when the relevant regulations/schemes come into force, and should last for a definite period of time. It should be renewable (or revocable) based on the recommendation of the Commission and the approval of the two governments.
- b. The Commission believes that the amnesty provisions should be capable of coming into operation from the time that the paramilitary group or its authorized representative makes a serious contact regarding a specific event with the Commission for the purpose of decommissioning specific arms.

³ 'Outside representatives' are defined as those personnel from countries other than the United Kingdom and Ireland who are invited by the Governments of the United Kingdom and Ireland to assist in the decommissioning process.

6. Provision, consistent with the legislation, should be made in each jurisdiction to facilitate any decommissioning event that takes place before the period of amnesty referred to in paragraph 5.a. above is implemented.
7. Location The locations at which decommissioning may take place include:
 - a. Installations belonging to the security forces in both jurisdictions, designated by them as appropriate for the transfer, handling, storage or destruction of arms;
 - b. Locations, excluding those mentioned in para 6.a. above, identified in both jurisdictions as being suitable for the safe transfer, handling, storage or destruction of arms;
 - c. Commercial enterprises or facilities approved by the authorities in both jurisdictions, for the safe destruction and/or disposal of arms;
 - d. Locations proposed by paramilitary forces for the transfer, handling, storage or destruction of arms and approved by the Commission having due regard to public safety; and
 - e. Locations in which arms are presently held.
8. Transportation of Arms Transportation of arms, as part of a decommissioning event in which the Commission takes the lead, should only take place if it is agreed by the Commission having due regard to the requirements of public safety.
9. Destruction Destruction and disposal involve:
 - a. In the case of weapons, their being rendered unusable as weapons by methods such as cutting, bending, chipping, stamping, and grinding and the disposal of the residue; and
 - b. In the case of ammunition, explosives, detonators, explosive devices and explosive ingredients, their burning, firing, detonation or disposal by other means in locations referred to in paragraph 6.
10. Contact Person In any scheme in which the Commission takes the lead, or acts as point of contact between paramilitary groups and the designated representatives, it has assumed that the paramilitary group concerned will be prepared to nominate a Contact Person to represent them.
11. Confidentiality Members of the Commission, members of the staff of the Commission, persons carrying out work for or giving advice to the Commission and agents of the Commission, shall be bound not to disclose any information obtained in the course of the performance of their functions as such members or persons unless such disclosure is authorized by or on behalf of the Commission.
12. Phases Each scheme in which the Commission takes the lead will involve four phases: a contact and discussion phase, a deployment phase, a decommissioning phase and a post-decommissioning phase.

II. CONDUCT OF THE SCHEME WITH THE COMMISSION PLAYING THE LEADING ROLE SUPPORTED BY THE SECURITY FORCES

13. This Scheme will involve the collection of arms on the basis of information provided by paramilitary groups. This could involve recovery of arms from existing sites in which they are currently held or the prior transfer of arms by a group to other locations. The sites in which arms are currently held or other sites used for the purposes of discovery may not be suitable for destruction *in situ*.

A. CONTACT AND DISCUSSION PHASE

14. This phase comprises the period of time during which information about a potential decommissioning event is passed to the Commission and discussion takes place on arrangements between the Commission and the decommissioning Counterparts⁴.

15. The initial information can either contain the necessary information on the actual decommissioning event, or, more likely, lead to a further confidential exchange of information concerning the scheme of decommissioning. The Commission may be contacted either directly or through an intermediary. The Counterparts should be made aware that contact should be made well before the actual decommissioning event.

16. In discussion with the point of contact, the Commission will seek to clarify the following:

- a. Exact location where arms are to be recovered;
- b. Number/quantity and type of arms, including information on their condition, e.g. age of explosives;
- c. The proposed time of recovery of the arms and whether representatives of the paramilitary group will be present;
- d. The agreed procedures in relation to the possible movement of arms; and
- e. An assessment of whether the destruction of arms *in situ* is possible.

17. Movement of Armaments Agreed procedures in relation to the movement of arms would facilitate both the safe movement of such arms and the application of those provisions of the legislation, in both jurisdictions, which provide legal protection for those involved in decommissioning. An agreement on the procedures would need to be reached during the discussion phase with the decommissioning Counterpart. The Commission proposes to apply the following rules with regard to movement of armaments by a paramilitary group:

- a. Each movement of arms should be with the knowledge of the Commission, which will provide the paramilitary organisation with a certificate to this effect;
- b. In order to issue such a certificate, the Commission will need to know the number/quantity and type of arms being transported, the number of persons and vehicles involved in the transportation, and the timing and destination of the movement;

⁴ 'Counterparts' means the paramilitary group or a person nominated by the group to act as a contact point with the Commission.

- c. The Commission would further require that all weapons be unloaded and unprimed, and that any ammunition be susceptible to safe movement;
- d. The Commission will not issue the certificate if it believes that such movement would endanger the public safety; and
- e. The Commission would be prepared to facilitate the movement of arms by offering the participation of its members in such transfer to guarantee safe passage and accompany any escort if required.

18. When the Commission is transporting arms the responsibility for safe haulage lies with it and will therefore be subject to regulations it may impose. The Commission representatives will again verify the type and quantity of arms, both upon departure and arrival, and will accompany the shipment to ensure the application of the statutory prohibition on forensic testing.

B. DEPLOYMENT PHASE

19. Personnel and equipment To provide the Commission with the local expertise necessary during the conduct of an operation, it will establish effective liaison with pertinent security personnel, as certain functions may need to be referred to them. The Commission would envisage any such involvement being on the basis that those personnel would be performing functions assigned to them by the Commission or acting as its agents. Those personnel would then, in accordance with the legislation, be subject to the same requirements in relation to confidentiality, etc. as members of the Commission staff.

20. To carry out its task successfully the Commission will need special equipment, such as vehicles, communications equipment, special equipment for arms destruction, etc. The provision of such equipment, either by the Commission itself or by the security forces of either jurisdiction, will be arranged by the Commission after discussion with the Governments.

21. Deployment The Commission will form a Commission Team (including a designated Team Leader), approve the operational plan, and obtain the equipment needed for the decommissioning event. Communications with the security forces on behalf of the Commission shall be through a designated Liaison Officer. Preliminary orders shall be issued to all personnel included in the operation to prepare them for movement. An Operation Centre with secure communications between the Commission and Commission Team will be established at Commission offices either in Dublin or Belfast. The Centre will have the responsibility to monitor the operation and its progress.

22. The rapid deployment of an advance party may be needed to secure the area. In the event of any anticipated cross-border activity, Government representatives on both sides will be alerted.

23. The Commission Team will proceed to the location of the decommissioning event and confirm that the site and its surroundings are secure. The designated EOD personnel will then make an evaluation of the arms to determine that they do not represent a danger to the participants in the decommissioning event.

C. DECOMMISSIONING PHASE

24. Once the EOD person indicates that it is safe to proceed, the Commission Team will do the following: log the number and type of arms (categorised by types, models, quantities and condition), separately log any incomplete arms components or spare parts, photograph the items (and possibly video-record them), weigh explosives if any, and count ammunition.
25. The recovery of arms could in some instances take a considerable period of time, depending on the amount of arms to be recovered and the nature of the information provided to the Commission.
26. The actual transfer and destruction of arms can take place in different locations, and in different ways depending on their quantity and type.
27. If the site is 'abandoned' the Commission Team will decide on the necessary decommissioning measures to be taken.
28. Representatives of the Counterparts may be present to witness the decommissioning event.
29. If there is to be no destruction on site, and provided it is feasible, the arms will be transported directly to a new location for destruction. Handguns and rifles will be cut up and the pieces transported or stored for subsequent disposal. With small quantities of such weapons, cutting up may be carried out *in situ* with the help of a mobile equipment unit. Methods of destruction and disposal are described in Section III below.
30. The locations for destruction are those described in paragraph 6 above. If the destruction of arms is not possible during the course of the day of transfer, the arms will be transported to safe storage depots.

D. POST-DECOMMISSIONING PHASE

31. This phase involves debriefing, stand-down of the personnel and equipment and reporting to the Governments and other participants in the decommissioning process.
32. Debriefing Commission personnel will debrief on each individual decommissioning operation, taking note of the experience gained in the different phases of the operation and putting the emphasis on lessons learned for future operations. The Team Leader will compile a report of the decommissioning event, including notes on the debriefing, for the use of the Commission and those others the Commission considers appropriate.
33. Log The Commission will log the details of the decommissioned arms, including:
 - a. Type, make (if known) and number of weapons;
 - b. Quantity and calibre/make (if known) of ammunition and explosives;
 - c. Name of group on whose behalf decommissioning is taking place; and
 - d. Dates/times and places of all elements of the decommissioning event until final destruction of the arms.

34. Commission personnel will retain and secure any film and video-footage taken during the operation.

35. Stand-down of personnel The personnel attached or seconded to the Commission will return to their respective posts. The equipment used during the operation will be serviced and stored.

36. Reporting After a decommissioning event, a report will be submitted to the Governments, including the number and amount of arms decommissioned. Representatives of the parties engaged in the Talks Process will be kept informed through reports to the Liaison Sub-Committee. If Counterparts have not been present during the operation, the point-of-contact for that particular group will be informed on the course of events.

III. METHODS OF DESTRUCTION AND DISPOSAL

37. The decommissioning process should result in the destruction of arms in a manner that contributes to public safety. Complete destruction of arms comprises destruction and disposal. In the destruction process, arms are rendered useless and unserviceable. In the disposal process, the residue resulting from destruction is disposed of by commercial means, where that is appropriate.

38. Prior to commencing the destruction process, the security forces or the Commission's expert staff will carry out a comprehensive safety evaluation of the arms involved, including the testing of explosives, to determine their safety and stability. The advice and opinion of the technical expert in charge needs to be conclusive. The destruction procedures to be used, and whatever transportation methods may be necessary, will be based on the technical officer's advice.

39. Firearms Firearms will be rendered incapable of ever being put into service again. The barrels will be bent or cut in pieces and the trigger mechanisms and breech blocks cut in half. Such procedures can be carried out promptly at any of the sites mentioned in para 6. Residue of destroyed weapons will then be stored for disposal.

40. Other weapons Weapons such as rocket launchers, improvised mortars, etc., will be disarmed *in situ* or transported to an EOD-site in either jurisdiction. Grenades, explosives and detonation systems of improvised weapons will be disposed of at EOD-sites or *in situ* if such is the recommendation of the technical expert. Weapon systems themselves will be cut or bent and the pieces stored for disposal.

41. Explosives The Commission is satisfied that adequate facilities for EOD exist on the island of Ireland. Therefore it is assessed that, for simplicity and consistency, destruction of all types of explosives should take place by controlled explosion at designated EOD-sites, with full respect to procedures and restrictions set forth in the law of the respective jurisdiction. Destruction *in situ*, if appropriate or necessary, will be conducted based on expert advice.

42. Ammunition Minor quantities of ammunition of HMG calibre and smaller can either be destroyed by controlled explosion at an EOD site, if that is approved by expert advice, or else fired off at designated firing ranges in either jurisdiction. Ammunition of larger calibre will be destroyed by controlled explosion at an EOD range, again if expert advice so recommends.

43. Large quantities of ammunition, of both small and large calibre, should be decommissioned by contract with commercial companies. Transportation for that purpose, and the verification of such

destruction, would have to conform to the Commission's requirements, including the application of the statutory prohibition on forensic testing.

44. Disposal As mentioned elsewhere above, the final disposal of decommissioning residue will be by means conforming to regulations in each jurisdiction, or by disposal using commercial facilities. Where the latter method is considered necessary, pieces of firearms and other weapons will be packed, sealed and kept in safe storage until disposal.

IV. CONDUCT OF THE SCHEME WITH THE COMMISSION PLAYING THE LEADING ROLE SUPPORTED BY OUTSIDE REPRESENTATIVES

45. Outside representatives may replace security forces in supporting the work of the Commission. That noted, security forces, in each jurisdiction respectively, may still have roles to play in the process as detailed in paragraph 4. above.

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